

LONG ISLAND / SUFFOLK

Hampton Bays Water District sues over contaminated wells

The lawsuit says manufacturers knew that foam often used for firefighting and training contained toxins.



The Hampton Bays Fire Department was being investigated by the state as the cause of contamination in the hamlet's water district.
Photo Credit: Megan Miller

By Vera Chinese

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The Hampton Bays Water District has filed a lawsuit against the makers of chemicals that have contaminated wells in the hamlet claiming the companies knew the compounds were toxic and would not biodegrade.

The lawsuit, filed in state Supreme Court last Wednesday, names The 3M Co., Buckeye Fire Equipment Co., Chemguard Inc., Tyco Fire Products LP and National Foam Inc., all of which sold aqueous film-forming foam containing perfluorinated compounds (PFCs).

“Defendants knew it was substantially certain that their acts and omissions . . . would cause injury and damage,” states the lawsuit filed by Manhattan-based law firm Napoli Shkolnik.

The foam was often used for firefighting and training. The state Department of Environmental Conservation was investigating the Hampton Bays Fire Department as the cause, but it is not clear if a determination has been made.

The district, a department of Southampton Town, is seeking “compensatory damages only” but does not specify an amount.

Three of the 11 wells in the district, which serves 7,000 households and withdraws one billion gallons from the aquifer annually, were found to be contaminated with PFCs and have since been taken offline, according to the

The first well was taken offline in May 2016. Contamination was discovered in the other two wells in 2017, with one taken offline in July and the other in September of that year.

Exposure to the perfluorinated compounds can affect the immune system and fetal health and development, as well as cause liver damage, cancer and thyroid problems, the U.S. Environmental Protection Agency has said.

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Once the chemicals are released into the environment, it is impossible to identify which company made that particular batch. However, the companies are jointly responsible because they “actually knew of the health and environmental hazards which PFOA [perfluorooctanoic acid] and PFOS [perfluorooctanesulfonic acid] posed” and conspired to conceal that information from the public, the lawsuit states.

A spokesman for Chemguard, which is owned by Tyco, said the company cannot comment on pending litigation. Representatives from 3M, Buckeye and National Foam did not respond to a request for comment.

Napoli Shkolnik, which has an office in Melville, previously represented the town and the water district in a federal lawsuit against the manufacturers of fuel additive MTBE that contaminated Long Island groundwater and settled the case for \$1 million.

The firm is also representing Westhampton Beach residents in lawsuits against Suffolk County, the state and PFOS manufacturers alleging residents were exposed to the chemical in water near Francis S. Gabreski Air National Guard Base, which is now a state Superfund site.



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