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JOSEPH F. CASTIGLIONE
LAUREN L. HUNT
ALLYSON M. PHILLIPS
KRISTIN LAVIOLETTE PRATT
JESSE S. SOMMER

COUNSELORS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
Phone: 518-438-9907 • Fax: 518-438-9914

Saratoga Office:
PHONE: 518-580-0163 / 518-580-0943

www.youngsommer.com

OF COUNSEL
SUE H.R. ADLER
MICHAEL E. CUSACK
SONYA K. DEL PERAL
CRYSTAL A. DOOLITY
ELIZABETH M. MORSS
STEPHEN C. PRUDENTE
KRISTIN CARTER ROWE
LAWRENCE R. SCHILLINGER

PARALEGALS
ALLYSSA A. TILLSON
AMY S. YOUNG

Writer's Telephone Extension: 227
jbaker@youngsommer.com

April 2, 2012

VIA E-MAIL AND
FIRST CLASS MAIL

Mr. Christopher Boyd
Assistant Commissioner
Bureau of Environmental Sciences and Engineering
New York City Department of Health and Mental Hygiene
22 Cortland Street
28th Floor
New York, NY 10007

Re: Satmar Matzo Bakery, 427 Broadway, Brooklyn

Dear Mr. Boyd:

This letter is in response to your letter of March 30, 2012. Because your letter was not sent until approximately 4 PM on Friday, only a few hours before the start of Shabbas, it made it difficult to confer with our clients. Nevertheless, we were able to have a brief conversation and the Congregation has ceased drawing water from the well for use in the matzo baking.

The Congregation will not need to draw from the well again until this Friday, April 6th when Congregation members participate in the sacred baking of the ritual matzo for the Seders. The Congregation is exploring treatment options to remove the residual nitrate, however a primary concern is that available treatment methods may not comply with the Talmudic law as directed by Grand Rabbi Teitlebaum. As you know, the last analytical data was that nitrate was detected at 10.3 ppb with the mcl at 10 ppb. We respectfully suggest that the level of nitrate in the water, while reported at a fraction of a part per billion in excess of the MCL, is not a material exceedance and does not present a threat to public health. Please keep in mind that the quantity of water used for making any particular matzo is minimal.

As discussed in our previous letters, participation in the baking of the matzo, from start to finish, including drawing the water, is a fundamental part of the observance of Passover. That is why bringing water from an alternate source does not meet the necessary religious standards. The baking on the eve of Passover, by a Congregation member, who is baking the matzo for his family's own Seder plate, is a particularly important mitzvah. So many members of the congregation seek to perform this mitzvah that each family member is only able to receive one-half of a matzo for the Seder, so that all in the Congregation, who so desire, can partake.

From our review of research and after discussion with technical representatives, it is our understanding that last week's test result of 10.3 mg/l is, for analytical purposes, essentially identical to the 10 mg/l MCL level. All of the concentrations detected have been below EPA's recommended action level (a 50% exceedence) and even that level in a potable water supply simply requires additional testing.

As you know, nitrate is primarily of concern for infants who drink the water directly, primarily in infant formula, and the MCL reflects the risks from chronic, long term exposure, not from a minimal amount of water mixed for the baking of matzo at 1100 degrees. As for the Congregation's activity, none of the water is used for drinking purposes and only very small amounts are mixed with the flour for the matzo. Furthermore, infants do not eat matzo. Therefore, the amount of potential exposure of the vulnerable population of infants is infinitesimal, if not non-existent.

Given the legitimate religious needs of the Congregation and the absence of any health threat, the Congregation trusts that the Department will not interfere with the baking on Friday. With the benefit of more time, the nitrate issue will be more thoroughly addressed in the course of the forthcoming application to use the well for future Passover seasons.

Thank you for your understanding and cooperation. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Jeffrey S. Baker

cc: M. Sadok, Esq (via e-mail)
Congregation Yetev Lev D'satmer