RESOLUTION NO. 2024194

RE: AMENDING THE 2024 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE PFAS INVESTIGATION IN AND AROUND THE HUDSON VALLEY REGIONAL AIRPORT

Legislators METZGER, POLASEK, GORMAN, D'AQUANNI, CASWELL, VERSACI, and PAOLONI offer the following and move its adoption:

WHEREAS, the County entered into an Order on Consent and Administration Settlement No. CO-3-20170920-170 (hereinafter "Order"), dated March 28, 2018, with the New York State Department of Environmental Conservation ("NYS DEC"), and

WHEREAS, by Resolution No. 2018291, this Legislature authorized amending the 2018 Adopted County Budget to provide funds to meet the County's obligation to hire a consultant to provide services required by the Order and its site characterization work plan ("Work Plan"), and

WHEREAS, by Resolution No. 2019083, this Legislature authorized amending the 2019 Adopted County Budget to provide funds to meet the County's obligation to hire consultant(s) to perform soil sampling, water sampling, and other tests and investigations necessary to properly identify the location, extent and possible PFOA/PFOS (hereinafter collectively "PFAS") source of contamination within and adjacent to the Hudson Valley Regional Airport ("Airport"), and

WHEREAS, by Resolution No. 2019235, this Legislature authorized amending the 2019 Adopted County Budget to provide funds to meet the County's obligations to cover engineering expenses, other professional consulting costs and NYS DEC personnel billing in accordance with the Work Plan and Order, and

WHEREAS, by Resolution No. 2021046, this Legislature authorized amending the 2021 Adopted County Budget to provide funds to meet the County's obligation to cover professional consulting costs, equipment and NYS DEC assessments and fees in accordance with the Work Plan and Order, and

WHEREAS, by Resolution No. 2022159, this Legislature authorized amending the 2022 Adopted County Budget to provide additional funds to meet the County's obligation to cover professional consulting fees, equipment and NYS DEC assessments and fees, and

WHEREAS, by Resolution No. 2023228, this Legislature authorized amending the 2023 Adopted County Budget to provide additional funds to meet the County's obligation to cover environmental and legal consulting fees, NYS DEC reimbursement, and maintenance of water filtration systems, per requirements of the Order, and

WHEREAS, on November 16, 2023, NYS DEC accepted the final Site Characterization Report as complete, and based on the report's findings, recommended that a Remedial Investigation was warranted, and concluded the County's obligations under the Order, and

WHEREAS, in July of 2024, the County began an application to have the Airport property added into the NYS Brownfields Clean-Up Program (hereinafter "BCP"), to which NYS DEC has indicated its acceptance, and the final executed application will be submitted by October 31, 2024, and

WHEREAS, the County is now seeking additional funding in the amount of $47,500 to cover estimated expenses of $107,000 which are necessary for the continued investigation of PFAS contamination and to provide an approved construction protocol for all improvement projects with regard to PFAS contamination at the Airport and include the following:

1) Continued investigation of PFOA/PFAS contamination within and adjacent to the Airport, including the work to prepare a BCP application for the County - $40,000
2) Environmental Legal Services - $3,000
3) Existing off-Airport POET maintenance services - $3,000
4) Interim Soil Management Plan - $45,000
5) On-Airport well testing (7 wells) - $16,000, and

WHEREAS, accordingly, an appropriation of the interfund transfer balance is necessary to provide additional funding for the expenses discussed herein, and

WHEREAS, it is necessary to amend the 2024 Adopted County Budget to provide additional funds to meet the County's obligations and expenses, now therefore, be it

RESOLVED, that the Commissioner of Finance is authorized, empowered and directed to amend the 2024 Adopted County Budget as follows:

APPROPRIATIONS		
Increase		
EA.5610.90.4401.105	Professional Services Consultants	$ 47,500
A.9901.63.9800	EA Fund Contribution	$ 47,500
A.1990.4007	General Contingency	($ 47,500)
		$ 47,500
REVENUES		
Increase		
EA.5610.90.50310	Interfund Transfers	$ 47,500

CA-110-24; G-1725; 10/10/24
EMW/rjw; Fiscal Impact: See Attached

APPROVED
Susan J. Serino
SUSAN J. SERINO
COUNTY EXECUTIVE
Date 11-15-2024

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of November 2024, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 12th day of November 2024.

DUTCHESS COUNTY SEAL

Leigh Wager

LEIGH WAGER, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ 47,500

Total Current Year Revenue and Source $ 0

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☑ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):
EA.5610.90.4401.105

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): $47,500
Over Five Years: _____

Additional Comments/Explanation:
Costs include ($59,500 of existing funding to be used, thereby $47,500 of additional funding needed):
1) Due to the continued investigative process of PFOA/PFAS contamination within and adjacent to the Airport, and in relation to providing funds to meet the County's obligation to cover New York State Department of Environmental Conservation (NYSDEC) charges in accordance with their Order of Consent & Administration Settlement ("Order") No. CO-3-20170920-170 (dated 3/28/18) - $40,000.
2) Environmental Legal Services - $3,000
3) Existing off-Airport POET maintenance services - $3,000
4) Interim Soil Management Plan - $45,000
5) On-airport well testing (7 wells) - $16,000

Prepared by: Robert H. Balkind

Prepared On: 9/25/24

Dut.pdf

SUE SERINO
COUNTY EXECUTIVE

ROBERT H. BALKIND, P.E.
COMMISSIONER

DAVID C. WHALEN
DEPUTY COMMISSIONER

DUTCHESS COUNTY GOVERNMENT
DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

To: Rachel Kashimer, Deputy County Executive

From: Robert H. Balkind, P.E., Commissioner

Date: September 26, 2024

Re: RESOLUTION REQUEST – DPW AIRPORT DIVISION - BUDGET AMENDMENT FOR 2024 OPERATING BUDGET – REQUEST FOR ADDITIONAL FUNDING

Please find attached a Resolution Request form and Fiscal Impact Statement regarding additional funding needed for the Airport's 2024 Operating Budget. This budget amendment is related to the County's ongoing investigation and assessment of PFAS contamination on the airport property.

Hudson Valley Regional Airport holds a certificate as a Part 139 airport. As such, the airport is required to meet certain minimum safety standards required by Federal Aviation Administration (FAA.) Pursuant to FAA's requirements, the County maintains an Aircraft Rescue Fire Fighting (ARFF) vehicle at the airport that meets FAA Part 139 requirements, and has the capability of dispensing Aqueous Film Forming Foam (AFFF,) which is used to prevent or extinguish aircraft fuel fires. AFFF is the product hat contains the PFAS compounds, which are an emerging contaminant per USEPA and NYSDEC. FAA regulations require that the ARFF vehicle must be tested annually to ensure that the vehicle is working properly and that the amount and the chemical composition of the AFFF is up to the required standards. The County has been following FAA's regulations and testing the ARFF vehicle's foam dispensing system for years on the airport property. It is believed that this regular testing of the airport's ARFF vehicle and foam dispensing system has led to the discovery of PFAS contamination at the airport.

In order to prevent additional release of PFAS compounds into the environment, and to remain in compliance with FAA regulations, in 2020 the County purchased special testing equipment that allows the ARFF truck to be tested without discharging AFFF into the environment. The County is also exploring the purchase and use of other allowable fire-fighting foam products that do not contain PFAS.

In late 2016 a questionnaire was sent out by NYS to airports and fire training centers statewide to identify facilities that may have released PFAS-containing substances into the environment. DPW responded with information indicating that AFFF was used at the County airport during training exercises with the Airport's fire-fighting/rescue vehicle. From May 2017 – March 2018, groundwater sampling via local water supply wells was performed by NYSDOH near the Airport property. Much of the sampling work was conducted by the Dutchess County Department of Behavioral & Community Health on behalf of the New York State Department of Health.

On September 15, 2017 NYSDEC sent a letter to County Executive Molinaro advising that based on information provided by NYSDOH, the County's airport is being listed as a Potential Inactive Hazardous Waste Disposal Site (P-Site.) NYSDEC requested that the County enter into an Order on Consent (Consent Order) which would require the County to perform a records search, develop and implement a work plan to characterize the site with regard to PFAS contamination, and if needed, develop and implement a remediation

plan to address contamination at the airport. On March 18, 2018 the County executed professional services agreement with a consultant for investigation and remediation of PFAS contamination at airport. On March 28, 2018 Dutchess County and NYSDEC executed a Consent Order. The order detailed the roles and responsibilities of the County and NYSDEC to complete a site characterization investigation, prepare a Records Search Report and prepare a report of the results of the investigation. On April 5, 2018 the County Executive offered a presentation to the Legislature's Environmental Committee about the airport PFAS issue.

On October 12, 2018 Dutchess County filed a complaint against 3M Company, F/K/A Minnesota Mining And Manufacturing Co., Buckeye Fire Equipment Company, Chemguard, Inc., TYCO Fire Products L.P., and National Foam, Inc., This action arises from the foreseeable contamination of public water supplies by the use of Defendants' aqueous film-forming foam ("AFFF") that contained per- and polyfluoroalkyl substances ("PFAS"), including perfluorooctane sulfonate ("PFOS") and perfluorooctanoic acid ("PFOA").

On November 16, 2023, NYSDEC accepted the final Site Characterization Report as complete, and based on the report's findings, recommended that a Remedial Investigation was warranted. This concluded the County's obligations under the March 2018 Consent Order. In July 2024, the County began an application to have the airport property added into the NYS Brownfields Clean-Up Program (BCP.) NYS DEC has indicated that the property will be accepted into the BCP, and the final executed application will be submitted by October 31, 2024.
County costs associated with the completed PFAS investigation, and future costs associated with the BCP investigation and remediation are not capital expenses, and therefore must be appropriated via the DPW Airport's operating budget.

The County's approach has been to make funding requests for this work as the expenses become know, rather than requesting funds in advance, before expense are known. The current request for funding is described below.

Budget line EA.5610.90.4401.105 – Professional Services Consultants has $59,500 remaining unencumbered in the 2024 operating budget. Estimated expenses before the end of 2024 are expected to be $107,000, therefore $47,500 of additional funds are needed. The additional costs include:

1) Continued investigation of PFOA/PFAS contamination within and adjacent to the Airport, including the work to prepare a BCP application for the County - $40,000.

2) Environmental Legal Services - $3,000

3) Existing off-Airport POET maintenance services - $3,000

4) Interim Soil Management Plan - $45,000

5) On-airport well testing (7 wells) - $16,000

These expenses are necessary for the continued investigation of PFAS contamination, and to provide an approved construction protocol for all improvement projects with regard to PFAS contamination at the airport. Thank you for your consideration.

cc: David C. Whalen, Deputy Commissioner
Mary F. Aldrich, MA, CPFO, Director of Fiscal Services
Jeff Durand, Airport Director

Public Works and Capital Projects Roll Call

District	*Name*	*Yes*	*No*
District 7 - Hyde Park and Pleasant Valley	Truitt*	✓	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Houston*		
District 3 - LaGrange	Polasek*		
District 16 - Fishkill and Beacon	Valdés Smith*		
District 9 - City of Poughkeepsie	Atkins*		
District 1 - Town of Poughkeepsie	Gorman		
District 10 - City of Poughkeepsie	Johnson (VC)	Absent	
District 12 - East Fishkill	Metzger (C)		
District 13 - East Fishkill and Wappinger	Paoloni		
District 15 - Wappinger	Faust		
District 20 - Red Hook, Tivoli, and Rhinebeck	Munn	Absent	
District 23 - Pawling, Beekman and East Fishkill	Rolison		

Present: 10
Absent: 2
Vacant: 0

Resolution: ✓
Motion: ___

Total : 10 (Yes) 0 (No)
Abstentions: 0

2024194 AMENDING THE 2024 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE PFAS INVESTIGATION IN AND AROUND THE HUDSON VALLEY REGIONAL AIRPORT

NOVEMBER 7, 2024

Roll Call Sheets

District	Last Name	YES	NO
District 7 - Hyde Park and Pleasant Valley	Truitt	✓	
District 25 - Amenia, Washington, Pleasant Valley & Millbrook	Houston		
District 3 - LaGrange	Polasek		
District 16 - Fishkill and Beacon	Valdés Smith		
District 9 - City of Poughkeepsie	Atkins		
District 1 - Town of Poughkeepsie	Gorman		
District 2 - LaGrange, Pleasant Valley & Town of Poughkeepsie	Travelpiece		
District 4 - Hyde Park and Town of Poughkeepsie	Lawler		
District 5 - Town of Poughkeepsie	D'Aquanni		
District 6 - Town of Poughkeepsie	Kaul		
District 8 - City and Town of Poughkeepsie	Brendli		
District 10 - City of Poughkeepsie	Johnson	Absent	
District 11 - Clinton, Pleasant Valley, and Rhinebeck	Kearney		
District 12 - East Fishkill	Metzger		
District 13 - East Fishkill and Wappinger	Paoloni		
District 14 - Wappinger and Town of Poughkeepsie	Versaci		
District 15 - Wappinger	Faust		
District 17 - Town and Village of Fishkill	McHoul		
District 18 - City of Beacon and Fishkill	Page		
District 19 - North East, Stanford, Pine Plains, Milan & Red Hook	Drago		
District 20 - Red Hook, Tivoli, and Rhinebeck	Munn	Absent	
District 21 - East Fishkill	Caswell		
District 22 - Beekman and Union Vale	Garito		
District 23 - Pawling, Beekman and East Fishkill	Rolison		
District 24 - Dover and Pawling	House		

Present: 23 **Absent:** 2 **Vacant:** 0

Resolution: ✓ **Motion:** ___

Total : 23 **Yes** 0 **No**

Abstentions: 0

2024194 AMENDING THE 2024 ADOPTED COUNTY BUDGET AS IT PERTAINS TO THE PFAS INVESTIGATION IN AND AROUND THE HUDSON VALLEY REGIONAL AIRPORT

NOVEMBER 12, 2024