

**PORT WASHINGTON WATER DISTRICT
EMERGENCY RESOLUTION REGARDING EMERGING CONTAMINANTS**

WHEREAS, Governor Cuomo appointed a Water Quality Council in 2017 charged with evaluating emerging contaminant threats to drinking water state-wide; and

WHEREAS, in December 2018, the Water Quality Council made NYS MCL recommendations to the Commissioner of Health of 1.0 ppb for 1,4-Dioxane and 10 ng/L (ppt) for PFOS and PFOA; and

WHEREAS, on July 8, 2019, Governor Cuomo announced that the Commissioner of Health was accepting the recommendations of the Water Quality Council, and that the New York State Department of Health (NYSDOH) would be proposing the recommended MCLs for public comment; and

WHEREAS, the sixty (60) day public comment period would commence on July 24, 2019 and end on September 22, 2019; and

WHEREAS, of grave concern to the District is the fact that the proposed establishment of MCLs for 1,4-Dioxane may not include a feasible implementation period under which the public water suppliers can implement treatment for any or all of its wells that are near or exceed the proposed new standards; and

WHEREAS, after conclusion of the sixty (60) day comment and review period, it is the current understanding of the District the new MCLs will go into immediate effect, initiating the preliminary sampling protocol; and

WHEREAS, the initial sampling protocol is likely to conclude on or about mid-March 2020, when it is anticipated that any well which exceeds 1.0 ppb for 1,4-Dioxane will be declared by the NYSDOH to be in violation of the MCLs and the State Sanitary Code; and

WHEREAS, upon the issuance of a notice of violation, the NYSDOH will declare these wells restricted from use without appropriate treatment; and

WHEREAS, at the July 29, 2019 hearing of the Planning Development and Environmental committee testimony, was received from the Nassau County Department of Health (“NCDH”) which informed the Committee that there are approximately 75 wells in Nassau County that currently exceed the proposed 1,4-Dioxane MCL of 1.0 ppb;

WHEREAS, the NCDH also testified that it currently has pending numerous requests for review of initial Pilot testing and expects future submissions for more; and

WHEREAS, the NCDH testified that, given its current staffing and potential retirees, the Department would not be able to review and approve 75 Pilot tests prior to mid-March 2020; and

WHEREAS, the review and approval of the individual Pilot tests is but the first step in the approval by NCDH of full-scale Advanced Oxidation Process (“AOP”) treatment systems for impacted wells; and

WHEREAS, there was additional testimony from representatives of H2M, the Long Island Water Conference (“LIWC”) and the Suffolk County Water Authority (“SCWA”) that the number of impacted wells on Long Island totaled 130 when combined with SCWA’s approximately 60 wells which currently exceed the proposed 1,4 Dioxane MCL; and

WHEREAS, there was further testimony from these representatives that, even if there was full approval for the installation of appropriate AOP systems for these 130 wells by either the NCDH or the NYSDOH, the purchase and backlog for 130 AOP systems and the concomitant number of at least 200 GAC vessels required to treat 1,4-Dioxane, is expected to stretch into the fall of 2020 at best; and

WHEREAS, 1,4-Dioxane has been detected at levels that will require treatment under the new MCL in at least three wells operated by the District; and

WHEREAS, the loss of these three wells equates to a reduction in total source water production for the entire District from approximately 12.85 Million Gallons per Day (“MGD”) down to approximately 7.84 MGD; and

WHEREAS, the District must be capable of meeting its maximum day demand plus fire protection capacity by the summer of 2020; and

WHEREAS, over the past decade, the high maximum day plus fire protection was approximately 10.02 MGD; and

WHEREAS, the District will not intentionally and knowingly put water that exceeds any MCL into the distribution system; and

WHEREAS, District counsel has advised that the intentional and knowing delivery of water to the public in violation of the Health Code for a prolonged period of time would pose an unacceptable risk to the District's contamination insurance coverage exposing it to significant liability including the total loss of defense cost coverage; and

WHEREAS, the District anticipates that even with its proactive and expeditious actions to install appropriate treatment for 1,4-Dioxane, such treatment likely will not be operational to meet expected summer demand by the summer of 2020; and

NOW, THEREFORE, in order to have sufficient source water capacity available for the summer of 2020 and upon motion duly made and seconded, the District promulgates the following resolution:

Given the facts as stated above, the District believes it is in the best interests of the District and its customers to immediately impose a moratorium on any new commercial requests for water or any new requests for multi-family (greater than 1 family dwelling) requests for water. New requests for residential properties will be reviewed on a case-by-case basis in accordance with the District's current requirements.