

Lawsuit Alleges Battery Storage Befouled Wells

Water authority shuts them down, tests continue

By CHRISTOPHER GANGEMI

Two Suffolk County Water Authority drinking wells close to the intersection of Cove Hollow Road and Montauk Highway have been contaminated by so-called "forever chemicals" from the nearby East Hampton Energy Storage Center, alleges a civil suit filed by the water authority against the storage center, LG Chem, and LG Energy Solution on May 29 in the United States District Court for the Eastern District of New York.

In response, the water authority has removed the two wells from service and restricted the use of two others nearby.

Patrick Derenze, the town's public information officer, said Friday that approximately 30 private wells will need to be tested as well.

The Suffolk County Department of Health Services will be offering free testing, he said. "They already sent out letters" last week "to those they think could have been affected. They are also knocking on doors . . . to inform people and offer the free testing."

At Tuesday's town board meeting, Supervisor Kathee Burke-Gonzalez described a joint task force she coordinated and a phone call on Monday between the governor's office, the state's

Department of Environmental Conservation, the county executive, both the state and county Health Departments, and the county water authority.

"Those calls are now planned to occur weekly," she said. The task force will share data, seek to expedite sampling and make replacement water available, and work to remediate the full contamination in the ground.

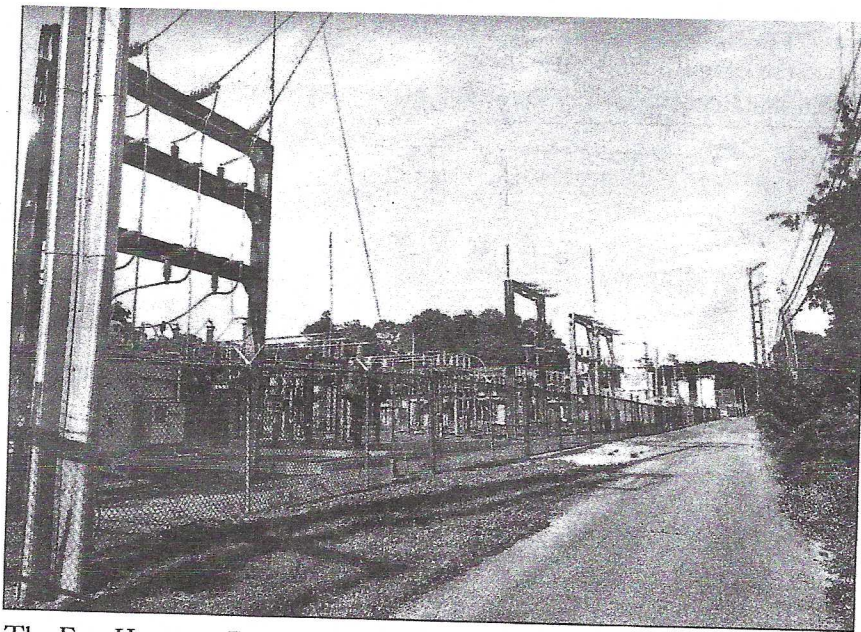
"I refuse to ask families to wait years for a court to decide who is to blame before their water is protected. Accountability matters, but a lawsuit does not test a private well or groundwater, nor does it ensure that enough water is available. That work has to start now," she said.

Because two wells were now offline, she said conservation was important and encouraged residents to water their lawns only every other day, with odd-numbered houses watering their lawns on odd-number days, and even-numbered houses on even-number days.

"I will keep pressing every level of government until this is resolved," she added.

Mayor Jerry Larsen said he met with both the Suffolk Health Department and the water authority on Tuesday.

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The East Hampton Energy Storage Center is the subject of a Suffolk County Water Authority lawsuit alleging contamination of wells. *Christopher Gangemi*

Alleging Battery Storage Befouled Wells

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but the number of private wells affected within the village has not yet been determined.

Mr. Derenze said the town had also not been told which houses had been affected, adding that the state has testing wells north of the site and those hadn't been impacted. The lawsuit says groundwater in that area of town flows north to south.

The lawsuit specifies that the wells in question are known as the Bridgehampton Road Wells 2B, 3, 4, and 5A and that they're approximately 2,500 feet south of the energy storage facility. They contribute 7 percent of the water for the S.C.W.A. Zone 23 pressure zone, but their treatment "is not capable of effectively removing [East Hampton Energy Storage Center] contaminants, including ultrashort-chain PFAS."

The chemicals are said to have tainted the water wells after a fire broke out at the facility on May 31, 2023. The water used to extinguish it was allowed to travel off its 13.9-acre campus and seep into the ground, the suit alleges, ultimately reaching the groundwater that feeds the wells.

The wells draw their groundwater from the upper glacial aquifer, from depths between 125 and 150 feet.

The water authority "brings this action to recover the substantial costs necessary to protect the public and restore its damaged drinking water supply wells, which are contaminated with the chemical perfluoropropionic acid (PFPrA), among potentially other chemicals, which were released during a fire at the East Hampton Energy Storage Center," the lawsuit reads.

The storage center is a lithium-ion battery energy storage system (known as a BESS) that provides energy to the Long Island Power Authority. During the fire, according to the lawsuit, "battery casings opened and released their contents." The large amount of water necessary to fight the fire "ran off of the facility and onto the dirt road and undeveloped area south of" the storage center, "conveying chemicals from its batteries."

The facility was built between 2017 and 2018, and operations began in August 2018.

During the fire, its fire suppression system ran for approximately 30 hours and could have released over 2.2 million gallons of water, according to court documents, but it was not equipped with facilities to contain that amount of water.

The water authority says that the forever chemicals, specifically PFPrA, have now been detected in nearby wells at levels above the state's "maximum contaminant level."

"There is a growing body of evidence of the toxicity of ultrashort-chain PFAS, including those detected in the Bridgehampton wells," according to the lawsuit. The water authority says that chemicals may continue to seep into the groundwater and that it is continuing to sample, monitor, and test its wells.

Outside of the Bridgehampton wells, PFPrA has been detected in only five of the water authority's active supply wells and at much lower levels than it says it found in East Hampton.

The water authority is seeking compensatory damages, punitive damages, and other relief.

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BESS Fire Contaminated Water Supply

East Hampton Press
June 11th

Town concerned about private wells in area

BY JACK MOTZ

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The Suffolk County Water Authority has detected a "forever chemical" in amounts exceeding New York State's maximum contaminant level near Cove Hollow Road — a development that the authority has linked, in a lawsuit, to a fire in May 2023 at the East Hampton Energy Storage Center.

The forever chemical detected in the area is called perfluoropropionic acid, or PFPrA, and it was found in four of the authority's wells. In two, the levels exceeded state guidelines, and the wells have been pulled from service, while the remaining two are seeing reduced use.

But front of mind for East Hampton Town officials are the private wells in that area. Town spokesman Patrick Derenze said on Friday that the Suffolk County Department of Health Services was out testing private wells in the Cove Hollow neighborhood and found

30 that could be contaminated — though the majority of houses in that neighborhood are connected to public water.

East Hampton Town Supervisor Kathee Burke-Gonzalez had requested that a task force made up of state, county and local officials

be formed to manage the fallout of this contamination, and on Tuesday she announced that one had been formed.

"East Hampton families did not cause this problem, and they should not be left holding the bill — or with pollution concerns," Burke-Gonzalez said this week.

As the rapidly evolving situation unfolds, Burke-Gonzalez has stressed the importance of conserving water for those connected to public water. Top of the list for conservation is only watering laws on odd-even days, consistent with the house number.

Suffolk County spokespeople confirmed on Monday that notifi-

'East Hampton families did not cause this problem, and they should not be left holding the bill.'

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WATER: Town Concerned About Contamination From BESS Fire

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cations went out to approximately 30 households offering free water testing and asking residents to contact the Suffolk County Department of Health Services.

Residents of that area who use public water will continue to be served by the Suffolk County Water Authority, which has taken the contaminated wells out of service. East Hampton Town officials said that their understanding was that the public water currently in use meets all drinking water standards.

The Health Department, meanwhile, will continue to conduct door-to-door testing for those who get their water from private wells. Questions can be directed to (631) 854-0100.

All the while, the SCWA is locked in a federal lawsuit with the East Hampton Energy Storage Center, a battery energy storage system corporation based in Florida, and LG Chem, the Korea-based manufacturer of the batteries that started the fire said to have caused the contamination. SCWA is seeking compensation for the cost of treating contaminated water near the battery energy storage system, or BESS.

"East Hampton residents deserve to know that when they turn on the tap, the water there is safe," Burke-Gonzalez said in a statement on Friday. "We cannot ask families to wait years for a court to decide who is responsible before their water is protected. That is why I called on the state, the county, and the water authority to come together now to share data, align on a treatment and replacement strategy, and commit the resources our community needs."

In the lawsuit filed on May 29, the SCWA said the East Hampton Energy Storage Center was recklessly or negligently built in such a way that led to the fire, operated the facility in a manner that led to the fire, and failed to prevent runoff in the wake of the fire.

The Water Authority claimed in that same lawsuit, according to court papers, that LC Chem sold and marketed the batteries used at the facility despite manufactur-

ing or design defects with the final product.

"BESS fires can cause extensive physical, environmental and public health injuries," said the attorneys for the SCWA. "Impacts of BESS fires have included explosions that injured firefighters responding to a fire; releases of toxic gases generated within lithium-ion battery cells; releases of large amounts of battery cell contents, including PFAS and metals, to the environment; and generation of smoke plumes containing levels of particulate matter that may impact public health."

East Hampton Village Fire and EMS Administrator Gerry Turza Jr. was at the fire in 2023 and said his team took up a defensive posture while there. The fire suppression systems were set to run as the fire blazed, and the BESS site operators told the firefighters that taming the fire would be a hands-off operation.

During and after the operation, there was little intervention from outside — whether that be from the state or the county, Turza said. He was unsure if either was in contact with the site operator, who was said to be in charge of the fire suppression.

Turza said he had raised the question of what would happen with the 2 million-plus gallons of water used to fight the fire when he was with the governor's working group on the topic. Turza went to the site for an inspection about a month later and said he could tell there had been a fire and water had been inside the facility.

"That was a question I raised, and it was kind of like a low priority," Turza said. "They were more concerned about other things than that. Here we are, three years later, and we've got a problem."

State Department of Environmental Conservation spokespeople did not return a request for comment last week over what steps had been taken to mitigate the runoff from the fire.

A task force has since been created. Burke-Gonzalez asked that the task force ensure that those on private wells aren't left without a safe drinking water supply, and coordinate a response.