

Testimony Concerning PFOS Contamination of City of Newburgh Water

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Summary of Events:

- EPA considers PFOS an “emerging contaminant” not subject to federal regulation. It is extremely persistent in the environment and resists typical environmental degradation.
- Sampling done in 2014 identified PFOS as a contaminant, but at levels below the then existing EPA short-term health advisory of 200 ppt.
- In March, 2016, DEC resampled and advised the City of the continued presence of PFOS in the water supply and although the levels were still below 200 ppt, the NYSDOH recommended alternative water sources be sought.
- On May 2, 2016, I declared a State of Emergency to restrict water usage and give broad powers to coordinate City agency action to switch to alternative source waters that were free of PFOS.
- In May, 2016, EPA also set the new long term provisional health advisory of 70 ppt.
- In June, 2016, the City depleted its backup reservoir and switched to NYCDEP Catskill Aqueduct water.
- In August, 2016, DEC declared the Air National Guard Base at Stewart Airport a State Superfund Site.

Successful Agency Action:

- The Governor’s Task Force (DEC and DOH) clearly defined the presence and concentration of PFOS in Washington Lake, Silver Stream and discharge points at the Air National Guard Base.
- With cooperation from DEP, the City was able to switch over to Catskill Aqueduct raw water within several weeks of being advised of the contamination issue.
- DEC has agreed to reimburse the City for the cost of Catskill Aqueduct water until the Aqueduct is taken off line, estimated to be October 2017.

- DEC has undertaken the design and construction of a direct piped connection from the Aqueduct to the City's Filtration Plant to ensure that source water can be transmitted efficiently through the winter months.
- DEC has agreed to undertake the design and construction of a Granulated Activated Carbon (GAC) water treatment system to enable the City to resume the withdrawal of source water from Washington Lake when the Catskill Aqueduct is shut down.
- DEC has undertaken the installation of a portable GAC system to enable the City to pump water out of Washington Lake to reduce the water level and avoid overtopping the dam during the time before the permanent GAC system is in place and normal water withdrawals resume.
- DEC has negotiated an agreement with the City to allow it to work on City property during the installation of the GAC systems.

Ongoing Concerns:

- DOH has not yet responded to ongoing requests by the City to initiate a health effects study, including biological monitoring, of the residents and workers who have had long term exposure to PFOS contaminated water.
- DEC has not yet committed to reimburse the City for out of pocket expenses related to its response to discovery of the contamination.
- DEC has not been willing to tap into the Superfund to reimburse the City for its response expenses, preferring to wait for the Department of Defense to assume responsibility.
- DEC has not been open as to where the funds are coming from to pay for the facilities being installed, but has been clear that they are not coming from the State Superfund.
- There is no agreement between New York State and the DOD to have the federal agency take responsibility for remediation and reimbursement, and to memorialize what those remedial measures may be.
- The City has requested that it be permitted to participate in the discussions between DEC and DOD, but it has not been admitted to the discussions.
- The City has not received any information from the DOD on how they plan to address the contamination on both the designated portion of the airport and the watershed, including Class-A tributaries and the drinking water reservoir.

- The DEC should petition the EPA to add the Air Nation Guard Base to the National Priorities List to enable better oversight and transparency to both the investigation and the subsequent cleanup action.
- EPA still considers PFOS an “emerging contaminant” and has taken no steps to designate it a hazardous substance subject to regulation in the NPDES program, despite New York States progressive action in reclassifying PFOS as a hazardous substance

