

Name of Person Preparing Response: Lisa Covert, NYSDEC Counsel

Response Date: January 23, 2020

Case 18-T-0604 - Application of Deepwater Wind South Fork, LLC

for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 3.5 Miles of Submarine Export Cable from the New York State Territorial Waters Boundary to the South Shore of the Town of East Hampton in Suffolk County and Approximately 4.1 Miles of Terrestrial Export Cable from the South Shore of the Town of East Hampton to an Interconnection Facility with an Interconnection Cable Connecting to the Existing East Hampton Substation in the Town of East Hampton, Suffolk County.

Interrogatory/Document Request

Publicly available information. Not to be restricted to settlement negotiations.

Request Number:	Si Kinsella #12
Request Title:	PFAS Contamination – Griffiths Carpet
Addressed To:	NYS Dept. of Environmental Conservation
From:	Simon Kinsella
Date of Request:	January 13, 2020

Background

New York State Department of Environmental Conservation (NYS DEC) failed to test contamination concentration levels at a probable source of significant PFAS contamination in its Site Characterization Report, East Hampton Airport, published November 30, 2018. The probable source of significant PFAS contamination is adjacent to and immediately north of the Beach Lane Route A Cable Corridor where Deepwater Wind South Fork, LLC (the Applicant) proposes to run its 138-kilovolt export cables (please see Appendix A and B).

Griffiths Carpets & Upholstery Cleaners (“Griffiths Carpet”) specializes in cleaning carpets and upholstery. Prior to 2018/2019, Griffiths Carpet advertised and provided a Teflon-treatment service to make carpets and upholstery stain-resistant and water-repellent (please see Appendices A and C). Teflon is a known source of PFAS contamination.

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The groundwater near the former Griffiths Carpet site generally flows from the northwest to the southeast (see Appendix G). Contamination from this site would flow generally from the former Griffiths Carpet facility in a south-easterly direction towards the Applicant’s preferred Beach Lane Route A Cable Corridor.

List of Appendices

Please see the following documents (attached) –

Appendix A – Info Graphic based on NYS DEC’s Site Characterization Report on East Hampton
Page 4 Airport prepared by AECOM, published November 30, 2018 (see Fig 8) prepared by Si Kinsella (Jan 12, 2020).

Appendix B – NYS DEC’s Site Characterization Report, East Hampton Airport, published
Page 5 November 30, 2018 (pages 1-35, only).

To download the complete Site Characterization Report, please click on the following link –

[DEC Site Characterization Report, East Hampton Airport \(pages 1-268\)](#)

Appendix C – Screenshot taken on March 3, 2018 of Griffiths Carpet’s website that includes a
Page 34 service called “Teflon-Treatment” (please note that Griffiths Carpet’s website since has been changed).

Appendix D – Screenshot taken on March 3, 2018 from Google Maps using search term
Page 35 “Griffiths Carpets And Upholstery” that returned an address of “39 Industrial Rd #6, Wainscott, NY 11975”.

Appendix E – Screenshot taken on January 11, 2018 from MapQuest using search term
Page 36 “Griffiths Carpets And Upholstery” that returned an address of “39 Industrial Rd, Wainscott, NY 11975”.

Appendix F – EDR Radius Map for Stephen Hands Path Wells Nos. 1 & 2 – “39 Industrial
Page 39 Road” (please see at pages 2, 9 and 11).

Appendix G – Wainscott Water Distribution System Improvement Engineering Report by
Page 53 Suffolk County Water Authority (please see Fig 10 at page 16)

NYSDEC Responses to Information Request:

Background and Appendices:

The New York State Department of Environmental Conservation (NYSDEC) objects to the Background and Appendices to Si Kinsella #12, as they are not requests under 16 NYCRR Part 5, and instead merely provide information. Therefore, NYSDEC will not respond to the Background and Appendices.

- 1) Has NYS DEC tested soil and/or groundwater for PFAS contamination or for any other contamination at the former Griffiths Carpet site on industrial Road in Wainscott? If NYS DEC tested soil and/or groundwater for contamination, please provide all laboratory test results and any report(s) based on said test results.

NYSDEC has not tested soil and/or groundwater at 39 Industrial Road. Therefore, NYSDEC has no records pursuant to this request.

- 2) Has NYS DEC performed any analysis on soil and/or groundwater at the former Griffiths Carpet site on industrial Road in Wainscott? If NYS DEC performed any analysis on soil and/or groundwater for contamination, please provide the analysis and any report(s) based on said analysis.

NYSDEC has not tested soil and/or groundwater at 39 Industrial Road. Therefore, NYSDEC has no records pursuant to this request.

- 3) Has NYS DEC endeavoured to “find and determine ... the nature of the probable environmental impact”¹ from contamination at the former Griffiths Carpet site? If NYS DEC has endeavoured to find and determine the nature of such environmental impact, please provide documentary evidence supporting NYS DEC’s findings and determinations.

Pursuant to Public Service Law § 126(1)(b) as referenced in footnote 1, it is the Public Service Commission’s role, not NYSDEC’s, to “find and determine...the nature of the probable environmental impact” in order to “grant a certificate for the construction or operation of a major utility transmission facility, either as proposed or as modified by the commission...” Public Service Law § 126(1)(b). NYSDEC has not endeavored to carry out that function in lieu of the Public Service Commission.

- 4) Has NYS DEC considered any environmental impact at the former Griffiths Carpet site? If NYS DEC has considered such environmental impact, please provide documentary evidence supporting NYS DEC’s considerations.

NYSDEC objects to this question on the grounds that it is irrelevant to this Article VII proceeding for the application of Deepwater Wind South Fork, LLC for a Certificate of Environmental Compatibility and Public Need for the construction of an export

¹ NY CLS Public Service Law § 126 (1)(b)

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cable. Such application is not at 39 Industrial Road. Moreover, to the extent “environmental impact” is used in the same sense as in the prior question, it is the Public Service Commission’s role, not NYSDEC’s, to “find and determine...the nature of the probable environmental impact...” Public Service Law § 126(1)(b).

Notwithstanding the foregoing, without waiving said objection, NYSDEC has not determined 39 Industrial Road is contaminated. However, as a party in the Article VII proceeding, NYSDEC is reviewing the environmental impact of the proposed construction of the export cable by Deepwater Wind South Fork, LLC, including potential contamination along the proposed cable route and how same may be addressed.