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RULES

United States Senate

WASHINGTON, DC 20510

July 22nd, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

I write to urge the Environmental Protection Agency (EPA) to issue final determination for nominating the St. Gobain McCaffrey Street site for designation on the federal National Priorities List (NPL), this fall. On January 14, 2016 the New York State Department of Environmental Conservation (DEC) requested that the EPA add the St. Gobain McCaffrey Street site to the NPL, due to the widespread contamination by the perfluorinated compound perfluorooctanoic acid (PFOA). The letter specifically proposes the inclusion of the plant site "where high levels of PFOA in groundwater have been observed, and any other source of a release of PFOA in the Village or Town of Hoosick Falls that may be identified during the course of the investigation." I strongly advise your agency to expeditiously complete the agency's numerical scoring of the site on the federal Hazard Ranking System to determine its eligibility to be added to the NPL. In addition, I urge the EPA to pursue elevating PFOA and other perfluorinated compounds – that have been widely prevalent in contaminated sites across the country – to be listed as hazardous substances under the authority given to the EPA by Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for substances that may present substantial danger to the public health or welfare when released into the environment.

As you are aware, the Village of Hoosick Falls and Town of Hoosick, NY have been dealing with a public health emergency as a result of the PFOA contamination in the public drinking water. On November 25th, 2015 the EPA recommended that people not drink from the Hoosick Falls public drinking water supply or use the water for cooking, because of potential health risks. Since then the New York State Department of Environmental Conservation (DEC) has added the site to the State superfund list and the DEC has made the request for the St. Gobain McCaffrey Street site to be added to the EPA's NPL. While I applaud the EPA for its actions to protect the public health in Hoosick Falls, and for releasing an updated health advisory for PFOA contamination in public drinking water, more action must be taken by the EPA to help resolve this ongoing public health crisis that has been so damaging to the community of Hoosick, including promptly finalizing this site's inclusion on the NPL. The site listing would further empower EPA to dedicate resources and expertise to the identification and clean-up of any PFOA and other toxic pollution. To complement this action, the designation of PFOA as a hazardous substance would establish federal liability under CERCLA to hold the polluters, which may include St. Gobain and Honeywell, financially accountable for their actions to pay for the clean-up.

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As you know, the EPA is directed under CERCLA to maintain a National Priorities List (NPL) in order to prioritize the clean-up of the most hazardous sites to human health and the environment across the country It is of great importance that the scoring process be completed rapidly, as the addition of the site to the NPL is necessary to make federal Superfund appropriations available for establishing a federal-state partnership for long-term remedial action. Such a partnership would also provide the opportunity to complete a state and federal cost share agreement for clean-up, pursuant to Section 104 of CERCLA.

Again, I urge you to promptly complete and approve New York State's request that the St. Gobain McCaffrey Street site be added to the EPA's NPL. A listing on the NPL for the Village of Hoosick Falls and the Town of Hoosick would accelerate the essential clean-up process and give the EPA immediate access to appropriated Superfund monies for cleanup, which could later be recovered from the responsible party or parties, if federal liability also is established for PFOA through its designation as a hazardous substance under CERCLA.

Thank you in advance for your prompt attention to this most important request.

Sincerely,

Charles E. Schumer
United States Senator