

# Pollution lawsuit bill with gov

Would help water providers recoup treatment costs

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A bill that could help local water providers recover millions of dollars spent on treatment of drinking water contamination, including from 1,4-dioxane, passed the Assembly on Tuesday and now goes to Gov. Andrew M. Cuomo's desk.

The measure, sponsored by Sen. James Gaughran (D-Northport), clarifies when the three-year statute of limitations starts for water providers to sue polluters. The bill passed the Senate last month.

Gaughran, former chairman of the Suffolk County Water Authority, said it "closes a loophole" and will help prevent ratepayers from picking up the full cost of treatment.

"I think the practical effect you'll see over a period of time is hundreds of millions of dollars in awards to public entities from polluters who caused the problem in the first place," Gaughran said.

At least 22 Long Island water providers and governments have sued 1,4-dioxane manufacturers and distributors in Eastern District federal court over contamination in their water.

Contamination from the man-made chemical, found in industrial solvents and in trace amounts in common household products, is expected to cost Long Island water providers \$840 million to treat. Traditional water treatment methods don't remove 1,4-dioxane, which is designated a likely carcinogen by the U.S. Environmental Protection Agency.

The state Department of Health is expected to finalize an enforceable drinking water standard for 1,4-dioxane this year.

In the most recent legal action on the Island, the Town of Hunt-



SCWA chief Jeff Szabo, left, with engineer Joseph Roccaro at the authority's pump station.

ington and the Dix Hills Water Authority filed suit on May 20 against 1,4-dioxane manufacturers and distributors Dow Chemical Co., Ferro Corp. and Vulcan Materials Co.

Company representatives did not respond Tuesday to requests for comment.

The Bethpage Water District lost a case against Northrop Grumman when a court ruled it had waited too long to sue over contamination there.

At issue was when the three-year clock on claims started, according to the ruling. Northrop Grumman asserted it was when Bethpage knew of an imminent threat, before 2010, and took remedial action. The lawsuit was

filed in 2013.

Under current court interpretation, the clock starts when a "reasonably prudent water provider should have or could have brought the suit," Suffolk County Water Authority general counsel Tim Hopkins said. "That makes it difficult for a water supplier to know when they should commence the action."

The new law changes the standard, so the clock starts when there is "injury to property" resulting from contamination of the public water supply. Hopkins said that "provides more clarity for the current litigation for 1,4-dioxane."

Tyrand Fuller, chairman of the Long Island Water Confer-

ence, said in a statement, "This bill will have a profound impact on the ability of Long Island water providers to recoup funds for necessary treatment costs from polluters."

Jeff Szabo, chief executive officer of the Suffolk County Water Authority, said "This is a huge victory for residents of New York State and a significant blow to the polluters."

A spokesman for Cuomo said the administration will review the legislation. "Governor Cuomo is taking aggressive action to ensure every community has safe drinking water and polluters pay the price when they are found responsible," spokesman Jordan Levine said.

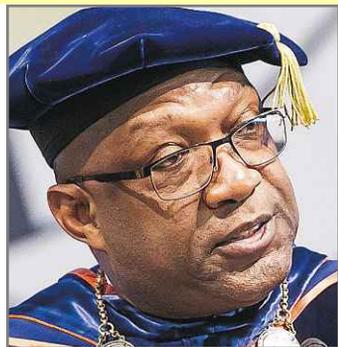
## SCCC trustees settle with former president for \$555G

BY RICK BRAND  
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A settlement by Suffolk County Community College trustees will pay former president Shaun McKay \$555,539 — about twice the salary that was due him when his contract was to end in 15 months.

The settlement will pay McKay \$233,583 within 30 days of the May 24 agreement, and another \$239,500 on Jan. 8, 2020. In addition, McKay will be paid for 80 unused vacation days at the per diem rate of \$988.18 for a total of \$79,054. The college also will reimburse McKay so he can keep his health insurance coverage through the school for six months.

Details of the agreement became public Tuesday after



Dr. Shaun L. McKay

Newsday filed a request under the state Freedom of Information Law. The college board of trustees, in a 7-0 vote, approved the settlement May 24, the day after the college's commencement, but initially delayed disclosure, citing federal age dis-

crimination rules. McKay and his attorney Saul Zabell did not return calls for comment.

The resignation agreement comes after the trustees put McKay, president for a decade at the state's largest community college, on paid administrative leave Jan. 8 from his \$257,914-a-year job over undisclosed allegations.

Trustees had already decided not to extend McKay's contract, although he had requested a 10-year extension after being on a 77-day sick leave earlier in 2018. A trustees committee made no firing recommendation, but instead began settlement talks with the help of outside attorney Thomas Volz. During his sick leave, McKay collected \$114,000 in salary, car and housing allowance.

In the pact, both sides agreed "not to disparage, denigrate or defame" the other. If called for references, the college agreed to disclose the dates and titles in which McKay served and say he resigned voluntarily. It also states that McKay "may elect to record a farewell message" to be posted on the college website for two months, to wish students well, and list his accomplishments and plans.

In an email to the college community issued Tuesday afternoon, board chair Theresa Sanders stated: "There were no findings of wrongdoing, incapacity or misconduct on the part of Dr. McKay during his tenure as president" and she wished him well "as he begins his pursuit of new opportunities."

Under the agreement, McKay also acknowledges "no other compensation . . . or other payments of any kind are due and owing to him" and he "shall not perform any further duties." It relieves the college trustees of a provision in McKay's contract that they inherited, which would have required the school to give the former president, 53, a senior administrative post after stepping down.

Sanders said the college would seek proposals in the next few weeks from recruiting firms to "design, plan and manage a national presidential search effort" and the search committee would include "a cross-section of members from the college, SUNY, and external community organizations."