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Case 18-T-0604 - Application of Deepwater Wind South Fork, LLC

Interrogatory / Document Request

Request Number:	Si Kinsella #1
Request Title:	Assessment of PFAS Contamination for Route A
Addressed To:	Applicant - Deepwater Wind South Fork, LLC

Background

Deepwater Wind South Fork, LLC (the “Applicant”) proposes to install underground an export cable from the southern end of Beach Lane in Wainscott to a new substation / interconnection facility adjacent to the existing LIPA Cove Hollow Road Substation in East Hampton via the Long Island Rail Road (MTA) right-of-way (see Appendix A). This route is referred to as Beach Lane Route A cable corridor.

In October of 2017, Suffolk County Department of Health Services (SCDHS) issued a *Water Quality Advisory for Private-Well Owners in Area of Wainscott*. The advisory notified residents and local authorities that contamination exceeding the US Environmental Protection Agency (EPA) lifetime health advisory level of 70 parts per trillion (ppt) for combined perfluorooctane sulfonate/perfluorooctanoic acid (PFOS/PFOA) had been detected in private drinking-water wells.

In June of 2018, SCDHS informed the Town of East Hampton that, within the Wainscott Private Well Survey Area (see Appendix B), “thirteen (13) wells are above the USEPA Health Advisory Level (HAL) of 70 parts per trillion” for combine PFOA/PFOS contamination. The highest recorded contamination concentration level of 791 ppt for combined PFOA/PFOS is eleven-times the EPA standard and seventy four-times the NYS standard. The average level of contamination (166 ppt) is more than double the EPA standard of 70 ppt. The average level of contamination (58 ppt) above the NYS standard of 10 ppt is more than five-times that standard.

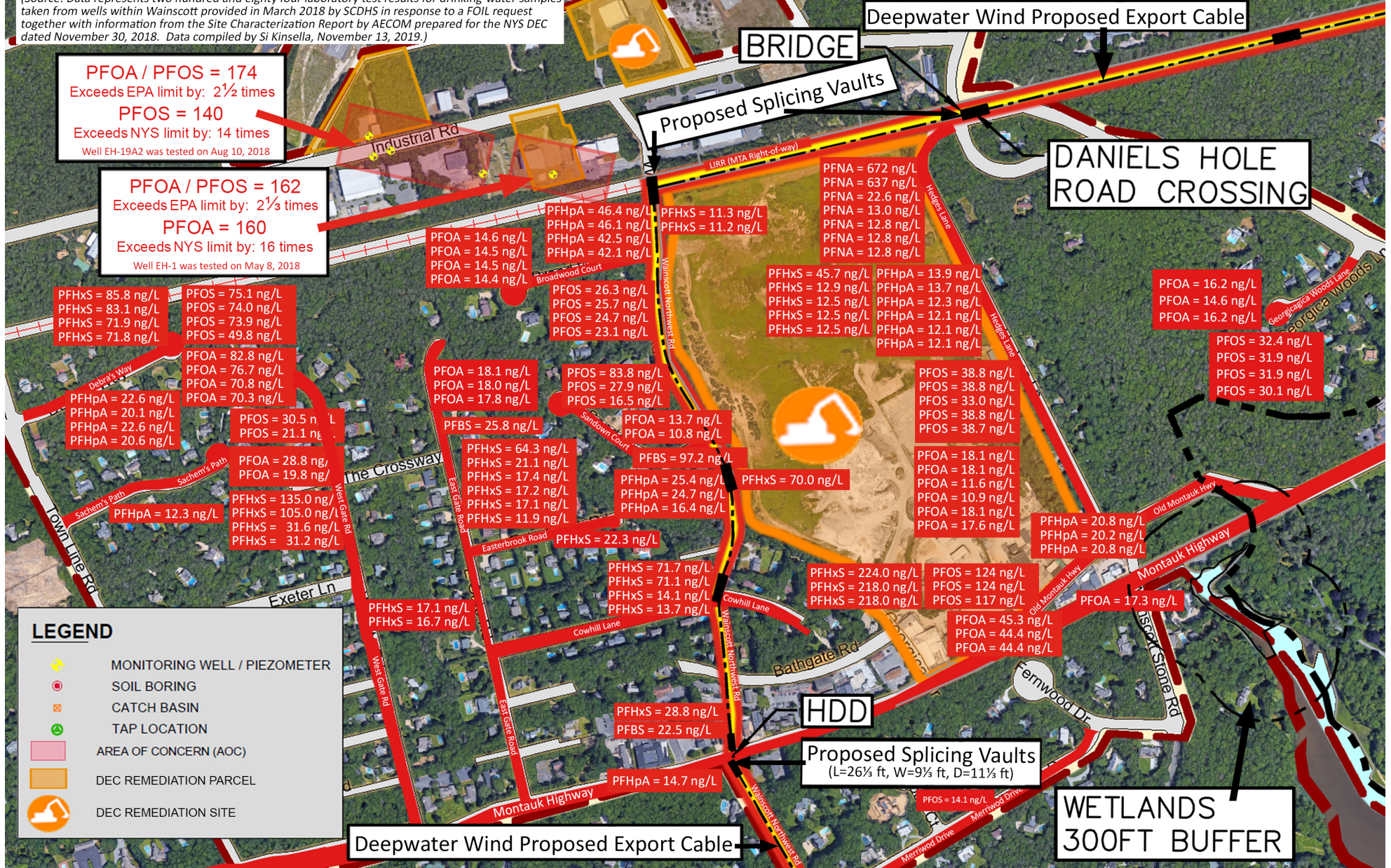
In July of 2019, NYS Health Commissioner Howard Zucker accepted the New York State Drinking Water Quality Council’s recommendations for safer limits of 10 ppt for PFOA and PFOS in drinking-water. When applying the new safer NYS standards to test results from 297 private drinking-water wells (reported up to June 14, 2018¹), forty five private drinking-water wells representing fifteen percent of all wells tested exceeded the new NYS drinking-water limit of 10 ppt for PFOA and PFOS. The majority of wells (54%) within the Wainscott Private Well Survey Area had detectible levels of PFOA or PFOS contamination (see Appendix C).

¹ Source: SCDHS Email to East Hampton Town Supervisor Van Scoyoc Re: Wainscott PFC Weekly Update - 6/15/18

PFOA	Perfluorooctanoic Acid	PFHxS	Perfluorohexanesulfonic Acid
PFOS	Perfluorooctanesulfonic Acid	PFHpA	Perfluoroheptanoic Acid
PFNA	Perfluorononanoic Acid	PFBS	Perfluorobutanesulfonic Acid

Wainscott PFAS Contamination (soil, groundwater and drinking-water)

(Source: Data represents two hundred and eighty four laboratory test results for drinking-water samples taken from wells within Wainscott provided in March 2018 by SCDHS in response to a FOIL request together with information from the Site Characterization Report by AECOM prepared for the NYS DEC dated November 30, 2018. Data compiled by Si Kinsella, November 13, 2019.)



The New York State Department of Environmental Conservation (NYS DEC) has since declared East Hampton Airport a “State Superfund” hazardous waste disposal site (codes: 152250 and 152156) and registered an adjacent former sand mine now multi-use industrial site (code: 152254) as a “Potential” hazardous waste disposal site (see Appendix D).

In a report titled: *Site Characterization Report on PFAS Contamination at East Hampton Airport* prepared by AECOM (published November 30, 2018), extensive per- /polyfluoroalkyl substance (PFAS) contamination of soil, groundwater and drinking-water was provided to NYS DEC. Contamination concentration levels of up to 299 ppt for combined PFOA/PFOS were recorded at East Hampton Airport which borders the proposed Beach Lane Route A cable corridor to the north. Contamination of 299 ppt is four-times the EPA standard and twenty nine-times the NYS standard. The East Hampton Airport is located upstream from the proposed Beach Lane Route A cable corridor and groundwater contamination will move downstream towards the Beach Lane Route A cable corridor.

Other notable contaminants identified in the *Site Characterization Report on PFAS Contamination at East Hampton Airport* includes (see Appendix E) –

- Perfluorohexanoic acid (PFHxA) 2,800 ppt
- Perfluoropentanoic acid (PFPeA) 2,600 ppt
- Perfluoroheptanoic acid (PFHpA) 1,500 ppt
- Perfluorohexane sulfonic acid (PFHxS) 750 ppt
- Perfluorobutanoic acid (PFBA) 710 ppt
- Perfluorobutane sulfonic acid (PFBS) 360 ppt

In March of 2018, in a letter to East Hampton Town Supervisor Van Scoyoc, the issue of extensive PFAS contamination in Wainscott was brought to the attention of the Town Board (see Appendix F). This letter contains a summary the regulatory environment at the time and summarized the extent of PFAS contamination in the form of heat maps. A compilation of these heat maps (see page 2) clearly illustrates the extent of PFAS contamination within the Wainscott Private Well Survey Area (see Appendix G and Appendix H).

It has been established that the Applicant’s Beach Lane Route A cable corridor passes through the middle of a highly contaminated area where soil and groundwater show high detectible levels of PFAS contamination. Contamination is known to exist on all sides of the Beach Lane Route A cable corridor and it is, therefore, implausible that the Beach Lane Route A cable corridor would not have been impacted with contamination that has been seeping into the aquifer from the East Hampton Town Airport (and other sites) and flowing southward towards the Atlantic Ocean since the 1950’s.

Request for Documents

Has the Applicant –

1. Tested the soil and/or groundwater for PFAS contamination at any location(s) within the Beach Lane Route A cable corridor? If yes, please provide full laboratory test results for all tests related to PFAS contamination and any other contaminant that was included in the tested results.

2. Conducted any analysis and/or assessment of the extent of existing PFAS contamination within the Beach Lane Route A cable corridor? If yes, please provide all analyses and assessments related PFAS contamination and any other contaminant that was included in the analyses and/or assessments.
3. Addressed issues related to the process of installing at least thirteen underground cable vaults and approximately 2.4 miles of underground duct banks through the contaminated area that would require excavating somewhere from 8,000 to 12,000 tons of contaminated material? If yes, please provide all documents where excavation of contaminated soil is discussed.
4. Considered the possibility of significant adverse impacts to public health, given that the Beach Lane Route A cable corridor runs through a residential neighbourhood and groundwater protection district? If yes, please provide all documents related to potential adverse impacts to public health from PFAS contamination or any other contaminant.
5. Prepared plans for the excavation, collection, identification, possible treatment, transportation and disposal of contaminated materials? If yes, please provide all documents related to the excavation, collection, identification, possible treatment, transportation and disposal of contaminated materials.
6. Identified and located a properly registered and authorized industrial hazardous waste management facility that can receive material contaminated with PFAS contaminants? If yes, please provide the location of the facility and the planned safe driving route.
7. Established emergency procedures in the event of accidental spillage or mishandling of hazardous waste during excavation, loading, storage and/or transportation? If yes, please provide all such emergency procedures.
8. Assessed the possibility of any significant increase in risks to public health posed by disturbing a site that is highly contaminated with PFASs? If yes, please provide all documents related to any significant increase in risks to public health posed by disturbing a contaminated site.
9. Please provide any and all reports, assessments, studies, laboratory test results that mention soil or groundwater contamination for any chemical contaminant pursuant to the US EPA Fourth Unregulated Contaminant Monitoring Rule including but not limited to PFASs, cyanotoxins and hexavalent chromium undertaken by the Applicant for this project.
10. Prepared any plans and/or assessments on the potential local impacts to the neighbouring residential communities related to the excavation of contaminated material, including but not limited to increased truck traffic, noise, aesthetics, and impact on quality of life? If yes, please provide all plans and/or assessments on the potential impact to the neighbouring residential communities related to the excavation of contaminated material.
11. Prepared a remediation plan for the Beach Lane Route A cable corridor? If yes, please provide the remediation plan.