



# Massapequa Water District

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## Commissioners

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June 22, 2017

Department of the Navy  
Naval Facilities Engineering Command, Mid-Atlantic  
9324 Virginia Avenue, Norfolk, VA 23511-3095  
Attention: Ms. Nina M. Johnson

Re: Reimbursement for Response Costs

Dear Ms. Johnson:

Thank you for your letter of June 12, 2017 referencing my recent phone conversation with Ms. Lora Fly who is the Department of Navy's Remedial Project Manager for the Plume contamination plume (Plume). By way of background to that telephone conversation, as Superintendent of Massapequa Water District (MWD) I attended a conference on the Plume hosted by Congressman King and Suozzi at the Bethpage Fire House on May 8, 2017. At the conference, Ms. Fly confirmed that both the Bethpage and the South Farmingdale Water District's had already received substantial sums from the Navy which has assumed responsibility for off site remediation of the Plume. It is my understanding that these funds constituted reimbursement to these Districts for Response Costs they incurred by virtue of the Plume. It is my further understanding that these Response Costs must conform with the National Contingency Plan under CERCLA.

In direct response to your June 12, 2017 letter, the enclosed is the claim by MWD for reimbursement of its own Response Costs. The claim is comprised of extra monitoring costs and engineering fees associated directly in response to the Plume. The total amount of the claim is \$439,676.14. Enclosed is the specific documentation and paid invoices supporting the claim.

As justification for the claim, MWD refers to the mandates of the New York State Sanitary Code. As Superintendent, I am personally charged under 10 NYCRR 5-1.7 (a) to exercise due care and diligence to prevent, as far as possible, pollution and depletion of the Districts public water supply system. A parallel section of the Code, 10 NYCRR 5-1.2, requires that MWD take proactive measures when it determines a potential threat that the Maximum Contaminant Levels (MCLs) "may be exceeded". Given the a) historical background of the Navy plume; b) the New York State DEC's decision not to contain the plume in conjunction with its position that wellhead treatment is the accepted method of remediation and c) the Navy's admission that the leading edge of the plume was approaching the boundaries of the MWD as evidenced by its installation of monitoring wells BPOW 6-1 & 6-2, BPOW 6-3 & 6-4, and BPOW 6-5 & 6-6, it was clearly

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of the inhabitants of the Massapequa Water District*

incumbent upon the District to expend funds under 10 NYCRR 5-1.2 sub. 1 (undertake a study), 3 (initiate water sampling) and 4 (investigate the aquifer). It is respectfully submitted that these costs constitute response costs and, as such, are reimbursable by the Navy to MWD.

Thank you for your attention on this matter.

Sincerely,



Stanley Carey  
Superintendent

Cc: Honorable US Senator Charles Schumer  
Honorable US Congressman Peter King  
Honorable US Congressman Thomas Suozzi  
NYS DEC Martin Brand  
Ms. Lora Fly NAVFAC