

Hampton Bays Water District Files Lawsuit Over Well Contamination

By Amanda Bernocco • February 23, 2018



An attorney for the Hampton Bays Water District and Southampton Town filed a lawsuit this week against five manufacturers of aqueous firefighting foams that contain the pair of chemicals that have

contaminated drinking water wells in Hampton Bays.

The complaint, filed on February 21 in Suffolk County Supreme Court, charges that the companies listed—The 3M Company in Delaware, Buckeye Fire Protection Company in North Carolina, Chemguard Inc. in Wisconsin, and National Foam Inc. in Pennsylvania—knew that the chemicals called perfluorooctanesulfonic acid, or PFOS, and perfluorooctanoic acid, PFOA, in the foam were a health risk, but used them anyway.

Both chemicals were recently found in three of the water district's 11 wells. Robert King, superintendent of the water district, has said that the wells were turned off after the contamination was detected.

The Hampton Bays Water District is seeking to recover "substantial past

and future damages" for the cost of cleaning up the contamination that the state Department of Environmental Conservation is blaming on the firefighting foam, which is often used for training and putting out gas fires, according to the complaint, filed by Melville-based Napoli Shkolnik PLLC. The law firm was retained by the town last fall.

An exact dollar amount that the water district is seeking was not listed in the suit. Since the contamination was discovered, the Town Board, which serves as the commissioners of the water district, allowed the water district to spend \$1 million to add carbon filtration systems to clean the wells.

Throughout the past several months, the group of companies named in the lawsuit have come under a lot of heat for the PFOS and PFOA contamination.

Last year, the Suffolk County Water Authority filed two separate federal lawsuits in the Eastern District Court of New York against the same five companies for contamination by the same chemicals. That lawsuit was in response to the contamination of private wells in Westhampton and Westhampton Beach, and on Quogue, that were traced back to firefighting foam used on the Air National Guard base at Francis S. Gabreski Airport in Westhampton.

The production of PFOS and PFOA was banned by the U.S. Environmental Protection Agency in 2002, but traces of the chemicals remain in the water. The New York State Clean Water Infrastructure Act now requires all New York-based water systems to test for the contaminants.

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