TOWN OF HOOSICK

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As the Town Supervisor in the Town of Hoosick I have been aware of and involved with Mayor Borge and the Village Board with regard to the Village water issue from the beginning. I am also a Village homeowner on the Village's Municipal Water System. I appreciate being asked here today and would like to make the following statement and request of the committees researching the PFOA contamination issue in our community.

From the very beginning when Mayor Borge and the Village Board became aware of and confirmed that our municipal water supply was contaminated with PFOA the priority was to somehow remove it from the municipal water supply. In my opinion Mayor Borge and the Village Board have been extremely proactive in gathering information, contacting every authority that oversees municipal water supplies and sending what information was available to our local residents. The Village is blessed to have the leadership of Mayor Borge who is retired and should be enjoying this time of his life but has used his retirement time to work full time on this issue. This is time he willingly devotes as a caring community leader and is time he is not compensated for. I am aware of his relentless efforts to contact and request involvement of our County, State and Federal Officials, I am sure his tenacity can be confirmed by many. I am also aware of some of the frustrations that he experienced along the way and what I consider uncalled for criticisms and personal verbal attacks and threats.

Rensselaer County Health and NYS DOH (DOH) & NYS DEC (DEC) have been actively involved from the very beginning of this process. DOH & DEC have been here collecting water samples and sending them for analysis, investigating sources of contamination and potential contaminated sites. We have come to know many of these State Employees on a first name basis. They have been very helpful and professional working with us and providing information to try to assist us with this PFOA contamination issue.

In my opinion one of the many issues we were faced with was there did seem to be a disagreement between DOH and the information we were seeing from EPA (March 2014 Fact Sheet) but at the time we were actively working with DOH and EPA had not become actively involved yet. The EPA Fact sheet has a disclaimer that states "this fact sheet is not intended to be used as a primary source of information" so, for me looking back we were listening to the people we were working with and right or wrong I had partially discounted the EPA fact sheet based on their own disclaimer. I fully supported Mayor Borge and the Village Board when they were communicating that drinking the water was a personal choice based on the information we were receiving that the PFOA detection levels did not constitute an immediate health hazard. I was also aware that the group Healthy Hoosick Water (HHW) was opposed to these statements. In a conversation I had with a member of HHW who I know, trust and respect very much, it was communicated to me that the HHW position was that we should stop using the water period which I could not agree with based on the information we had to that point. I believe it was the efforts of HHW that did get the attention of EPA and caused the November of 2015 public meeting that was held at Hoosick Falls Central School (HFCS). It was this meeting that changed everything when the EPA stated that we should not be drinking, cooking, brushing our teeth and limiting our exposure to this water. The way this information was presented even scared me, and I thought I had a pretty good handle on the situation. I cannot express to you enough the fear that this meeting brought to our community and the understandably resulting lack of trust in our Village Mayor and the Village Board who had been working on this issue for more than a year to this point and had not been provided this information by the EPA which the EPA was now saying to our community. My personal take-a-way in this is that there was a genuine disagreement between DOH & EPA. We were actively working with DOH and relying on the information they provided which was obviously different than the EPA information. DOH & EPA should have come together and discussed this issue of a small community facing a non-regulated contamination issue in the municipal water supply.

I believe had such a meeting taken place they would have been able to work out their disagreements which would have resulted in a clearer message to all of us from the experts we count on. It would not have changed the fact that our ground water is contaminated but I think it would have affected the way our local government addressed the issue as far as our communication to our residents.

I know there are many criticisms of Governor Cuomo relating to this issue but from my perspective as a community leader, knowing that we are a small town in a large state I am grateful to Governor Cuomo and his leadership team for the actions that were taken on our behalf and the money that has been spent to assist this community in a time of crisis. I am thankful to St. Gobain who has told us from the very first meeting we had that they are committed to the Town of Hoosick and will work with us and I feel they have. I am also thankful to HHW for caring and fighting for clean water, to the HFCS Leadership & students for their involvement which has made a difference and to the EPA for coming in and doing the soil samples so our youth could continue to use our local fields and the continued testing as we work to determine the scope of the contamination.

Although I am thankful for all of the help it is important that I remind everyone that we still have a water contamination issue in the Town of Hoosick. The Village Municipal System does have filtration that removes the PFOA contamination. However, in the Town of Hoosick we have an estimated 1,500 to 1,800 private wells. Of that number 1,032 have been tested with over half of that number having tested positive for this contamination throughout our town. There are many unknowns such as how this contamination moves through the aquafer. Is a well that test for non-detect today going to have detection a year from now, 5 years from now? What are the long term effects on our property values? As I mentioned this has become a full time job for Mayor Borge working on this issue. In small Towns and Villages such as ours most elected officials have a full time job and our municipal positions are part time. We simply do not have the time or the expertise to properly deal with these types of situations. I do fear that we as a town do not have all of the resources that will be required to see this contamination issue through to completion.

In addition to the experiences that I have discussed, I would also like to suggest that the Legislature consider a number of reasonable amendments to the Article 27, Title 13 Inactive Hazardous Waste Disposal Site Law that governs these types of incidents and contamination matters. The suggested legislative changes are specifically directed at providing Towns with more meaningful involvement and ability to monitor, comment upon, and participate in contamination matters directly impacting our residents.

The current legislation does not adequately provide for specific and on-going involvement of Town governments when a contamination source is identified as impacting its residents, nor does it provide technical assistance grant funding, [made available to non-governmental interested parties], to Town governments who have the need for such technical assistance funds to serve its many functions as advocate for its residents, a sovereign with interests to protect and maintain its property assessment valuations, and participant in fully understanding the complicated geological, engineering and toxicological issues that residents often raise at Town Board meetings.

Further, the legislation should provide that where a Registry Site is found to pose a potential risk of contamination to drinking water, whether at a municipal water supply or in groundwater used for drinking water by Town residents, a Town be deemed eligible, under Article 27, Title 1316, for a Technical Assistance Grant. These grants are available to non-municipal government entities and there is no reason why a Town that is also committed to the residents' health, economic well-being and enjoyment of the environment should be excluded. Town budgets are already under enormous pressure and the tax cap requirements have placed further restrictions on funding available to Towns to address such public health matters. In the Town, we did not have a direct water supplier obligation; but our residents were consumers of our groundwater. We received many questions as to water quality, water treatment, the extent of the contaminant plume, the risks of ingestion, etc. We were asked whether the Town should commence litigation, demand involvement in DEC negotiations, join class-actions, etc. So we were confronted with both technical and legal questioning. These are areas in which Towns have no expertise. In Hoosick, we had to go to budget reserves to obtain some initial environmental counseling, but we were not in a position to retain a consulting firm or to fully participate with reviewing DEC and Company negotiations and discussions. Towns want to be responsive and transparent in their attempts to protect their residents. A Technical Assistance Grant provided by those parties responsible for the pollution is a reasonable request by a Town and the legislation should be amended to provide for that opportunity.

Finally, in the event that institutional or engineering controls are part of a remedial decision by the DEC, specifically where Point of Entry Treatment Systems [POETS] are a component of a plan that must be carried out by the responsible party, [the party responsible for the pollution], that polluting party should be responsible for reimbursing the Town for any assessment reduction granted by a Court because of the presence of the pollution. Now, when assessments are reduced, those reduced assessments are spread across the tax base of the Town. It would be more appropriate for the polluting party to have to take responsibility for the consequences of leaving groundwater pollution across a Town's tax base.

In short, the legislature should consider 3 basic concepts as it reviews the applicable statute:

- Increased involvement, where desired, by a Town government when a Site is found to be contaminating groundwater used for drinking water supply;
- Funding to provide a Town with a more meaningful opportunity to participate in the technical issues involved in hazardous waste investigation and cleanup;
- Methods to reduce the economic impact on a Town that is a direct result of the presence of contamination underlying properties within a Town.

Respectfully submitted,
Mark Surdam, Town Supervisor