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MEETING OF LONG ISLAND COMMISSION  
ON AQUIFER PROTECTION

March 8, 2017

10:10 a.m.

260 Motor Parkway  
Hauppauge, New York

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1 A P P E A R A N C E S:

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STAN CAREY  
Nassau-Suffolk Water Commissioner's Association

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JEFFERY SZABO  
Suffolk County Water Authority

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MICHAEL WHITE  
Suffolk County Legislature Presiding Officer

8

DONALD IRWIN  
Nassau County Commissioner of Health

10

BRIAN SCHNEIDER  
Nassau County Executive

12

STEPHEN TERRACCIANO  
United States Geological Survey

14

SARAH MEYLAND  
Nassau County Legislature Minority Leader

16

PAUL GRANGER  
Port Washington Water District

18

KAREN GOMEZ  
New York State DEC

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JOHN MILAZZO  
Suffolk County Water Authority.

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P R O C E E D I N G S

MR. CAREY: Good morning, everybody.  
We are going to get started.

Please rise for the Pledge.

(Whereupon, the Pledge of Allegiance  
was recited.)

MR. CAREY: Okay. Welcome to the  
first quarterly meeting for the Long Island  
Commission for Aquifer Protection for 2017.

We will get started by introductions.  
We will go around the table here and everybody just  
introduce themselves and just state your  
affiliation.

I'm Stan Carey. I'm the  
representative from the Nassau-Suffolk Water  
Commissioner's Association and the superintendent  
at Massapequa Water District.

MR. SZABO: Jeff Szabo, chief  
executive officer of the Suffolk County Water  
Authority and vice chairman of LICAP.

MR. WHITE: Michael White  
representing Suffolk County Legislature, presiding  
officer.

MR. IRWIN: Donald Irwin, Nassau  
County Department of Health.

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MR. SCHNEIDER: Brian Schneider  
representing the Nassau County Executive.

MR. TERRACCIANO: Stephen  
Terracciano, United States Geological Survey.

MS. MEYLAND: Sarah Meyland  
representing the Nassau Legislature's Minority  
Leader.

MR. GRANGER: Paul Granger  
representing the Port Washington Water District.

MS. GOMEZ: Karen Gomez, New York  
State DEC.

MR. MILAZZO: John Milazzo, Suffolk  
County Water Authority.

MR. CAREY: Okay. We do have a few  
members that couldn't make it today, but we have a  
quorum so this will be an official meeting.

Item 2 on the agenda is to adopt the  
minutes from the December 7th meeting.

Does somebody want to make a motion?

MR. SCHNEIDER: Motion.

MR. WHITE: Second.

MR. CAREY: Motion made by Brian and  
seconded by Michael White.

The minutes are adopted.

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Are we ready for the -- not yet --  
for the presentation.

(Inaudible chatter.)

MR. CAREY: Okay. So we will come  
back to item number 3.

Item 4, discussions on water  
treatment/infrastructure proposals by the governor  
and legislature. I think Jeff has an update on  
that for us.

MR. SZABO: Thank you, Stan.

I think we've all been reading the  
last several months about the different proposals  
that have been talked about and sponsored in the  
State legislature --

UNKNOWN SPEAKER: Can you speak up,  
please?

MR. SZABO: Sure.

Governor Cuomo in his state of the  
State address announced a \$2 billion clean water  
and infrastructure and water quality protection  
plan. The funding would provide -- it would go to  
protect drinking water, preservation of open space,  
and address regulated and unregulated contaminants.  
Funding, it sounds like, will be prioritizing a

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1 regional basis. They are also looking for  
2 incentives for consolidation and for sharing of  
3 services, highlight -- highlight installation of  
4 advanced treatment.  
5

6 A couple of key points also in his  
7 proposal is filtration systems to treat regulated  
8 and unregulated contaminants, connecting private  
9 drinking water systems to public drinking waters,  
10 protecting -- okay -- upgrade against -- upgrade of  
11 aging distribution systems including money for  
12 change of lead service lines for low income  
13 communities.

14 You may have seen that the EFC  
15 recently announced that, I think it was \$662  
16 million for low interest or no interest funding for  
17 a bunch of water initiatives throughout the state.  
18 I don't believe that there was one for Long Island,  
19 if I recall correctly.

20 So we have the governor's proposal,  
21 which is out there and is part of his budget. It  
22 has been in the press quite a bit lately. You also  
23 have the legislature -- the State legislature and  
24 Senator Flanagan and led by Senator Kemp Hannon  
25 and, I believe, Assemblyman Englebright on the

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1 assembly side, they are proposing a water bond act  
2 of \$5 billion.

3  
4 1.5 are slated for the protection of  
5 drinking water supplies and watershed. 3.5 billion  
6 for repair, replacing water beam infiltration  
7 systems. A lot of the language is somewhat  
8 repetitive. There aren't, or I'm not aware of, any  
9 specifics other than, you know, basically what we  
10 just talked about -- what I just mentioned.

11 I believe Flanagan just said the  
12 other day at a League of Women Voters meeting that  
13 he thought the funding should be broken up on a  
14 regional basis too. Senator Hannon also has  
15 legislation to create a water institute. I know  
16 Stan and Paul and a couple of others here, we've  
17 talked about it a little bit. And it would mirror  
18 some of the -- some of the water institute that was  
19 created in New Jersey several years ago to look at  
20 and regulate contaminants. There has been some  
21 comments from -- on the assembly side, saying that  
22 they didn't think that they needed to duplicate  
23 services that are already being provided by the  
24 State Health Department and the State DEC, but it  
25 was unclear whether it would be at that point a

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2 standalone entity or part of one of those two  
3 departments.

4 So at the state level there are  
5 several things happening that are being discussed  
6 about water quality and trying to address aging  
7 infrastructure and promote innovative treatment.  
8 Some of the funding would also go to the wastewater  
9 side for similar projects, but I thought it -- Stan  
10 thought it was a good idea that we at least discuss  
11 the proposals that are out there and see if there  
12 are any comments from anybody on LICAP and see if  
13 there is anything that they want to express about  
14 any of those topics.

15 We also -- there's been a lot of talk  
16 related to 1,4-dioxane. And the governor's health  
17 commissioner, Zucker and -- is it DEC commissioner  
18 with you guys.

19 ALL: Yes, Seggos.

20 MR. SZABO: Seggos.

21 They've attended press conferences.  
22 I attended one with both of them about a month ago  
23 up in Stony Brook and it was a press conference  
24 urging the EPA to set a regulation for 1,4-dioxane.  
25 I think Stan, Paul, and maybe Frank and a bunch of



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1  
2 others also attended a similar press conference in  
3 Nassau County the week after.

4           Again, it is Cuomo saying -- urging  
5 the EPA to set an MCL for 1,4-dioxane and if they  
6 don't act, the State will act.

7           As you all know, there is -- the  
8 problem with 1,4-dioxane is that it right across  
9 Long Island, Nassau and Suffolk County, and there  
10 is no effective treatment for it. It runs through  
11 typical treatment measures like granular-activated  
12 carbon very, very quickly and the Water Authority  
13 roughly four years ago developed treatment, a PILOT  
14 program at one of our well fields.

15           So for four years we've been working  
16 with the local Health Department and the State  
17 Health Department trying to get approval. We have  
18 approval on the PILOT and we plan to have a  
19 demonstration of a full scale model this coming  
20 spring, within the next month or so. So assuming  
21 that the results are positive, we hope that at some  
22 point this summer the State Department of Health  
23 will allow us to put that treatment into service.

24           It will run through an advanced  
25 oxidation process and then through

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granular-activated carbon before it is sent out to the distribution system. So that's all good.

There's been a lot of progress on the treatment side. The cost for AOP at this one location for the Water Authority is about a million dollars and if you look at 1,4-dioxane, you look at treatment, I think, just for the Water Authority, right, and I have some -- I think Ty Fuller and Rich Volver (phonetic) are looking at a cost estimate to treat 1,4-dioxane island-wide but you're looking at upwards of 100 million -- 75 to \$100 million just in capital costs to treat. If you look at the other wells that are impacted, you may be looking at easily 200 -- \$200 million, plus additional operating expenses moving forward. So if there is a standard set, we would hope that some of the -- some of the items that I mentioned earlier with funding, whether it is through the Bond Act or through Governor Cuomo's budget, that there's funding to help offset some of the costs that the residents and the water providers would have to contribute.

So at this point I will turn over the mic to anyone who wants to comment on any of those

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1 proposals.

2  
3 MR. CAREY: So to say the least, 2017  
4 is shaping up to be the year of water. There are  
5 proposals coming from everywhere, from the  
6 governor's office, the Health Department and both  
7 the assembly and senate, so we -- especially more  
8 at the Long Island Water Conference we -- we've  
9 been engaged with a lot of the local elected  
10 officials and we intend to stay engaged until --  
11 and have a say in any of this legislation.

12 Just as a reminder, I mentioned the  
13 Long Island Water Conference, we are hosting our  
14 annual legislature breakfast this Friday at Carlyle  
15 on the Green and I'd like to invite the members of  
16 -- if you haven't already responded -- members of  
17 LICAP to attend. We just ask that you RSVP today  
18 if you are going to come on Friday. Okay.

19 Next item on the agenda is --

20 MR. WHITE: So thank you, Jeff and  
21 Stan, on the 1,4-dioxane. I also see that Kirsten  
22 Gillibrand was trying to actually introduce a bill  
23 to amend the Safe Drinking Water Act to force the  
24 EPA to do this. A sort of coming up from the top  
25 down approach.

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2 I think the issue that should be also  
3 on the table here is, is there a reason why the  
4 State is hesitating, because it has the power to  
5 this? It would be better if the feds did it  
6 because it would be nationwide and probably a  
7 better base for enforcement, but the State can do  
8 this and several states in the country have already  
9 done it.

10 So the idea of developing a number  
11 around what's a very complicated process -- some  
12 states have already done that process. And those  
13 numbers are very close between those states. I  
14 can't remember them but I think they are very  
15 similar.

16 So the other thing I have is that I  
17 think we really have to be concerned, unless I'm  
18 wrong about this, the statistics and the  
19 information shows that Suffolk County is absolutely  
20 a standout on this. Okay, if you look at the data  
21 from around the country and even around New York  
22 State, the volume -- the number of wells, which  
23 means the areas of drinking water that are affected  
24 by this chemical, are really way over the line in  
25 terms of what you might expect on a normal basis in

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Suffolk County.

So I don't know what the reason for that is; do we use more of those soaps, those cosmetics, was it from solvents? So I don't know what the answer to that is, but I guess what I'm saying is the other part of this is because the water purveyors are clearly going to get stuck treating this if that standard is set, right? And you are going to look for funds to do that and that makes sense.

Is there a consideration -- back in, you know, way back in the day Suffolk County was aggressive on banning chemicals. So is there an effort on that other side to say -- I know -- I recognize there is a problem with interstate commerce, but we may have to consider the fact that for some reason our ground water is being contaminated by these elements.

I just want to throw that out there because I think that has to be in the conversation.

MR. IRWIN: Michael, I just want to clarify that it is not just a Suffolk County problem, but Nassau County public supply wells are overwhelming picking up detections of dioxane. And

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2 we feel it is largely associated with chemical  
3 contamination from previous industrial and  
4 commercial discharges. So it is not just a Suffolk  
5 County issue. It is an island-wide issue.

6 MR. WHITE: Okay. Thank you. I  
7 thought it was, Don, but I wasn't sure so I didn't  
8 want to say anything so thank you for filling in  
9 the gap.

10 UNKNOWN SPEAKER 1: I just wanted to  
11 comment on Mike's thing. The governor has given  
12 the EPA, what, one or three months, so he is taking  
13 a stand acknowledging that the State can, in fact,  
14 also set their own limits.

15 MR. WHITE: Thank you. I didn't know  
16 there was some kind of, like, control date. Okay.  
17 Thank you.

18 MR. CAREY: I think the difference,  
19 what really makes Long Island stand out from the  
20 rest of the country is the fact that we rely on a  
21 sole source aquifer and that's exactly why we are  
22 sitting here today, so it is a very important  
23 issue.

24 Normally, the EPA does regulate at  
25 the federal level and I think the State is somewhat

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1  
2 hesitant until the science is fully done behind it  
3 and they are hoping that the EPA completes their  
4 investigations and pathways of exposure before they  
5 set a standard. I'm sure there's some cost  
6 involved with that and they are hoping at the  
7 federal level that's taken care of. So I think  
8 that's probably the reason why they are a little  
9 hesitant to do it right away and put a timetable on  
10 it.

11 MR. SZABO: The other point I just  
12 want to make is, you know, everyone is, I think, a  
13 little frustrated with the EPA because I know we've  
14 been testing for 1,4-dioxane for over ten years  
15 and, you know, we want direction. You know, we  
16 want guidance from the federal and from the State  
17 Health Department but, you know, they look at  
18 health impacts and they look at the threat to the  
19 public and part --

20 I don't believe that 1,4-dioxane,  
21 that case file, has been sitting in the back shelf  
22 somewhere and no one has looked at it for ten  
23 years. I think this is something that they are --  
24 that they need to be very careful with because the  
25 threats could -- the harmful exposure could be more

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2 dangerous for people because it is in their laundry  
3 detergent and compare that risk to the risk that  
4 you have in drinking water, that may actually be,  
5 to Michael's point, something, you know, more of a  
6 threat than setting a standard at the federal  
7 level.

8 So we will certainly stay in touch  
9 and stay in contact with the governor's office and  
10 with the legislative leadership as they make --  
11 determine if they are going to move forward and set  
12 an MCL.

13 The other point, though, is Stan,  
14 myself, and Paul Granger and some others from the  
15 water conference and from LICAP have been meeting  
16 with elected officials. I think what we have  
17 heard, and correct me if I'm wrong gentlemen, but  
18 the legislators have said, we don't -- this is --  
19 it is a very important issue, it needs to be  
20 addressed, we need action. But they have said that  
21 they don't want to -- that they are not going to  
22 micromanage the State Health Department and try to  
23 legislate a standard.

24 And I think that is very important  
25 when you talk about setting an MCL.



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2 MR. SCHNEIDER: I just have one, you  
3 know, comment to add about the money of this whole  
4 endeavor. Six -- the six number is, you know, is a  
5 tremendous number. And from the County's  
6 perspective, especially with the monitoring -- the  
7 annual monitoring that is going to be incorporated  
8 in this -- in a number of these different studies,  
9 especially the USGS Sustainability -- Water  
10 Availability Sustainability Study by the USGS.

11 We, the County, as part of -- as  
12 members of the Water Resources Board just sent a  
13 letter to both the governor and Commissioner Seggos  
14 about a couple of issues. One of them is a  
15 seamless funding stream especially on the annual  
16 monitoring that has been traditionally born by  
17 primarily Nassau County, which has been obviously  
18 an issue over the last few years.

19 So we've asked the DEC to earmark a  
20 portion of the money from -- that the governor has  
21 put out there to the USGS annual monitoring,  
22 specifically in Nassau County. It should be in  
23 Suffolk County as well because if they -- the USGS  
24 does have an agreement with Suffolk and the USGS  
25 does have an agreement with the DEC, so I think

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1  
2 from a regional standpoint the DEC should really be  
3 the entity that should be funding the annual  
4 monitoring throughout Long Island.

5 So that is something that we had  
6 requested of the DEC commissioner and hopefully it  
7 will be included in the budget. If not, the County  
8 does have money set aside for the next two fiscal  
9 years because our agreement with the USGS ends  
10 September 30th. So we are prepared to go forward  
11 with another agreement for a two-year period, but  
12 we think it would be best born out of that 6  
13 billion.

14 MS. GOMEZ: Just to comment on a  
15 couple of your questions. The governor's proposal,  
16 first off with the setting a standard, you know,  
17 EPA has already answered no or has encouraged DEC  
18 or New York State to proceed. I think there's  
19 going to be -- there's another letter that went  
20 back to them, but I think in the short term you are  
21 going to see something happening on the New York  
22 State level.

23 As far as what DEC and DOH are also  
24 doing on the sidelines is we are looking at State  
25 Superfund sites. They are now sampling for

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2 1,4-dioxane. We are looking at other sources. So  
3 we are looking at laundromats.

4 So there is a -- parallel tracks  
5 going on. You know, we are not waiting, we are  
6 proceeding as best as we can and trying to get as  
7 much information as we can going forward.

8 MR. WHITE: Thank you, Karen.

9 And I didn't mean to be critical. I  
10 was just saying, you know, we have the opinion and  
11 I'm glad to hear that that work's going on.

12 And back to the source issues and  
13 going from what Don was saying, I think that is  
14 important to kind of recognize and that sampling  
15 that you're doing might really provide some  
16 information on this. If it is from the old-time  
17 historical, industrial discharges, because at one  
18 time this stuff was used as lining containers for  
19 solvents as a buffer; is it that, because that  
20 might be the Nassau County experience or is it more  
21 of present products being utilized and going  
22 through the onsite wastewater system? So I'm  
23 really glad to hear that that data is going to be  
24 developed as well because then we will maybe have  
25 an idea of not only the treatment issue but also a

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2 source issue.

3 Thank you.

4 MR. CAREY: Okay. Thank you.

5 So we are going to backtrack to  
6 number 3, the presentation by Angus Eaton, DEC  
7 Division of Water on Water Compacts in New York  
8 State.

9 MR. EATON: I am Angus Eaton, I will  
10 verify that for you.

11 I understand there has been some  
12 interest in establishing a compact for Long Island.  
13 I'm not -- full disclosure, I'm not familiar with  
14 the discussions that have gone on before, but I am  
15 down from Albany -- DEC in Albany because I'm in a  
16 unit that works with most of the existing compacts  
17 that have been established that includes at least  
18 portions of New York.

19 There's six interstate compacts  
20 funded at least in part from the New York State  
21 budget. They are listed here. All but one of the  
22 compacts have varying levels of regulatory  
23 authority.

24 The one exception is the New England  
25 Interstate Water Pollution Control Commission,

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1  
2 which doesn't really have any regulatory  
3 authorities.

4           The SRBC, IEC, and DRBC actually  
5 engage or have engaged in regulatory oversight,  
6 whereas ORSANCO, Ohio -- and I always get this  
7 wrong -- Ohio River Valley Water Sanitation  
8 Commission and the Interstate Environmental  
9 Commission -- excuse me, the Great Lakes  
10 Commission, they don't actually themselves engage  
11 in oversight but they set requirements that are  
12 implemented by the states.

13           There's also a very significant  
14 Supreme Court decree from the '50s that governs the  
15 water resources for the -- New York City's Delaware  
16 River Basin reservoirs. We just call that the  
17 decree.

18           There are other things in place that  
19 are not compacts. They are more recent and don't  
20 really fit that -- that particular mold. There's  
21 an election of plain basin program that's in the  
22 Clean Water Act. People here would be familiar  
23 with the Long Island Sound study, the common  
24 (inaudible) program, both in the Clean Water Act.

25           South Shore Estuary Reserve --

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1  
2 better? Sorry.

3 South Shore Estuary Reserve, not in  
4 the Clean Water Act, but in State law. And the  
5 Great Lakes Restoration Initiative and Chesapeake  
6 Bay Program, which is in the Clean Water Act.

7 We also have a number of -- let me  
8 see if I can get this here -- alliances or, you  
9 know, not really necessarily have a legislative  
10 background but certainly the Lake Erie Watershed  
11 Protection Association and the Finger Lakes --  
12 oops, I am on the wrong slide, that's why we are  
13 not getting it.

14 The Lake Erie -- see, I went down  
15 through those and you didn't see them -- Lake Erie  
16 Watershed Protection Association, the Finger Lakes  
17 Ontario Water Pollution -- well, I can't remember  
18 what they are. Hudson River Estuary Program, the  
19 (inaudible) Lake Program, they are all not compacts  
20 but they have water pollution control functions and  
21 actually have been, you know, successful in their  
22 own way.

23 Some of these also have attached  
24 coalitions, which -- like the (inaudible) Watershed  
25 Coalition, Upper Susquehanna Coalition, Upper

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1  
2 Hudson River Watershed Alliance, and there is just  
3 more. I just could not find them all. But they  
4 are generally alliances of some of our water  
5 conservation districts that seek funding and  
6 deliver coordinated water protection programs.

7 What we look for from compacts is,  
8 what are the positives? And so -- and where are  
9 there improvement opportunities? So positives  
10 would be, where is there value added, where are we  
11 getting support? And then consistency with other  
12 programs that sometimes you get when you have a  
13 compact that covers several states, you can develop  
14 some consistency between the states. And then  
15 where there is good coordination. Those are the  
16 positives.

17 Where are we really -- we gain some  
18 improvement opportunities but I think there's  
19 certainly room for more where there is duplication  
20 and that's something that we need to eliminate  
21 because, you know, there is only so much -- so many  
22 recourses to go around and if we are duplicating it  
23 is very difficult.

24 There are also cases where we aren't  
25 -- where the State -- New York State is at cross

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1  
2 purposes with some of these -- with some of the  
3 compacts. And the other improvement opportunity is  
4 if you have that consistency, which in many cases  
5 is a good thing, it also can tend to diminish  
6 consideration of local issues and that can be a  
7 problem. Whereas coordination is a positive, there  
8 can also be a lot of resources expended in  
9 obtaining that coordination.

10 So where -- the areas where there's  
11 existing State authority that can be duplicated, we  
12 have quite a bit of existing New York Environmental  
13 Conservation Law authorities. A lot of them are  
14 intended to implement federal laws. At least in  
15 the case of the Clean Water Act, the implementation  
16 of the Clean Water Act, all of that was, you know,  
17 there was an application where a legal authority  
18 was verified by an Attorney General's statement.

19 These are all typically -- and,  
20 again, the one that I am most familiar with is the  
21 Clean Water Act memorandum. Memorandum of  
22 understanding is implemented under a memorandum of  
23 understanding between EPA and DEC. And for the  
24 Clean Water Act Memorandum of Understand it only  
25 allows for DEC implementation and hypothetically,



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1  
2 legally that could be changed, but practically  
3 speaking, exposing the MOA to revision would be  
4 very destructive.

5 And for many of these also there's  
6 federal funding that goes along with it to  
7 implement the federal program. The existing ECL  
8 authorities -- there is probably more. I just kind  
9 of jotted them down, but the Clean Water Act, you  
10 know, that's my focus, also water resources is  
11 within our unit but there's also, again, I think  
12 you guys are probably more familiar with the Safe  
13 Drinking Water Act than Health Department  
14 implementation, but Superfund, you know, RECRA,  
15 spills response.

16 We also have flood, coastal and  
17 habitat authorities with conservation law.

18 The compact authorities, many of them  
19 predate some of the landmark federal laws like the  
20 Clean Water Act, Safe Drinking Water Act and  
21 Superfund. The legal authority for many of these  
22 is independent of State authority and they are all  
23 -- all the ones on the list there are all  
24 interstate. They wouldn't just be, you know, in a  
25 region within a state. The way the structure of

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2 the compact is typically the language would be in  
3 federal law and then also in the laws of each of  
4 the states.

5 And, again, there is duplication of  
6 aspects of State and federal law. You know, some  
7 of it is due to them being very old and laws came  
8 along and kind of wound up causing that  
9 duplication. In part, each of those are funded by  
10 dues from New York State.

11 Going down quickly through the  
12 various compact authorities (inaudible), mostly  
13 what they do are water quality standards -- that's  
14 really the connection they have with New York  
15 State. The Great Lakes Commission sets water  
16 resource requirements and that -- you know, I don't  
17 want to belabor that but it was (inaudible) for New  
18 York State and protection of the Great Lakes. It  
19 is the reason why New York and the other Great Lake  
20 states will be able to protect the Great Lakes  
21 from -- from, you know, loss of water to some of  
22 the other states perhaps.

23 They also have water quality limits  
24 that we have been implementing since 1987 and there  
25 is some planning aspects for that as well.

1 P R O C E E D I N G S

2 SRBC, we are also very involved with  
3 them just as we are with DRBC, but the focus is  
4 pretty much water resources in planning and  
5 assessment. IEC actually has limits for discharges  
6 and they do planning, assessment, and physically go  
7 out and do, you know, facility inspections.

8 DRBC has a very broad portfolio.  
9 Water resources, limits, planning, assessments,  
10 standards, inspections, flood management. It is a  
11 very, very broad, you know, we've been working  
12 closely with DRBC to try and coordinate that  
13 better.

14 And, again, New England Interstate  
15 Water Control Commission is really -- really more a  
16 supportive of State agencies. They prepare  
17 planning and guidance and we share staff with NEC  
18 often.

19 I think a lot of the reason why I'm  
20 down here is because I've been a primary  
21 representative of the governor for the Delaware  
22 River Basin Commission for seven years, which  
23 involves quite a bit of statutorily mandated travel  
24 to West Trenton. You know, at least five times a  
25 year but it is probably ten times that and we

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1  
2 provide input to the Delaware River Basin  
3 Commission business process.

4           Where we kind of duplicate with some  
5 of these programs and the Clean Water Act is in a  
6 whole lot of areas. Under the Clean Water Act  
7 there is planning and assessment, you know, and  
8 those are sections 208 and 303, water quality  
9 standards, permitting, inspection and compliance,  
10 non- point source programs, special lakes problems,  
11 pump-outs, and there is a groundwater section, I  
12 didn't quite get the section there but, you know,  
13 all those things are in the Clean Water Act. The  
14 DEC is responsible for implementing them.

15           And there is also, beyond what is  
16 listed here there are the geographic initiatives.  
17 The Long Island Sound study, National Estuary  
18 Program stuff, Chesapeake TMB0, you know, Great  
19 Lakes Restoration Initiative where there is just a  
20 lot of stuff that goes on where there is that  
21 opportunity for, you know, doing something that is  
22 also being covered by a compact. DEC has a very  
23 mature approved Clean Water Act program. Much of  
24 the programs I've mentioned under the MOA and in  
25 almost fifty years since the program's inception,

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DEC has developed a significant structure including law, regulations, policy, procedures, guidance, and legal and technical expertise.

We also have a long kind of history of compliance activities that, you know, I don't think they can really be duplicated by -- well, I know is not being duplicated by the compacts.

The positives and, again, for DRBC -- that's my most familiar thing -- the positives for DRBC is they have a high quality professional staff. There's approximately forty staff including a number of PhDs, a very professional manager. The PhDs excel at technical analysis. They are really good at planning and they are really good at public meetings and hearings. They're although they have an inspection authority, they don't come even -- they are dwarfed by what we do in terms of on the boots activities -- boots on the ground, excuse me.

And DRBC also works very hard at coordinating activities with the states and the federal government. And they really have to be successful because otherwise every -- you know, the cats are running all different directions.

Now, for New York, because our water

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1  
2 withdrawal law presumes DRBC water withdrawal --  
3 our law is very relatively new, I think 2011. That  
4 aspect of authorizations it perfect for us. The  
5 same with SRBC. We understood that we were going  
6 to defer to SRBC and DRBC in water withdrawal  
7 authorizations. It is really very good. But --  
8 and we -- but we have invested a lot in  
9 coordination, but I think more recently we have  
10 seen some changes in the format with DRBC that have  
11 made things, you know, a little bit more efficient,  
12 which essentially is meeting format changes and  
13 summary coordination.

14 We have been working on what they  
15 call one permit, one process for wastewater. I'll  
16 talk about that a little bit in the next slide  
17 about the administrative agreement.

18 We've also been working on a natural  
19 gas regulation development since 2010, you know,  
20 and that's really -- right now that's been a  
21 (inaudible). That's required a significant and  
22 continuing investment that hasn't necessarily paid  
23 dividends for New York. We have a moratorium in  
24 New York already so that isn't necessarily a value  
25 added for New York.

P R O C E E D I N G S

1  
2 We are at cross purposes with DRBC on  
3 a few issues. An example is some total dissolved  
4 solids requirements that applied up in headwaters  
5 where they really are for some of these small  
6 facilities. A large facility would unachievable  
7 and so we have to spend quite a bit of time  
8 resolving those issues. We are not really getting  
9 that much out of it.

10 Again, the overhead for coordination  
11 is significant and times ten because of the natural  
12 gas connection there.

13 One of the things we are doing with  
14 the Delaware River Basin is we have negotiated what  
15 is an administrative agreement between DRBC and New  
16 York State and we are not the only state so the  
17 thought is that -- that will allow for a single  
18 authorization, one process, one permit for  
19 wastewater discharges. Right now, and not in all  
20 cases because we are sort of chipping our way  
21 through with some of the authorizations, but many  
22 of the authorizations are required to get both a  
23 permit and in DRBC's words it is a docket, which is  
24 the same as a permit, a docket for the same  
25 discharge.

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2 So it is a little bit like, you know,  
3 you get your driver's license from the County and  
4 then you have to go get your driver's license from  
5 the State afterwards. It is not really efficient  
6 and does not provide any additional value.

7 We are in the early stages of  
8 implementation on that and I think we are  
9 optimistic -- there are some bumps in the road but  
10 we are optimistic that we are going to kind of work  
11 our way through to where it is a lot cleaner  
12 purpose.

13 MR. WHITE: Angus, not to interrupt,  
14 what is meant here by water withdrawals?

15 MR. EATON: Water withdrawals are --  
16 would be the -- the analogy here would be Long  
17 Island well permits plus a few others things. It  
18 is where -- we say water withdrawals now. We used  
19 to say water supply permits but now it also  
20 includes private -- private facilities. That's on  
21 -- on Long Island that's existed --

22 MR. WHITE: Yeah, I know.

23 MR. EATON: -- going back long ways.  
24 That didn't exist in the rest of the state until  
25 2011, except for water supply. But when we wrote



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2 the law we knew that DRBC existed and we were  
3 leveraging off DRBC to do those authorizations but  
4 that's a -- again, that's a value added for us  
5 because they are doing that. So is SRBC doing  
6 that.

7 MR. WHITE: In their compact areas?

8 MR. EATON: In their compact areas.

9 We participate but they do the  
10 authorizations. So, again, a positive for us.

11 MR. WHITE: So that seems to be -- I  
12 just want to make a point. That seems to be the  
13 crossover -- most of this is Clean Water Act stuff  
14 but that's the crossover to drinking water.

15 MR. EATON: Well, quantity --  
16 drinking water quantity. Neither -- none of these  
17 compacts do not -- do not, you know, have limits,  
18 you know, on drinking water quality. They just --  
19 it is really more just assuring, you know, the  
20 water resource.

21 MR. WHITE: Thank you.

22 MR. EATON: So the takeaway, at least  
23 for me is, you really want to target cooperation  
24 for the process. You want to avoid duplication,  
25 that's why we are working on the administrative

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1 agreement and minimize overhead. Some of these  
2 compacts have your work groups on top of  
3 subcommittees on top of -- and it can be a  
4 tremendous overhead. And again, not in every case,  
5 but in come cases the value of return is not  
6 (inaudible) with the investment in terms of staff.  
7 I would say if you are looking, clean slate, there  
8 are, you know, other more practical alternatives.

9  
10 A saying I heard from one of the  
11 upstate engineers, Aaron Morris is, if all you have  
12 is a hammer, everything looks like a nail. And I  
13 think there is a lot of other alternatives here.  
14 We have USGS, we have DEC, we have the Health  
15 Department. You know, we have hammers, nails,  
16 screwdrivers. It doesn't have to be a hammer and  
17 nail situation. We shouldn't get boxed into, you  
18 know, focusing on one tool that might not be the  
19 right tool to get done what we need to do.

20 Then I have like sort of a cool last  
21 slide here. Here's my contact information. Give  
22 me a call on Monday. I'll be somewhere.

23 (Inaudible chatter.)

24 MR. CAREY: Do we have any other  
25 questions? Any questions?

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1  
2 MR. MILAZZO: That's your last  
3 presentation -- congratulations.

4 (Inaudible chatter and laughter.)

5 MS. MEYLAND: Thank you, Angus. That  
6 was great.

7 I have a question that you didn't  
8 actually touch on but I wanted to ask just from an  
9 understanding point. As I understand it, the Long  
10 Island Well Permit Program through the rule setting  
11 process not in the actual legislation, it created  
12 the water withdrawal program at the State level but  
13 Long Island well permits were excluded from a  
14 number of the reporting requirements of the State  
15 program. Mapping where the withdrawals were  
16 coming from and making annual reports on  
17 withdrawals so why is that? I mean we have a great  
18 need for that type of information here on Long  
19 Island and if the rest of the state is upping, you  
20 know, their game in terms of monitoring water  
21 taking and water use and that sort of thing, why  
22 can't we get the same kind of reporting and  
23 acknowledgment for our program? Especially since  
24 our program has been around so much longer.

25 MR. EATON: And I just -- full

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2 disclosure, I'm really the wrong person to --  
3 sorry. I don't think Karen is the right person to  
4 answer either.

5 I know there's some things and we  
6 often go back and forth trying to make sure, you  
7 know, what applies where. It is not the simplest  
8 thing.

9 MS. BLUMER: There's been a lot of  
10 concern here on the part of DEC that we -- well,  
11 we're headed towards an entity and it doesn't have  
12 to be a compact. We get the liberty of not being  
13 directed by EPA or the feds. We can create our  
14 own, just the way New York State can create our own  
15 standards for different things.

16 So maybe you can speak to -- you  
17 know, some of us see an entity that's kind of  
18 patterned after the compacts where, you said it,  
19 all the cats are now running in different  
20 directions. You know, the agencies, the  
21 municipalities that there would be an oversight  
22 with coordination, et cetera. How much of that is,  
23 you know, does DEC get subjugated in having a  
24 coordinated body.

25 MR. EATON: I think what I'm trying

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2 to make the point is, there are some things for DEC  
3 which cannot be subjugated. Those things that are  
4 delegated from federal law -- I'm going to guess,  
5 and I don't know what you're trying to do, but I'm  
6 going to guess some of those authorities would be  
7 essential to whatever you're trying to do.

8 So I think the structure of whatever  
9 you're trying to do is really critical and I'm not  
10 sure that entities is what you want. Maybe what  
11 you want is just, you know, better coordination.  
12 Well, obviously you want that. Whether the entity  
13 is going to deliver that is up to you guys to  
14 figure out, but the federally delegated authorities  
15 can only, at this point, be delegated to DEC.

16 So whatever you're doing, you have to  
17 consider that in how you move forward.

18 MS. BLUMER: Well, it is more with  
19 policy setting and the government --

20 MR. EATON: Those go together, policy  
21 setting, rules, regulations, they are the same, you  
22 know, you can't really separate those.

23 Do you have more or --

24 MS. BLUMER: No. That's okay. Thank  
25 you.

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2 MR. OTTAVINO: Yes. On one of your  
3 slides you had inspection and compliance. Who does  
4 the inspection and who perpetuates compliance?

5 MR. EATON: It depends on what we are  
6 talking about. If you are talking about at DRBC,  
7 SRBC; which one are you talking about?

8 MR. OTTAVINO: Well, I am talking  
9 about the slide that you had. One of your bullet  
10 points was inspection and compliance.

11 Next one. Yeah, the fourth bullet  
12 point down.

13 MR. EATON: That's in division of  
14 water we have inspectors. We do -- we have a first  
15 level of compliance, which would be the civil  
16 level, and then we also flip to the Attorney  
17 General at some point. And I think that's also a  
18 good point for us. When we look around we have  
19 some of the best legal support of any state because  
20 when push comes to shove and it can't be handled on  
21 an administrative or civil area, we flip to the  
22 Attorney General to come in and, you know, there  
23 are a lot of attorneys there and they are all very  
24 experienced in compliance litigation activities.  
25 So we do rely on the process.

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2 MR. OTTAVINO: Related to, in another  
3 slide you had litigation. What type of litigation  
4 are you speaking about; are you speaking about  
5 drafting bills or are you taking legal action?

6 MR. EATON: I'm actually, you know, I  
7 would say it is the other way around. When I said  
8 litigation, it is often that the State is the  
9 defendant.

10 MR. OTTAVINO: The State is the  
11 defendant?

12 MR. EATON: Right. Like with our MS4  
13 permit, like with -- shoot, now I forget what it's  
14 called -- the water transfer rule, like with --  
15 with -- I mean we are almost consistently being the  
16 subject of litigation. And we are very well  
17 defended by the Attorney General's office.

18 In the case of (inaudible) there is  
19 actually litigation ongoing right now with the  
20 Delaware River Basin Commission related to natural  
21 gas regulation that is tremendously time consuming  
22 and the Attorney General's office is involved in  
23 that as well as four other groups of attorneys  
24 including the federal government and the DRBC  
25 inhouse attorney and contract attorney.

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2 MS. MEYLAND: I have one more really  
3 quick question. You mentioned the funding coming  
4 to the Clean Water Act to support many of your  
5 programs and the Clean Water Act does not include  
6 groundwater. So do you get any federal funding for  
7 groundwater programs?

8 MR. EATON: Yeah. It is --  
9 negligible is the wrong term, but it really isn't  
10 the core by any means of the funding. There's a  
11 small wedge of funding somewhere in the Clean Water  
12 Act for groundwater studies and that sort of thing.

13 MS. MEYLAND: But nothing beyond  
14 that?

15 MR. EATON: I've never seen it. You  
16 know, it is a big long -- but all I've ever seen is  
17 this small wedge. We actually engaged -- most of  
18 the money goes to contracts with USGS to do aquifer  
19 studies in really mostly upstate. And we are  
20 talking dollars that wouldn't -- that wouldn't even  
21 be noticed in the sustainability study in the, you  
22 know, in the --

23 MS. MEYLAND: So is that another way  
24 of saying that all of your groundwater work in the  
25 State of New York has to come through the State



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2 budget, with the exception of what you just  
3 mentioned?

4 MR. EATON: Well, there is clean  
5 water and groundwater work, right? But then  
6 there's also Superfund and (inaudible) groundwater  
7 work. I'm not as familiar with that but a lot, a  
8 lot of what we do by way of protecting and fixing  
9 groundwater is through (inaudible) so that is  
10 something that you maybe hear more from other  
11 folks, but you're right. When we write a permit  
12 for a discharge to groundwater it is under State  
13 law. When we write a permit for discharge to  
14 surface water, it is under State law, but it also  
15 serves a federal law function.

16 MS. BLUMER: What is the role of  
17 water providers in the compacts and --

18 MR. EATON: They are being regulated  
19 by the compacts.

20 MS. BLUMER: So they are represented  
21 in the Voting Commission?

22 MR. EATON: Other way around, they  
23 are on the other side of the table.

24 MS. BLUMER: Is there any provision  
25 for infrastructure for them provided through the

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1 compacts?

2  
3 MR. EATON: Well, you know, the one I  
4 am most familiar with is the Delaware River Basin,  
5 I hate to keep harping back to that, but if  
6 (inaudible) I'll get it wrong, I'll only get it  
7 sort of mostly right with DRBC but DRBC has a -- I  
8 think the best way to put it is a borrowing  
9 authority.

10 So there is the opportunity for DRBC  
11 to provide for additional storage. They do  
12 purchase storage from the Army Corps for repelling  
13 the soil front but the bulk of the reservoirs are  
14 in Pennsylvania. And I remember now also that the  
15 Susquehanna River Basin also purchases storage  
16 within New York to offset withdrawals for  
17 agricultural activities. So there is some but it  
18 is, you know, it is what I said it is.

19 MS. BLUMER: Thank you.

20 MR. EATON: Yes, sir?

21 MR. ROSENTHAL: Is the funding for  
22 the compacts and other entities self-sustaining or  
23 subject to the vagaries of State and local budgets?

24 MR. EATON: Well, State budget. The  
25 funding is -- actually, the State dues. Each

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1  
2 state, you know, has dues subject to the -- I think  
3 the right way to put it is the budget process of  
4 each state. I think each of the compacts, and I'm  
5 pretty sure this is correct, also receive federal  
6 Clean Water Act funding under -- I actually have  
7 the slide up -- under part 106 of the Clean Water  
8 Act, which is sort of a base program. It is what  
9 pays for the states -- or actually, a declining  
10 portion of what the states pay for doing permits,  
11 doing inspections, you know, doing compliance  
12 activities.

13 And each -- that I know -- each of  
14 the compacts that have -- not IEC but SRBC and DRBC  
15 also have charges that go to, you know, water  
16 purveyors when they make an application for a  
17 docket or a discharger when -- in the case of DRBC  
18 when they make an application for a discharge. And  
19 I'm trying to think of others. There is also some  
20 funding that comes through special studies.

21 MR. ROSENTHAL: So the bottom line is  
22 you get squeezed by (inaudible) and prevented from  
23 doing your job to its fullest extent.

24 MR. EATON: Well, I don't get  
25 squeezed.

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2 MR. ROSENTHAL: Okay.

3 MR. EATON: But the amount of the  
4 dues that's paid to each of the commissions is less  
5 than what -- typically less than -- for most of  
6 them typically less than what the State is billed  
7 for those.

8 Yes, ma'am?

9 MS. D'ARCANGELO: Hi. Do we have any  
10 agencies around that do prevention of anymore of  
11 these Superfund (inaudible) sites and, if so, what  
12 about enforcement? I mean, we have an inordinate  
13 amount of them and many people are wondering what's  
14 going on with that and what's being done to prevent  
15 any more.

16 MR. EATON: Karen, do you want to  
17 weigh in on that?

18 MS. GOMEZ: I missed the first part  
19 of your question. I'm sorry. Repeat that, just  
20 the very first part.

21 MS. D'ARCANGELO: I want to know if  
22 we have any prevention programs and also do we have  
23 any enforcement programs? How do we stop all this?  
24 I mean, we are just one big plume slashing from  
25 town to town.

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2 MS. GOMEZ: Okay. We do have a lot  
3 of prevention programs. You know, when -- some of  
4 the early slides that Angus put up we have under  
5 the Clean Water Act. We have SPDES, that's the  
6 State Pollutant Discharge Elimination System. We  
7 have those programs. We also have RECRA, which --

8 MS. D'ARCANGELO: I know all that  
9 stuff.

10 MS. GOMEZ: There are programs in  
11 place and in conjunction with that we work with the  
12 counties to also enforce -- a lot of -- the  
13 contamination that we deal with now, a lot of it  
14 particularly in Nassau County is legacy  
15 contamination. Sites that were, you know, from  
16 Grumman, from before the '50s and even later. A  
17 lot of the programs that have been in place have  
18 been since 1970 and if you look at it you would see  
19 that there's been progress made in reducing the  
20 amount of discharges, bringing facilities into  
21 compliance.

22 So there are programs out there and  
23 there are -- have been effective but we continue to  
24 have to -- we just can't give up. We continue to  
25 go out there and force compliance.

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2 MS. D'ARCANGELO: I mean, how do we  
3 prevent this? I mean, what are we doing to prevent  
4 them?

5 MS. GOMEZ: We have regulations in  
6 place and we are --

7 MS. D'ARCANGELO: And somebody is  
8 following up and enforcing them.

9 MS. GOMEZ: Yes. Yes. There is  
10 State --

11 MS. D'ARCANGELO: And who's that?

12 MS. GOMEZ: DEC inspections, we have  
13 County inspections. We, you know, coordinate and  
14 go out to inspect different facilities under  
15 different programs.

16 MR. CAREY: I can tell you as a  
17 public water supplier that DEC does regulate  
18 chemical bulk storage. Every three years we have  
19 to renew our tank permits and they have to be  
20 certified by a professional engineer and the State  
21 monitors that. So that is one program that is in  
22 place, but some of these legacy contamination  
23 sites, they predated the Safe Drinking Water Act  
24 so, you know, there is not any way to prevent that  
25 but go forward and try to clean them up and we've

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all been a part of that process.

Just another comment, Sarah, you had asked about the withdrawal reporting. The public water suppliers have been doing that for many, many years on a monthly basis and on a yearly basis directly to the State DEC.

MS. MEYLAND: That was the point. That was the point that upstate they started a program of not only annual reporting to the DEC but the DEC reporting to the public. We have a long history of you folks reporting to the DEC but the reporting stops there. The withdrawal program actually applied to Long Island but then through regulations the DEC excluded Long Island from complying with those aspects.

So my questions was, why is that?

MR. EATON: The regulations that apply when we went through the regulatory process, the thought was -- I'm pretty sure I'm correct on this -- the thought was that those regulations should defer to the Long Island Well Program. So exclusions were not necessarily to exclude from the requirements but to make the requirements the requirements Long Island Well Program requirements.

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MS. MEYLAND: Right, but the net effect is that we are not doing what the rest of the state is.

MR. EATON: Or doing more --

MS. MEYLAND: It would be helpful to at least have the reporting obligation being met down here.

MR. EATON: You know, just to be clear, in some cases it is more, right?

MS. MEYLAND: I'm not saying that we are reporting less to the DEC. I am saying that we can't get the information out of the DEC and to the broader public.

MR. EATON: I'll take that down. To me that doesn't seem like that much of a -- maybe you'll tell me I'm wrong.

MR. CAREY: No. My understanding is if the DEC has the information and if a specific group wants that information, you just have to ask for it. Now, you can advance that and say, why not make it publically available? I don't know why it couldn't be.

MR. EATON: I want to say -- you're saying that it's not in the regulation that it be



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2 publically available and we are just trying to  
3 figure out, hey, why can't we just do it anyways?  
4 Okay. And I think, quite frankly, I think we are  
5 trying to do that. It is put together something  
6 that makes that information available without you  
7 having to ask, right?

8 MS. MEYLAND: Right. I can make a  
9 FOIL request and --

10 MR. EATON: We don't want to do that.  
11 We just want to put it on the website, have it be  
12 done, it's easier for everybody.

13 Nod your head if I'm saying the right  
14 thing.

15 MS. GOMEZ: Yes. It is being worked  
16 on, I just don't know the timeframe.

17 MR. EATON: I'll just say, when you  
18 say legacy, and take this with a grain of salt  
19 because I'm not the expert here, but I know because  
20 I speak with people, I'll speak with them a little  
21 bit later today, they're in the constant process of  
22 trying to take legacy records like, you know, and  
23 put them into digital format so they can be  
24 available to the public. And actually they are  
25 doing a pretty good job of it. And I think we are

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2 going to in, you know, in a year or two everyone is  
3 going to go, wow, you guys did a really good job,  
4 but it is a very big job so it is not going to be  
5 done like that.

6 MS. MEYLAND: For the digital records  
7 that are created now for the reporting process,  
8 when do you think you'll put those online?

9 MR. EATON: I don't --

10 MS. GOMEZ: I don't know. I'll have  
11 to get back to you on the time. I know it is all  
12 being worked on but I just don't know the time.

13 MR. EATON: I'll just give you some  
14 figures that I think -- you know, I'm going by  
15 memory, right -- upstate I believe we have 130,000  
16 records but we only have 30,000 online. But one of  
17 the things we've done is try to choose those, you  
18 know it, is just a big -- making sure every one  
19 gets online is, you know, it is a big job and it  
20 doesn't all get done. But what we do is we try and  
21 choose -- you know, provide a good representation  
22 of the 30,000 so if you have a member of the public  
23 or a driller or something who wants to look at  
24 geology for a particular area, we've tried to show,  
25 you know, a log for, you know, for that area.

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2 So we don't just like go, oh, we are  
3 going to do the fifty in a square mile and not do  
4 the rest of the state. We try to spread it around  
5 as much as we can. So we are doing that.

6 I know we want to reflect it to Long  
7 Island, it is just, you know, none of these things  
8 are easy and they take time but we, quite frankly,  
9 the old people are going to retire, the young  
10 people are going to come in, work really hard and  
11 do a better job.

12 MR. CAREY: Okay. Thank you very  
13 much for your presentation, Angus. We really  
14 appreciate you coming down to our meeting today.  
15 Thank you.

16 MR. EATON: Thank you.

17 (Applause.)

18 MR. CAREY: We still have a few more  
19 agenda items to go over. The next one is item 5,  
20 discussion LICAP funding. And we do have a  
21 chairman of our Finance Committee that was  
22 established at our last meeting so I'll turn it  
23 over to Michael White.

24 MR. WHITE: Thank you, Stan.

25 Well, as we all know, when the

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2 legislation created LICAP there really wasn't any  
3 funding connected to it and -- well, I'll say  
4 optimistically the funding for LICAP is still  
5 aspirational more than it is concrete. But we've  
6 made, I think, some significant steps.

7 Number one is I'm really glad that  
8 Angus is here because there has been as part of  
9 really creating those linkages with all of the work  
10 that's going on on Long Island with respect to  
11 groundwater contamination, drinking water  
12 contamination, the connection between the LICAP and  
13 the Long Island Nitrogen Action Plan. There, in  
14 fact, was a meeting with LICAP representatives and  
15 LINAP representatives and, quite frankly, there was  
16 an ask to be perhaps included in part of that  
17 funding when -- as that work is going forward and  
18 it clearly will relate to groundwater/drinking  
19 water management, we feel it might be a very good  
20 connection.

21 I don't want to put Angus on the  
22 spot, but maybe at least nod your head that we are  
23 in the ask.

24 MR. EATON: Yeah. There's a big ask  
25 there so I can't say aye or nay. What I can say

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2 though is -- if everybody can hear me is -- there  
3 are some crossovers just in terms of procurement  
4 right now, we have some of the sustainability  
5 stuff, we are kind of mixing that with some of the  
6 soil transport and nitrogen stuff that we are going  
7 to work for with USGS. So there's lots of  
8 opportunities there.

9 MR. WHITE: Thank you, Angus.

10 That is the way we feel and we really  
11 look forward to that possibility. But in addition  
12 to that, actually before that meeting we had  
13 started sort of on our own. A couple of calls with  
14 staff in the governor's office, which included  
15 staff from other departments as well. The  
16 governor's office and Albany agencies took a  
17 particular notice of one of the great  
18 accomplishments that we have achieved is that the  
19 water track program. There is some thinking in  
20 Albany that that might be a model for a program  
21 that could go out throughout New York State. And,  
22 frankly, we were looking to leverage that  
23 exceptional work product from LICAP to say we would  
24 like to extend it, we would like to do it some more  
25 years, we would like to include more data and, by

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1 the way, there are other things that LICAP can do.

2 Showing what we could do with water  
3 track is an example of other work product that can  
4 go forward. We have followed up those calls with a  
5 letter. We have not received an exact response to  
6 that letter but I could at least say that we are on  
7 the -- at least on the scorecard for the ask and I  
8 think positively with the monies and the various  
9 bond acts and the monies that are coming down,  
10 which I think are not exactly appropriated to  
11 particular areas. I would hope that and I believe  
12 that LINAP is at least in that potential for  
13 funding.  
14

15 So we will continue to work on that  
16 but I would like to say also the fact that LICAP  
17 didn't get funded by the legislation, it is really  
18 running on the exceptional efforts of everybody  
19 that's participated in LICAP and, again, thanking  
20 Nassau-Suffolk Water Commission, as well as Suffolk  
21 County Water Authority for the work that you've  
22 added efficiency and kind to LICAP. And we will  
23 continue to rely on that but hopefully give you  
24 some support.

25 MR. CAREY: Okay. Thank you,

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1 Michael.

2  
3 I just add to that myself, Paul, and  
4 Jeff travel with the water conference legislative  
5 agenda we take the opportunity when we meet with  
6 elected officials to work LICAP into the  
7 conversations and, oh, by the way, we have a  
8 request in for funding. So we are trying to get  
9 our cause out there and every opportunity to ask  
10 and request for funding, we take advantage of it.

11 The next item on our agenda is the  
12 New York City Well Permit activation through the  
13 DEC and Brian Schneider has been keeping his finger  
14 on that pulse and has a brief update for us.

15 MR. SCHNEIDER: Thanks, Stan.

16 As I've reported to the commissioner  
17 before, New York City is still proceeding on a  
18 pathway to reauthorize the well permits for all the  
19 wells which are contained within the Queens Aquifer  
20 Groundwater Supply System. That includes  
21 sixty-eight wells at forty-four pump stations.

22 According to procedure, the DEP would  
23 need to apply for reauthorization 180 days before  
24 the permit expires, which is December of this year,  
25 2017. The DEP intends to hold a public scoping

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1 session prior to the reapplication for the  
2 reauthorization. It will be held somewhere in  
3 western Nassau.  
4

5 I was hoping that they would have  
6 scheduled this meeting before this meeting but that  
7 has not happened yet. They do recognize the  
8 reauthorization of these well permits will require  
9 the preparation of an EIS.

10 So on January 25th the County did  
11 attend a meeting with DEP. Region 1 and Region 2  
12 of the DEC were also involved in. And the purpose  
13 of the meeting was to discuss DEP's ground water  
14 modeling approach for the reauthorization. This  
15 approach will be discussed obviously at the public  
16 scoping session but at the end of the -- the  
17 PowerPoint presentation that we attended the County  
18 made it quite clear that without more current  
19 information regarding the location of the saltwater  
20 interface and the various aquifers that the  
21 modeling results would be flawed. Their modeling  
22 efforts will run several different scenarios  
23 pumping at the maximum rates allowable according to  
24 the permits, which is approximately 68 million  
25 gallons per day. And they have a number of



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1  
2 different scenarios, running these wells for one  
3 year, for three years, as well as running all the  
4 wells at 33 million gallons per day for a ten-year  
5 consistent period.

6           Again, the County made it very clear  
7 that we were very uncomfortable with the approach  
8 of the model. Our discussions with the USGS we  
9 really be full hardy to move forward with this  
10 effort without more current real ground truth  
11 information, specifically that will come from the  
12 (inaudible) or the water sustainability study the  
13 USGS is about to embark on.

14           Concurrently it has been recorded  
15 that the DEC does not publish well permit renewals  
16 in the environmental notice bulletin, which  
17 essentially makes the entire process invisible to  
18 the public. So as I mentioned before, the Nassau  
19 County Water Resources Board sent a letter to the  
20 commissioner of the DEC on a number of issues but  
21 we also requested that all well permit  
22 applications, whether they are for new wells,  
23 renewals, or modifications in Region 1 and 2, that  
24 they be announced on the environmental notice  
25 bulletin at the time that the application is

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1  
2 received by the DEC. In this respect, the public  
3 would be notified and would have opportunity to  
4 make comment or at least further information would  
5 be requested at that time from the public.

6 Further in that same letter, which we  
7 sent at the beginning of this month, actually the  
8 beginning of February, the board requested that the  
9 board be notified directly when an official  
10 application for the well permit renewal is received  
11 in Region 2 for the Queens Groundwater Wells.

12 So understanding all this, and we all  
13 know that the City needs to prepare for whatever  
14 emergencies that could arise in the coming years,  
15 it seems that the real need to move forward with  
16 this study right now is the fact that the permits  
17 are going to be expiring at the end of 2017.

18 If there is some mechanism to freeze  
19 that process while this concurrent study is going  
20 on with the USGS to garner this additional  
21 scientific information, I think it just makes the  
22 most sense. You know, the DEP, they have their  
23 heads down and they are going full board because  
24 they know that they have to get these -- this  
25 reauthorization of these well permits in before

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1  
2 they expire because once they expire they are done.  
3 And then they would need to reapply as if the well  
4 never existed. That is a process they do not want  
5 to go through. We understand that.

6 And we understand that these wells  
7 historically have been there and they've been  
8 pumping. They haven't pumped since basically 2007  
9 but we are not looking to pull the permits, we just  
10 want the process to stop or freeze, put a  
11 moratorium on the effort until this further  
12 information is obtained, this valuable scientific  
13 information which would give the exact location of  
14 the saltwater interface.

15 So that's where we are right now and  
16 we will let the commission know and, you know, on  
17 the website when this public hearing is going to be  
18 held. We encourage anyone who has, you know, any  
19 value in their drinking water to attend this  
20 meeting going forward, so.

21 MR. GRANGER: Thank you.

22 That is a good report. I kind of  
23 agree with the approach. You want to kind of hit  
24 that pause button.

25 Has DEC given an opinion? Can it be

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done from a regulatory perspective?

MR. SCHNEIDER: The conversations I had with Region 1, that feeling is yes. I know Angus is --

MR. EATON: I actually just -- you were saying some stuff and I'm like, what's he saying -- the one thing I do want to say is the reason for the application being in by a certain deadline is it preserves administrative extension of the permit, you know, rather than, like you say, expiring at the end.

The only thing I'm having somebody check is, I believe for the City permits, I believe it is a water supply permit and that -- the lead time in terms of the application is thirty days and not 180 days. But you just want -- don't take that as a gospel but out there, there is that -- I think it is thirty days, not 180 days and the pause, I think comes once the application has been submitted timely because then the permit is extended based on the timely application.

MR. SCHNEIDER: We just want to make sure that it is not some administrative requirement that is going to cause this process just to go

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2 forward. We would rather if they need to submit  
3 the application but there is no action taken on it  
4 until this further information is obtained. That's  
5 really our -- from the County's perspective that is  
6 our goal.

7 MR. EATON: I don't want to say  
8 that's going to happen, but from a mechanics  
9 perspective, that is in the process. Many, many  
10 times we see permit applications that are not  
11 issued prior to -- I mean a lot -- most of the time  
12 we see permit applications are not issued prior to  
13 the expiration because it takes time to review.

14 MR. SCHNEIDER: Right.

15 MR. EATON: So they often go beyond,  
16 you know, the actual expiration date.

17 MR. SCHNEIDER: And in speaking with  
18 Region 1 who generally, you know, obviously it's  
19 Karen who I've been having the discussions with --

20 MR. EATON: Don't trust her.

21 MR. SCHNEIDER: I think she generally  
22 -- I'm not going to speak for her but she seemed  
23 very supportive of that approach whereas Region 2  
24 is more -- in the only one or two brief discussions  
25 I had with their commissioner -- well, we could

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2 always modify the permit. We'd rather not go  
3 through that process. We would rather have all the  
4 information that could make a clear and correct  
5 scientific opinion when all the information is in  
6 so that's really what we are asking for.

7 MR. EATON: Just two things. One,  
8 check the 30/180 and then the other is that is a  
9 process, right, I don't know that we have any  
10 decisions yet on how we are going to move forward.

11 MS. MEYLAND: If I can just follow up  
12 on the question of the timeline. For Long Island  
13 the well permits are well permits rather than a  
14 public water supply like you might see upstate. So  
15 it is not uncommon down here to have the permit  
16 just rolled over, you know, without any review and  
17 the point of having a renewal of the permit at all  
18 is to allow the opportunity for review and so we  
19 don't want to miss that opportunity of taking a  
20 fresh look at those permits for the New York City  
21 wells without having a full compliment of science  
22 behind that new look at those wells.

23 MR. WHITE: I guess the key question  
24 is, is the review and the decision to authorize in  
25 the region or in Albany?

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2 MR. EATON: Both.

3 MR. WHITE: So the region could make  
4 a recommendation but it would be up to Albany to  
5 make a final determination.

6 MR. EATON: We have a process.

7 MR. WHITE: Where is the target if  
8 Nassau County wants to say who we are working on?  
9 Are we working on Region 2 or are we working on  
10 Albany or both?

11 MR. MILAZZO: Guess.

12 MR. EATON: Well, there is a public  
13 process. If there is comments I would follow the  
14 public process.

15 MS. MEYLAND: Well, the process isn't  
16 public at the moment down here because we don't  
17 have any way of --

18 MR. EATON: We don't have an  
19 application and as Brian said, there is going to be  
20 a scoping meeting on EIS. I think that's -- that's  
21 where my mind is.

22 MS. MEYLAND: That process is run by  
23 the DEP. The well permit is being run by the DEC  
24 and that process is not publically available at  
25 this point.

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2 MR. EATON: I may be going beyond my  
3 knowledge here, but confirm whether -- I don't know  
4 whether it is a well permit or whether it is --  
5 quite frankly I don't know whether it is a water  
6 supply permit or a well permit but it is --  
7 whatever it is just confirm for you that once the  
8 permit application is in there is the opportunity  
9 to extend beyond the expiration. That's the only  
10 thing I can say.

11 MR. CAREY: Okay. Thank you, Brian,  
12 appreciate the update.

13 Item number 7, update on the  
14 subcommittee reports for the ground water  
15 management plan, Steve Colabufo and Bill Merklin.

16 MR. COLABUFO: Thank you, Stan.

17 We made some pretty good progress on  
18 a lot of the outstanding reports over the last  
19 couple of months. I got a kind of progress  
20 report/scorecard that I handed out on the table  
21 there so everybody can take a look at it.

22 In more recent months we've gotten  
23 good progress on the geothermal systems report. We  
24 pretty much have a final report just pending some  
25 input from Greg Grassiano (phonetic) of Great Neck.



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2 He had some comments that we had to address. It  
3 took quite a while, unfortunately, for the authors  
4 of the report to get around to incorporating his  
5 changes but there's some final input from him and  
6 then the report should be final once that's done.  
7 So I'm hoping within a week that report will be  
8 considered final.

9 I believe a similar status for the  
10 New York City well re-openings report since Brian  
11 just reported on it. We have a final draft was  
12 sent in to the subcommittee, it's been reviewed so  
13 final report should be within a week or two.

14 Brian, you think?

15 MR. SCHNEIDER: Hopefully.

16 MR. COLABUFO: Okay. Hopefully.

17 I've also told some of the authors  
18 that we have pretty much a drop dead date of March  
19 22nd to get things in. After that we really won't  
20 have enough time to come up with a groundwater  
21 management plan which will include these reports by  
22 the end of the year because it just takes time to  
23 go through all the review.

24 The state of the aquifer report took  
25 almost a year from the time that I had a final

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2 report to the time it was actually published.

3 That's just the process, the way it happens.

4 Let's see, excuse me, the other  
5 reports -- the wastewater management report was  
6 surprisingly pretty fast. I will pretty much have  
7 a final draft which is being reviewed right now. I  
8 was hoping Dorian would be in here but he's not,  
9 but that is almost at the point of being a final  
10 report. That should be in its final stage by the  
11 March 22nd deadline.

12 Regional contamination events, final  
13 draft is pending so that's maybe a little bit  
14 behind the New York City Well Re-openings, but  
15 hopefully, again, another couple weeks and we will  
16 have a final draft in on that.

17 And then the Lloyd aquifer report,  
18 the groundwater quality report -- we still need the  
19 final draft to be in pretty soon. That's from  
20 Sarah Meyland and Mike Alarcon.

21 And then the other -- the one that is  
22 a little bit of a (inaudible) is the public/private  
23 partnerships and education. Jared is working on  
24 that. Started it back in the fall or so, we had a  
25 preliminary draft by the fall but it contained a

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2 lot of things that we are sort of trying to work  
3 through, but Jared hasn't been here for the last  
4 couple of months and I don't even think we are at  
5 where I would consider a first draft state so my  
6 recommendation is just to not include it in this  
7 plan. Include it in some other venue, I'm not  
8 exactly sure what.

9 It's certainly an important and  
10 interesting subject getting the public more  
11 involved in their water supply through education  
12 and partnerships but all the other reports that I  
13 mentioned are more technical or scientific-type  
14 topics. This is more of an economic or  
15 socioeconomic-type of topic so maybe it is better  
16 addressed in some other venue besides the  
17 groundwater management plan. In any event, I don't  
18 think it is far enough along where it could be done  
19 in its final form within two weeks so that's sort  
20 of my recommendation after having kind of been the  
21 conductor of this orchestra here for the last year  
22 or so.

23 So that's basically it, the progress.  
24 You have anything to add? No? So  
25 I'll hand it back.

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2 MS. BLUMER: So, Stan, I have a  
3 question. What about the subcommittee for  
4 management opportunities? That's one of the  
5 subcommittees that is --

6 MR. CAREY: We will have to -- our  
7 deadline is fast approaching. We are going to have  
8 to, you know, bring it to some type of summary  
9 before the next meeting so that, you know, the  
10 LICAP board can make a decision on how we want to  
11 include that based on recommendations from that  
12 committee. It is just not -- I don't believe it is  
13 a point now where anything is getting written. We  
14 just met a few times so I know it was a latecomer  
15 that we wanted to include at least in discussion  
16 but unless we get a recommendation from the  
17 committee, and I sit on the committee so I don't  
18 even know that we have our next meeting date  
19 scheduled.

20 Sarah, did we schedule our next  
21 meeting date?

22 MS. MEYLAND: We were looking at two  
23 dates in mid April. I haven't confirmed that the  
24 room is available yet.

25 MR. CAREY: As far as the

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1 public/private partnerships, if the cochairs of the  
2 committees make a recommendation, I support it. If  
3 you are not even in a draft phase now and we have a  
4 deadline in a couple of weeks, perhaps the  
5 important parts of any of those comments can be  
6 folded into another report. So I'm supportive of  
7 it.  
8

9 Any other member have an  
10 agree/disagree?

11 MR. SZABO: I support it.

12 MR. WHITE: I support it.

13 MR. CAREY: That's the road we will  
14 take. Thank you.

15 Just thank you, both of you guys are  
16 doing a great job moving this along. It is a lot  
17 of work reviewing this and editing it, and meeting  
18 with all the committees. It is very time consuming  
19 but the end is in sight. We are getting closer and  
20 closer and this is going to be the whole meat and  
21 potatoes of our existence, this groundwater  
22 management plan. So thank you very much.

23 Okay. Item 8, goals for 2017. I  
24 think, not to repeat myself, but first and  
25 foremost, the most important component is to get

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1  
2 the subcommittee reports finalized by the 22nd as  
3 suggested by the committee chairs. That's  
4 imperative that we have those to move forward with  
5 our overall groundwater management plan, which is  
6 due by the end of 2017.

7 We need time to review it, comment on  
8 it, and come up with an executive summary, so  
9 timing is very important.

10 And then following that, once we get  
11 it into an acceptable format, we need to have a  
12 public hearing, again, in each county this year. I  
13 guess the theory behind it would be we would have  
14 that in a grant form, the groundwater management  
15 plan, to present to the public and receive public  
16 comment on it before our last quarterly meeting so  
17 that it could actually be adopted.

18 So that's really the plan for this  
19 year. We are also hopeful that we get funding for  
20 LICAP, specifically to keep water track going. But  
21 in discussions with Jeff -- we will find a way to  
22 update it to include the 2016 information.  
23 Hopefully it is with funding but if we don't get it  
24 timely we will find a way to get it updated.

25 Any other comments for 2017 that we

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may need to address that I have left out?

(No response.)

MR. CAREY: Okay. Other business?

Anyone want to bring up any other business, any members?

(No response.)

MR. CAREY: Okay. Public comment?

Anybody from the public have any comments or questions for the board?

(No response.)

MR. CAREY: Okay. Well, thank you for coming.

Our next full meeting is scheduled for June 7th. The reminders will be going out and thank you everyone for coming.

(Time Noted: 11:34 a.m.)

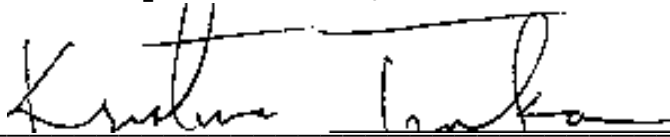
C E R T I F I C A T E

I, KRISTINA TRNKA, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That the within statement is a true and accurate record of the stenographic notes taken by me.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of March, 2017.



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KRISTINA TRNKA