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**TOWN OF NEWBURGH AGREES TO BUILD WATER TREATMENT  
FACILITY IN SETTLEMENT OF ENVIRONMENTAL LAWSUIT**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, and ALAN J. STEINBERG, the Regional Administrator of the Environmental Protection Agency ("EPA"), announced today that the United States has filed and simultaneously settled a civil lawsuit against the Town of Newburgh involving violations of the Safe Drinking Water Act in connection with the Town's drinking water system. The Consent Decree, filed in White Plains federal court, requires the Town to construct a water treatment facility for its drinking water system. The settlement further requires the Town to pay \$100,000 in civil penalties, and to undertake three supplemental environmental projects valued at approximately \$912,000 to improve the quality of the Town's water.

The Town of Newburgh owns and operates a public water system that distributes unfiltered drinking water, primarily drawn from the Delaware Aqueduct, to approximately 23,000 people. The Town adds chemical disinfectants to this water to make it potable.

The United States charged in the lawsuit that, between 2005 and 2007, the Town's drinking water repeatedly exceeded maximum contaminant levels for certain disinfectant byproducts, namely haloacetic acids. The United States further contended that the Town failed to comply with an EPA Administrative Order requiring the Town to monitor drinking water quality and report the monitoring results to the Orange County Department of Health. The lawsuit also charged that the Town had failed to provide the required notice to the public on each occasion that the Town's drinking water exceeded the maximum contaminant levels for disinfectant byproducts.

As part of the settlement, which was submitted to the Court today, the Town agreed to construct a water treatment facility to filter the drinking water it draws from the Delaware Aqueduct, the Town's principal water source. The Consent Decree requires the Town to complete construction of the facility by May 1, 2013, pursuant to a schedule of 29 interim construction milestones.

The Consent Decree further requires the Town to implement a number of interim measures to protect the quality of its drinking water until the Town has completed construction of the water treatment facility. For example, the Consent Decree mandates ongoing monitoring for contaminants of the water that the Town obtains from the Delaware Aqueduct, as well as monthly reporting of the monitoring data to EPA, the State of New York and Orange County. Under the Consent Decree, the Town's water must also meet water quality standards applicable to water systems that are not required to install treatment facilities.

The Town agreed to pay a \$100,000 civil monetary penalty to the federal Government, and to spend an additional \$912,000 to carry out environmental projects to improve the water quality in and around the Town. Specifically, the Town will purchase and maintain vacant undeveloped real properties around the Chadwick Lake Reservoir, an alternate drinking water source for the Town, in order to protect the watershed. The Town also agreed to connect residential and commercial properties in the Town along North Carpenter Avenue and West Stone Street to the City of Newburgh's sanitary sewer system. This project will prevent waste in septic systems from discharging directly into the ground and, in some cases, running above ground to other water bodies in the area, such as Orange Lake and tributaries to the Hudson River. In addition, the Town agreed to replace existing catch basins connected to pipes that discharge into Orange Lake with new catch basins equipped to prevent sediment and floatable debris from flowing into the lake.

Pursuant to federal regulations, the Consent Decree will be lodged with the Court for a period of not less than thirty days before its entry to provide public notice and to afford members of the public the opportunity to comment on the Consent Decree.

"It is essential to the public health and safety that municipalities do everything in their power to ensure that the drinking water they provide to their citizens satisfies the water quality standards mandated by the federal government," said

United States Attorney MICHAEL J. GARCIA. "This settlement, which provides for the construction of a water treatment facility, as well as the implementation of various environmental projects, will vastly improve the quality of the drinking water for the residents of the Town of Newburgh."

"The Newburgh settlement requires filtration and other projects that will further safeguard public health and the environment by securing land in the watershed and eliminating failing septic systems through new sewer line hook-ups," said EPA Regional Administrator ALAN J. STEINBERG. "The bottom line is multiple layers of protection from source to tap."

Mr. GARCIA praised the multi-year compliance and investigative efforts of the EPA.

Assistant United States Attorney PIERRE G. ARMAND is in charge of the case.

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