East Hampton Town Airport Superfund Status

Nicholas C. Rigano

nrigano@riganollc.com

RIGANO LLC Attorneys at Law

538 Broad Hollow Road, Suite 301

Melville, New York 11747

631-756-5900

www.riganollc.com

PFAS: The Contaminants at Issue

- Per- and polyfluoroalkyl substances, otherwise known as PFAS, are a group of over 4,000 man-made chemicals.
- The most studied PFAS chemicals are PFOA and PFOS, which have been designated as "hazardous substances" under New York law.
- On August 26, 2020, New York state promulgated binding drinking water standards for PFOA and PFOS of 10 part per trillion (ppt) each. NYSDEC adopted more stringent groundwater regulations of 2.7 ppt for PFOS and 6.7 ppt for PFOA.
- EPA has recently proposed a federal drinking water standard of 4 ppt for each. EPA has not yet adopted this standard.
- PFOA, PFOS and other PFAS chemicals have been used in a variety of products for decades including aqueous film-forming foam ("AFFF")
- AFFF is a fire suppression foam that was regularly used by the military and fire departments to extinguish Class B fires, which often involve fuel. As a result, PFAS contamination has been detected throughout the country at airports, fire stations, and fire training areas, among other sites.

When Was Contamination Detected in Private Wells and What Did Town do?

- Suffolk County Department of Health Services sampled private wells of Wainscott residents in the summer of 2017.
- After analyzing the results, Suffolk County publicly issued a "water quality advisory" on October 11, 2017. Within that notice, Suffolk County states: "[a]s a precaution, the Town of East Hampton has offered to provide bottled water to property owners in the private well survey area described above."
- Within two months, the Town began discussions with Suffolk County Water Authority and ultimately agreed to pay for the extension of the public water line. This project was unprecedented as it called for a 9-mile water main extension throughout Wainscott. The project is now complete and cost the Town over \$7 million.
- Town continues to work with Wainscott residents to connect to the water main in accordance with NYSDEC's direction.
- NYSDEC has found that the Town's actions have been necessary and appropriate.

Airport/Fire Station/Fire Training Facility

- DEC designated these properties in Wainscott as a single class 2 Superfund site due to PFOA/PFOS detections in soil and groundwater.
- The contamination was caused by EHFD's use and storage of AFFF in response to fires and for training.
- In compliance with law and DEC's requests, Town signed a consent order with DEC requiring Town to investigate and remediate all contamination at and emanating from these properties.
- Town has hired FPM Group as its environmental consultant to implement all investigation and remediation activities under the consent order, which is ongoing.
- Town submitted and NYSDEC approved a Citizen Participation Plan and remedial investigation workplan. Town has been proceeding in compliance with both of those documents and NYSDEC's direction.

Citizen Participation Plan

The Citizen Participation Plan is a template document prepared for DEC that provides public input at various intervals of the process.

Citizen Participation Activities	Timing of CP Activities
Before Start of Remedial Investigation and Feasibility Study (RI/FS):	
Prepare site contact list Establish document repository Prepare Citizen Participation Plan (CPP) Place approved RI/FS Work Plan in document repository Distribute Fact Sheet to site contact list that announces availability of RI/FS Work Plan and describes upcoming RI work	Before start of RI. Note: Draft CP Plan must be submitted to NYSDEC within 20 days of effective date of Consent Order. CP Plan must be approved by NYSDEC before distribution.
When NYSDEC Approves Remedial Investigation/Feasibility Study Report:	
Distribute fact sheet to site contact list that describes RI/FS results	Before NYSDEC approves RI/FS Report
Place approved RI/FS Report in document repository	
When NYSDEC Releases Proposed Remedial Action Plan (PRAP):	
Place PRAP in document repository Distribute fact sheet to site contact list that describes PRAP and announces 30-day comment period and public meeting Hold public meeting about PRAP Conduct 30-day public comment period	When NYSDEC releases PRAP. Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period.
When NYSDEC Issues Record of Decision (ROD):	
Place ROD in document repository Distribute notice to site contact list that announces availability of ROD. ROD includes responsiveness summary of significant comments about PRAP	When NYSDEC issues ROD
Before Start of Remedial Action:	
Distribute fact sheet to site contact list that describes upcoming remedial action	Before the start of remedial action at the site
When NYSDEC Certifies Cleanup Requirements Achieved:	
Distribute fact sheet to site contact list that announces cleanup requirements achieved If Certificate of Completion (COC) is issued, announce in fact sheet If COC is issued, place copy in document repository	When NYSDEC certifies cleanup requirements achieved, or within 10 days after NYSDEC issues COC or similar site closure document
If NYSDEC Reclassifies the Site	
If reclassifying site, may announce in fact sheet announcing achievement of cleanup requirements	At time NYSDEC proposes to reclassify the site
If NYSDEC Proposes to Delist the Site from the Registry of Contaminated Sites	
Publish notice in Environmental Notice Bulletin about proposal and 30-day public comment period	At time NYSDEC proposes to delist the site
Distribute notice to site contact list. May announce proposal in fact sheet announcing achievement of cleanup requirements	
Conduct 30-day public comment period about proposed delisting Distribute notice to site contact list when site is delisted	

The Superfund Process

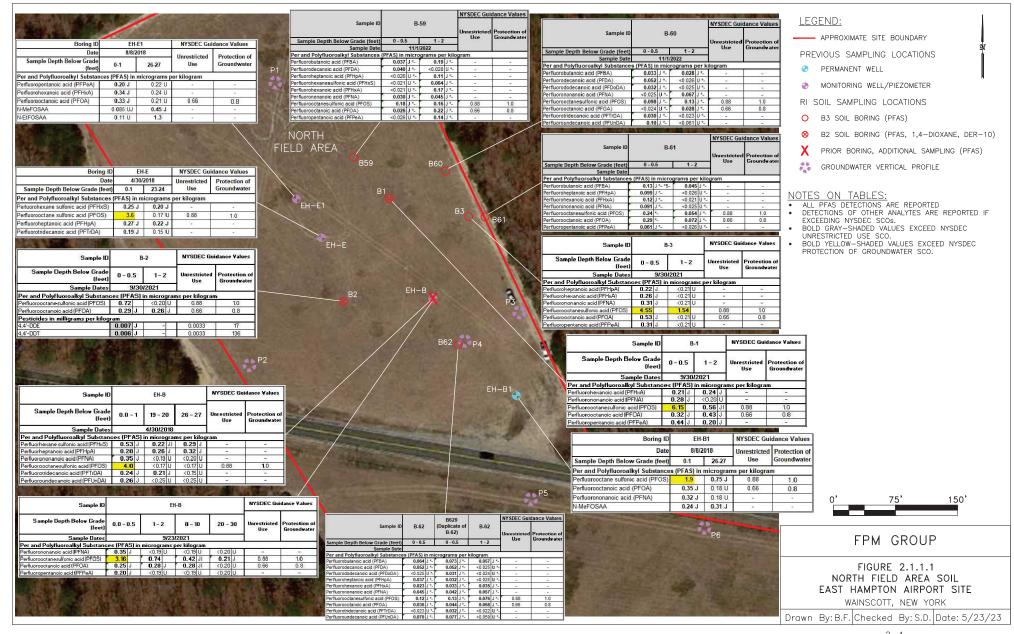


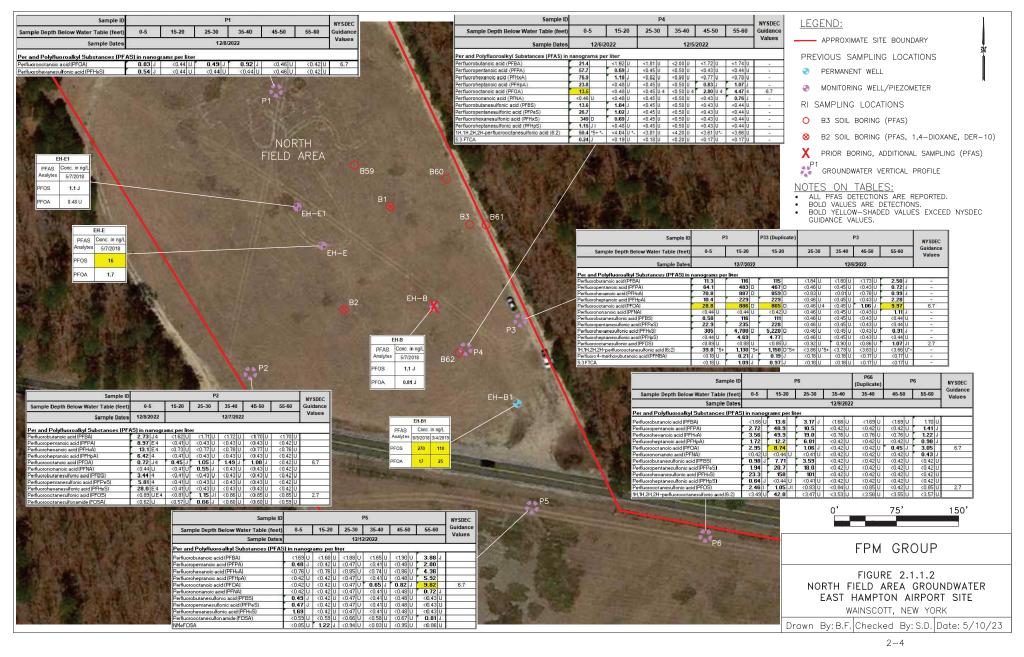
The Town, through FPM, is in the process of investigating the contamination at and emanating from the Airport, Fire Station and Fire Training Facility. We expect the onsite investigation to be complete shortly.

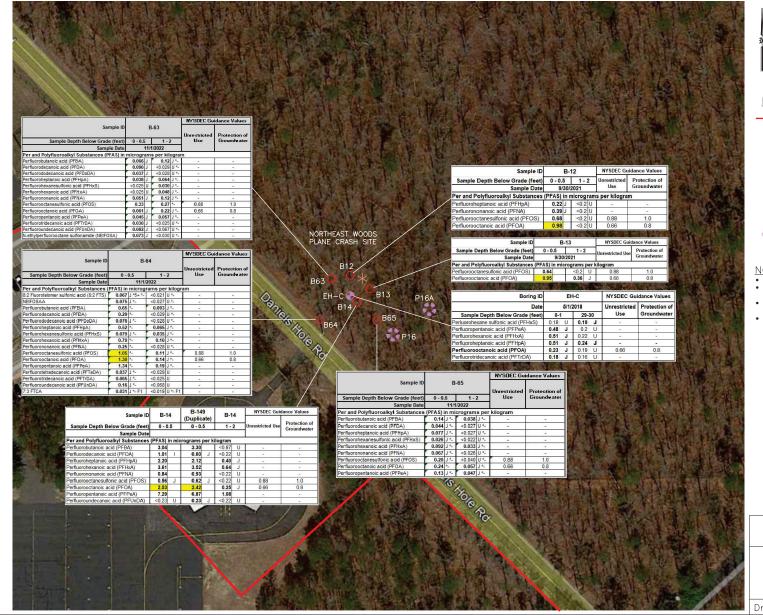
- PFAS contamination has been detected in the soil and groundwater at all three properties. The soil contamination has been detected in the North Field of the Airport, at the Fire Station, and at the Fire Training Facility. Groundwater contamination has been detected at the same locations to the downgradient border of each property.
- The remaining onsite investigation involves sampling at deeper portions of the aquifer to determine how deep the onsite plume is.

We expect the offsite groundwater investigation to proceed and possibly be completed in 2024.

- Upon completion of the investigation, Town, through FPM, will prepare a feasibility study for DEC, which will contain various remedial options for DEC's consideration.
- DEC will then issue a Proposed Remedial Action Plan (PRAP) for public comment. The PRAP will contain DEC's proposed remedial action as well as a summary of the investigation and all remedial alternatives considered by DEC.
- DEC, after obtaining public input, will select the remedial option that DEC deems most appropriate.
- Upon issuance of DEC's selection by a Record of Decision (ROD), Town can commence remediation.







LEGEND:

PREVIOUS SAMPLING LOCATIONS

- PERMANENT WELL
- MONITORING WELL/PIEZOMETER

RI SOIL SAMPLING LOCATIONS

- O B11 SOIL BORING (PFAS)
- ⊗ B9 SOIL BORING (PFAS, 1,4-DIOXANE, DER-10)
- ## GROUNDWATER VERTICAL PROFILE

NOTES ON TABLES:

- ALL PFAS DETECTIONS ARE REPORTED
- DETECTIONS OF OTHER ANALYTES ARE REPORTED IF EXCEEDING NYSDEC SCOs.
- BOLD GRAY-SHADED VALUES EXCEED NYSDEC UNRESTRICTED LISE SCO
- BOLD YELLOW-SHADED VALUES EXCEED NYSDEC PROTECTION OF GROUNDWATER SCO.



FPM GROUP

FIGURE 2.1.3.1 NE WOODS AREA SOIL EAST HAMPTON AIRPORT SITE

WAINSCOTT, NEW YORK

Drawn By: B.F. Checked By: S.D. Date: 5/23/23

