

Fighting Bethpage pollution

Work begun on water treatment plant

BY DAVID M. SCHWARTZ
david.schwartz@newsday.com

Construction is underway on a \$19.5 million water treatment facility for the Bethpage Water District, as high levels of contaminants continue to spread from the former Northrop Grumman site.

The new treatment plant on Motor Lane, expected to open by late 2020, will allow the district to treat concentrated levels of volatile organic compounds heading toward its drinking water wells and do it more efficiently, District Superintendent Mike Boufis said. It also will include a treatment system for the emerging contaminant 1,4-dioxane, a man-made chemical the state is expected to regulate this year.

"We know there's more significant contamination heading our way," Boufis said this week above a construction pit.

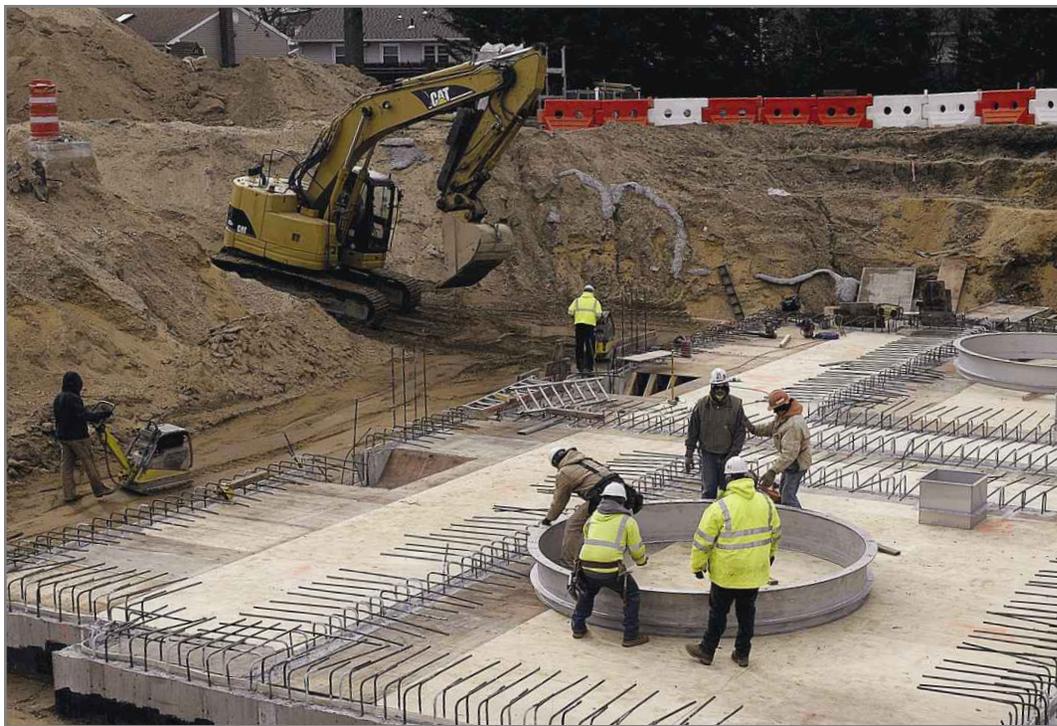
The district expects the U.S. Navy to pick up the \$15 million in costs for the new plant's treatment for volatile organic contaminants, but not necessarily the \$4.5 million for 1,4-dioxane,

which is not yet regulated by the federal government, according to the water district and its consultant, H2M architects + engineers of Melville.

The Navy already has given the district \$6.78 million toward the new treatment at Plant 6, where two drinking water supply wells are located. Under a 2012 consent agreement, the Navy is expected pay the full \$15 million, which includes design and planning costs, for treatment for volatile organic compounds — primarily trichloroethylene, known as TCE, according to Rich Humann, H2M president and CEO.

The water district said it will try to recoup the cost for the 1,4-dioxane removal, but that might be more difficult because it hasn't been regulated by the federal government.

"We can try to pass the cost on to the responsible party. But, either way, the district has never waited. Even through fights behind closed doors with the polluters, we do what's best for the community. We move ahead for the project, and we'll still fight it out," Boufis said.



Bethpage Water District's new treatment plant, now under construction, is expected to open by late 2020.

A Navy spokesman said he could not comment Tuesday.

Airplane and space exploration research, testing and manufacturing at the 600-acre Navy and Northrop Grumman sites began in the 1930s and lasted in some form until the 1990s. Contaminated water was first discovered in the 1940s, and the site was added to the state Superfund list in 1983. Several cleanup efforts are underway to remove contaminated soils and a number of groundwater plumes.

Under the agreements, the Navy and Northrop Grumman are responsible for cleaning up different areas of the plume.

The state Department of Environmental Conservation is working on a study on how to fully contain and treat the plume, which is nearly four miles long

and two miles wide in the underground aquifer. Environmental Conservation Chief of Staff Sean Mahar said the DEC recently drilled four wells designed to reduce the most concentrated areas of contamination.

"We continue to call on Northrop Grumman and the U.S. Navy to expedite construction of the full containment and treatment system. If the polluters refuse, we'll do the work ourselves," Mahar said.

Humann said the plants, by treating the drinking water, also help remove contaminants from the plume, which is slowly spreading south.

The Bethpage Water District "runs wells that have treatment that can withdraw up to 10 million gallons a day. They've been in essence cleaning up the

aquifer, just by the very nature of providing drinking water," Humann said. "The upgrades at Plant 6 allow the district to provide clean drinking water, while continuing to restore the aquifer and restore the environment."

Some form of contaminant removal has been in place at the plant since the late 1980s, and two air stripper towers were upgraded a decade ago, Boufis said. A pilot system to remove 1,4-dioxane was added in 2014. It's still awaiting final approval from the state Department of Health, Boufis said.

The water district said the plant would remove outdated infrastructure and install two new air stripping units with carbon filtration systems and a new clear well that has five times the capacity of the existing systems.

SUIT FAULTING BONUSES FROM FORFEITURE ASSETS DISMISSED

BY RICK BRAND
rick.brand@newsday.com

A state Supreme Court justice has dismissed a lawsuit to force Suffolk officials to recover \$3.25 million in bonuses paid to prosecutors out of asset forfeiture funds when former District Attorney Thomas Spota was in office.

Justice David T. Reilly dismissed the suit brought by Miller Place attorney John Ray because he failed to directly ask county officials to recover the

bonus payments before he sued.

"Before commencing a proceeding . . . it is necessary to make a demand and await a refusal," said Reilly. "The statute of limitations begins to run on the day of the refusal . . . and expires four months thereafter."

Reilly ruled that Ray "failed to demand repayment of the civil forfeiture funds," before filing the suit.

Ray said Reilly dismissed the case on "very narrow grounds" and "never even addressed whether this is right or wrong."

Ray said he plans to ask Reilly to allow him to reargue the case, and raise statutes the judge did not consider.

Ray said he also plans to appeal the decision to a higher court. And he plans to formally ask Suffolk County officials to take action against those who received bonuses and seek formal denials, so he can file a new lawsuit.

Ray filed suit in 2017 to compel Suffolk County Executive Steve Bellone and county Comptroller John Kennedy to recover

bonuses paid from 2012 to 2017. District Attorney Tim Sini ended the practice last year.

Money for bonuses came from assets seized by law enforcement during criminal investigations. The money was not included in the county budget. Nor were expenditures approved by the county Legislature. Backers say that was not required under state law.

District attorney officials said the stipends were used to keep the pay of prosecutors, who get no overtime, competi-

tive with police salaries.

Ray said the bonus payments boosted prosecutors' pensions, and created an incentive for them to go after "potential defendants with attractive assets." He also called the bonus payments a misuse of asset forfeiture funding, which in part is intended to compensate crime victims.

Bellone said bonus payments should never have been made, but he took no position on whether the money should be returned.