

The Port TIMES RECORD

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Photos by Jennifer Choi; D. Willinger

The federal Environmental Protection Agency recently installed additional wells north of West Broadway in Port Jefferson and confirmed high levels of trichloroethylene, a toxic pollutant known to be in the groundwater plume flowing from the Lawrence Aviation Industries former manufacturing site along Sheep Pasture Road in Port Jefferson Station. At right: Rep. Tim Bishop and Port Jefferson Mayor Margot Garant, center, called a meeting Monday of all parties involved in the cleanup efforts of Lawrence Aviation, a federal Superfund site. Village Hall is seeking help with costs of the EPA cleanup that are being borne by village taxpayers and also looking for indemnification from the feds.

Ironing out snags in Superfund cleanup

PJ mayor, Rep. Bishop corral all parties involved in Lawrence Aviation toxic plume remediation

BY DAVE WILLINGER
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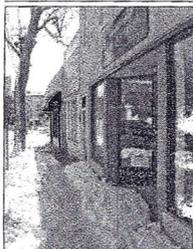
Recent findings by the federal Environmental Protection Agency of pollution north of West Broadway in Port Jefferson coming from the Lawrence Aviation Industries toxic plume will result in the testing for soil vapor intrusion

of additional homes near the western side of Port Jefferson Harbor.

Those tests would be undertaken in "a couple weeks," EPA Remedial Project Manager Sal Badalamenti said during Monday's meeting of more than 40 stakeholders convened by Rep. Tim Bishop (D-Southampton) at the urging of Port Jefferson Mayor Margot Garant.

Numerous EPA and DEC officials and legal staff attended the discussion in the Village Center, as did representatives from the state health department and the county water authority and elected officials. Garant said she wanted to gather all parties in the hopes of expediting

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Shovel the snow off your sidewalks

Write or letter to the editor warning of safety concerns

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Children's Concert at SBU

Also, Fiddlers coming to Staller, local Olympians continue to compete

Inside this week



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Legals

ACCESSORY APARTMENT REVIEW BOARD TOWN OF BROOKHAVEN

Pursuant to the provisions of Section 85-201 of the Building Ordinance of the Town of Brookhaven, notice is hereby given that the Accessory Apartment Review Board of the Town of Brookhaven will hold a public hearing at the Building Division, One Independence Hill, Farmingville, New York, at 6 pm on March 4, 2010.

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26 LONG BEACH DR
SOUND BEACH NY 11789

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& FRANCIONE JEANNINE
121 LOOKOUT DR
SOUND BEACH NY 11789

RB# 15429
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42 NIEWOOD DR
RIDGE NY 11961

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MUNDINGER EDWARD & JOYCE

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YAPHANK NY 11980

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66 CRANFORD BLVD
MASTIC NY 11950

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Superfund

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in particular the off-site portion of the cleanup, which could impact development projects already in the planning stages along West Broadway.

The EPA plans to construct a water treatment facility at a location at the western end of Caroline Avenue field. The plant would filter contaminated groundwater and discharge clean water into the Old Mill Creek downstream of the pond.

It was also evident there was a need to improve the lines of communication among the entities involved. For example, when Badalamenti spoke of the high levels of trichloroethylene north of West Broadway only being confirmed after the EPA installed additional wells in a parking lot across from Beach Street recently, "at the request of the village," Garant replied, "We didn't even know you drilled more wells." Results from those wells confirm the toxic plume "has been discharging into the harbor for some time," Badalamenti said.

Bishop told The Port Times Record Tuesday he was pleased all parties came together and were talking so the cleanup could go forward efficiently. The EPA, he said, agreed to provide written answers to a list of questions from the village prior to the meeting. Bishop said that together with Sen. Kirsten Gillibrand (D-NY), who was represented at the Village Center Monday, he would draft a letter to the EPA outlining the next steps in "how we will proceed."

Off-site facility

EPA officials said Monday they have funding in place to build and operate the off-site facility. However, construction is being delayed because the selected location is designated parkland, a detail apparently overlooked in the past. Village officials say they must follow the state's so-called parkland alienation process, which requires the village to set aside an equal amount of land elsewhere as parkland in order to "alienate" the use of part of Caroline field. While the mayor has said she has a site in mind, an accurate survey of the proposed water treatment facility site is needed in order to

determine how much land must be designated to replace it.

The deputy director of the Emergency and Remedial Response Division at the EPA, John LaPadula, estimated a survey would take "a few weeks," and did not immediately know if "subsurface features" would have to be included in such a survey if, as in this case, they do not affect use of the park.

That plant would have an approximate footprint of 50 feet by 100 feet, including a parking area, according to an EPA briefing given to the Village Board in December of 2008.

To avoid any delays caused by the parkland alienation process, which requires Albany's approval, LaPadula proposed two alternate sites. The plant, which is expected to operate 24/7 for up to 30 years — the time needed to complete the groundwater remediation — could be located on Port Jefferson School District property at the athletic field along Caroline Avenue, he said. The school district was not represented at the meeting. The second alternative would be to acquire property from the Islander Boat Center to the north of Old Mill Pond. Boat center owner John Scoglio has plans to redevelop his site into upscale residential units and commercial space. Garant said Monday after the meeting she might be inclined to see the ZBA grant Scoglio relief should he agree to sell a portion of his site to the EPA for construction of the water treatment plant. Scoglio was not at the stakeholder meeting but said Tuesday he would consider leasing a portion of his property to the EPA for the treatment facility if he could be assured it would not ruin his project, which he described as in the final planning stages. Scoglio said the EPA had reached out to him Tuesday, but that he had not been contacted by the mayor. However, Scoglio said his property does not extend all the way to the pond. It was unknown if land surrounding the pond to the north is also designated as parkland.

Future development

Village Engineer Kevin Koubeck wanted assurances from the EPA that he could grant building permits for those

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Photos by D. Willinger
EPA officials Sal Badalamenti, John LaPadula and Lou DiGuardia at Monday's meeting.

Superfund

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development projects along West Broadway and not have the village be found liable decades later for health concerns of persons living there. Koubek said he is being told by the state, "You're out of your mind to issue permits." LaPadula replied that he would think construction could proceed with soil vapor intrusion mitigation systems included as a precaution. Bishop asked if the EPA could give assurance it is "safe, prudent and reason-

able" to grant building permits within the plume. EPA officials replied they "could not certify" but might provide "a comfort letter" to that effect.

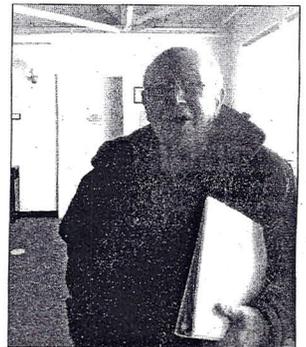
During a later exchange, LaPadula put it succinctly. "It's impossible," he said, to get indemnity from the federal government.

Poly-aromatic hydrocarbons recently found in sediment at the Old Mill Creek are "not associated" with Lawrence Aviation, LaPadula said, and suggested those PAHs, considered carcinogens, may have accumulated over decades from road runoff.

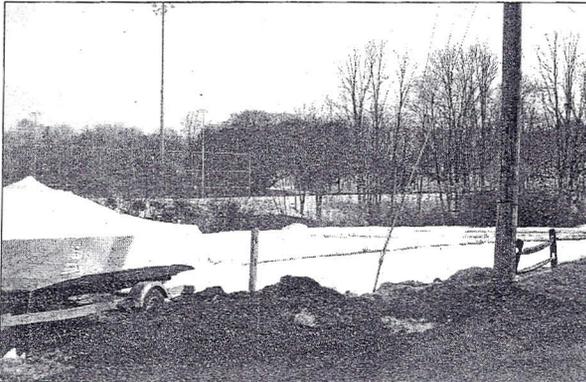
As for the volatile organic compounds — also carcinogens — in those sediments, Badalamenti said the EPA expects the "VOCs to quickly and naturally attenuate once the groundwater stops flowing through those sediments." EPA spokesperson Beth Totman explained in an email Tuesday, "Once the groundwater treatment plant begins operating, the source of VOC contamination from the LAI facility impacting the creek will be eliminated."

LaPadula stressed that in general "the plume is not contaminating the soil" and contact with dirt in yards within the plume area, defined by the EPA as where the toxic groundwater is within 100 feet of the surface, is not considered a health hazard. "We've never seen it in the past," LaPadula said.

At the meeting Garant also expressed concern about mounting costs to the village from the off-site cleanup and sought relief from the EPA. In addition to the hiring of an environmental attorney and consultant, the parkland alienation process, should it come to that, would require the village to pay for surveying the land to replace the Caroline field site. In addition, the EPA would be dredging contaminated sediment from the Old Mill Pond and the Old Mill Creek. The dredging and disposal of dredge spoils and the construction of the plant and discharge pipeline into Old Mill Creek would entail rerouting traffic and partially closing Barnum Avenue, Garant said. The village is concerned about be-



Gerald Cohen has pleaded guilty to illegal storage of hazardous waste on his Lawrence Aviation Industries property, now a federal Superfund cleanup site.



Land north of Old Mill Pond has been proposed as an alternate location for the water treatment plant originally sited on the edge of Caroline Avenue field.

ing saddled with costs related to traffic control and public safety during this process, according to the mayor.

Congressman Bishop said Tuesday, "I think it is unfair to taxpayers of the village," to incur costs associated with the Superfund cleanup.

Also at Monday's meeting was Legislator Vivian Vilorio-Fisher (D-East Setauket), as well as representatives of Sen. Charles Schumer (D-NY), state Sen. Ken LaValle, (R-Port Jefferson) Assemblyman Steve Englebright (D-Setauket), Councilman Steve Fiore-Rosenfeld (D-East Setauket) and Town Supervisor Mark Lesko.



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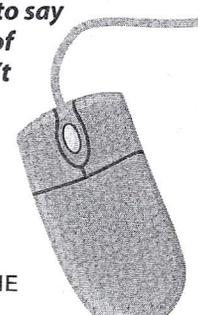
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