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March 15, 2012

Mr. Daniel Kass
Deputy Commissioner, Environmental Health
New York City Department of Health and Mental Hygiene
125 Worth Street
CN32
New York, NY 10013

Re: Congregation Yetev Lev D'satmer
Satmar Matzo Bakery, 427 Broadway, Brooklyn, New York

Dear Mr. Kass:

We represent Congregation Yetev Lev D'satmer, (the "Congregation") the owner and operator of the Satmar Matzo Bakery ("Matzo Bakery") referenced above. We are writing in response to the March 9, 2012 letter from NYCDOHMH General Counsel Thomas Merrill and to confirm the agreement reached at our meeting on March 12, 2012. Our clients appreciate that your Department has recognized their religious restrictions that preclude the use of municipal water for making Passover matzo and your willingness to accept the protocol set forth below governing their activities for this year's Passover needs. We believe that this agreement provides the necessary assurances that the Congregation's activities are protective of public health and safety while making the necessary accommodations to the Congregation's legitimate religious rights. Our client has reviewed this letter and agrees to all of the provisions set forth.

1. The Congregation acknowledges that the ground water in the North Brooklyn area, that is the source of groundwater for the well at the Matzo Bakery, is not an approved source and has not been demonstrated to meet applicable drinking water standards and must be properly treated to the Department's satisfaction.

2. The Congregation will move forward with making an application no later than June 1, 2012 for a potable groundwater well in accordance with Article 141 of the Health Code and the Department's direction in its March 9, 2012 letter. The Congregation understands that a permit from the Department is required to use the well water in connection with food production.
3. The Congregation represents that it will draw no more than 300 gallons of water from the well each day, of which no more than 150 gallons will be used to make matzo. The balance will be used for washing and other non-food production or consumption purposes.
4. The Congregation agrees to only distribute the matzo made at the Matzo Bakery to the approximately 4,000 families that are part of the Yetev Lev D'satmer Congregation as well as other members of the Chasidic Jewish community in the New York City Metropolitan Area¹ who are followers of Rabbi Yoel Teitlebaum and have historically relied upon matzo from the Matzo Bakery for Passover.
5. The Congregation represents that it does not make the matzo available to the general public and only makes it available to members of the Yetev Lev D'satmer Congregation as well as other members of the Chasidic Jewish community who are followers of Rabbi Yoel Teitlebaum and have historically relied upon matzo from the Matzo Bakery for Passover.
6. The Congregation will make efforts to obtain water to make its matzo from alternative water sources that are authorized for consumption and food preparation and that are consistent with religious requirements and the religious rights of the Congregation. The Congregation will document its efforts to find an alternative source (including the location and or name of the alternative water sources investigated, contact information for the water sources investigated, and why such sources can or cannot serve as an alternative water source). That documentation will be provided to the Department within five days of the date of this letter.
7. The Congregation agrees to file an application with the Department for a potable well permit for its well at the Matzo Bakery by June 1, 2012, and agrees to enter into a separate agreement with the Department if the Department determines it is appropriate, setting forth compliance deadlines and other terms related to its permit application. We understand that the Department will not unreasonably withhold the issuance of the permit and will take into account the religious requirements of the Congregation in light of the Department's acknowledgement of the religious rights of the Congregation that create a hardship on the Congregation to comply with restrictions on use of the groundwater.
8. The Congregation will hire and pay for an ELAP certified laboratory to draw and conduct complete expedited tests of pre-treatment and post-treatment samples to be drawn and tested in accordance with the following specifications:

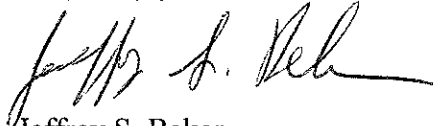
¹ Which for the purposes of this letter, specifically includes Orange and Sullivan Counties in New York State.

- A. Samples will be analyzed by a licensed laboratory for all water quality criteria that has an MCL in the State Sanitary Code, Subpart 5-1 (excluding radionuclides, asbestos and PCB.). The sampling schedule will be:
- (i) By March 14, 2012, One raw (pre-treatment i.e, drawn before any form of water quality treatment) sample without flushing, one raw sample after 2 hours of flushing under normal operating conditions, and one treated sample (post treatment) at a draw volume to be determined by the Department at the time of the sampling. These samples should be drawn no later than Wednesday, March 14, 2012 to ensure that results are reported to the Department's Office of Public Health Engineering (PHE) by noon on Friday, March 16, 2012, if such turnaround time is feasible for the certified laboratory. In the event bacteriologic testing requires additional time, other water parameters will be reported as soon as they are available.
 - (ii) Week #2 (ending March 24th): One treated sample (post-treatment) at a draw volume determined by the Department.
 - (iii) Week # 3 (ending March 31st): One treated sample (post-treatment) at a draw volume determined by the Department.
 - (iv) The Congregation will inform the Department's Office of Public Health Engineering (PHE) of the dates and times at which the samples will be drawn so that a PHE staff member may be present to observe. It is our understanding that the PHE will comply with safety and health requirements, if any, imposed by the laboratory member conducting the sampling. It is further our understanding that PHE will not handle any food product at the facility. However, it is also our understanding that PHE may also draw well water samples collected for analysis upon observation of field conditions.
- B. The licensed laboratory will provide proof of the chain of custody of the samples to be made available to the Department upon its request, which will include all of the necessary information to determine sample location and pre or post treatment collection.
- C. The Congregation will pay for expedited processing in order to provide the test reports to the Department by noon on Friday of each week of testing. Samples will be drawn on Monday or Tuesday of each week to ensure meeting this deadline.
- D. The Congregation recognizes that sampling requirements may change based upon test results.

9. The Congregation will provide all data and reports regarding past testing of raw water samples drawn from its well that are in its possession or control to the Department within five days of this letter.
10. If any of the post-treatment levels do not meet applicable New York State drinking water standards, the Congregation agrees to cease use of the well water at the Matzo Bakery in connection with food production until such time as the Department approves an alternative treatment system(s), or at the Department's discretion and direction set forth in writing, and not to be unreasonably exercised, will cease use of the well water at the Matzo Bakery in connection with food production.
11. The Congregation agrees to cease use of the well water at the Matzo Bakery in connection with food production by sunset of April 6, 2012, and agrees that it will not use water from its well in connection with food production in the future unless it first obtains a potable well permit from the Department. It is our understanding that the Department will not unreasonably withhold the issuance of such a permit.
12. The Congregation understands that the filtration and water treatment system that is currently installed or that may be installed as the result of this agreement may not be sufficient to obtain a potable ground water well permit from the Department. The Congregation agrees that it will not rely upon the terms of this agreement and/or the Department's willingness to stay enforcement of its March 9, 2012 letter in its forthcoming permit application or any subsequent court proceeding reviewing the Department's decision on that application.

We believe the foregoing accurately represents our agreement on the process that will be followed for this Passover season and we look forward to proceeding with obtaining the necessary approvals so that the Congregation can continue its important work providing matzo that meets its strict requirements to the religious community. If you disagree with any of the foregoing, please let me know immediately.

Very truly yours,



Jeffrey S. Baker

JSB/jb

cc: Melanie Sadok, Esq
Congregation Yetev Lev D'satmer