Suffolk sues for cleanup cash

Says feds stall on reimbursement at Gabreski base

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Suffolk County has sued the federal government over groundwater contamination at Francis S. Gabreski Airport, caused by the military's use of firefighting foam there from 1970 to 1986 and from 1998 to 2011.

JESSICA ROTKIEWICZ

Suffolk County, citing stalled negotiations over cleanup costs, has sued the federal government for groundwater contamination caused by the military's use of firefighting foam at Francis S. Gabreski Airport in Westhampton.

The lawsuit, filed Feb. 14 in the U.S. District Court Eastern District, alleges federal agencies stopped negotiating the reimbursement for local government expenses, including hooking up homes with contaminated private wells to public water supplies, providing bottled water and county investigation costs.

"It's been a real frustration," Deputy County Executive Peter Scully said. He said the federal government "is constantly changing its position with regard to reimbursement of expenses incurred by local governments in regards to the contamination. One month they're receptive. One month they say it can't happen. ... It's been a pattern, swinging back and forth, like a pendulum."

Besides unspecified costs, the suit seeks to compel the federal government to clean up the pollution to nondetectable levels, install water treatment systems and indemnify Suffolk County from class-action lawsuits from nearby residents who have sued over tainted drinking water wells.

An Air Force spokesman said it does not comment on pending litigation. The National Guard Bureau and Gabreski Air National Guard Base did not respond to requests for comment.

The Suffolk County Water Authority continues to negotiate with the federal government to cover $4.8 million in costs related to the contamination, executives said.

"We've continued to engage them related to operating costs we've incurred because of firefighting foam at Gabreski and impact on drinking water wells," Suffolk County Water Authority CEO Jeffrey Szabo said.

The state Department of Environmental Conservation, which is overseeing the cleanup, has incurred $1.9 million in costs, a small portion of which — $35,254 — has been reimbursed by the Department of Defense, according to officials.

"The DEC remains committed to working proactively with the county to ensure the surrounding community is protected, and holding those responsible for the contamination accountable," spokeswoman Erica Ringewald said.

The contaminants perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) were detected in groundwater wells near the base in 2014 as part of a federally mandated round of testing. The state DEC named the airport a Superfund site in September 2016.

The water authority and county have shut down water wells and shifted more than 60 homes from private wells to public water pipes because of the contamination from firefighting foam.

HEALTH HAZARDS

The contaminants perfluorooctane sulfonic acid **(PFOS)** and perfluorooctanoic acid **(PFOA)** had been used for decades to produce household and commercial products that are heat resistant, stain resistant, long lasting and water and oil repellent. PFOS had been used in a synthetic foam developed to suppress flammable-liquid fires that can't be extinguished with water alone.

A federal defense appropriation bill signed into law last year allows local governments to be reimbursed by the Department of Defense for costs related to firefighting foam contamination, according to the office of Sen. Chuck Schumer (D-N.Y.), the Senate minority leader.

Schumer, in a statement, said "Suffolk County shouldn't have to pay a dime to clean up a toxic mess they didn't make, and [the] DOD must step up to the plate and thoroughly clean up all PFOS-related pollution."

Suffolk County owns Gabreski Airport and leases about 88.5 acres of runways, hangars and maintenance facilities on its southwest side to the Air National Guard, where the 106th Rescue Wing is based.

In a letter to Suffolk County and the Suffolk County Water Authority in August 2016, a National Guard Bureau chief said he believed fire training and fire suppression systems at the base contributed to contamination of nearby drinking water wells.

"The Air National Guard and the Air Force will work with you to ensure safe, alternative drinking water is provided to private well owners and customers of the SCWA," according to the letter from Richard P. McCoy, branch chief with the Guard, cited in the lawsuit.

The letter said the base used firefighting foam containing PFOS for training operations from 1970-86, and had hangars with fire suppression systems containing the firefighting foam from 1998-2011. The fire suppression systems were periodically tested, releasing the foam to the ground and drainage systems.

The lawsuit said the county and water authority began to connect private well owners to public water supplies in November 2016. The New York State Department of Environmental Conservation agreed to reimburse the county for costs associated with 57 homes, while the Department of Defense agreed to reimburse the county for costs associated with nine homes with private well contamination.

While negotiations had been ongoing about cleanup and costs for years, the lawsuit said that in March 2017 the Department of the Air Force issued a memo stating negotiations involving the cooperation agreement would stop. In December 2017, the county sent a letter to the National Guard Bureau "urging it to move forward with the investigation and remediation of the Airport Property and surrounding vicinity." The Guard did not respond.

The county, meanwhile, has been named in lawsuits filed by residents in Westhampton, Westhampton Beach and Quogue who said their drinking water was contaminated by the airport and firefighting foam.

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