

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Remediation & Materials Management, Deputy Commissioner
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August 22, 2016

Michael Ciaravino
City Manager
City of Newburgh
83 Broadway
Newburgh, NY 12550

Dear Manager Ciaravino:

This letter is in response to your August 17, 2016 letter in which you expressed concern regarding the potential impacts of rising water levels in Lake Washington. As you know, DEC has been working with your team, including the City Engineer and your other department heads, to devise a plan for lowering the lake's water level. DEC appreciates your cooperation and availability in meeting with us on several recent occasions to productively discuss and evaluate several options.

Since engaging with the City of Newburgh in March, our primary focus has been to provide and secure a clean drinking water supply for the City of Newburgh in order to eliminate Newburgh residents' exposure to PFOS in drinking water. Due to your assistance and cooperation, and that of our partners in the New York State Department of Health (DOH) and Orange County Health Department, we quickly switched the water supply from Lake Washington to Brown's Pond on May 2, 2016, and ultimately, to the Catskill Aqueduct on June 7, 2016. These sources have provided your residents with drinking water which has been shown by repeated testing to be non-detect for perfluorooctanesulfonic acid (PFOS) contamination for several months now. DEC also promptly initiated investigations of the watershed and potential source areas, and is making great progress in the design and construction of a filtration system to allow for safe use of Lake Washington as the City's water supply over the long term.

As you know, DEC recently designated the Stewart Air National Guard base as a Class 2 State Superfund site. Through this determination, DEC has identified the U.S. Department of Defense as a potentially responsible party for the PFOS contamination detected in the area and in the City of Newburgh's public drinking water supply. This determination unlocks the full authority and resources of the State Superfund law to ensure expedited site clean-up and provide resources for response actions like this one.

Regarding the water levels in Lake Washington, DEC has reviewed your proposals and internally evaluated several other options to appropriately lower the water level while providing a measure of protection to the watershed, considering the detected concentrations of PFOS in lake water.

DEC is pleased to inform you that we have tasked a New York State standby remedial contractor under the State Superfund program to implement a plan to lower water levels in Lake Washington. This contractor will be on-site Monday, August 22 to start mobilizing equipment and begin preparation work. All work will be funded by the State Superfund as part of DEC's ongoing response to the PFOS contamination in Lake Washington.

Our plan is to lower and maintain the water level through a direct discharge of Lake Washington water to Silver Stream, after first treating the water with portable granular activated carbon (GAC) treatment units. The discharge will be to a portion of Silver Stream downstream of the diversion structure. The temporary GAC units are similar to, and use the same technology as, the larger system the State is currently funding for design and installation at the City's water treatment plant by contractors under the oversight of DEC and DOH.

This plan is designed to reduce the water levels in Lake Washington to avoid a release of PFOS contaminated water over the spillway and into the Quassaic Creek watershed in the event of an extreme weather event. This option will also treat the water to remove PFOS and thus not contribute contaminants to Silver Stream. While all available engineering information indicates the Lake Washington Dam (Dam) is in good shape and fully compliant with all dam safety regulations, out of an abundance of caution, this action will also provide an additional measure of protection to maintain the structural integrity of the Dam.

The DEC standby contractor will deliver and install a temporary GAC system, install 3,000 feet of temporary piping and hoses to the discharge point in Silver Stream, and provide and operate high volume discharge pumps to achieve a pumping rate of at least 3,000 gallons per minute. The system will be operated to provide a minimum of four feet of freeboard below the Dam's spillway and will run until that level is achieved and the fall storm season has concluded.

With the source of PFOS now linked to the Air National Guard base as a new State Superfund site, DEC is now able to use its authority under State Superfund to expedite and streamline the approval process for this work at Lake Washington. Furthermore, under the authority set forth in 6 NYCRR Part 375, a permit equivalency that meets the substantive requirements of a NY State Pollution Discharge Elimination System (SPDES) permit will be issued to guide this work. Be assured that we will be monitoring

the operation of this system closely, including by taking samples to test for the presence of PFOS and ensuring the system operates appropriately and in a manner protective of public health and the environment.

The plan will require significant coordination in order to begin this work and get the system up and running as soon as possible. My team will be reaching out to yours shortly to discuss the details of the plan and to solicit your assistance with access and logistics. We look forward to your continued cooperation as we continue our work to resolve these significant issues.

Feel free to call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Brand". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Martin D. Brand
Deputy Commissioner of Remediation
and Materials Management

c: Judy Kennedy, Mayor, City of Newburgh
Jason Morris, City Engineer