

ATTORNEY CLIENT PRIVILEGED AND CONFIDENTIAL

For those members of the public who may be hearing this for the first time, here is a brief synopsis of the facts:

In 1998 the District participated with a number of other School Districts in a "fill for fields" program. Fill meeting guidelines of the New York State Department of Environment Conservation (known as DEC) was supposed to be brought to the school for use in constructing athletic fields. About 100,000 cubic yards of fill was brought to the school campus. We know it was placed in at least two locations: in front of the school where the parking lot and practice field are now, and behind the school where the "Little League" ball field is.

The trucking company produced records showing the fill met DEC requirements; however, we later learned that the records were false. In 1999, DEC inspectors identified fill material in the practice field area that did not meet their criteria for clean, "exempt" material, and they issued a violation to the District. The District hired an experienced and reputable environmental consulting firm, Leggette Brashears and Graham (LBG), to sample the fill and perform whatever remediation (cleanup) might be needed.

Under the auspices of DEC, in the summer of 2001, LBG investigated the fill area identified by DEC's inspectors. LBG dug 17 test pits in the area of the practice field, tennis courts and parking lot and took soil samples to identify the physical and chemical make-up of the fill material. Of the 17 test pits, one turned up material that showed visual evidence of tar-like petroleum contamination, while several others were noted as having a hydrocarbon smell but no visible petroleum. As required by DEC, the school paid to have identified contaminated material excavated and carted to a proper disposal facility and the documents show this was done.

The rest of the test pits showed fill that didn't meet DEC's definition of clean or "exempt" material because it had plastic, wire and other construction debris mixed in, and because it also had levels of certain chemical constituents that didn't meet clean fill guidelines. LBG stated that this other material did NOT pose a risk to health or the environment. LBG also believed that this material did not pose any threat to groundwater. However, DEC wanted LBG to demonstrate this with groundwater sampling, which LBG performed during 2002.

The District entered into a formal Consent Order with DEC in 2003, which required the District to do additional groundwater sampling and to submit a detailed plan for how the fields were to be capped or otherwise cleaned up. This was not done. Instead, in December 2004 additional fill was deposited on the field, monitoring wells were covered, and additional field expansion occurred. Because this happened without the DEC work plan and approval the Consent Order required, the Consent Order and Violation remain open.

In 2007, the District hired Woodward and Curran, another experienced and reputable environmental consulting firm, to sample the practice field. Those results show that the sampled material was essentially clean fill. Woodward and Curran also did a health risk assessment that found no health threat, and no increased health risk of any consequence. However, because no questions were raised about the Little League field, that area has not been investigated.

Those are the facts that we have as of today. We have hired environmental counsel and are in the process of hiring a new environmental consultant to confirm the prior conclusions about the practice field, to investigate the Little League field and correct any problems that may exist there, and to close the violation once and for all. We have been in touch with DEC and are cooperating with them on this matter. And we will be fast-tracking the work, so that the fields can be put back in use as soon as possible.

The health and safety of our students and staff are always foremost in our actions. That is why, out of an abundance of caution, even though two previous consultants have told us there is no

health or environmental threat associated with playing the practice field fill, we are keeping that field closed until we confirm those conclusions. Because we don't have any information about the Little league field good or bad, we are keeping that field closed until it is investigated too.

Finally, we've received a number of Freedom of Information Law requests for sampling results and we have made and will be making the data available to anyone who wants to review it for themselves. Since the documents are large, we will be providing electronic copies on CD.