

LONG ISLAND / ENVIRONMENT

Bethpage Water District files lawsuit against Northrop Grumman, chemical companies

The authority estimates the cost to treat 1,4-dioxane at eight of its nine water wells at \$30 million to \$40 million.



Bethpage Water District Superintendent Mike Boufis touches the pipe that brings water into the new water treatment facility on Jan. 28. Photo Credit: Debbie Egan-Chin

By David M. Schwartz

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The Bethpage Water District filed a federal lawsuit Thursday against Northrop Grumman and chemical companies over the likely carcinogen 1,4-dioxane, which has been found in the district's drinking water wells at levels 12 times higher than what was recommended by a state drinking water panel.

The lawsuit said the contamination came from operations at the 600-acre former site where the Navy and the company formerly known as Grumman researched, tested and manufactured airplanes and space exploration equipment from the 1930s to 1990s.

Through leaks, spills, routine wastewater discharge and "careless disposal practices," the man-made chemical 1,4-dioxane — used primarily to stabilize an industrial solvent used to degrease machine parts — contaminated groundwater, according to the lawsuit filed electronically in U.S. District Court's Eastern District of New York.

Bethpage estimated the cost to install treatment at eight of its nine water wells at \$30 million to \$40 million, and its operations and management budget could rise by 20 percent.

"The numbers are staggering," Bethpage Water District Superintendent Mike Boufis said. "And someone needs to pay for it, other than the residents of Bethpage."

Five of nine of the district's water wells have tested positive for 1,4-dioxane at 1 part per billion or above, which is the maximum contaminant level recommended by a panel of state experts in December. Three more wells tested at 0.5 parts per billion or above. Boufis said the water district starts treatment on wells for all contaminants before they hit the maximum level because of sensitivity by customers about negative health effects from tap water.

The New York State Department of Health is expected to set a formal drinking water standard this year.

Two drinking water wells at Motor Lane that had tested at 12 parts per billion and 9 parts per billion were shut down last year. The district has installed a \$2.8 million pilot treatment system that is awaiting state approval.

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It's the second lawsuit filed by Bethpage Water District against Northrop Grumman over the groundwater pollution plume. The first, in 2013, was thrown out in March 2018 by the Second U.S. Circuit Court of Appeals in Manhattan because the water district waited too long to sue, according to the court.

Water District attorneys said because 1,4-dioxane is an emerging contaminant that is not yet regulated by the state or federal government, there won't be a similar issue with the statute of limitations.

"This is not something that the Bethpage Water District has spent years evaluating and studying," said Matt Edling, partner with the San Francisco law firm Sher Edling.

Bethpage in the same lawsuit also sued Dow Chemical Co., Ferro Corp. and Vulcan Materials Co., alleging the companies knew or should have known their products containing 1,4-dioxane were harmful. Northrop Grumman, Dow, Ferro and Vulcan Materials did not respond to requests for comment.

Also on Thursday, the Plainview Water District sued Dow, Ferro and Vulcan.

In total, 13 Long Island water districts have sued chemical manufacturers over 1,4-dioxane, seeking to recoup unspecified expenses.

Water providers have labeled 1,4-dioxane as the most pressing issue facing them, in part because it can't be removed through traditional treatment methods.

Richard Humann, president of Melville-based H2M architects + engineers and a consultant for Bethpage, said, "How the Long Island water suppliers are now going to have to respond to this is probably, in my 30-year career, the most challenging water quality initiative water providers have had to undertake."

Water providers have warned that the dioxane treatment costs could reach \$840 million to address contamination at dozens of water wells. The chemical also has been found in household products such as body washes, shampoos and baby products.

Bethpage Water District serves 33,000 residents and businesses and has a budget of \$8.2 million a year.

Officials are scheduled to hold a news conference Friday morning to announce the lawsuit.

The Navy was not named in the Bethpage lawsuit, but Edling said his law firm is evaluating whether the Navy could be responsible for dioxane contamination.

The Bethpage site was named to the state Superfund list in 1983. Gov. Andrew M. Cuomo in January promised to release a plan to help clean up the pollution plume.

About 1,4-dioxane

The chemical 1,4-dioxane, designated by the U.S. Environmental Protection Agency as a likely human carcinogen associated with liver and kidney damage, is the top concern of drinking water providers because it has been found widely on Long Island, and is not removed through conventional treatment methods, water providers said. The man-made chemical is found in industrial solvents and in trace amounts in cosmetics, detergents, shampoos and other home care products.



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