



CITY OF NEWBURGH

City Hall - 83 Broadway
Newburgh, New York 12550
Phone: 845-569-7301
Facsimile: 845-569-7370

Michael G. Ciaravino, City Manager

July 26, 2016

Hon. Basil Seggos, Commissioner
Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1010

Re: Reimbursement of City of Newburgh's Response Costs
Related to Perfluorooctane Sulfonate ("PFOS") Contamination from
Stewart Airport

Dear Commissioner Seggos:

I am writing on behalf of the City of Newburgh in the hope that you will be able to clarify how the City should proceed to make a proper claim and receive reimbursement for its ongoing expenses in responding to the PFOS contamination discharged from Stewart Airport.

We are in receipt of a draft contract with your Department for payment of the cost of purchasing water from New York City DEP from the Catskill Aqueduct, for which I thank you. We expect that contract to be finalized soon. We are also in receipt of a Basis of Design Technical Memorandum from Arcadis which addresses the design of a new water storage tank and related piping in connection with the upgrade of the City's water treatment plant, all of which is to be paid for by the state. I have written separately to request a contract between your Department and the City covering the details of that project.

The Technical Memorandum from Arcadis states at page 3, "*This Project is being constructed under the New York State Superfund Program as promulgated by the NYSDEC 6 NYCRR 375 requirements and is therefore exempt from formal review and permitting requirements.*" According to the published list of Superfund Sites in New

York, Stewart Airport is listed as a Superfund Site only in connection with a pesticide disposal area considered remediated and closed many years ago.

When we sought clarification from your Department as to the current status of Stewart Airport in the Superfund program, we were informed that, in fact the listing package for Stewart Airport as a Superfund Site due the presence of PFOS has not yet been finalized and was still under discussion.

The City is, as I have said above, very grateful that the State has carried out an extensive sampling program, reimbursement of Catskill Aqueduct water draws and to upgrade the City's water treatment system at Washington Lake. We are becoming increasingly concerned, however, that, notwithstanding the Arcadis Technical Memorandum, there has not yet been a determination as to whether, or how, the Airport will be listed as a Superfund Site.

I last wrote to you on May 11, 2016. In that letter I noted that when the Department listed PFOS as a hazardous substance, it identified one of the benefits of the listing as follows: "Third, if . . . PFOS-acid or PFOS-salt is released into the environment, creating contamination and the need for site cleanup, the Department is authorized to pursue clean-up of the contamination under one of the Department's remedial programs (6 NYCRR Part 375) and may expend funds under the 'State Superfund', if a responsible party is unwilling or unable to undertake the remediation."

The City continues to incur response costs since the Declaration of Emergency I issued upon learning of the PFOS contamination. I have attached as exhibit "A" for your review the current list of such costs as compiled by our City Comptroller in the amount of \$129,001. The list includes payments for contractors, consultants, attorneys, equipment and City staff overtime. In addition, there are estimated costs of approximately \$399,625 which represent \$300,000 in diesel pumps needed for hazard mitigation and an additional \$99,625 which represents technical support provided by our Waste Water treatment operator, Severn Trent Services, to evaluate and determine new treatment parameters surrounding the utilization of chemical types and dosages. Given the cash flow limitations due to the City of Newburgh's financial condition, it is imperative that we establish a mechanism to receive reimbursement for these ongoing costs, whether from Disaster Relief under the Superfund or another fund from the State of New York. I am informed that a superfund site number 336022 has been designated for Stewart Airport. Does this mean that we can begin to expect reimbursement for our response costs? Is there a certain protocol, we are required to follow to obtain reimbursements for the expenses outlined in Exhibit A?

In summary, we again thank you for the work of your Department in identifying the source of contamination and providing assistance in the purchase of NYCDEP Catskill Aqueduct water and the proposed work involving the numerous upgrades at the City of Newburgh's Water Filtration Plant. We ask now that you clarify whether the Department is operating under the Superfund program with regard to the PFOS

contamination, and how the City of Newburgh should proceed to obtain reimbursement of its ongoing response costs.

Thank you for your assistance.

Sincerely,



Michael G. Ciaravino
City Manager
Newburgh, New York 12550

Cc: Fire Chief Terry Ahlers, City of Newburgh
Captain Paul Puller, City of Newburgh
Captain William Horton, City of Newburgh
Police Chief Daniel Cameron, City of Newburgh
Deputy Water Superintendent Wayne Vradenburgh, City of Newburgh
City Engineer Jason Morris, City of Newburgh
Superintendent of Public Works George Garrison, City of Newburgh
Thomas Scaglione, Governor's Office
Judith Enck, Regional Administrator, USEPA
Kenneth Lynch, Executive Deputy, NYSDEC
Martin Brand, Acting Deputy Commissioner, NYSDEC
Kelly Turturro, Acting Director, Region 3
Dr. Nathan Graber, Director of the Center of Environmental Health, NYSDOH
Catherine McCabe, Regional Administrator, USEPA
Pat Evangelista, Region 2, USEPA
Mark Maddaloni, Region 2, USEPA
Paul Simon, Region 2, USEPA
Angela Carpenter, Region 2, USEPA
John Martin, Region 2, USEPA
Cecilia Echols, Region 2, USEPA
Robert Schick, Division Director of Environmental Remediation, NYSDEC
George Heitzman, Director, Environmental Remediation Region 3 & 6, NYSDEC
James Tierney, Division of Water, NYSDEC
Jeffrey R. Conway, Region 3, NYSDEC
Dr. Howard Zucker, Commissioner, NYS Department of Health, (NYSDOH)
William Gilday, Bureau of Water Supply Protection, NYSDOH
Dr. Eli N. Avila, Commissioner, Orange County Department of Health, OCDOH
Keith Miller, Orange County Department of Health, OCDOH
Daniel Shapley, Water Quality Program Manager, Riverkeeper
Judy Kennedy, Mayor, City of Newburgh
City Council, City of Newburgh

Exhibit A

City of Newburgh
Washington Lake Emergency
Expense Tracking
as of 7.26.2016

TOTALS \$ 411,625.00 \$ 129,011.20

<u>Vendor</u>	<u>Invoice#</u>	<u>Description</u>	<u>Purpose (relation to Emergency Reponse)</u>	<u>Additional information</u>	<u>Estimate Amounts</u>	<u>Amount Invoiced and or Encumbered</u>
Napp Electric	12841	Brown's Pond Pump Station	Worked on Seimens Pole Overload , mounting plate			\$ 1,081.50
Napp Electric	12844	Brown's Pond Pump Station	Worked on Control Card for VFD and ordering of critical spare parts			\$ 15,658.79
Napp Electric	12845	Brown's Pond Ross Valves	Worked with Ross Valves on Mainrence of Ross valves			\$ 515.00
Napp Electric	12846	Brown's Pond Pump Station	Worked on Control Settings and compressor problems			\$ 1,380.00
Napp Electric	12847	Brown's Pond Pump Station	Set up of Temporary Emergency Generator			\$ 618.00
Napp Electric	12848	Filter Plant Tank and Valves	Adjusted Valve stops on Raw Water Water Line Parts and Labor			\$ 2,328.83
Napp Electric	12849	Filter Plant Flow Valves	Worked on Vales on Raw Water line for Operations of Browns pond pumping station			\$ 618.00
Napp Electric	12850	Filter Plant Tank Level	Worked on tenk level alarm in raw water tank			\$ 697.89
Napp Electric	12853	Pump Station Communication Problem	Working on communication issues between plant and pump station			\$ 360.50
Napp Electric	12854	Pump Station Communication Problem	Working on communication issues between plant and pump station			\$ 1,301.53
Napp Electric	12855	Flow Meter New Alarms	Worked on Flow meter and Alarms for Pump station and raw water line			\$ 824.00
Napp Electric	12892	Browns Pond VFD install	Removed Bad VFD, installed, wired and tested new VFD			\$ 19,112.00
Napp Electric	12893	Brown's Pond Shut down of pump	Browns Pond Shutdown for Cleaning of intake			\$ 783.00
Napp Electric	12894	Brown's Pond Compressor	Worked on pressure sesing tube broken in wet well			\$ 1,537.88
Napp Electric	12896	Replaced fiber optic control cord for VFD #1	Replaced fiber optic cord for VFD			\$ 257.50
Napp Electric	12897	Communication Loss problem	Worked on Modems on pump controls			\$ 360.50
Napp Electric	12898	Pump #1 Ross Controller faulted	Ross valve work(tripping of VFD)			\$ 309.00
TAM ENT	45168	Rental of 460 volt generator 4 wks @ 950/wk	Back Up Emergency Power Supply - PO#20654	Anticipated Recurring Cost		\$ 3,800.00
TAM ENT	45049	Use of Vac Con to pump raw water tank	Clean the Raw Water Tank for Ongoing activation of the Browns Pond Raw Warter Pumping Station - PO# 20654			\$ 35,225.96
Rodenhausen Chale LLP	77566	Legal				\$ 3,081.00
Rodenhausen Chale LLP	77694	Legal				\$ 7,098.00
Mount Saint Mary College		EPA Meeting 6/20/16	Public Meeting for PFOS with NYSDOH< NYSDEC<OCDH< EPA			\$ 250.00
DPW_Employee Costs		Estimated Employee Costs Specifically related to the Water Emergency (Department of Public Works)	Overtime For Running and Getting the Raw Water pumpin station up and running	Continuing to gather additional information and documentation fo similar costs related to Finance, Engineer and Fire Department		\$ 1,023.40

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Washington Lake Emergency
Expense Tracking
as of 7.26.2016

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Water_Employee Costs		Estimated Employee Costs Specifically related to the Water Emergency (Water Dept)	Overtime For Running and Getting the Raw Water pumpin station up and running	Continuing to gather additional information and documentation fo similar costs related to Finance, Engineer and Fire Department		\$ 9,472.03
Chazen Companies		Resolution - 137-2016 Source Water Investigation @ Brown's Pond	Evaluation of groundwater resources available to the City of Newburgh at Brown's Pond to increase safe yield and provide redundant backup supply. PO#20617	Council Passed resolution to proceed with work Estimated Costs for Flood Mitigation	\$ 12,000.00	\$ 12,000.00
Godwin Pumps		Diesel Pumps, piping and Site prep			\$ 300,000.00	
Severn Trent		Water Treatment Plant Oversight, Testing and Analysis-May 16	Severn Trent Services to provide technical support to evaluate new source waters to determine new treatment parameters utilizing new chemical types and dosages for Brown's Pond and Catskill source waters.	Cost is ongoing contract fee per month cost	\$ 19,925.00	
Severn Trent		Water Treatment Plant Oversight, Testing and Analysis-Jun 16	Severn Trent Services to provide technical support to evaluate new source waters to determine new treatment parameters utilizing new chemical types and dosages for Brown's Pond and Catskill source waters.	Cost is ongoing contract fee per month cost	\$ 19,925.00	
Severn Trent		Water Treatment Plant Oversight, Testing and Analysis-Jul 16	Severn Trent Services to provide technical support to evaluate new source waters to determine new treatment parameters utilizing new chemical types and dosages for Brown's Pond and Catskill source waters.	Cost is ongoing contract fee per month cost	\$ 19,925.00	
Severn Trent		Water Treatment Plant Oversight, Testing and Analysis-Aug 16	Severn Trent Services to provide technical support to evaluate new source waters to determine new treatment parameters utilizing new chemical types and dosages for Brown's Pond and Catskill source waters.	Cost is ongoing contract fee per month cost	\$ 19,925.00	
Severn Trent		Water Treatment Plant Oversight, Testing and Analysis-Sep 16	Severn Trent Services to provide technical support to evaluate new source waters to determine new treatment parameters utilizing new chemical types and dosages for Brown's Pond and Catskill source waters.	Cost is ongoing contract fee per month cost	\$ 19,925.00	
Hudson Valley Fire and Safety		Four 10' Pieces of Hard Suction - 1 LDH Manifold	This equipment allows us to use Muchatoes lake, the Polly at Downing Park, and the Hudson River at low tide instead of hydrants for any prolonged fire event. Without the purchase of this equipment, we would be limited to using hydrants only, unless the Hudson was at high tide. Keep in mind, our most recent large fire on Washington Street utilized over 1,000,000 gallons in a matter of a few hours, and we could not have reached the Hudson with the equipment we had.			\$ 2,620.00

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Central Hudson		Electric Bill for the Brown's Pond Station	Browns Pond Pump Station was utilized during first stages of the water emergency which under normal conditions only generates a bill with an average \$400-600 bill.			\$ 6,696.89