Message

From: Carpenter, Angela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C846A1A5E3564A08938A50B1D32D3094-CARPENTER, ANGELA]
Sent: 12/9/2021 5:14:13 PM
To: Vaughn, Stephanie [Vaughn.Stephanie@epa.gov]; Ketu, Rupika [Ketu.Rupika@epa.gov]; Kaur, Supinderjit [Kaur.Supinderjit@epa.gov]; Fajardo, Juan [Fajardo.Juan@epa.gov]; Seppi, Pat [Seppi.Pat@epa.gov]; Sivak, Michael [Sivak.Michael@epa.gov]; Griffiths, Rachel [griffiths.rachel@epa.gov]
Subject: RE: Daily News Clips: 12/9/2021

Thanks, not sure why 'now' for the story though.

From: Vaughn, Stephanie <Vaughn.Stephanie@epa.gov>
Sent: Thursday, December 9, 2021 12:10 PM
To: Ketu, Rupika <Ketu.Rupika@epa.gov>; Kaur, Supinderjit <Kaur.Supinderjit@epa.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>; Seppi, Pat <Seppi.Pat@epa.gov>; Sivak, Michael <Sivak.Michael@epa.gov>; Griffiths, Rachel <griffiths.rachel@epa.gov>
Cc: Carpenter, Angela <Carpenter.Angela@epa.gov>
Subject: FW: Daily News Clips: 12/9/2021

FYI – see 6th article down.

From: McBay, Stephen <Mcbay.Stephen@epa.gov>
Sent: Thursday, December 9, 2021 11:56 AM
To: McBay, Stephen <Mcbay.Stephen@epa.gov>
Subject: Daily News Clips: 12/9/2021

REGION 2 SOCIAL MEDIA
Twitter – **14.7k followers**
Facebook – **15.6k followers**

REGION 2 NEWS
CBS New York: Glen Cove Resident Praised For Pinpointing Source Of Leaking Sewage Threatening Part Of Long Island Sound; December 8, 2021 by Carolyn Gusoff
Long Island officials are crediting a Glen Cove resident with diagnosing a serious pollution problem.

EHS Daily: OSHA Cites St. Croix Refinery; December 9. 2021 by Guy Burdick
A St. Croix refinery is facing $259,407 in proposed Occupational Safety and Health Administration (OSHA) penalties after the agency cited the company for 20 violations of the process safety management (PSM) standard.

El Nuevo Día: The FBI arrests the mayor of Guaynabo, Ángel Pérez, for public corruption
The Federal Bureau of Investigation (FBI) executed two new arrests for public corruption this morning, including the mayor of Guaynabo, Ángel Pérez.

News 10: New York State DEC, DOH, and Rensselaer County hold informational session on PFAS in Poestenkill; December 8, 2021 by Jamie DeLine
Wednesday, the New York State Department of Environmental Conservation, the State Department of Health, and the Rensselaer County health Department held an informational meeting at Algonquin Middle School in Poestenkill educating the public about PFAS — contaminates known to cause potential health problems.

News 10: Study: Kingsbury medical plant may be contributing to high cancer risk; December 8, 2021 by Jay Petreguin

A nationwide study was released last week marking places across the U.S. where industrial pollution rises above what's considered safe. The locations marked on the map are numerous and span much of the country. But one is right in the North Country's backyard.

Observer Tribune: Rolling Knolls feasibility study group pushes back on allowing hikers on site; December 8, 2021 by Claudia Ceva

The group funding the remedial investigation and feasibility study for the Rolling Knolls Landfill Superfund Site does not want to allow passive recreation on any part of it.

Spectrum News: Environmentalists in New York seek final approval for key bills; December 9, 2021 by Nick Reisman

Gov. Kathy Hochul is being urged to sign 10 measures meant to protect the environment, including water in schools and curtailing spills on public roadways, in New York as the year draws to a close.

WBIX: EPA Celebrates Successful Reuse of Former Griffins Air Force Base; December 8, 2021 by Jim Rondenelli

The U.S Environmental Protection Agency celebrated the successful re-use of the former Griffiss Air Force Base in Rome in a virtual ceremony on Wednesday.

NATIONAL

***See attached email**

FULL ARTICLES
REGION 2

CBS New York
https://newyork.cbslocal.com/2021/12/08/long-island-sound-leaking-sewage-glen-cove/

Glen Cove Resident Praised For Pinpointing Source Of Leaking Sewage Threatening Part Of Long Island Sound

December 8, 2021
Carolyn Gusoff

Long Island officials are crediting a Glen Cove resident with diagnosing a serious pollution problem.
The man was able to pinpoint the source of leaking sewage that was threatening part of Long Island Sound.
"From my childhood years, I knew that the water is always clean, it didn't smell," Glen Cove resident Joe Douso told CBS2's Carolyn Gusoff.
Douso knows his native Glen Cove. He grew up there, exploring the ponds and creeks and an underground drainage tunnel that carries rain water from the center of the city to Long Island Sound. And he knows when something doesn't smell right.
"The water was a whitish color. It had a very bad odor, just like sewage," Douso said.
The smell was especially concerning because all summer bacterial levels leading to the Sound were alarmingly high. Monitoring by environmental groups for three decades was suddenly spiking.
"The levels were really high, and it was very concerning. I mean, we have a lot of fishermen here," Glen Cove Harbor Patrol Chief John Testa said.
Monitoring teams with Coalition to Save Hempstead Harbor saw their weekly bacteria results as much as 60 times higher.
"This just would degrade the water quality of Hempstead Harbor that we've been working so hard to clean up," said Carol DiPaolo with Coalition to Save Hempstead Harbor.
So Douso decided to go exploring again, this time as good Samaritan on a mission to find the source of the pollution.
"So I walked where the entrance is with my boots and iPhone and flashlight," Douso said, "and found a large sewer pipe that was broken dumping sewage right into this drainage tunnel. Raw sewage right into the stream."
Hidden beneath Glen Cove's roads was a break in a sewer line, spewing raw sewage into the waterways.
City officials alerted Nassau County, which immediately bypassed the broken pipe, bringing bacteria levels back down.
"If the break had not been found, this could have gone on for years and years, contributing more and more bacteria to the creek, which leads into the harbor, right where there's beaches, shellfish beds and could jeopardize them for the long term," said Eric Swenson, with the Hempstead Harbor Protection Committee.
"He's a hero to find it, but it really was teamwork."
Officials credit a citizen detective and teamwork.
"Great save," DiPaolo said. "This is the way it's supposed to work."
Proving that water monitoring works.
"Sometimes it's small, like I did, but it comes out with big results," Douso said.
And so does caring about your hometown.
The waste waster treatment plant in Glen Cove has set up a bypass while they make permanent repairs to the broken sewage pipe.

EHS Daily
https://ehsdailyadvisor.blr.com/2021/12/osha-cites-st-croix-refinery/

OSHA Cites St. Croix Refinery

December 9. 2021

Guy Burdick

A St. Croix refinery is facing $259,407 in proposed Occupational Safety and Health Administration (OSHA) penalties after the agency cited the company for 20 violations of the process safety management (PSM) standard. Releases of oil and vapor into the air and fiery flares at a St. Croix refinery in February and May led to an OSHA investigation that concluded that Limetree Bay Refining LLC's refinery in Christiansted failed to meet federal workplace chemical safety standards and endangered workers.

Limetree Bay Refining was part of the Limetree Bay Energy complex in St. Croix, U.S. Virgin Islands.

Limetree Bay Refining also was cited by the EPA on April 30 and June 16 for Clean Air Act (CAA) violations. The EPA issued a CAA Section 303 order on May 14, pausing operations. On July 12, the Department of Justice announced the refinery was no longer in operation and that Limetree Bay did not intend to restart the refinery and had agreed to EPA requirements regarding the refinery's shutdown.

OSHA determined that Limetree Bay Refining did not:

- Compile all necessary information on process equipment and technology, including relief system design, safe operating limits, and consequences of deviation from those limits.
- Evaluate and implement controls to manage process hazards adequately.
- Complete a pre-start-up safety review.
- Prevent process equipment from operating in a deficient condition.
- Inspect process equipment adequately before returning it to service and introducing hazardous chemicals to the process.
- Develop and implement operating procedures to address conditions that deviate from normal operations.

"There are inherent hazards facing workers in facilities that process large quantities of flammable and toxic chemicals at high temperatures and pressures. Complying with OSHA's Process Safety Management standard reduces those risks and protects workers," Alfredo Nogueras, OSHA's Guaynabo, Puerto Rico, area office director, said in an agency statement.

"The number and increasing severity of the release incidents at the Christiansted refinery shows us that Limetree Bay Refining LLC was putting workers at risk by permitting serious deficiencies to exist with its process equipment and inadequate process safety management programs."

Petroleum refineries are subject to EPA regulations in addition to OSHA's PSM and other safety standards. OSHA currently has a National Emphasis Program for enforcement of its PSM standard that includes petroleum refineries, as well as chemical manufacturing and facilities producing explosives and pyrotechnics.

The agency has a rulemaking intended to modernize the standard to prevent major chemical accidents. It also issued a request for information on the rulemaking in 2013, and the rulemaking remains in the prerule stage. Incidents at refineries also are investigated by the U.S. Chemical Safety and Hazard Investigation Board (CSB). The CSB makes recommendations to the EPA and OSHA, as well as to facility operators and standards-setting organizations. The CSB currently has 14 open recommendations for OSHA to address.
The U.S. Virgin Islands have an approved state plan covering local and territorial workers. However, federal OSHA exercises enforcement authority over private sector employers in the territory.

El Nuevo Dia

https://www.elnuevodia.com/noticias/seguridad/notas/el-fbi-arresta-al-alcalde-angel-perez-por-corrupcion-publica/

The FBI arrests the mayor of Guaynabo, Ángel Pérez, for public corruption [Translated]

December 9, 2021

Alex Figueroa Cancel and Carlos Tolentino Rosario

The Federal Bureau of Investigation (FBI) executed **two new arrests for public corruption** this morning , including the mayor of Guaynabo, Ángel Pérez .

Federal Prosecutor's Office recommends 5 years in prison and confiscation of $ 6 million from the contractor involved in the Cataño corruption case

Meanwhile, **the second arrested was Radamés Benítez Cardona, who works as a special assistant to the mayor of Trujillo Alto, José Luis Cruz Cruz.**

Pérez's arrest was made at his residence in Guaynabo, sources from this medium reported. Meanwhile, Benítez Cardona's was held at his home in the Parque Escorial complex, in Carolina.

The federal prosecutor for the District of Puerto Rico, Stephen Muldrow , explained that the arrests add to the same corruption scheme for which the former mayor of Cataño Félix "el Cano" Delgado Montalvo pleaded guilty .

Muldrow explained that the corrupt scheme includes as figures the companies Waste Collection and JR Asphalt, whose owners were Oscar Santamaría and Raymond Rodríguez, respectively.

"The mayor was involved in a bribery conspiracy from 2019 to May 2021, received and accepted payment of five thousand dollars on several occasions from individual A (Oscar Santamaría)," he explained.

"In exchange for the bribe (Ángel Pérez) agreed to grant and retain contracts for company A. He made sure that the company's invoices were paid promptly," he added.

Stephen Muldrow, chief of the federal prosecutor's office, during the press conference on the arrests of the mayor of Guaynabo, Ángel Pérez, and a special assistant to the mayor of Trujillo Alto. (Teresa Canino Rivera)

As for Benítez Cardona, Muldrow noted that he was involved in a similar pattern of bribery that included a $ 0.75 payment agreement for 23,000 homes from which the Waste Collection collected trash. At the end of the month, the executive aide of the Municipality of Trujillo Alto received $ 17,250.

Both Pérez Otero and Benítez Cardona face five years in prison on the bribery charge for *kickbacks* , 10 years in prison for bribery and 20 years in prison for extortion.

The prosecutor assured that to prove the charges they have the following evidence: call recordings; video recordings; text messages; surveillance videos; contracts and modifications; payment invoices; photographs of money for bribes; witness testimonies and checks.

This is the moment when the FBI arrested the mayor of Guaynabo, Ángel Pérez

The official was one of the two arrested for a public corruption scheme.

Pérez, who took the municipal seat of Guaynabo after the resignation of Héctor O'neill, is also the president of the Federation of Mayors , which groups together all those affiliated with the New Progressive Party (PNP).

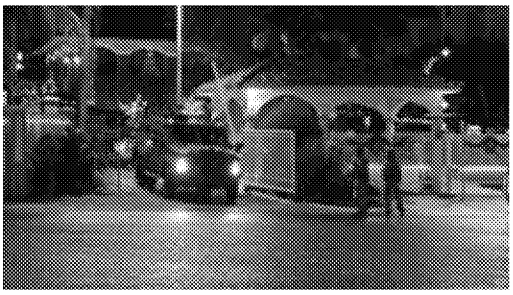
Governor Pedro Pierluisi reacted with surprise to the arrest and stated that he is disappointed and "extremely upset" by the allegations against Pérez Otero.

"Given this serious situation, I demand that you leave the position of mayor immediately, as well as the presidency of the Federation of Mayors and any leadership position in the PNP," added Pierluisi.

For his part, the mayor of Trujillo Alto alleged that he was surprised by the arrest of his right hand and assured that he will ensure the continuation of the municipality's work.

"I am extremely surprised by what just happened. I deeply regret this situation, but corruption must be attacked wherever it comes from. **Given what happened this morning, I have given instructions to proceed with a summary suspension (of Benítez Cardona) and it remains for us to wait for due process of law,** "the mayor said in a written communication.

This newspaper called several times the secretary of the New Progressive Party (PNP), Carmelo Ríos , but the calls were not answered.



Federal agents in the Los Altos del Escorial urbanization, in Carolina. (Alex Figueroa Cancel)

El Nuevo Día learned that the completion of the arrests was the result of the documents that were unsealed yesterday on the plea agreement for corruption of the contractors Oscar Santamaría and Raymond Rodríguez .

Santamaría was president of Waste Collection, while Villegas-Vargas and Rodríguez owned JR Asphalt Inc .. Both companies are involved in a scheme of government corruption , bribery and *kickbacks (* or illegal commissions) that had the former mayor of Cataño as a cornerstone .

Both the former official and the three contractors pleaded guilty to the charges against them.

Sources from **El Nuevo Día** indicated that the objective of the federal prosecutor's office in this case was not only against Delgado Montalvo, but against five other mayors and former mayors who allegedly received bribes or agreed to the granting of illegal contracts with the Waste Collection company.

Federal officials reveal details of the corruption scheme of Félix "Cano" Delgado

This is what the head of the federal prosecutor's office, Stephen Muldrow, said after the arrest of businessman Mario Villegas Vargas.

Given that, Muldrow insisted that any public official who knows that he has committed a corrupt scheme surrender.

"Let public officials know that they will be investigated, prosecuted and subjected to the corresponding penalty for their actions. We encourage you to report any information for criminal activity. You can call the FBI at 787-987-6500, "he said.

News 10
https://www.news10.com/news/local-news/new-york-state-dec-doh-and-rensselaer-county-hold-informational-session-on-pfas-in-poestenkill/

New York State DEC, DOH, and Rensselaer County hold informational session on PFAS in Poestenkill

December 8, 2021

Jamie DeLine

Wednesday, the New York State Department of Environmental Conservation, the State Department of Health, and the Rensselaer County health Department held an informational meeting at Algonquin Middle School in Poestenkill educating the public about PFAS — contaminates known to cause potential health problems.

PFAS was first discovered at Algonquin Middle School back in January. Since then, the DEC has been working to find the source of contamination. Out of 77 wells tested, 13 have come back with levels of PFAS contaminates higher than the state standard.

"We've taken actual samples on the school property to better understand water flow underneath it, where the contamination will be coming from, where it might be migrating to, and that may pinpoint where else we may need to look," explained Sean Mahar, Chief of Staff for the New York State Department of Environmental Conservation.

Mahar said manufacturing facilities near the school are being focused on, as well as other companies located further away, such as Dynamic Systems and Saint-Gobain.

"We have taken additional data at the Poestenkill landfill, which is a little far removed, what's considered down gradient from the school meaning water isn't flowing in this direction, it's flowing in this direction. And we know that this probably isn't the source, And the data we gotten back was below the MLC we got for detection. It's not considered a source right now," said Mahar.

Poestenkill's Town Supervisor, Keith Hammond said plans are being made to expand the municipal water district.

"From Snyder's Corners on to the intersection of Old Route 66 to 66 where the town line of Sand Lake and Poestenkill merge and if we run that line down there, it will take care of all of Algonquin estates and all of Heather ridge and Vosburg where there have been the PFOA hits and really that's the answer to this is to get people municipal water," said Keith Hammond, Poestenkill Town supervisor.

He said this project will take a little over a year to complete with the town's initial expense being $30,000. COVID relief money will help pay for this, and the town also be applying for grant money. At this point it's unclear how many additional homes will be hooked up to the municipal water.

"You don't have to hook into it," said Hammond. "You only have to hook into it if you want to."

Some residents are calling on the New York State Department of Health to pay for blood testing. DOH tonight releasing a statement saying, " DOH is available to discuss the potential utility and limitations of biomonitoring with interested residents and officials"

Gary Ginsburg, who directs the DOH's Center of Environmental Heath, said, "Right now, the blood testing program we have it does not cost the individual anything. If it's determined that a blood test is going to be done, it has to be through a doctor's order."

News 10
https://www.news10.com/news/study-kingsbury-medical-plant-may-add-to-high-cancer-risk-for-miles-around/

Study: Kingsbury medical plant may be contributing to high cancer risk

December 8, 2021

Jay Petrequin

A nationwide study was released last week marking places across the U.S. where industrial pollution rises above what's considered safe. The locations marked on the map are numerous and span much of the country. But one is right in the North Country's backyard.

The study, by investigative journalism publication *ProPublica*, maps out the emission of chemicals tied to cancer risk across the country, using five years of modeled data from the Environmental Protection Agency. It shows a visual representation of toxicity levels, and gives an exact idea of how high the pollutant levels are.

Study: Warren County's high cancer rates come down to pollution overlooked by DOH

At the Sterigenics plant in Kingsbury, the reported number is an estimated 1 in 6,800 in excess lifetime cancer risk from industrial sources. In simpler terms, that's about 1.5 times the EPA's maximum acceptable risk level. The EPA sets the limit at 1 in 10,000.

The plant, at 84 Park Road near Floyd Bennett Memorial Airport in Queensbury, sterilizes medical equipment; the kind of materials that make up one of the area's biggest industries. The chemical in question, that makes up the emissions in the *ProPublica* report, is ethylene oxide; the very chemical Sterigenics uses to sterilize equipment.

Chemicals found in everyday products may be harmful to pregnant women

"Evidence in humans indicates that long-term exposure to ethylene oxide increases the risk of cancers of the white blood cells, including non-Hodgkin lymphoma, myeloma, and lymphocytic leukemia," said the EPA, who classified ethylene oxide as a human carcinogen in 2016. "Studies also show that long-term exposure to ethylene oxide increases the risk of breast cancer in females."

It's also highly explosive. Paul Hancock of the Clean Air Action Network of Glens Falls will tell you exactly how much so.

"They used it in Tora Bora, to kill terrorists," Hancock said in a phone interview on Wednesday. "They dumped it into caves along the Afghan-Pakistan border, and then ignited it."

Hancock and the Clean Air Action Network are no strangers to monitoring air quality in the surrounding Warren County region. Back in February, the organization released a study that scrutinized the state's verdict behind a looming stat; that Warren County has the highest cancer rate in New York. The New York State Department of Health has stood by studies that blame smoking, drinking and obesity for those numbers, but the network called those claims into question, stating that key information had been missed.

More than 30 NY hospitals stopping nonessential procedures amid COVID spike

When research was underway to build that case, Sterigenics became a key source of data. Hancock – who was not aware the Sterigenics plant even existed at the time – was seeking more data on industrial pollution levels, and looked at the Risk-Screening Environmental Indicators (RESI) model, which collects air emission data reported to the national Toxic Release Inventory. That model is the very same one ProPublica used in their research.

RESI doesn't inventory exact amounts of chemicals sent into the air, but rather how much ground they cover, including how they spread and travel using winds. Hancock said that Warren County's numbers didn't appear hazardously high at first, when looking at the region's RESI score as a whole. The county had a score of 56,000, but that can only be evaluated in relation to scores given to other entire counties. Then he zoomed in some more.

"They have another column, that lets you look at the RESI score within a 10-mile radius of any city in the state," Hancock described. "Glens Falls being the most populated city in the county, I used it, put in an address right in the center of the city, and looked at the number. Now it's up to 1.5 million. And the reason it jumped to 1.5 million was the Sterigenics facility."

School custodian donates Pearl Harbor history to Hudson Falls students

At the facility, ethylene oxide is pumped into a chamber that holds medical equipment, still packaged and in cardboard crates for shipping. As described by Hancock, the gas gets through the cardboard and quickly kills any bacteria. From there, half of it ends up being used as antifreeze. The rest is diluted using air and nitrogen, and trace amounts are oxidized around an open flame.

Hancock provided *NEWS10* with a copy of the network's primer on Sterigenics. In it, the network cites the plant as currently handling 90,000 tons of ethylene oxide annually, suggesting that a release as small as 1% to 5% of that gas could create fresh danger for residents of Kingsbury, Queensbury, Glens Falls, Fort Edward and more.

Sterigenics did not respond to *NEWS10* requests seeking comment on Tuesday and Wednesday.

Early vaccination push may have led to current COVID case spike, Warren County says

State weighs in

Ethylene oxide falls under the EPA's National Emission Standard for Hazardous Air Pollutants, as well as the more strict New York State Prevention and Control of Air Contamination and Air Pollution regulation. According to information from the New York State Department of Environmental Conservation, the latter of those two regulations requires companies like Sterigenics to go through an air dispersion modeling process that would show whether the amount of hazardous material getting into the air is within limits deemed safe by the EPA.

"New York State regulations require conditions in the facility's air permit to monitor the performance of the pollution control equipment to ensure compliance with permit limits," a representative from the DEC said in an email to *NEWS10* on Wednesday. "Sterigenics has an acid scrubber on the sterilizing chamber and a catalytic oxidizer to control emissions at the back vent and aeration room. Recent test results (2020 and 2021) at the facility demonstrate the pollution controls on the back vent, aeration room, and sterilizing chamber achieve emission reductions of greater than 99.8 percent."

Some Queensbury wells up for re-testing, residents still drinking bottled water

The DEC said that Sterigenics subjects all of the controls around ethylene oxide to regular tests, which DEC staff oversee. Some regulations are going through revisions, but according to the state, Sterigenics is recording emissions below what even those revisions are expected to require.

The statement to *NEWS10* also called into question the reliability of five years of RESI data as a source in determining danger.

"The ProPublica map may not provide an accurate representation of risk from this facility because USEPA's RESI model uses generic facility parameters to model TRI emissions from all facilities in the U.S.," the EPA wrote.

What percentage of people in the Capital Region have gotten a COVID booster?

What neighbors need to know

The Sterigenics plant lies just over the Kingsbury/Queensbury line, on a road populated by other plants and factories. It's an area of industry, and from anywhere along that stretch of airport-adjacent road, it can be easy to think nothing else is nearby.

But that's not true. Both Hudson Falls High School and Glens Falls' Abraham Wing Elementary School are within around 3 radial miles of the facility. So are plenty of homes in the districts those schools are a part of.

"This is the first publicity that the company has had here, other than initial inquiries when they were first established," Hancock said.

North Country Report: Glens Falls lights up a tree full of holiday tradition

In some states, the company has had its share of publicity. Hancock recalled news from Illinois that a "Stop Sterigenics" community action group had pushed legislation to not allow ethylene oxide to be stored in amounts large enough to keep the company's Willowbrook facility open any longer. The facility closed in 2019. Although ethylene oxide remains the most efficient and effective means of sterilization that a company like Sterigenics could ask for, there are dangers even past the cancer risk. In 2004, an explosion at a California plant sent some employees to the hospital after engineers skipped a step in safely disposing of the gas. "Half of the chamber was still full of gas when they turned on the oxidizer, and as soon as it hit the flames, it exploded," Hancock said. "It traveled all the way back to the chamber and blew it apart; and not only that room, it destroyed the monitoring room."

Vice president calls for action to improve maternal health

As for what can be done to better understand the potential threat, Hancock says the first step is to call for more public knowledge of how pollution into the air is being measured. That's something he would love to see the state or federal government do, but says community action is just as important.

"We should demand it of them. We should go to our state representatives and our senators, and tell them to insist."

Hancock said that 11 have indicated a desire for more oversight of Sterigenics. New York is one of them.

Observer Tribune
https://www.newjerseyhills.com/observer-tribune/news/rolling-knolls-feasibility-study-group-pushes-back-on-allowing-hikers-on-site/article_659174b3-8423-5ad3-8a81-82e22b38905c.html

Rolling Knolls feasibility study group pushes back on allowing hikers on site

December 8, 2021

Claudia Ceva

The group funding the remedial investigation and feasibility study for the Rolling Knolls Landfill Superfund Site does not want to allow passive recreation on any part of it.

The roughly 170-acre site is located at 35 Britten Road in the Green Village section of Chatham Township, along the Harding Township border. The group includes Nokia, Kewanee Industries Inc. and Novartis Pharmaceuticals. The three have been identified by the federal Environmental Protection Agency (EPA) as the potentially responsible parties, or PRPs.

The law firm representing the PRPs, Lowenstein Sandler LLC of Roseland, sent a letter to Great Swamp Watershed Association (GSWA) Executive Director Sally Rubin Tuesday, Oct. 12, stating the memorandum of understanding (MOU) the GSWA entered into with the township and the Miele Trust in July "constitutes a tortious interference" in the group's settlement agreement and restrictive covenant with the Miele Trust signed in October 2019.

The MOU outlines support for year-round public use of the private portion of the site for hiking and walking following remediation with the intent to put a focus on wildlife conservation and habitat management.

The letter from Lowenstein Sandler claims the settlement agreement prohibits the Miele Trust, who owns the majority of the property, from allowing anyone to use it.

The U.S. Fish and Wildlife Service, as part of the Great Swamp National Wildlife Refuge, owns about 30 acres while a small northeastern portion is owned by the Green Village Fire Department.

By agreeing to "engage in negotiations to achieve use of the private portion of the site dedicated to open space for... year-round passive public recreation" in the MOU, the letter claims GWSA "intentionally interfered with the relationship between the group and the (Miele) Trust."

Rubin, in a response letter sent on Nov. 16, said the MOU does not interfere with the settlement agreement, after reviewing the Restrictive Covenant.

She says it states the EPA will make the decision on how to remediate the site, preserving the site as open space would be beneficial from an ecological and environmental standpoint, development on the site would be prohibited and the site would not be used in a way inconsistent with the remediation.

"The Restrictive Covenant states that the Subject Property shall be preserved as 'open space' but does not define the phrase," she says in her response. "However, the EPA defines open space as 'any open piece of land that is undeveloped (has no buildings or other built structures) and is accessible to the public.'"

Rubin said GSWA's request for the full document with the terms of the settlement agreement was denied by both Lowenstein Sandler and the Miele Trust.

"The parties to the MOU negotiated the document in good faith," she said. "GSWA relied upon the Miele Trust's knowledge of the terms of the Settlement Agreement in entering into the MOU.

"Furthermore, the MOU is non-binding and specifies that 'nothing in this memorandum shall be construed as obligating the Miele Trust to take or otherwise consent to any action or course of conduct that would violate either the Restrictive Covenant or any other contractual obligations that the Miele Trust may have,'" she concluded.

No Public Access

Rolling Knolls served as an unlined landfill from the early 1930s through 1968.

It was placed on the national priorities list of the federal Superfund program in September 2003.

According to the EPA during a presentation before the Township Committee on its updated feasibility study in April, the waste at the site, reaching 18 feet below the surface, consists of everything from household garbage, construction and demolition debris, industrial waste, to septic waste and scrap metal.

There are five remediation options currently under consideration by the EPA. They run the gamut from doing nothing, which would not cost anything, to excavating and cleaning the roughly 140-acre landfill area for an estimated $55.4 million.

Rubin, during a phone conversation on Wednesday, Dec. 1, said the PRPs would likely favor the most cost-effective option.

"I think that they're proposing that it'd be cleaned up to a certain standard, and then a big fence be put around the property and that no one would then be able to access the property," she said.

GSWA, the township and the National Wildlife Refuge would prefer it be accessible to the public at least for walking and not fenced off.

The EPA has not yet made a decision as to which of the remediation options it recommends.

Spectrum News
https://spectrumlocalnews.com/nys/central-ny/ny-state-of-politics/2021/12/09/environmentalists-seek-final-approval-for-key-bills

Environmentalists in New York seek final approval for key bills

December 9, 2021

Nick Reisman

Gov. Kathy Hochul is being urged to sign 10 measures meant to protect the environment, including water in schools and curtailing spills on public roadways, in New York as the year draws to a close.

The advocacy group Environmental Advocates NY on Wednesday released the year-end list of bills that remain under consideration that also include efforts to address climate change through promoting electric vehicles and reducing the prevalence of single-use plastic bottles.

The group is backing measures that include banning the use of pesticides on playgrounds, turf and playing fields at children's overnight camps. Another bill is meant to improve pesticide reporting in the state.

Hochul is also due to consider a measure that would strengthen inspections of motorized boats and other watercraft for aquatic invasive species.

A bill meant to ban the spread of liquid oil and gas waste on roadways is also under consideration as is banning the use of chemical fire retardants in some consumer goods. Single-use plastic bottles would be banned in hotels in one bill being sent to the governor's desk.

There are also lead testing requirements that would be strengthened in school drinking water and the creation of an emergent contaminant testing list in order to ensure testing of drinking water by utilities in another two pieces of legislation.

And the group is seeking the final approval of measures to build out New York's electric vehicle charging infrastructure and a bill meant to promote soil health and research practices.

“The countdown has begun — 24 days left in the year, 10 pieces of legislation that will protect New Yorker’s health and environment," said Kate Kurera, deputy director of Environmental Advocates NY. "We urge the governor to sign these commonsense bills as soon as they hit her desk."

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EPA Celebrates Successful Reuse of Former Griffins Air Force Base

December 8, 2021

Jim Rondenelli

The U.S Environmental Protection Agency celebrated the successful re-use of the former Griffiss Air Force Base in Rome in a virtual ceremony on Wednesday.

EPA Regional Administrator Lisa Garcia was joined by Rome Mayor Jackie Izzo, Oneida County Executive Anthony Picente, State DEC Commissioner Basil Seggos and other officials.

Griffiss Air Force Base was closed in 1995 due to the Base Realignment and Closure Act of 1990.

Today, the formerly contaminated 3,6000 acre site includes Griffiss International Airport, the Air Force Research Lab, the New York Air National Guard Base, and 72 tenants employing nearly 6,000 people.

Griffiss was named a 2021 National Excellence in Reuse Award winner by the EPA

The awardees must have demonstrated excellence in working cooperatively with EPA to ensure the reuse of a Federal Facility site complements the cleanup actions taken.

Award winners have demonstrated excellence in:

- Working cooperatively and forming partnerships
- Complementing redevelopment design with the selected remedy
- Innovating beneficial use outcomes
- Considering the impacts on and inputs from the local community
- Creating jobs, fostering economic development or recreational opportunities, or maintaining mission support

"This formerly contaminated property is now a thriving mixed-use business and technology park that spurs economic growth in the Mohawk Valley and provides a renewed energy to the heart of Oneida County," said Garcia. "The cleanup and redevelopment success at the Former Griffins Air Force Base is a model that is sure to be replicated at other reuse projects in the future."

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