DEC's Assessment of the Wainscott Sand and Gravel SK Exhibit 3-5 (page 1 of 10)

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General Summary of the DEC Process SK Exhibit 3-5 (page 2 of 10)

- To determine if a preliminary sampling investigation is warranted at a property, the New York State Department of Environmental Conservation ("DEC") reviews information such as historical uses and activity.
- If DEC determines that a sampling investigation is warranted, DEC will designate a property as a "P" site. "P" stands for potential, as in potential superfund site.
- An initial sampling investigation called a "site characterization" will then be conducted whereby soil and groundwater will be sampled for contaminants at the property. The purpose of a site characterization is to identify whether the site is a source of contamination.
- Typically, soil contamination is a key factor, among others, to determine whether a site is a source because soil contamination generally cannot come from offsite.
- If DEC determines that the site should not be listed on the registry, they will classify it as an "N" site meaning contamination at the site does not warrant designating the site as a superfund site.
- DEC's decision to designate a site as a superfund site is in their discretion. Often the site will be a source, contaminants will exceed standards and DEC will decline to classify the site as a superfund site.

PFAS: The Contaminants at Issue (page 3 of 10)

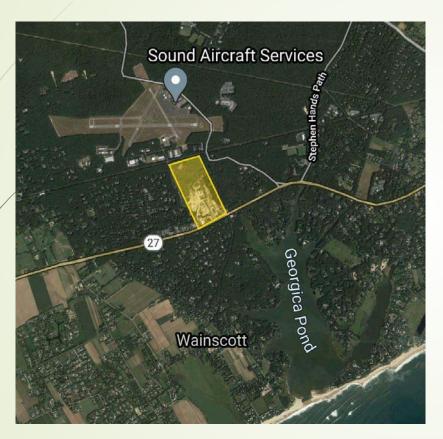
- Per- and polyfluoroalkyl substances, otherwise known as PFAS, are a group of over 4,000 man-made chemicals.
- The most studied PFAS chemicals are PFOA and PFOS, which have been designated as "hazardous substances" under New York law.
- PFOA, PFOS and other PFAS chemicals have been used in a variety 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 training areas and military bases, among other sites.

PFOA/PFOS Standards

SK Exhibit 3-5 (page 4 of 10)

- On August 26, 2020, New York state promulgated binding drinking water standards for PFOA and PFOS of 10 part per trillion (ppt) each.
- Under New York law, drinking water standards are used as a groundwater cleanup standards.
- NYSDEC's sampling protocol provides that further assessment should be conducted if:
 - Levels of PFOA/PFOS exceed 10 ppt,
 - Levels of any PFAS compound is detected above 100 ppt, or
 - Total concentration of PFAS is detected above 500 ppt
- No cleanup standards for soil exist yet.

The Sand Pit



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- In 2019, DEC designated the Sand Pit as a "P" site.
- DEC did this because:
 - A consultant for the Sand Pit detected levels of PFAS (including PFOA/PFOS) in groundwater.
 - Operations at the site have consisted of suspect PFAS contamination sources.
 - Media reports and photographs revealed that local fire departments conducted a training exercise with fire suppression foam in June 2000 at the northern part of the property.
- In July 2020, DEC released its site characterization report.





- PFOS was detected in soil in multiple borings up to 3.01 ppb where local fire departments engaged in a training exercise at the northern part of the site.
- Groundwater contamination was detected at this location at 151 ppt of PFOS, 2850 ppt of PFNA (another PFAS compound) and 3,626.39 ppt of total PFAS.
- PFAS was detected in groundwater throughout the site. The highest levels were found at the western border for PFOS up to 1,010 ppt and total PFAS up to 1,533.57 ppt
- Iron, Manganese, Sodium and Thalium were also detected in groundwater.
- DEC relied on regional groundwater flow models, which suggest that groundwater flows in a southeasterly direction. DEC did not determine specific groundwater flow of the site.
- Note that this is not a complete analysis of the site characterization and is only a summary based on a preliminary assessment.

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Sample: Date:	WSG-GW1-9-0 11/14/2019	WSG-GW1-9-1 (DUP) 11/14/2019	WSG-GW1-19-0 11/14/2019	WSG-GW1-29-0 11/14/2019
Depth (ft):	9	9	19	29
Perfluorobutanesulfonic Acid (PFBS)	2.19	2.19	1.81 U	14.6
Perfluorodecanoic Acid (PFDA)	5.7	5.53	1.81 U	0.91 J
Perfluoroheptanoic Acid (PFHpA)	43.2	41.7	0.6 J	8.65
erfluorohexanesulfonic Acid	25 B	24.4 B	1.81 U	4 B
Perfluorohesanoic Acid (PFHsA)	23.7	24.7	0.95 J	56.8
erfluorononanoic Acid (PFNA)	333	343	0.93 J	1.26 J
Verfluoroundecanoic Acid (PFUnA)	2.19	1.89	8.99	1.83 U
Perfluorooctane Sulfonic Acid (PROS)	12.7	12.4	5.43	6.27
Perfluorooctanoic acid (PFOA)	64.6	62.9	0.89 J	4.28
Total PFOA and PFOS	77.3	75.3	6.32	10.55
Total PFAS	512.28	518.71	17.79	96.77

	- Company			
Sample:		WSG-GW2-19-0	WSG-GW2-29-0	WSG-GW2-29-1 (DUP)
Date:	11/8/2019	11/8/2019	11/8/2019	11/8/2019
Depth (ft):	9	19	29	29
Perfluorobutanesulfonic Acid (PFBS)	10.5	2.59	5.42	5.06
Perfluorodecanoic Acid (PFDA)	0.38 J	1.95 U	1.88 U	1.9 U
Perfluoroheptanoic Acid (PFHpA)	8.7	1.61 J	3.44	3.4
Perfluorohexanesulfonic Acid	229 B	32.5 B	50.1 B	50.4 B
Perfluorohexanoic Acid (PFHxA)	39.7	6.41	12.9	12.5
Perfluorononanoic Acid (PFNA)	15.5	4.8	13	12.9
Perfluorooctane Sulfonic Acid (PFOS)	84.6	37.9	52.1	52.1
Perfluorooctanoic acid (PFOA)	17.6	3.78	7.44	7.28
Total PFOA and PFOS	102.2	41.68	59.54	59.38
Total PFAS	405.98	89.59	144.4	143.64

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Probe Sampling Locations

Site Boundary

Notes:

- Exceedances of the New York State PFAS Guidelines are shown in yellow. All detections are shown.
- B qualifier indicates contamination was detected in the associated blank sample.
- 3. J qualifier indicates the result is estimated.
- U qualifier indicates the result is non-detect;
 the result detection limit is shown.
- 5. Results are given in ng/l.

Analyte	NYS 703.5 TOGS Class GA
PFCs	ng/l
Perfluorohexanesulfonic Acid	100
Perfluorononanoic Acid (PRNA)	100
Perfluoroundecanoic Acid (PFUnA)	100
Perfluoroctane Sulfonic Acid (PFOS)	10
Perfluorooctanoic acid (PFOA)	10
Total PFOA and PFOS	10
Total PFAS	500



Sample: Date: Depth (ft):	WSG-GW3-8-0 11/7/2019 8	WSG-GW3-18-0 11/7/2019 18	WSG-GW3-28-0 11/7/2019 28
Perfluorobutanesulfonic Acid (PFBS)	4.15	4.35	3.8
Perfluoroheptanoic Acid (PFHpA)	3.29	0.99 J	0.25 J
Perfluorohexanesulfonic Acid	21.4 B	10.1 B	4.99 B
Perfluorohexanoic Acid (PFHxA)	6.68	2.81	1.89 U
Perfluorononanoic Acid (PFNA)	2.4	2.43	0.46 J
Perfluorotetradecanoic Acid (PFTeA)	1.9 U	0.35 J	1.89 U
Perfluorooctane Sulfonic Acid (PROS)	33.6	17.5	2.79
Perfluorooctanoic acid (PPOA)	5.7	2.45	0.83 J
Total PFOA and PFOS	39.3	19.95	2.79
Total PFAS	77.22	40.98	13.12

	Sample: Date: Depth (ft):	WSG-GW6-9-0 11/11/2019 9	WSG-GW6-19-0 11/11/2019 19	WSG-GW6-29-0 11/11/2019 29
	Perfluorobutanesulfonic Acid (PFBS)	3.84	2.79	2.93
	Perfluorodecanoic Acid (PFDA)	0.53 J	0.65 3	1.87 U
	Perfluoroheptanoic Acid (PFHpA)	12.9	8.65	6.64
8	Perfluorohexanesulfonic Acid	17.7 B	16.4 B	24.9 B
	Perfluorohexanoic Acid (PFHxA)	21	14	12
	Perfluorononanoic Acid (PFNA)	8.24	10.7	8.43
8	Perfluorooctane Sulfonic Acid (PPOS)	36.2	44.2	31.8
	Perfluorooctanoic acid (PPOA)	39.6	23.5	14.3
	Total PFOA and PFOS	75.8	67.7	46.1
	Total DEAC	140.01	120.00	101

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	Sample: Date: Depth (ft):	11/13/2019	WSG-GW8-29-0 11/13/2019 29	WSG-GW8-39-0 11/13/2019 39
	Perfluorobutanesulfonic Acid (PFBS)	1.11 J	0.89 J	1.36 J
	Perfluorodecanoic Acid (PFDA)	0.64 J	0.73 J	0.37 J
ч	Perfluoroheptanoic Acid (PFHpA)	3.69	2.11	1.64 J
ĸ	Perfluorohexanesulfonic Acid	2.15 B	8.29 B	12.7 B
	Perfluorohexanoic Acid (PFHxA)	4.48	3.64	2.4
в	Perfluorononanoic Acid (PFNA)	3.18	1.24 J	0.55 3
	Perfluorooctane Sulfonic Acid (PPOS)	50.5	10.9	9.14
d	Perfluorooctanoic acid (PFOA)	7.95	5.8	5.06
	Total PFOA and PFOS	58.45	16.7	14.2



	7	DAY - DAY - DAY	
Sample: Date: Depth (ft):	W9G-GW5-8-0 11/6/2019 8	WSG-GW5-18-0 11/6/2019 18	W5G-GW5-28-0 11/6/2019 28
Perfluorobutanesulfonic Acid (PFBS)	4.26	2.31	2.69
Perfluorodecanoic Acid (PFDA)	0.33 J	0.33 J	0.35 J
Perfluoroheptanoic Acid (PFHpA)	22.3	7.76	9.45
Perfluorohexanesulfonic Acid	20.2 B	10 B	10.9 B
Perfluorohexanoic Acid (PFHxA)	28.8	12.6	15.9
Perfluorononanoic Acid (PFNA)	3.2	1.85 J	1.72 3
Perfluorotetradecanoic Acid (PFTeA)	1.92 U	0.31 BJ	1.9 U
Perfluorooctane Sulfonic Acid (PPOS)	29.2	27.8	37.8
Perfluorooctanoic acid (PFOA)	40.6	12.7	11.2
Total PFOA and PFOS	69.8	40.5	49
Total PFAS	148.89	75.66	90.01

Samples	WSG-GW4-5-0	WSG-GW4-15-0	WSG-GW4-25-0
Date:	11/7/2019	11/6/2019	11/6/2019
Depth (ft):	5	15	25
N-Ethyl-N-((heptadecafluorooctyl)sulphonyl) glycine	3.93 J	19.2 U	19.3 U
Perfluorobutanesulfonic Acid (PFBS)	0.42 J	1.36 J	1.25 J
Perfluorodecanoic Acid (PFDA)	2.49	1.92 U	1.93 U
Perfluoroheptanoic Acid (PFHpA)	2.14	1.5 3	1.93 U
Perfluorohexanesulfonic Acid	3.43 B	27 B	19.4 B
Perfluorohexanoic Acid (PFHxA)	2.82	2.69	1.93 U
Perfluorononanoic Acid (PFNA)	1.92 J	1.03 J	0.97 3
Perfluorooctane Sulfonic Acid (PROS)	30.5	36.7	11.6
Perfluorooctanoic acid (PFOA)	5.69	4.78	1.93 U
Total PFOA and PFOS	36.19	41.48	11.6

Sample: Date: Depth (ft):	WSG-GW7-6-0 11/5/2019 6	WSG-GW7-15-0 11/5/2019 15
Perfluorobutanesulfonic Acid (PFBS)	0.69 1	2
Perfluorodecanoic Acid (PFDA)	2.21	1.83 U
Perfluoroheptanoic Acid (PFHpA)	5.1	0.54 J
Perfluorohexanesulfonic Acid	7.84 B	29.9 B
Perfluorohexanoic Acid (PFHxA)	4.55	1.29 J
Perfluorononanoic Acid (PFNA)	2.84	0.25 J
Perfluorotetradecanoic Acid (PFTeA)	0.34 EJ	1.83 U
Perfluorooctane Sulfonic Acid (PFOS)	22.5	24
Perfluorooctanoic acid (PFOA)	13.4	2.41
Total PFOA and PFOS	35.9	26.41

GS/GW1

GS/GW2

GS/GW3

GS/GW6

GS/GW7 GS/GW8

GS/GW5

GS/GW4

DEC's Conclusions

SK Exhibit 3-5 (page 9 of 10)

- Despite the high levels in groundwater and soil, as well as photographs showing a fire training activity, DEC concluded that the site should be classified as an "N" site meaning it will not be designated as a superfund site.
- DEC concluded that "[t]he highest PFAS groundwater detections were in upgradient and side-gradient monitoring wells, indicating that the contamination is coming from an off-site source . . . Low-level PFAS detections in on-site soil do not implicate the site as a contributing source of PFAS groundwater contamination . . .

Airport/Fire Station/Fire Training Facility (page 10 of 10)

- DEC designated these properties, which are north/northwest of the Sand Pit as a Class 2 Superfund site due to PFOA/PFOS detections in soil and groundwater.
- A major contributing factor to this contamination was the East Hampton Fire Department's use and storage of AFFF at the properties.
- DEC demanded that the Town execute a consent order to investigate and remediate the contamination on-site and off-site because the Town owns the properties.
- The Town has executed that consent order and is in the process of preparing a remedial investigation workplan for DEC's review. The process will likely cost millions of dollars and last years.
- To mitigate the financial obligation to the Town's taxpayers, The Town has sued the Village of East Hampton, which operates EHFD, as well as several other parties. The Village has tens of millions of dollars in insurance that covers this.
- Unfortunately, the Village, EHFD and their insurers have not cooperated with the Town, have not agreed to share any burden in cleanup costs, and have not disclosed information regarding where they used AFFF throughout Wainscott. They have forced the Town to proceed with litigation.