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LETTERS TO THE EDITOR

Long-Islander
5/29/08

June 9, 2008

Northport's Dirty Dozen

DEAR EDITOR:

According to the News Release excerpts in the Footnote, "NY's Children ask: Will you take the necessary steps to right these wrongs?" Each award is unique and represents how children are particularly vulnerable to toxic exposures."

As noted in Luann Dallojacono's first story, Erik Knudsen's son asked LILCO Chairman LaRocca -- to no avail. On December 4, 2007, Mrs. Knudsen asked LILCO's CEO, Kevin Law -- also to no avail.

Given that LILCO officials either misled *The Long-Islander* or failed to answer, one could argue the LIPA Act was created to shield LILCO against Superfund Legislation (CERCLA) and its amendment (SARA); both summarized in the corresponding attachment.

Since LILCO never went out of business, as Mrs. Knudsen learned on December 4, and Kevin Law is its CEO, how did LILCO's stockholders and bondholders escape liability under CERCLA & SARA?

The answer may lie in the attached faxes to EthicsPoint, which reveal KPMG covered-up huge Superfund liabilities as former Attorney General

Spitzer shielded LILCO. Former Governor Spitzer then made Kevin Law LILCO's CEO; one could argue to help craft the National Grid/KeySpan merger and -- with the help of the NYPSC -- to pass off clean-up costs onto Ratepayers; all in violation of the Superfund Legislation.

If you Google "superfund victims Long Island", you may find the sequel to the Knudsen's story also lies in Ms. Dallojacono's own back yard because Port Jefferson shares the "Dirty Dozen" Awards with Northport.

DR. CARMINE F. VASILE
Patchogue

Ensuring Children's Safety In School

DEAR EDITOR:

Children spend a considerable amount of time each week in school. Between classes, extracurricular activities, sports team, and special events, our public schools often become an extension of a child's home. One of the most important roles schools have, besides providing the best education possible, is to keep children safe while in or on school grounds.

Dr. Carmine F. Vasile
60 Herbert Circle
Patchogue, NY 11772
631-758-6271

Fax to: Governor Paterson
518-474-1513 (V:4727)

Re: EPA & DEC Investigations of Northport Power Station (NPS)

Exhibit A is a disconcerting letter dated March 12, 2004; written at the behest of former Governor Pataki by the DEC's Regional Director.

Please take notice that Director Scully either dismissed or passed-off serious allegations then failed to ask the EPA to declare the NPS & Long Island Sound Superfund sites -- even after its Lobsters were killed off by MEXEL & Clamtrol. (The latter is a brand name for Spectrol CT 1300, which also kills Zebra mussels and other Shellfish.)

As noted in the adjacent letter from the may 29th Long-Islander, 2 years later the NPS and the Port Jefferson power plant became tied for 5th in the 2006 Dirty Dozen List. See @ www.cectoxic.org/2006Dirtydozen.html, which also tells the DEC won 3rd & 4th places, e.g.: "*NYS Dept of Environmental Conservation for Ravena Tire Burning Project (Ravena)*" & "*NYSDEC and General Electric for Dewey Loeffel Landfill (Nassau)*".

Given the NPS won its Dirty-Dozen Award just two years after Mr. Scully's investigation, it would appear he was either misled, or the NPS' operating & safety reports were falsified to prevent their permits from being revoked.

Therefore, the EPA should not have entrusted the NYDEC to investigate the NPS, as noted in the attached May 19th 2008 letter from the EPA to Congressman Bishop. (Exhibit B)

Undesignated Superfund Sites

Please order the DEC to petition the EPA to designate other Superfund sites in addition to the NPS & LI Sound, so as to protect Long Island Ratepayers from billions of dollars in remediation costs that have been illegally passed off by the NYPSC & LIPA in violation of the Superfund Legislation (CERCLA & SARA). These include:

1. Manufactured Gas Plants (MGP) sites that National Grid, LIPA & KeySpan are required to remediate;
2. Other undisclosed HAZMAT dumping grounds on LILCO/KeySpan/National Grid property;
3. *Settlement & legal costs related to 5 Superfund Landfill sites - 2 cases settled (Northport & North Sea); 3 pending that were brought by Spitzer but omitted from fraudulent Merger Applications to FERC & PSC;
4. Illegal HAZMAT dumping grounds in the Brookhaven Town Landfill to which toxic substances from the Lawrence Aviation Superfund site were dumped and already caused an underground titanium fire;
5. The Long Island Sound, wherein MEXEL and Clamtrol killed off lobsters and other marine life, yet FERC approved the **Broadwater LNG** project -- knowing Broadwater would prevent the repopulation of the Sound -- if ever the NPS were prevented from using Clamtrol to keep killing its Shellfish.

Yours truly,
Carmine F. Vasile
Dr. Carmine F. Vasile

cc: EPA Director Sternberg
F: 212-637-3561
& John Sopka F: 202-225-5288

New York State Department of Environmental Conservation
Regional Director, Region One
Building 40 - SUNY, Stony Brook, New York 11790-2356
Phone: (631) 444-0345 • FAX: (631) 444-0349
Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

March 12, 2004

Mrs. Denise H. Knudsen
15 Monroe Street
Northport, New York 11768

Dear Mrs. Knudsen:

Governor Pataki has asked me to respond to your letter regarding the Northport Power Plant operated by KeySpan. Your letter raises many issues, some of which are outside the jurisdiction of the New York State Department of Environmental Conservation (Department). I have summarized the Department's role in several of the concerns you raised and have suggested other government agencies that may be able to assist you with your remaining concerns.

Northport Facility Opacity and sulfur emissions - The sulfur-in-fuel limit for the Northport Power Plant is 1.0 percent by weight. The Department's review indicates that the facility is in compliance with this limit. The facility has continuous monitoring systems for opacity. In general, the opacity limit is 20 percent based on a six-minute average. Combustion facilities burning fuel oil occasionally exceed this limit during startup, shut down or malfunction events. The Department has required KeySpan to implement a plan to reduce opacity exceedances. Any inexcusable exceedances are assessed a payable penalty. As a result, the number of opacity incidents have decreased. In addition, the Department has encouraged KeySpan to use natural gas instead of fuel oil to reduce opacity. However, KeySpan is contractually obligated to use cost efficient fuel to control the cost of electricity generation.

Health effects of Air Emissions on area residents - The Northport Power Station is in compliance with the New York State Air Pollution Control regulations. Many of the standards contained in the regulations are health-based and are designed to be protective of human health and the environment.

Opacity monitors - KeySpan regularly submits a quarterly report that lists opacity exceedances and in-service time and downtime for opacity monitors. The Department's review of past reports indicates that the monitors have been in service greater than 95 percent of the time (generally in the 99 percent range) as required by the regulations. In response to your concern

that the monitors are put into a maintenance mode to avoid violations, Department staff conducted an in-depth review of selected data. The Department compared the times and dates when opacity monitors were down with the actual opacity records preceding and following the downtime. The Department did not find a trend or an indication suggesting that the plant was having excess opacity during monitor downtime.

Use of Waste Oil - KeySpan is required to conduct regular sampling of waste oil and provide results to the Department on a quarterly basis. A review of their reports indicates that the waste oil meets Department requirements. I have asked Department staff to review KeySpan's sampling and analysis procedures for waste oil to determine whether any improvements are necessary.

Thermal Pollution - The facility has a State Pollution Discharge Elimination System (SPDES) permit which includes several processes at the site - cooling water discharge, wastewater facility, storm water discharge, boiler blow down and chemical usage at the intake. The cooling water effluent is monitored continuously for temperature. The permit specifies a limit of 90 degrees Fahrenheit. In the past five years, only 2 excursions were recorded and reported. Both excursions were 91 degrees F. The plant does have a backup pump for this location.

Hazardous Materials and Chemical Storage - Storage of hazardous material products is regulated by OSHA. The Department regulates storage and disposal of hazardous waste (spent materials). From the information you provided, it appears that the storage of a drum of mercury is regulated by the Department. Although OSHA inspections found this area to be in compliance, Department staff will conduct an inspection of the facility in response to your concerns.

Mexel Use and Rinse Water - Use of Mexel was discontinued in the year 2000 as it was ineffective. The product being used now is Spectro CT 1300 to control blue mussels. (The zebra mussel is a fresh water species.) This is an approved use, and the rinse water is allowed to go to the treatment plant.

Adverse effects on the health of your husband who worked at the power plant - Private sector employees in New York are covered by the Occupational Safety & Health Administration (OSHA), which is part of the United States Department of Labor. OSHA representatives should be able to provide you with information about the compliance record of this facility with OSHA regulations and to better address your concerns regarding the plant ventilation system, and Right to Know issues.

Soccer field built near leaching field - This use would be regulated by the Suffolk County Health Department or the Town of Huntington Building Department, which may be able to answer your questions about this issue.

Employee Illness - This is another area regulated by OSHA, whose representatives should be able to address this issue.

I empathize with your concerns and wish to assure you that the Department is vigilant in enforcing its rules and regulations. The Department will continue to pay close attention to the operation of this facility and will take appropriate action when necessary. Please do not hesitate to contact the Department's Region One office if you need further information.

Sincerely,



PETER A. SCULLY
Regional Director

PAS:el



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 19 2008

Honorable Timothy H. Bishop
Member, U.S. House of Representatives
3680 Route 112, Suite C
Coram, NY 11727

Dear Congressman Bishop:

Thank you for your fax of April 10, 2008, written on behalf of your constituent, Dr. Carmine Vasile of Patchogue, New York concerning complaints about safety and alleged violations of anti-pollution regulations at the Northport Power Station (NPS) located in Northport, New York. Your constituent's documents included a State of New York Summary of Complex Complaint About Safety at the NPS; a letter from the U.S. Coast Guard addressed to your constituent which responded to concerns expressed regarding shipments of oil to the Northport Power Plant; and a letter from LIPA addressed to Mrs. Denise Knudsen responding to concerns expressed about National Grid's acquisition of KeySpan.

EPA has been in contact with Mr. and Mrs. Knudsen, after a complaint they had filed regarding the NPS, was forwarded to the EPA. Dr. Carmine Vasile also contacted us soon after and we have been in touch with him since, as well. We have also been in contact with the New York State Department of Environmental Conservation (NYSDEC) to determine the compliance history and status of the NPS facility. The NYSDEC conducted a multimedia inspection at the NPS facility on April 30, 2008 and we are awaiting a report of their findings to assist us in responding to your constituent's concerns. Once NYSDEC provides us with the overall findings from their inspections, and we finalize our own internal investigations based on the materials that both Ms. Knudsen and Dr. Vasile have provided to us, we will contact you with a further update.

If you have further questions, please let me know or your staff may contact Peter B. Brandt, Chief for Intergovernmental & Community Affairs at (212) 637-3657.

Sincerely,

Alan J. Steinberg
Regional Administrator

Fax: 212-637-3561

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ONE HUNDRED TENTH CONGRESS

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October 4, 2007

The Honorable David M. Walker
 Comptroller General
 U.S. Government Accountability Office
 441 G Street, N.W.
 Washington, D.C. 20548

Dear Comptroller General Walker:

Under Rules X and XI of the Rules of the House of Representatives, the Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are investigating the efficiency and effectiveness of the various Government agencies within its jurisdiction to assess and collect fines and penalties. The agencies under the Committee's jurisdiction that should have significant activity in this area include the Environmental Protection Agency (EPA), the Nuclear Regulatory Commission, the Food and Drug Administration, the Federal Trade Commission, and the Federal Communications Commission. The Committee also has jurisdiction over programs within the Department of Energy, the Department of Commerce, and the Consumer Products Safety Commission, but would expect less of such activities in these agencies. Our understanding of how each agency assesses and collects fines and penalties is critical for us to conduct our oversight of this critical tool in the Government's arsenal to ensure compliance with our Nation's laws and regulations.

Accordingly, we seek your assistance in this endeavor. We request that the Government Accountability Office (GAO) provide us with an analysis of the current number and amounts of fines and penalties assessed and collected by these agencies. We understand that the range of programs to review within a given agency could be lengthy. For example, EPA issues civil penalties for violations or noncompliance with a variety of environmental statutes and regulations, including the Clean Air Act; Clean Water Act; Federal Insecticide, Fungicide, and Rodenticide Act; Resource Conservation and Recovery Act; Safe Drinking Water Act; Toxic Substances Control Act; and the Comprehensive Environmental Response, Compensation, and Liability Act. EPA also has a criminal enforcement program that uses more stringent sanctions to promote deterrence and help ensure compliance in order to protect human health and the

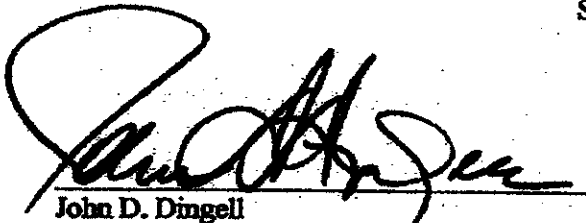
The Honorable David M. Walker
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environment. Given these complexities, the Committee is open to agency-specific reviews or other approaches for ensuring comprehensive coverage of this important area.

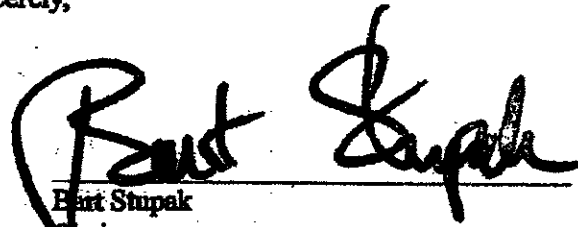
We appreciate your assistance with this request. Please contact John F. Sopko, Chief Counsel for Oversight and Investigations, at (202) 226-2424, to further discuss the scope and timing of this review.

Fax: 202-225-5288

Sincerely,



John D. Dingell
Chairman



Earl Stupak
Chairman
Subcommittee on Oversight and Investigation

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations