

November 5, 2004

Henry L. Hamilton
New York State Department of Environmental Conservation
Office of Environmental Monitors
625 Broadway, 12th Floor
Albany, NY 12233-1510

Dear Mr. Hamilton:

Subsequent to reading a newspaper clipping in yesterday's newspaper regarding the NYS DEC proposed changes in on-site monitoring policies, I am writing to comment on this matter.

I am currently a professional occupational health scientist with over twenty years of experience. In the beginning of my career I worked as an environmental technician in one of the country's largest steel mills, and subsequently worked for a large environmental consulting firm. This private sector experience provided for my extensive technical background in stationary source testing, ground and surface water monitoring, hazardous waste monitoring, as well as worker exposure assessments. Since 1986 I have worked for state governments with an emphasis on researching and investigating occupational disease as a board certified industrial hygienist.

Based on my review of the proposed DEC On-Site Environmental Monitoring policy, and my experiences as an environmental scientist; I have serious concerns regarding this significant shift in environmental policy. The reliance on third party monitoring creates an inherent conflict of interest due to the influence that is weighted upon the so-called "independent" monitors. For example, during my years in the private sector, pressure to re-sample, mis-represent, and alter sampling and testing results were a recurring problem. This influence was compounded by the fact that the employee/employer and consultant/client relationship plays a significant role in suppressing and blurring the ethical criteria in these situations.

The recently disclosed scandal in the upstate asbestos abatement industry, which is now before the Federal court, is in-part an example of how the use of third party monitors (and labs) can result in serious consequences.

While my professional work now deals in occupational health, I have witnessed the influence that can occur in sampling and monitoring of workplace exposures

by the financial relationship that are formally and informally established. Assurances and accountability are necessary to prevent the conflict of interests, and the perception of these conflicts. The proposed policy by DEC does not address this very important issue.

In closing, I strongly urge you to re-evaluate this policy. Unfortunately my attention to this matter was only raised yesterday by way of a local newspaper clipping, one day before the deadline for comments. Therefore, I am not able to provide the detailed comments I would like to submit to you. I would like to provide specific examples and additional comments that are pertinent to this important shift in public policy, and request that public hearings be held so that I and the people of New York can participate in these decisions.

Sincerely,

Gregory Siwinski MS
Certified Industrial Hygienist

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From: "Lomedico Joe (ROC)" <Joe.Lomedico@roc.celltechgroup.com>
To: "hlhamilt@gw.dec.state.ny.us" <hlhamilt@gw.dec.state.ny.us>
Date: 10/29/04 11:01AM
Subject: Re: DEC may cut waste sites requiring monitors

Dear Mr. Hamilton,

I saw an article in the Rochester D&C paper and just had to comment.

I am an analytical chemist who's beginnings were that of an aquatic biologist at SUNY Brockport, and I feel this move to allow businesses to hire their own monitors is a grievous oversight of public safety and it opens the door for big business to corrupt readings. I work in an FDA regulated environment and for me the numbers are the numbers are the numbers, no matter what anyone would or would not like to see. But that is due to the strict amount of audit trails and the amount of regulation involved. Please do not let this pass. Keep the external monitoring in place. Fine the companies must pay for it, but at the same time they also cannot sway or influence these people who hold the health and well-being of so many in their hands. After I left College and got a job at a local "Big Yellow" business, I couldn't believe what they would dump down the drain, especially considering I knew exactly what the stuff was and what the impact of that stuff in the environment is. Then the chemical smell around the site was disgusting. Then whole time everyone there would just say "Don't worry it goes to the treatment plant and they take care of it". Sorry I would rather rely on reduction than hoping none spilled at the treatment plant and contaminated something.

Not to mention all those old buildings at Kodak have many hidden secrets from back in the olden days where people didn't realize the impact of their actions on the environment.

Please help keep our children and loved one safe and do not allow big business to contract out their monitoring. It is not in the best interest of the public.

Thank you,
Joseph S. Lomedico
Sr. QA Chemist
UCB / Celltech

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Thursday, November 04, 2004

Henry L. Hamilton
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Office of Environmental Monitors
625 Broadway, 12th Floor
Albany, NY 12233-1510

Dear Mr. Hamilton:

I am submitting the following comments on DEC's proposed weakening of the on-site environmental monitoring program.

I urge you to retain the protective policy embodied in NYS DEC Organization and Delegation Memo # 92-10 for the following reasons:

- It is outrageous to strip DEC's oversight of hazardous waste incinerators, landfills, hazardous waste facilities, toxic dumps undergoing cleanup, and facilities with a history of violations. Your proposed language would require that only hazardous waste landfills be monitored, leaving all other types of facilities which are currently monitored at risk of having no regular oversight at all. The proposed criteria to identify sites in need of on-site monitors beyond hazardous waste landfills are ambiguous at best.
- It is inappropriate for facilities in need of monitoring to be allowed to hire their own private firms. Only qualified civil servants, whose only employer is the State of New York, should be performing this vital function.
- The radical shift toward increased bureaucracy for determining which facilities are overseen is ridiculous. Bureau Chiefs, who are they professional engineers, or who work closely with engineers, should decide which facilities warrant the close scrutiny of on-site monitors.

Finally, this proposed slashing of DEC oversight of those facilities and companies most likely to harm New York's public health and environment has not been advertised properly to the communities most likely to suffer the impacts. For example, although the proposed policy is posted on the DEC website in the Environmental Notice Bulletin, the existing policy is not. Thus it is impossible for people to see the significant reduction of environmental protection and oversight that would result from the implementation of this policy.

Therefore, I hereby request at least a 30-day extension of the public comment period, and public hearings to be held throughout the state, especially in those

communities where on-site monitors are currently required. Companies need to know that if they handle materials that pose a risk, an independent party will watch them closely. New Yorkers need to know that qualified DEC staff is watching companies who handle dangerous materials, or who have a history of violating our environmental laws.

I look forward to hearing from you, in view of the short amount of time remaining in this comment period.

Sincerely,

Stephen O. Wilson
Retired – former Technical Studies Director
NYS Legislative Commission on Waste Management

Cc: CECToxics, Albany