

JAMES P. RIGANO
PARTNER
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June 7, 2010

VIA CERTIFIED MAIL;
RETURN RECEIPT REQUESTED

Commissioner Pete Grannis
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1011

Re: *Northrop Grumman and Navy Site, Bethpage, New York*

Dear Commissioner Grannis:

I am writing on behalf of the Massapequa Water District regarding the groundwater contamination flowing from the Northrop Grumman and Navy site in Bethpage, New York. A massive plume of groundwater contamination is flowing from the site towards the public water supply wells operated by the Massapequa Water District. The District is extremely concerned about the contamination of its water supply.

The Department has not required off-site cleanup of the groundwater contamination, but decided to allow the funding of treatment systems at impacted public supply wells. In reaching this determination, the Department determined that the groundwater contamination can remain and will not be subject to cleanup. This conclusion is not in compliance with the law.

In October 2009, a report was issued describing the details of this massive off-site plume. This study shows that the plume is approximately 3.5 miles long and 1.6 miles wide, and extends from just below the surface to a depth of about 700 feet. This massive plume of contamination will impact the District's supply wells.

We understand that this plume may well cause serious vapor intrusion issues which have only been subject to a limited investigation. There are an enormous number of residences that are located above the plume that may be affected as a result of soil vapor intrusion. This matter must be strongly considered by the Department in requiring the remediation of the groundwater.

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Commissioner Pete Grannis

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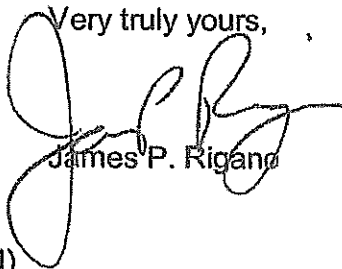
The law requires that this groundwater contamination be subject to a cleanup. The Department's regulations specifically provide that well head treatment "shall be considered as a measure of last resort." 6 NYCRR §375-1.8(c)(4). Treatment is the "most preferable" measure. §375-1.8(c)(1). The regulations provide that "[a]ll remedies shall, to the extent feasible, prevent the further migration of groundwater plumes, whether on-site or off-site (§375-1.8(d)(1)(iii)). The regulations go on to provide that "[t]he goal of the remedial program for a specific site is to restore that site to predisposal conditions, to the extent feasible." §375-2.8(a).

The cleanup of the groundwater contamination is technically feasible as demonstrated at many sites where groundwater is subject to remediation. It is a matter of financing, which should not be an issue given the responsible parties involved in this matter.

The responsible parties must be required to engage in the necessary remedial activity. Treatment at the supply wells is not an acceptable alternative. Long Island's sole source aquifer must be restored and subject to the necessary remediation to achieve compliance with the water quality standards and guidelines.

We would like to discuss this matter with you or your representatives at the earliest possible time.

Very truly yours,



James P. Rigano

JPR/gc

cc: Steven Scharf, P.E. (via e-mail)
New York State Department of Environmental Conservation

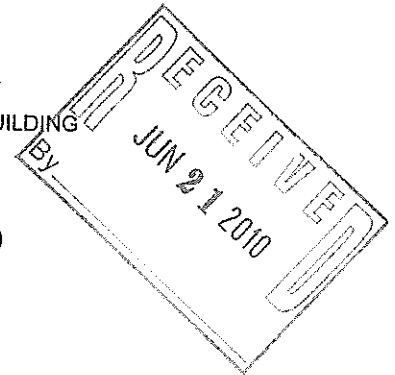
Richard F. Daines, M.D., Commissioner, New York State Department of Health
(via certified mail, return receipt requested)



PETER J. SCHMITT
RESIDING OFFICER
LEGISLATOR, DISTRICT 12

COMMITTEES:
Chairman, RULES
Vice Chairman, BUDGET REVIEW

NASSAU COUNTY LEGISLATURE
THEODORE ROOSEVELT EXECUTIVE AND LEGISLATIVE OFFICE BUILDING
1550 FRANKLIN AVENUE, MINEOLA, NEW YORK 11501
(516) 571-6212



June 16, 2010

The Honorable Pete Grannis, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1011

RE: Northrop Grumman and United States Navy Property – Bethpage, New York

Dear Commissioner Grannis:

This letter is written in support of the request by the Massapequa Water District (Water District) for intervention by the New York State Department of Environmental Conservation (NYSDEC) with regard to contamination from the above referenced location. A letter was sent to you on June 7, 2010, on behalf of the Water District concerning a plume of contamination which is making its way towards the water supply of the Massapequas, potentially threatening the ability of the Water District to provide pure water to tens of thousands of residents.

Obviously, this should be a matter of great concern to all, particularly our environmental oversight agencies such as NYSDEC. It is imperative that all steps be taken to insure that this contamination, which I am advised by those with knowledge of the situation can be contained, be contained before it reaches the water supply of the residents of Massapequa.

Making this situation even more pressing is that the plume, which is apparently three and one-half miles long and more than one and one-half miles wide, is currently moving under homes and businesses. In light of potential soil vapor intrusion which may result from the plume, it should be one of the priorities of NYSDEC to address this issue aggressively to avoid health risks to residents as the plume spreads and to avoid the catastrophe of impacting on the water supply of the Massapequas.

I urge NYSDEC to take all steps available to remediate this contamination. In light of the ownership of the property during the period when the contamination was caused, the cost of remediation should be appropriately fixed without cost to New York State or Nassau County. In any event, the health, safety and welfare of the residents of the Massapequas should be the primary concern of both state and local government. NYSDEC must be the agency that takes the lead to insure that our residents are indeed protected.

Commissioner Pete Grannis

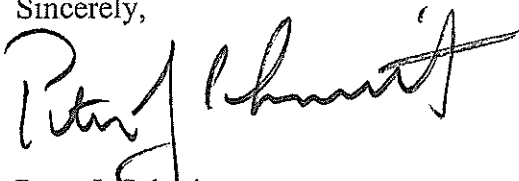
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I trust that you will give this the full attention of your department and will contact the Water District through their representative to address their concerns. Should you or your staff require the assistance of my office in any way to assist resolving this matter please be assured that I and my staff remain available to you.

In light of the health implications associated with this contamination, I am taking the opportunity of sending a copy of this letter to the Commissioner of the New York State Department of Health, to insure that his department is fully aware of this impending crisis.

Sincerely,



Peter J. Schmitt
Presiding Officer, District 12
Nassau County Legislature

Cc: Richard F. Daines, M.D., Commissioner
New York State Department of Health
Corning Tower
Albany, New York 12237

Frank J. Flood, Jr., Commissioner
John F. Caruso, Commissioner ✓
Vincent Guadagno, Commissioner
Massapequa Water District
84 Grand Avenue
Massapequa, New York 11758-4990