

## **ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY COMMITTEE**

of the

### **SUFFOLK COUNTY LEGISLATURE**

#### **Verbatim Transcript**

A regular meeting of the Economic Development, Higher Education and Energy Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Smithtown, New York, on October 7, 2009.

#### **Members Present:**

Legislator Wayne R. Horsley - Chairman  
Legislator Steven H. Stern - Vice-Chair  
Legislator Vivian Vilorio-Fisher  
Legislator John M. Kennedy  
Legislator Cameron Alden

#### **Also In Attendance:**

Legislator Edward P. Romaine  
Barbara LoMoriello, Deputy Clerk  
Debra Alloncius - Legislative Director/AME  
George Nolan, Counsel to the Legislature  
Sarah Simpson, Assistant Counsel to the Legislature  
Linda Bay, Aide to Minority Leader  
Paul Perillie, Aide to Majority Leader  
Deborah Harris, Aide to Legislator Stern  
Brendan Stanton, Aide to Legislator Horsley  
Tom Ryan, Aide to Legislator Vilorio-Fisher  
Joe Muncey, Budget Review Office  
Amy Juchatz, Suffolk County Environmental Toxicologist  
Vito A. Minei, Department of Health  
Ron Paulsen, Department of Health  
Michael Watt, Long Island Builders Institute  
Jim Castellane, Building & Construction Trades  
Peter Quinn, Suffolk resident  
James Egan, General Building Laborers  
Wayne Kraft, Local 361  
Ray Dean, LIU 638  
Pete Zarcone, Laborers Local 66  
John Mc Connell, SYCA  
Johan Mc Connell  
Mario Mattera  
James Rogers  
Frank Nitto  
All other interested parties

#### **Verbatim Transcript Taken By Transcribed By:**

Gabrielle Skolom - Court Stenographer

#### **Verbatim Transcript Transcribed By:**

Gabrielle Skolom - Court Stenographer  
Alison Mahoney - Court Stenographer  
Kimberly Castiglione - Legislative Secretary

*(\*The meeting was called to order at 2:10 PM\*)*

**CHAIRMAN HORSLEY:**

Welcome to the Economic Development Higher Education And Energy Committee meeting. Please rise and join us in the Pledge of Allegiance led by Legislator Stern.

[Salutation]

Thank you very much. We have a number of what is appearing to be a getting longer agenda. We have a number of people who would like to speak in the public portion, and we'll move to that directly. All right. The first card in the public portion is Mr. Peter Quinn.

**MR. QUINN:**

Good afternoon, Members of the Committee. My name is Peter Quinn.

**MS. LOMORIELLO:**

You have to hold the mike.

**MR. QUINN:**

That's new equipment, I guess. I never had to do this before. I didn't think I had to assume responsibility. Oh, there it is. That's new equipment I guess.

Good afternoon. I'm expressing some concerns about the National Grid and the manufactured gas plants. It's disturbing to discover that nobody seems to have known the mystery of additional plants, and it would seem to me that with Matthew Cordero being quoted constantly in Newsday, he certainly should have known. I remember back in 1982, I believe it was, when the Shoreham plant was being considered and Stanley Fink, assembly speaker, held a meeting to have Matthew Cordero explain what they are going to do with the notification to the public, and there were 17 different areas around Shoreham that were supposed be notified by horns. It turned out Cordero agreed to only two, and it turned out both sites were failures, and that prompted many people, including the former Members of this Legislature to oppose the Shoreham plant, but Matthew Cordero has all this information. He could have provided it since he was vice president of Local for many, many years.

But let's see -- the way in which they are being cleaned up also has me concerned. Oxygenation may be somewhat effective, if you drill deeply enough to clean up the toxic waste. But if you drill for only a small amount of depth, say 15 feet, as they did out in Sag Harbor when they should gone down 90 feet, it seems that the problematic issue of those toxic waste hasn't been sufficiently cleaned up. But, likewise, I'm concerned with the generating plants. National Grid took over from KeySpan, acquired 53 generating plants that KeySpan Genco originally owned in 1998, they accepted full liability for those plants. And yet today, we can't get LIPA to disclose what the thermal hate percentages are for each of those plants. Without that knowledge, you don't know how efficient they are and how much we're paying for natural gas and oil. Those sites are also toxic, so unless there's some through investigation about the generating plants along with manufacturing gas plants, the County hasn't been doing it's job. Thank you.

**CHAIRMAN HORSLEY:**

Thank you very much, Mr. Quinn. Mr. James Egan from the General Building Laborers. Good afternoon, Members of the Committee. My name is James Egan. I live at 72 Oakdale Avenue, Selden. I'm also the training director for General Building Laborers Local 66 of Nassau and Suffolk County. I urge you to vote no on IR 1771. We need these jobs now. The Island needs these jobs. The country needs these jobs. I hope you take that into consideration. Thank you.

**CHAIRMAN HORSLEY:**

Thank you very much, Mr. Egan. Mr. Jim Castellane, of course, the Building and Construction

Trades. Jim?

**MR. CASTELLANE:**

Good afternoon. Thank you for the opportunity -- the button again. Thank you for this opportunity to speak before you guys again. I appreciate it. Same story, only this time, I'm going to make a request. I'm going to request that today you vote no and that it's done and we can move forward. We understand everybody's positions. We really do. But we also understand what happens when jobs get held up, and I got bad vibes in my head that this will be held up a long time. I could speak with experience that I'm going to through it in Nassau County now. I guess you's are all aware of what we're going through. I don't want to witness the same thing here. I really don't. And I got to tell you, it's been hell. You know, we have a \$4 billion project there, and I don't know what's going to happen, guys. That's 75,000 construction jobs in 10 years, and I got my constituents that sit behind me, and I could look each one in the face and say, "Guys, I don't know what's going to happen." I don't want that to happen here. There's a good opportunity. We understand everybody's problems. But, please, let's end this today, and let's move on. Okay? Thank you.

**CHAIRMAN HORSLEY:**

Thank you very much, Jim. Mr. Frank Nitto.

**MR. NITTO:**

Members of the Economic and Development Committee. I preside [sic] at 318 Tree Road in Centereach. I'm a business rep for Local 28 Sheet Metal Workers' Union. We cover the jurisdiction of Nassau County and Suffolk County as well as the five boroughs. We have about 800 members that live in Suffolk County, and unfortunately, we have about 25% unemployment at the moment, and the future does not look bright. The near future does not look bright. In my opinion, resolution -- that's why I'm here today, to speak against Resolution 1771. In my opinion, this proposal, all it does is put a roadblock in front of this development. This project has three things that Suffolk County desperately needs. One, it needs workforce housing for the young people of this community to stay here. It helps build our tax base, and it will help create thousands of construction jobs as well as permanent jobs. It does everything that this Committee is about, economic development. Jim Castellane mentioned about the job in Nassau County, The Lightsource Project. Because of roadblocks, that job might not even happen. It might go to Queens. We can't afford the same thing to happen here on Long Island. That's why I'm urging the -- these Committee members to vote this down today and get this project going in the right direction. We can't afford any more roadblocks. Thank you very much.

**CHAIRMAN HORSLEY:**

Thanks a lot, Frank. Appreciate it. Mr. Wayne Kraft from the Iron Workers Local 361.

*[Presiding Officer Lindsay entered the meeting]*

**MR. KRAFT:**

I'd like to thank the Committee for allowing me to come up here and speak. I am indeed -- my name is Wayne Kraft. I reside at 73 Braham Avenue in Amityville, New York. I was born and raised on Long Island. I became an iron worker about 20 years ago, and I'm here to speak against Proposition 1771. Currently this year, I have been out of work for a total of six months. We all know the economy is in horrible shape, and we desperately need the stimulus money that was given to us to put projects like this forward as well as affordable housing. There are about a thousand construction jobs at risk here that we cannot afford to lose. I stated my address before, 73 Braham Avenue, and if my unemployment keeps up, I'm at risk of losing my home. Again, I was born and raised here, and I'm very proud of Long Island, and I would like to stay here. I would like to keep my home and not lose everything that I've worked hard for. There are a lot of tax revenues, a lot of advantages to putting this project forward, and from what I understand, we should not even be here today, that everything was reviewed and everything was good to go, and it's really disheartening that we're here today standing at a risk of losing these developers that are here to do work, and

possibly, by putting this off, it may turn them away. We need projects like this as well as others in the County --

**CHAIRMAN HORSLEY:**

Please wrap up.

**MR. KRAFT:**

Okay -- to help recover and to keep the working man's head above the water. Thank you.

**CHAIRMAN HORSLEY:**

Thank you very much. We appreciate your comments. Mr. Ray Dean.

**MR. DEAN:**

Good afternoon. My name is Ray Dean. I'm a business agent for Steamfitters Local 638. I also reside at 325 Collington Drive in Ronkonkoma. I'm here to speak about IR 1771. This bill would create another task force. The Legislator who brought this bill forward already sat on two task forces. For three years, we went through RFPs for this project. This is the best thing that came back, the project that's on the table now, and I'm just urging the Legislator -- you know, you heard the other people before me speak the same problems, you know? We do have people out of work. We do need economic development on Long Island. We need these kind of neighborhood smart growth -- smart type of neighborhoods. I'm asking you not to table this bill, but to vote on this bill, and vote "No" today. Thank you.

**CHAIRMAN HORSLEY:**

Thank you very much, Mr. Dean. Mr. Pete Zarcone.

**MR. ZARCONE:**

Good afternoon. My name is Pete Zarcone. Mr Chairman and Members of the Economic Development, Higher Education and Energy Committee, thank you. Today I'm here to represent -- I represent many different groups: Labors Local 66, The Mason Tenders District Counsel, which combined have over 15,000 members. I'm also here representing Nassau-Suffolk Building Trades Counsel, which has over 65,000 members that live in work in both Suffolk and Nassau Counties. I make mention of the number of members because at the present time, there are a large number unemployed. When Suffolk County Executive, Steve Levy announced at press conference July 28, 2009 for the development of 250 acres in Yaphank, he gave us hope that it would put some of these hardworking men and women back to work. This project makes sense in that it has many components that are good for Suffolk County.

Everybody always complains that we are losing our kids after they go to college on Long Island because they can't afford to live here. There are 118 acres set aside for affordable housing, which makes up about a thousand units. There are also ball fields, stadiums and family destination centers and more. The site will be serviced with the sewer district that is also very important, and a very important part of that is that it will help generate many tax dollars for Suffolk County which are greatly needed right now. There are many good things that this project -- there are many good things about this project that make sense, and I can think of only one thing that doesn't make sense. That one thing is resolution number 1771. Mr. Chairman and the Board, I urge that you vote "No" on the resolution. Thank you.

**CHAIRMAN HORSLEY:**

Thanks a lot, Peter. Mario Materra?

**D.P.O VILORIA-FISHER:**

Mario already did his apprenticeship on the mike.

**MR. MATERRA:**

I just want to say thank you very, very much for letting me speak today on this very important

topic, 1771, that we need to kill this bill. I am the business agent -- first, my name is Mario Materra. I'm the business agent for Plumbers' Local 200. I represent 1200 members and families and 80% of them which live in Suffolk County that want to see this project go. I speak to you today because this project needs to be put -- set forward for this Suffolk County's economic outlook. We have a grade GC that is ready to go and build this project -- spent a lot of money to get this project to go. We do not need to lose him -- them. Like what Frank Nitto said about the lighthouse project over in Nassau County, it's a real shame that right now it's in Newsday that Queens, with open arms, is willing to Wang and our Island is away from us. What doing to Suffolk County -- what do we have in Suffolk County that, in other words, we could go to especially with this nice arena and everything like that and that we could have concerts and everything and our families could go to, and it's situated in a great location also.

We do not need a task force. We have our great group of Legislators here, and it's an insult to every single person around this horseshoe that this even came forward. I said it last time too, an insult. You people are the elected officials that we look forward to that are going to handle this, not a task force. We need this bill, please, killed today, not tabled. Tabling this just prolongs a great project like this. This project should have already been put in Brookhaven's hands, I feel, to be looked at already for the future. And all I'm going to say is -- this is from my heart -- I don't understand how anybody could sit there and think that this project is not going to be good for Suffolk County, and if everybody -- you know, without construction, the economy suffers, so please, not table -- please, we need this bill killed today. Thank you.

**CHAIRMAN HORSLEY:**

Thank you very much, Mario. John Mc Connell.

**MR. MC CONNELL:**

Can you hear me? Good afternoon, everyone. Thank you for allowing me to talk. My name is John Mc Connell. I live Yaphank, and I'm in favor of this task force because, let me tell you, this -- the way they develop this here, there's a lot of stuff we didn't know. In fact, the last meeting we were here, you people only got the copies of the plan now, so it was kept in secret, so this is kind of outrageous that the County Executive kept you in the dark. I don't think that's right. As far as affordable housing, there's plenty in the papers at lower prices than would be in this place here. Part of problem also, affordable housing is the fact that we don't have enough high-paying jobs. We're just building more and more Walmarts, which are minimum jobs -- minimum-wage jobs. They're not even living-wage jobs, and I strongly support this task force. We have to really take a serious look at it. We have a lot of environmental impacts on Yaphank already, and this is a huge impact on here.

The second part of my talk is the MGP plants. Two years ago, if not three years ago, I listen to a presentation by Suffolk County Health Department, and also, I guess, KeySpan at the time, and they were talking about the manufactured gas plants, which were known about 10 years ago, as Peter said, even more, and the fact that I don't know who's at fault, KeySpan or now National Grid or the DEC, didn't make this cleanup available. And why are they doing in Sag harbor -- they're doing one type of remediation and in Bay Shore, their doing oxygenation, which is, according to some experts, doesn't solve the problem. So it's a very serious problem that National Grid should have taken care of as soon as -- in fact, KeySpan should have taken care of it before -- and highly toxic plums, and we have some of this stuff in Yaphank, by the way. Thank you very much.

**CHAIRMAN HORSLEY:**

Thank you very much, John. John, I presume -- I have two cards for you.

**AUDIENCE MEMBER:**

No, it's Johan.

**CHAIRMAN HORSLEY:**

Oh, it's Johan. I'm sorry. It looked like John. Come on up on, Johan.

**MS. MC CONNELL:**

That's fine. It happens all the time. Thank you for allowing me to speak before the Committee. I did come before the Committee before on resolution 1771. I am President of the South Yaphank Civic Association, and we do support this resolution. I also served on both of the County task force -- County committees that reviewed the Yaphank County property, and I will tell you that neither of the committees were involved in the writing of the RFP at the second committee which was the review of the RFEI. Basically, the 11 projects came before us, and we were told by the planning department, "This was going here; this was going here; this was going here; and this was going here." There was no true input from the committee. The RFP was written. It was given out. There were two repliers to it. That was the end of it. There was never any involvement in the community. There was never any involvement with the Legislator to say that there has been review of this project by the community by the Legislative body is not true, and none of the things is. You can't do anything with this property until it's declared surplus.

So I think we're a little ahead of ourselves when we're talking about doing resolution, doing -- going ahead and building, giving into the Town of Brookhaven. Nothing can be given to the Town of Brookhaven to review this project until the Legislators took care of the property surplus. And I understand there's a question about that. The property was taken by eminent domain. There are laws concerning eminent domain laws on property being returned to a private individual. So that's our one concern. I do support the unions. I understand their concerns and they want to do building. However, these are the same arguments that we used in our Yaphank community to build the Caithness Plant: "We need the jobs; we need the jobs. We need to have it. You need to let us come in," and the Caithness Plant was built. I think at any one time, there was maybe 300 workers that were working on the Caithness Plant, and right now, the Caithness Plant has maybe 25 workers.

We get into the question of affordable housing. Yes, do we need affordable housing? We do. But why does Yaphank have to provide all the affordable housing for Suffolk? There are 18 Legislative Districts. Why can't each one of the Legislative Districts take a hundred units of affordable housing? The Urban Land Institute has clearly done studies and said that anything over 20% of affordable housing in a development is not a correct figure. We're up to 80. You're basically saying this is going to be 100%. The project is located in the Carmen's River watershed, an important source of our water.

**CHAIRMAN HORSLEY:**

Johan, may you please start wrapping it up?

**MS. MC CONNELL:**

Okay. So I do support resolution 1771. The community supports resolution 1771, and I'm hoping that the Legislators will support the community. Thank you.

**CHAIRMAN HORSLEY:**

Thank you very much. Michael Watt from LIBI.

**MR. WATT:**

Long Island Builders' Institute. Yes, hi. Thank you, Chairman Horsley and fellow Members of the Committee for the opportunity to address you. LIBI has officially and formally expressed its opposition to resolution 1771 last month in our appearance here. I'm just here to reiterate that opposition. The Long Island Builders' Institute, 1757, Veterans Highway, Islandia. We represent more than 500 builders and building -- associated business in Nassau and Suffolk County. There's still plenty of vetting ahead in this process, and there's also plenty of time for community input. There's really no need for this task force. If the task force is put in place, it will essentially kill the deal and really further exasperate the problems that have already been delineated here before me, so we really encourage you to vote down this resolution and move forward with the Legacy Village. Thank you.

**CHAIRMAN HORSLEY:**

Mr. Jimmy Rogers.

**MR. ROGERS:**

Members of the Committee, all my brothers that spoke before me in labor have a tremendous respect for Kate Browning. She comes from labor. We understand what she's doing. She's trying to protect her constituents. She's trying to protect the Carman's River, all good things. But this has been done before. It's been done twice, whether you call it as task force or you call it a committee, it's been done before, and it's just a way of stalling the inevitable. Here, you have a project that's got smart-growth principals in it. Probably for the first time on Long Island, you're going to have workforce housing, and it's not just Yaphank having workforce housing. I know in Huntington, we've had workforce housing there in other communities, so it's not being stuffed into Yaphank. I have members that live in Yaphank. They want to see it done right, and I know that the Legislature here in the Town of Brookhaven will do their due diligence and do the vetting and make sure this project is done right. So I scratch my head to find a good reason to have another task force or committee to do this again, and if there's another task force, what are you going to have, one more after that to make sure their findings are correct? I mean, where does it end? So again, like my brothers have said before me, not table this -- this bill but to put an end to it today, bill 1771.

**CHAIRMAN HORSLEY:**

Thank you very much, Jimmy.

**LEG. ALDEN:**

Mr. Chairman, can I make a motion to take this out of order? I have to actually leave. I'd like to vote on it.

**CHAIRMAN HORSLEY:**

Okay. Legislator Lindsay would like to speak prior to that, though.

**LEG. ALDEN:**

He's going to do a presentation before that.

**D.P.O VILORIA-FISHER:**

I second that motion.

**CHAIRMAN HORSLEY:**

Legislator Lindsay.

**P.O. LINDSAY:**

You want to take it out of order and then have it before us.

**CHAIRMAN HORSLEY:**

There's a motion to take 1771 out of order by Legislator Alden, seconded by Legislator Fisher. Any comments on the motion? All those in favor?

**D.P.O VILORIA-FISHER:**

No, no -- discussion [inaudible] --

**CHAIRMAN HORSLEY:**

This is just taking it out of order.

**D.P.O VILORIA-FISHER:**

I'm sorry.

**CHAIRMAN HORSLEY:**

Thank you.

**LEG. ALDEN:**

I'm making a motion to take it out of order.

**CHAIRMAN HORSLEY:**

We've already got that. You've already made the motion. All those in favor? Opposed? So moved.  
**[VOTE: 5-0-0-0]**

1771 is now out of order, which brings us to **1771-2009, Establishing a Yaphank Development Oversight Task Force. (Browning)** Do we have a motion?

**LEG. ALDEN:**

I'll make a motion to approve for the purpose of defeating. Is that --

**CHAIRMAN HORSLEY:**

Motion to approve. Is there a second on the motion?

**D.P.O VILORIA-FISHER:**

Second.

**CHAIRMAN HORSLEY:**

Second on the motion, motion to approve. Okay. On the motion, Legislator Lindsay.

**P.O. LINDSAY:**

Yeah, I -- there were so many things said here today that aren't accurate that really needs to be straightened out on both sides. First of all, I'm opposed to 1771 for one simple reason: That the responsibility of declaring this land excess and the responsibility of approving the contract, which is the two things that this Legislature has to do with is our responsibility. It isn't a task force responsibility. It's something that has to be done here. Some of you guys got up and said that we shouldn't even be here today. We don't know anything about the project. We don't have a bill before us on the project. So anybody that's telling you that this Legislature's dragging their feet on this project is giving you bum scoop. We don't have a bill to declare this property excess. We don't have a bill to approve a contract. But both of those roles are our responsibility and when the bills get here, I can assure everyone that they'll be thoroughly looked at. In terms of the community task force and the community meetings, we weren't privileged to any of that. This Legislature knows nothing about this project, nothing.

**LEG. ROMAINE:**

Zero.

**P.O. LINDSAY:**

And I, for one, am not going to relinquish that responsibility to take a thorough look at the project, and as far as all of affordable housing going into Yaphank, that isn't true either. Right now, we have -- and I think Skip Heaney is in the back. He could probably verify this -- we have pretty close to over 500 units of scattered affordable housing throughout the County that's either coming online this year or next year. So it isn't that all this is being dumped on Yaphank. It's being -- we're working on affordable housing all the time. The problem is, the problem is so big, we need so much affordable housing to keep our young people on the Island. Building 40 units here and 50 units there just doesn't satisfy the need. We need a bigger bite of the apple.

**CHAIRMAN HORSLEY:**

Legislator Fisher.

**D.P.O VILORIA-FISHER:**

Thank you, Mr. Chair. I'd like to reiterate what Jimmy Rogers said. I have a great deal of respect for Kate Browning and what she is doing to protect the interest and the wishes of her district, but I

would also like to reiterate what the Presiding Officer just said. This is our job. It's our job to get the plans for the project, over -- look them over, make determinations and decide whether or not we're going to declare the property excess, and once that occurs, that's only the beginning. The oversight of the Town will be there. The SECRA work has to be done. Zoning work has to be done. There's a great deal of work that has to be done in scrutinizing this project, and everyone knows that when you have a project that comes before you just out of the gate, there is plenty of opportunity for adjusting that plan to meet the needs of the community and meet the needs of the County at large. And so it's with all due respect to my colleague, Legislator Browning, that I have seconded the motion to approve in order to defeat the bill because we need to do the work. That is the job of the Legislature and do our job in overseeing this project. It's a big project, and we need to have the time to spend on that rather than arguing about whether or not we should create another task force. Thank you, Mr. Chair.

**CHAIRMAN HORSLEY:**

You're welcome, and thank you very much for your comments. Legislator Kennedy.

**LEG. KENNEDY:**

I'm sorry that I'm late, Mr. Chair, but, ironically, I lost power in my Legislative office, and today in the mail I got the three REFI's associated with this project. And I guess I'll echo the statements that the Presiding Officer made, that despite the fact that there's been some media rhetoric out there, the ticklers associated with this project have never made it to my office and have never been put before me at all. I see many people out in the audience here who come to us, who talk about the importance of doing prudent development and the need to go ahead and stimulate our economy, and I have tried to use my roll to do this, not only in our context with our County capital budget but even in my local community, as recently as this morning, I was on the phone with the executive director of Smithtown library talking about the progress that's being made towards construction of those four buildings. But I can say that I know most everybody out here in the audience from the labor community, and I know that having grown up all my life in a labor household that development is good for prudent development, and not just development that gets put out there without some long-term value to the community.

I know we've talked about an entertainment stadium of 5500 seats. I know nothing about whose been approached, whether it's going to be a pro-sports team or somebody else. Nothing has been brought forward to my office about who, in fact, is going to populate our houses. I have seen nothing about how the decision was come about for the 247 acres where this project is purportedly sited; and nothing as far as the layout between the Longwood School District and the South Country School District; and nothing about where the economic development is sited as opposed to the residential development; and nothing about what the criteria is going to be to occupy the particular housing.

Now, having said that, I think that's a long laundry list for each and every one of us to have to take up. Do I think Legislator Browning's task force is going to do that? I don't know. I am very sympathetic to a colleague Legislator with an issue within her district. I don't know what kind of dialogue she's had. I am strongly considering where I would vote on this resolution to approve with an intention to defeat, but that really doesn't do anything as far as what my ultimate input and involvement in where this project would go should reflect. And I think until I, as an individual Legislator, and we, as a body, get some of these issues addressed for us, whether it's going to be in a presentation by administration or what have you. You know, to cast a vote, it would be irresponsible. I would not be doing my job as a Legislator since we have so much at stake, and there lies the dilemma, huh, Mr. Chair? There you go.

**CHAIRMAN HORSLEY:**

There lies the dilemma. With that dilemma in mind, let me refer to Legislator Stern.

**LEG. STERN:**

Thank you, Mr. Chairman, and I think we all share, Legislators and everybody else within our larger

Suffolk County community, share every single concern that Legislator Kennedy lays out before us. I think that the question really is at what point is the appropriate time and when is the appropriate forum to have a discussion about those issues and to consider the ultimate plan and what's going to be placed before all of us for us to ultimately vote to approve or in opposition to. And as I look at 1771, that just is, I don't feel, the appropriate forum. And like all of my colleagues, I greatly respect Legislator Browning and the role she plays in and for her community. She does an outstanding job or serving as an advocate for her Legislative District and as a part of this body. And she'll continue to do that whether it's around this horseshoe and the important decisions that we have to make or ultimately when the Town of Brookhaven takes up the issue, which is going to last for quite some time, she'll continue to play a very important role in that process and continue to be a very effective advocate for her -- for her constituents.

But when I look at the particular language of the 1771, and really what ultimately -- the major thrust of the bill is, it's to create a task force to determine whether or not many of these issues were considered as part of the process, and for me, the decision really comes down to exactly what was supposed to be considered and how did it work its way or not work its way into the proposal that was put forth and then ultimately acted upon. I think Director Isles made a very compelling presentation last time he was here before us, taking us through each and every item as to what was to be considered how, in fact, it was considered in making the decision as they chose to go forward. For me, many of these questions then have been asked and answered, and so I really don't see what positive result can come from this task force at this time. Public input has to remain a top priority at every level. I will always support the opportunity for every resident in the community to have the opportunity to make their voices heard in a meaningful way, but I just don't believe that this task force is going to be the appropriate way to do that.

**CHAIRMAN HORSLEY:**

Legislator Romaine, please, we have a lot on the agenda, so keep it short.

**LEG. ROMAINE:**

First of all, I'm not a member of this committee. I am actually here to listen to manufactured gas plans, one of which is in my district to determine the impact of that. But as far as this is concerned, I want to echo the sentiments of our Presiding Officer. No one, no member of this audience would agree to vote on a contract unless they saw and read the contract. No one. Everyone would want to know the thing -- anyone would oust any leader [inaudible]. Yet, this Legislature has watched with unending mystification at an Executive whose first obligation was to declare the property surplus. He hasn't done that. I just want to say -- I don't want to get into particulars, the Executive hasn't done that. The Executive has let all 18 members of this Legislature know exactly nothing about this proposal, nothing about the RFP, nothing about the qualifications of the developer, nothing about the specifications of the housing or the stadium or the industrial park that is going to be developed. Absolutely nothing. In fact, there's some question if he acted legally to spend County money before we declared this surplus, that he, in fact, may be subject to a taxpayer's lawsuit, that he acted ultra vires without the color of law in the method that he proceeded. He should have come to this Legislature first, asked, debated, discussed before he moved forward, and now he's looking to do this at the end instead of the beginning of process. So if we're sitting here with mystery on our face, it's because even now, there is no resolution before us. There is no resolution before us. We can't even act on this proposal. We can't even questions ask about this proposal. So I would certainly encourage you to have a dialogue with the Executive Branch so that we can have information before us, a resolution of some sort before us that we can respond to. But I thank you for coming, and I certainly understand the plight of labor. I know you need jobs. I know it's tough out there, and I certainly will work with our Presiding Officer, as I have in the past to make sure that we try to answer some of those things as bad, as bad as this economy is. So I'm just going to echo our Presiding Officer's sentiments. Thank you again, and I won't have a vote on this committee. I'm just here to listen to another presentation, but I'm glad I came to listen to your presentation. Very informative.

**CHAIRMAN HORSLEY:**

We are always willing to listen to our Mr. Romaine from the East End. Okay. Are there any further motions?

[No response]

That being the case, we have a motion to approve. Let's do a roll call. We'll start from the -- do you want to call them out Barbara?

**MS. LOMORIELLO:**

We'll start with Legislator Horsley.

**CHAIRMAN HORSLEY:**

No.

**MS. LOMORIELLO:**

Legislator Stern.

**LEG. STERN:**

No.

**MS. LOMORIELLO:**

Legislator Alden.

**LEG. ALDEN:**

No.

**MS. LOMORIELLO:**

Legislator Kennedy.

**LEG. KENNEDY:**

No.

**MS. LOMORIELLO:**

Legislator Viloría-Fisher.

**D.P.O VILORIA-FISHER:**

No.

**MS. LOMORIELLO:**

It fails. Five.

**CHAIRMAN HORSLEY:**

The motion fails and 1771 is defeated. Okay. Why don't we do this real quick. I've got also 1830, while I've got my full committee here.

**1830-2009, Accepting and appropriating a grant amendment to the National Science Foundation Science, Technology, Engineering and Mathematics Scholarships Program (S-STEM) 100% reimbursed by Federal funds at Suffolk County Community College. (Co. Exec.)**

**D.P.O VILORIA-FISHER:**

Motion to approve and place on the consent calendar.

**CHAIRMAN HORSLEY:**

Motion to approve and place on the consent calendar. I'll second the motion. All those in favor?

Opposed? So moved. **[VOTE: 5-0-0-0]**

**LEG. ALDEN:**

Co-sponsor.

**CHAIRMAN HORSLEY:**

And co-sponsored by Mr. Alden. All right. Are we ready to go? This make take a few moments, so I'd like to -- if I may, I'd like to welcome everyone to the presentation, and I want to first welcome Martin Cantor and Dr. Tanacredi -- please come on up, guys -- of Dowling College, and also we will be hearing from the Health Department as well as the Environment and Energy Department will be lending their expertise on this all-important issue.

I'd like to make a quick statement for the record before we proceed with the good doctor and near doctor, Martin Cantor. It's a brief opening statement:

"I became involved in manufactured gas plant remediation during my first year in office. It is a very complex issue with many sides offering many differing points -- different points of view on how great or little a threat of Long Island MGPs pose on our environment and our drinking water. What all sides do agree on, though, is that during their operation, MGPs created waste -- toxic waste. Disagreements then arise from how much toxic waste was created, where it is today and whether or not its existence constitutes a danger to human and environmental health.

"Today, we will hear from an academic expert in ecotoxology [sic] who has studied the issue from a distance. Then we will hear from our County Hydrologist and our County Toxicologist who have both been intimately involved in this issue from the start. All parties will provide testimony regarding the impact MGP toxic waste can have and has on the Long Island ecology and human health. Today's testimony will also place heavy emphasis on the newly discovered petroleum catalytic cracking plant in Riverhead situated less than 500 feet from the Peconic River.

"At a later date, I intend to invite National Grid and the New York DEC to make their own presentation regarding ongoing MGP remediation efforts, and perhaps at that time, they can explain to us why they never informed us about the Riverhead facility despite our having stood, quite literally, a few yards from it one and a half years ago in a press conference.

"Regardless of the testimony we hear today, I want to make it clear that in my view Long Island's MGP problem is a major problem. I am rapidly coming to the conclusion that the MGP issue cannot receive adequate resources from local and state government, not because they are not well enough informed or desires not to tackle the problem, but it is that big. It is that big. And we do not possess the necessary resources.

"I am also beginning to conclude that a third-party review on the ongoing remediation process is an absolute necessity to successful remediation. That is why in the weeks ahead, I will be making the case in the strongest possible terms, that federal assistance is warranted and necessary. I truly believe we have a problem here that cannot be solved with our toolbox alone.

"Without further delay, will Mr. Cantor and Mr. Tanacredi step forward," which they have, "and do their 15-minute presentation."

I want the keep this under strict 15-minute limits, then followed by Mr. Minei and Mr. Paulsen of the Department of Health and followed then by Ms. Juchatz of the Department Of Environment And Energy. In the interest of time, I'll also ask that all questions be held until all presentations have been given. Thank you.

Mr. Cantor.

**MR. CANTOR:**

Thank you, Chairman Horsley. I'm delighted to be here. Actually, I'm not delighted to be here to talk about manufactured gas plants. But I'm joined with Dr. John Tanacredi, who's the Chair of our Earth and Marine Sciences Department at Dowling College, who has got tremendous experience on landfills and toxins, and he'll talk to you in a moment about that.

*[Legislator Alden exited the meeting]*

Two years ago at Dowling, we held a roundtable, and thank you for being there, Chairman Horsley, about the manufactured gas plants. At that time, given the information at the time, we were projecting that the total cleanup costs, adjusted for inflation, could be as much as a billion dollars. At that time, we said the PSC, we're very upset that the PSC did not support the ratepayers on Long Island in terms of the sale of two National Grid of KeySpan's facilities without putting in as what Dowling College, my institute, the Long Island Economic and Social Policy Institute had asked for a billion dollar escrow on the sale so that if things we didn't know popped up, as the case in Riverhead, there would be enough money that the ratepayers would not have to absorb the total cost, which is the result of the PSC's decision. We're not holding National Grid liable. We are all liable, all the ratepayers.

In the environment, what this makes -- why it's so disappointing is two years down the line, we're all right. You were, Chairman Horsley, Dr. Tanacredi and I, saying that something else could pop up, and we needed a full comprehensive study of all the sites, of all the activities. The fact is there's nobody to blame on this. This is how Long Island got its heat, light and power in the turn of the century. And we have brown fields and we have residual sites that have these coal tar, and I'm going to use the word toxins, not being a scientist, I couldn't tell the difference, but it's bad stuff.

So here we are when something has popped up. We still don't know the full extent of all the manufactured gas plants on the Island. We don't know the full extent of how bad it is. We don't know the full extent of much it will cost. As an economist, before I turn this over to Dr. Tanacredi, as an economist, I am very, very concerned. We are in a, as I had predicted earlier in the year, Long Island should hit at the bottom probably towards this last quarter of this year. Hitting the bottom, and that's why there's a report out today that says consumer confidence on the Island is up 30%. All that means is that the pain has reached a level where people are becoming accustomed to it. It will take a long period of time for Long Island to recover from this recession, and we don't know what industry sectors will be left or will survive this recession. And it could take another two, three years, four years for us to really fully recover our housing values, our jobs, our construction jobs, everything like this. If we are saddled with a significant cleanup cost and passed through by National Grid to all the consumers [inaudible], it will derail any kind of recovery. It will derail the efforts of LIPA in terms of bringing clean energy efficiency and reducing energy costs to ratepayers, and we will be beholden to pay this big bill for the cleanup.

So I fully support what you're looking to do, Chairman Horsley, in getting a full third-party independent review of all the sites. I would probably ask that that should have subpoena power because that's the only way we're going to get all the information we need. I don't know how that's done. I'm not a lawyer. But I think we need all the information: How bad it is, what it's going to cost to clean up and how can we get rid of it. On those notes -- on that note, I would like to turn it over to my colleague at Dowling College, Dr. John Tanacredi. He'll talk about what exactly we're looking at, what kind of bad stuff is there, and I will tell you, he spent 15 years on the Canarsie landfill closing it up and also -- and he'll tell you about the landfill in Pennsylvania that he closed up. So he's had tremendous opportunity in terms of this type on contaminates. So Dr. Tanacredi, the floor is yours.

**DR. TANACREDI:**

Thank you, Martin. Chairman Horsley, and Members of the Economic Development and Higher Education and Energy Committee, I thank you for allowing me to say a few words, and I think it really is a challenge to keep what I need to mention to you within 15 minutes, but I'm going to give you a brief overview.

The first thing I'd like to say is I reiterate and reinforce support of the original 19 -- 2007 report that Martin and his institute and -- in consultation with my department provided, and to also mention that the scientific community is -- doesn't sit by idly and not look at these very, very important contaminate issues because, basically, they are all based upon petroleum and as long as we're a petroleum-based economy or involved with petroleum as a primary source of energy, we'll continue to have these problems because waste products are generated in every production stage of petroleum refinery. And to bring that point across, I was a major member of the New York Academy of Science's publication in 2007, which came in very close behind the report that came out of Dowling College at the time in pollution prevention and management strategies for polycyclic aromatic hydrocarbons in New York and New Jersey Harbor.

Now, you've used the term MGPs. All of these plants in themselves generate certain types of contaminants and PAHs, or polynuclear aromatic hydrocarbons, are the key ones here, and I want to cut right to the chase to talk about the source of these compounds where they come into the process, a little about the sinks or where we find them or potentially where they may go and then something about two aspects of this: The ecological -- the ecological effects of these, or what we call ecotoxicology, and the epidemiological portion of this, which is really the public health concerns, and if you have people from the public health -- or Health Department talking to you, I'm sure that they will address some of these issues. But this is truly, truly a tip of a proverbial iceberg when it comes to the types of the environmental contaminants that are spewing out.

We hear tons of information in the literature, even in the scientific communities about global warming and climate change. But only about 10, 15 years ago, the main thing was HAZMAT, hazardous materials and the discharge of these materials into the environment, their resiliency, their ability to remain in the environment is notorious. Some of these compounds, especially PAHs, again, remain for decades, literally decades.

As Martin mentioned, I was involved as a research ecologist with the National Park Service on the closure two abandoned sanitary landfills in New York City, Pennsylvania Avenue and Fountain Avenue landfill in Jamaica Bay. It had a 30-year recovery program after closure, which is still going on, by the way, in the City of New York. So there is, without a doubt, a major, major concern dealing with the products of whether their MGPs or their landfill or groundwater contamination. Very quickly, catalytic cracking, it doesn't matter what the petroleum product is: Coal tar, shale, crude oil, liquified natural gas products; all of them produce hydrocarbon waste as a product.

PAHs in particular, the polynuclear aromatic hydrocarbons, are incredibly stable. They do two things that are important, and what makes them so significant and shouldn't be erased from the surface just because we don't see them, once they are in the ground -- or once they're in a groundwater system, again, their resiliency is such that the more we delay in detecting or finding out where they are in their concentrations, the more that they remain. They just migrate further out into the ecological systems. The term is called lipophilic. They're basically fat-loving; therefore, they bio-accumulate. They accumulate in everything up through food chains to our food resources. It doesn't really matter what PAH is there. There are nine major ones, but they are part of a whole class of compounds called priority pollutants that the EPA has identified over 20 years ago, all part of the Superfund program in looking at these compounds.

There are literally thousands of these types of compounds because they have substitutions on the primary major nine PAHs, so there's this whole witches brew, if you will, of compounds that can potentially be identified in leachate from landfills, leachate from MGPs, anything that has associated with petroleum pollution.

The second major area of this is the fact that they bio-concentrate in food chains, shellfish, fin fish and most of these reside in benthic communities. County of Suffolk County is -- has played -- and many of the towns of Suffolk County and the South Shore estuary, whether it's Long Island Sound or any of the parts of an Island, and Long Island, from the tip of Brooklyn to the tip Montauk is subject

to these same types of problems, is the fact that these compounds get into the benthos, the bottom-dwelling organisms. The County -- Suffolk County is spending millions of dollars in trying to restore shellfisheries, taking a look at that as a major economic driver in the history of Long Island.

So these compounds eventually will be getting into the sinks of what we call estuaries. They move through groundwater hydraulics. They move into the near-ocean environment, and then it comes to the two types of approaches, the ecological and scientific approaches, that need to be looked at to see what concerns they have. Again, the ecotoxicological concerns, many of these are carcinogenic. Several of these are mutagenic, these PAHs, and some of them -- again, an issue that has been abandoned, literally, by State and Federal governments is called endocrine disrupting chemicals. These are compounds that are found in wastewater discharges and also found in MGP discharges, any petroleum product that produces PAHs, or compounds like that, petroleum hydrocarbons or chlorinated hydrocarbons that are associated with that are endocrine disrupting chemicals, and those are definitely a concern in estuaries.

On the epidemiological portion of this concern, we consume fish from -- everything from diet concerns in public health to the idea of alternative food resources. Again, the shellfish restoration aspects of Suffolk County, any of these types of chemicals can potentially cause human developmental concerns, embryological concerns. And actually, there's a big unknown here. Scientists really don't have all the tools to look at all these compounds. But one thing is clear: They are getting into the environment; they are migrating in the environment and they shouldn't be just left to a individual commercial interest that has a definite interest in not necessarily having to spend as much money to clean up all these particular sites, even if they identify all the sites or get all the sites identified. Proverbially, it's like the fox in charge of the hen house. They really need to have an independent and academic research-oriented aspect in looking at the contamination levels into the environment.

So when I was in graduate school and undergraduate school in engineering -- I got my Ph.D. at Polytechnic University, now part of NYU. The engineers would say, "The solution to pollution is dilution." The idea is to keep pushing things further and further off to the near ocean to the coastline, build bigger pipes, and we'll forget about it. When things get placed on land, you can't even hint at that type of aspect. These are things that historically are going to be around unless we have some type of treatment program, and we've learned a lot from places like Love Canal and from the landfill issues in the City of New York and around the nation, but this is actually a little bit more insidious, if you ask me, personally. Primarily because we are told that the situation is being dealt with; we're told that things are being monitored; or we're being told we don't have the resources to really look at these type of things. When would those resources be available? When it gets to the point that these ecological and epidemiological effects come to fruition. So with that in mind, I hope that the resources can become available at some point in time to take an effective look at this on a research level. Thank you.

**MR. CANTOR:**

One closing comment I'd like to make, and I'll put my CPA hat on. You know, when you're dealing with something known as contingent liability and financial statements, and that's public disclosure and that has significant impact on the wealth of a company, the tradability of a company, and something like this, the uncovering of more plants that are the responsibility of National Grid, how much it would cost, the full disclosure, that would be a contingent liability, and that would be a quantified contingent liability on the financial statements, and -- and that would have an impact on stockholders. And that disturbs me as a resident of Long Island, that disturbs me a lot because I would not like to think that a public company would stonewall information about the health and financial liability of Long Islanders for the sake of keeping an earnings per share higher and for the sake of the stability of the company and the wealth of the stockholders. So I think that's an important consideration that goes into this entire mix, why, as Dr. Tanacredi mentioned, we're not getting all the information, and I think with this latest, why this wasn't disclosed earlier, since people knew about it earlier, I think we have to view this whole thing with a whole lot of skepticism and we have to get a real good review on this and get the hot light of public disclosure on the manufactured

gas plants as they exist on Long Island.

**LEG. KENNEDY:**

May I --

**CHAIRMAN HORSLEY:**

Gentleman, thank you very much. Well, I was going to wait until after, but yeah, I think you might be right. Maybe it might be best that we ask a couple quick questions of them first and then let -- because we do have other presenters here as well.

**LEG. KENNEDY:**

This is a specific question as far as chemical composition.

**CHAIRMAN HORSLEY:**

Sure. Go ahead, John, and then I have a quick question as well. I can't help myself, either.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Thank you both for coming forward, as a matter of fact, and I agree that this disclosure has -- is troubling as to how it's coming about. But I have a specific question for Dr. Tanacredi. And it -- actually, I'm hoping you can rule something out for me. Unfortunately, in my Legislative District, I've got a number of gasoline stations that have the MGP, I believe it is, but I also know that I have one station right now that Kleinfelder has been doing -- monitoring on. And I know that the degradation associated with gasoline going through the zeins, I guess, is a very noted process, but I have never heard anything about these other compounds that you speak about, the PAHs. Is that something that you find that's also associated with the petrochemical breakdown, or is this just unique to the coal tar operations? I'm curious.

**DR. TANACREDI:**

PAHs are combustion products, so that just by the nature of catalytic cracking or any of the manufactured programs that take some particular petroleum products -- whether coal, shale, as I mentioned, or fossil fuel, crude oil -- will be produced in that particular process. If you have benzene at your location, that's an aromatic. It's the simplest and probably one of the most volatile aromatics, and benzene has been shown to be a carcinogen, and so that type of aromatic compound will be produced in bi-products and in the combustion process of all fossil fuels.

Now, to give you an analogy, if you were in an automobile and you turned your engine on and you burned your fuel and you have waste -- you have crankcase oil and it gets hated up inside the engine, PAHs are produced in both of those products. One is volatile, the other remains in the waste crankcase oil so when it's discharged, it gets into the environment. If they have not tested for PAHs and it has anything to do with a petroleum bi-product, well, that amazing me, because the PAHs are standard protocol, but the problem is they're very expensive. They're not easy to -- you have to have very sophisticated analytical instrumentation, relatively sophisticated. Today, it's becoming more and more available, even at an undergraduate level, we have the instrumentation to even work on these today in analytical laboratories. And so the -- detecting PAHs, they may have been detected at a lower level. They may have been at such a level that is beyond some threshold that has been established. Now, many of these PAHs do not have thresholds associated with them, meaning something like benzopyrene, which is five benzene-ring compound, is mutagenic and carcinogenic, but you have to have a certain concentration of those benzopyrene in sediments or in tissue to even potentially have a threat to some kind of health concern. So I can't talk to what you explored --

**LEG. KENNEDY:**

Nor am I asking, far be it -- you know, I'm not looking for vicarious diagnosis or anything like that at all. All I'm saying is as I'm sitting here looking at and listening to your presentation for someplace that clearly is a threat to our aquifer; clearly a threat to our environment; clearly, I would say, a

concern for residential adjacent properties. I can't help but sit there and, A, say I'm going to have to go back and pull the file drawer because I literally have reams of spreadsheets showing readings at various groundwater depths.

Then I thought I heard you say PAHs are fat-loving types of components meaning they aggregate across the food chain.

**MR. TANACREDI:**

Correct. Absolutely. And compounds like benzene, which are very volatile, most of the concentrations that get into the environment obviously become airborne, but the higher molecular weight compounds up through benzopyrene, the five-ring and six-ring PAHs will definitely remain in the environment and are bio-accumulated in food chains and food webs. There a lot of work there, and they're finding also, as they've mentioned, endocrine-disrupting chemicals are something that -- it's almost a Pandora's box. People don't really want to open up this area on a regulatory basis because it's a very, very tough area in ecotoxicology to work at.

But I should mention being lipophilic, fat-loving, would not necessarily find them in water. They are hydrophobic. They're not found in water. So what happens in many respects is they are associated with very fine particle material, but if ground -- if the concentrations, like from a gasoline storage or a fuel-oil storage tank in someone's home gets into the ground, the first process is absorbing onto particles in the soils, and then the soil disposal, most of the time, will resolve concentrations. But that doesn't mean that if it remains there long enough, even though it's not dissolved, it can be carried in a plume from water -- groundwater systems. So it's something that is generally idly looked at, it's not intensively looked at all the time. But when you're doing priority pollutant analysis, in any respect, I would be shocked if PAHs were not on the list.

**CHAIRMAN HORSLEY:**

Okay. Thank you. I just want to follow up on Mr. Kennedy's question. Go specifically to the catalytic cracking plant. Since we seem to be less familiar with, and we know what the MGPs -- how that pollutant is if you bury the coal tar and the coal tar leeches into the groundwater and the like and it causes -- we know that there's benzene, we know there's arsenic and all the worst of chemicals. But on the crackling -- the cracking catalytic plant, I'm not sure -- you talked about the crankcase. I mean, how does -- in a catalytic-style plant, how does the pollutants get to the groundwater itself? Is there a method -- what is the pollutant causing -- is it just airborne, as you originally spoke of, or how does it get into groundwater? For instance, the location in Riverhead is maybe 500 foot from the Peconic River. I mean, how does it get from there to there and just that process. Can you enlighten me?

**MR. TANACREDI:**

Well, several -- one is crankcase oil -- the disposal of crankcase oil was the issue. All catalytic processes produce -- anything that burns petroleum will produce --

**CHAIRMAN HORSLEY:**

So there's got to be negligence.

**MR. TANACREDI:**

There has to be a discharge or a less than an efficient operation. There has to be some kind of disposal that remains in maybe an improper container. Again, one would have to kind of go as Superfund projects do, from cradle to grave, take a look at the beginning of the process at the site and walk it through to see what has happened to the waste products at the end of that. Now --

**CHAIRMAN HORSLEY:**

Okay. So we don't know then is if you would have a catalytic plant, that if it was handled properly that there are no waste products?

**MR. TANACREDI:**

It's possible.

**CHAIRMAN HORSLEY:**

That there is no pollution.

**MR. TANACREDI:**

It's certainly possible.

**CHAIRMAN HORSLEY:**

That's hopeful.

**MR. TANACREDI:**

That's what makes finding new sites that had not been identified before even more insidious because no one knows what is going on in these sites because they weren't on the agenda at the point. Now, the idea is to revisit those sites, and, again, if I was looking at these sites, I won't want to know what the mix of petroleum product compounds are; I would want to know what chlorinated compounds are there; and no one likes to use the 'D' world, dioxin, on these things, but it was certainly a concern. It was a concern in New York Harbor, and it was a basic --

**CHAIRMAN HORSLEY:**

And that's a major waterway and much higher.

**MR. TANACREDI:**

That's correct.

**CHAIRMAN HORSLEY:**

One more quick question, and then I turn it over to Ms. Fisher. But you mentioned the bottom-dwelling organisms, the case in point, whether it's Sag Harbor or Bay Shore, we have evidence the coal tar plume had reached water -- had reached the Lawrence River or reached the Sag Harbor canal -- whatever it may be -- Sag Harbor boat way, but how do we know? I was told that when it hits the water it dissipates very easily and that there is no evidence, though it's a major plume -- and this is Bay Shore's case -- that when it hits very quickly and not to worry about it. Is that -- you are telling me that the bottom fish are the first to be attached to the -- to pollutants?

**MR. TANACREDI:**

Yeah. That same philosophy was the philosophy that the carrier pigeon was described as having when they said, "Don't worry about hunting them. They'll still be around. There's plenty of them about." The physical phenomena, the hydraulics, the hydrology, the groundwater flows; the geology that contribute to groundwater is getting into streams and emptying out into estuarine environments. Certainly, each one would have to be looked at individually, but if you're not detecting or they are not looking for PAHs, you can't say that there's none in the estuarine environment. So that's the first question I would have.

The second is compounds that are again, they're hydrophobic; they don't really dissolve in water, but they are associated with fine particulates, surface runoff, storm water runoff; all of these have these first flush aspects that can put considerable amount of particular and suspendable material into waterways. And if that falls out, meaning it settles out, into the sediments along streams and rivers, it's -- that may stay there for a certain period of time, but during storm conditions and high seasonal flows or any type of discharge from that river into an estuary will have, again, that flushing erosional -- bottom erosional effects that go out into Great South Bay.

Ask anyone who is involved with the shoreline dynamics and looking at the erosion concerns that are on Long Island. There are very few places that maintain the shoreline without having to be either dredged, and dredging would also upwell a lot of this material to get out into certain waterways, or it would be carried in sediment material along through either stream out flows, lateral current. So

there's a whole host here that are the dynamics of the South Shore estuary, as an example, but off all of the coastline of Long Island that really needs to be looked at. But to say not to worry about it is cavalier.

**CHAIRMAN HORSLEY:**

Thank you very much. Dr. Tanacredi, I'm going to turn it over to Vivian Vilorio-Fisher, but I just wanted to let everybody know -- oh, she's not -- wherever she may have went -- because we have the Health Department as well as the Environmental Department coming up, and I know they have got a lot to say about the Riverhead issue as well. Ed, do you want to -- as quickly as possible.

**LEG. ROMAINE:**

I'm here because Riverhead is part of my Legislative District, and we were concerned when the manufactured gas plants came out and DEC said, "Don't worry. It's just a Hortonsphere." And we went out there, myself and Wayne, and we stood on the river, as Wayne's easel fell over and drifted downstream.

[Laughter]

We looked at that situation, and we were concerned. The Peconic Estuary's one of 13 protected estuaries -- national estuaries in the United States. It's one that we're very concerned about, and now to find that there was a manufactured gas plant that wasn't brought to our attention by DEC is something that DEC had not alerted us to, and what type of impact could this manufactured plant possibly have on the Peconic River and the estuaries, and what could be done to take care of the impact or address the impact.

**MR. TANACREDI:**

Legislator Romaine, that is a -- how much time do we have?

**CHAIRMAN HORSLEY:**

Very little.

**MR. TANACREDI:**

There is no time today to address that concern. It is no less of a concern than any of the preexisting plants that occur, and I would certainly believe that if there were deficiencies -- and again, this is a debatable term -- deficiencies in the way certain sites were looked -- you can look at things from a legal perspective or you can look at things from an ecological perspective.

**LEG. ROMAINE:**

Let's take a look at -- I'm going to forget legal because people can fight about that. Everyone has attorneys. People can sue anyone. But ecologically, is how is that going to impact the Peconic River and the Peconic Bay, one the 13 national estuaries in the United States?

**MR. TANACREDI:**

It certainly would be an impact. It would be something associated -- because these compounds, just by their nature, this is what we did in the New York Academy of Sciences. We did mass balances on sources and sinks as to where things go. They're very resilient. They remain in the environment for a long, long time. So in order to remove them, they are very, very extensive restoration methods that have to be done to do this.

**LEG. ROMAINE:**

And do those methods become more difficult the longer the time goes before remediation takes place?

**MR. TANACREDI:**

Absolutely.

**LEG. ROMAINE:**

And how long has it been since you would determine that an impact to the River was felt by this manufactured gas plant that was recently announced in Riverhead, which, by the way, is directly across from the new post office off Mill and 25.

**MR. TANACREDI:**

I wouldn't venture a guess at this point, but certainly if this plant was in operation in the early '50s, I understand, or the late '40s, we're talking about a 50-year term where absolutely no treatment has been provided or no assessment of what this material could be. I certainly would think of it as significant, and the -- again, it's been -- there's a chronicity here. We're talking about a concentration of material, which we don't really know, but anything that has chronic contributions is additive over time, especially these compounds where they don't breakdown.

**LEG. ROMAINE:**

What might that impact be, because there was all types of discussions about algae blooms, brown tides and people couldn't figure out what was -- there what the sewage treatment plant in Riverhead or there were other things. What could this contribute to; what type of ecological impact might this have on the River and the Bay?

**MR. TANACREDI:**

Well, again -- the -- it's hard to assess at this moment without really seeing what kind of concentrations of materials there are, and -- but the potential for loss of disruption of benthic communities, which are the primary portion of estuarine environments, a major role that plays in the bottom-dwelling organisms, the sediments, even the water quality associated with marshes and coastal estuarine environments is -- can only be considered significant until these can be identified, and I think that's really the critical point here.

You know, for the 35 years I have been in this business, some people have said to me, "You know, there's nothing more to explore. You found just about everything in the environment." And my argument has always been, and still is to this day, that it really depends on how long you look for something and how far you seek out certain things based upon the science, the biology, the chemistry. So here, in this case, something -- think about it for a moment, if you may: 50 years, unknown quantity in a trajectory toward an estuary. I mean, it's kind of a ticking time bomb. I would be concerned.

**LEG. ROMAINE:**

I'm going to ask that same question in the presentation of Mr. {Andreoli} there and ask Aldo there --

**MR. MINEI:**

Vito.

**LEG. ROMAINE:**

Vito, Vito, right. Andrew isn't here --

**CHAIRMAN HORSLEY:**

Let's move on, then, Ed.

**LEG. ROMAINE:**

I'm going to be asking Vito that question because we need to take a careful look at this. We need to look at the impact and to assess the impact and to understand the impact to the River and to the Bay and to the estuary itself and determine how bad that impact is, how significant it is, what, if anything, can be done to repair any damages that might have been done. Thank you.

**CHAIRMAN HORSLEY:**

Okay. Thank you very much. Gentleman, we do appreciate it, and I don't mean to rush you off. Everything you've said has been very, very helpful to us today. We're building -- this is a building

block process. We've moved to the next step to see where we should go with this issue because, as I mentioned before, this is big, and it's very big, and we're going to need all the help we can, so I appreciate you guys being down here today.

Can I ask our Health Department, Mr. Minei and Mr. Paulsen -- is he here? Before Vito steps up, I've got to tell you, I have been doing this now for it seems like forever, but the guy that had the straightest answers were the guys from the Health Department of the Suffolk County, and they were the ones who always were there with -- telling me beyond the spot-on truth, and so with that, I'd like to turn this over to Vito and Ron. Welcome.

**MR. MINEI:**

Good afternoon, Mr. Chair, Members of the Committee, learning counsel, essential staff. I'm Vito Minei. I'm Director of Environmental Quality, and I'm please to be joined by my colleague, Ron Paulsen, who is head of our Groundwater Investigations Unit and has 15 years of looking into these MGP problems here in Suffolk County. I'm here actually in dual capacity, as Director of Environmental Quality for the Health Department, but also, as Ed alluded to, Director of the Peconic Estuary program. So we share your concern with this revelation of the Riverhead facility. Wayne, your aide, Brendan, was at a meeting a few years ago where I asked that explicit question that there seemed to be intuitively a need in the Riverhead area for a facility to serve that Hortonsphere you had that had nice photo opportunity.

Ron and I made a presentation here about two years ago. We're going to cut this a little bit quicker. We'll give you a little bit of a primer since apparently there are some basic questions about the chemistry, but we'll cut through all the other sites and get right to the last few slides on the Riverhead facility. We know that's the pressing issue. The presentation you're looking at is Ron and my presentation.

But also, Ed, to your question so to the Peconic Estuary, I'll say this, without having any more data on this particular facility; it's what I've said to Brookhaven Lab; it's what I've told the Navy with regard to Grumman, that after almost 40 years here of investigation, the Peconic River is considered one of our best surface streams -- freshwater surface streams in terms of classical parameters: Nitrogen, other things like that. And the reason for that is mainly because Suffolk County has invested millions of dollars into the purchase of open space, combining that with the state holdings of thousands of acres. You have a lot of open land that the groundwater filters through to get to it. And, you know, if it wasn't for things of what BNL was doing and what the Navy and Grumman had done with their industrial facilities for decades, and now possible this facility, the River would still be classified as one of our best, so that concerns me very much.

Again I'd like to get into Ron's presentation of -- we'll go again through some of basics. Again, we've been doing this -- actually, I was out there nearly 20 years ago. Ron's been doing this a short 15 years or so. But let's quickly do some background information, Wayne, and then hopefully get right to the Riverhead facility.

Before I do, I'm hearing for the first time a third party independent review. It's interesting and intriguing to me. I would just suggest going in. One group we would highly recommend is United States Geological Survey. We've worked with them for more than 35 years. There is no other entity nationwide, probably internationally on groundwater issues, and we've worked closely with them. They have helped us in basic groundwater level investigations. They have helped us with pharmaceutical personal care products, the endocrine disrupters you heard a little bit about. They were certainly helpful in the vector control study doing some sophisticated science on the use of pesticides, and we've been trying to get them enlisted in the Grumman work with regard to groundwater movement of the plume from the Calverton facility. So I would highly recommend moving in. It's a group we were hoping to collaborate with on the Quarter Percent Project, so please keep that in mind. I hope you'll include the Executive Branch as you move forward with your third-party consideration.

**CHAIRMAN HORSLEY:**

As I said, this is too big just for a Legislative office, and I'm looking for help from all corners, and certainly I know you are in the forefront, Vito, and you would never be forgotten.

**MR. MINEI:**

Thanks. I appreciate that. But let me turn it over to our in-house expert, Ron. And again, a quick primer on some of those questions, John. You asked about little overview of MGPs, and then we'll go right to the chase and go right to the Riverhead facility. Ronny?

**MR. PAULSEN:**

Legislator Horsley and Committee Members, thank you for the opportunity to come back, give an update on the status of the MGPs we have identified for years and maybe some new information that we've learned recently on the Riverhead site. So I'm just going to go over this briefly. There's a lot of information here. We're not going to have time to go into detail with all the sites. We want to just focus on an overview and get right to the Riverhead site. I think we've talked about this a little bit, what these facilities were. They basically manufactured gas from coal, coke, liquefied petroleum. We're learning you can use other hydrocarbons, propane, gasoline, calcium carbides, so they have a variety of feedstocks, you know, that, you know, can be used to basically have a gas that's compatible or comparable to natural gas in BTU values and specific density of it. They are concerned because -- especially the ones they use coke or coal or liquefied oil, they produce a large waste stream.

*(\*The following was taken by Gabrielle Skolom - Court Reporter & Transcribed by Alison Mahoney - Court Reporter\*)*

Over the whole U.S., they estimate there's billions of gallons of coal tar, you know, that's been generated from these plants since the 1880's to 1950. They're not the only contaminants we're concerned with. There's other contaminants associated with the sites -- PCB's, metals, solvents -- and of course they all have petroleum storage tanks, so you have your traditional BTXE and MTBE issues as well.

Where are they? Well, there's literally thousands in the country and there's over 200 in New York. We have six identified to date in Suffolk, four major sites, and there's another 12 MGP sites, related sites, whether they're storage facilities, or smaller plants have also been identified in recent years.

The process, again, I'm not going to go into this in great detail, but basically you would use some type of feed stock, could it be -- again, it could be coal or oil, or in recent years we've determined -- it's been revealed that you can use other calcium carbide or propane or other hydrocarbon sources to actually manufacture a gas, again, comparable to natural gas that could be comparable with the distribution system and the needs of the community.

You know, again, if there was 10,000 people in a community in 1880 to 1930, there was likelihood that there was some type of a gas facility there; that was the state-of-the-art in that time. The process also has other purification processes associated with it that could have a waste stream. Some of these gases were rather crude and needed to be cleaned up, and then there's also the storage and distribution of these sites.

The contaminants are concerned in the little -- you know, we've been talking, previous presenters have talked about this quite a bit, but there's metals. It's not just the PAH's, there's volatile organic chemicals, there's PAH's, there's metals, so there's a variety of potential concerns with these sites. It's not just -- shouldn't just be focused on, you know, one particular category. There certainly is a variety of chemicals and metals and VOCs that could be harmful to drinking water supplies, our groundwater and our surface waters. Some of these, again, are carcinogenic and can be very problematic to us in our environment.

The areas of exposure, again, the most direct would be contaminated soil on-site. Several of these plants were identified because utility workers digging around these plants, putting in water mains and such, actually dug into coal tar waste, in Sag Harbor that was the case and it quickly became a Superfund and those workers were -- fortunately they're okay, but they were -- you know, had to be hospitalized, so there are some direct soil impacts to these. One that our unit is largely concerned with is the groundwater contamination. In several of these sites, there's significant groundwater contamination associated with them, and that in itself can be problematic to our private and public water supplies. You can have that infiltrate into basements and crawl spaces, storm drains, and in recent years there's been soil vapor and indoor air intrusion issues associated with those. On top of all of that, the groundwater -- all groundwater on Long Island eventually discharges to a surface water and along with that groundwater, it can bring all these contaminants. The plumes will eventually vent to a surface water, and then you can also have sediment contamination directly if there was waste or discharge put directly into these surface waters.

This is just a site of what some of these of {deanaples} look like; they're very syrupy, very problematic. And again, the coal and the oil feedstock produce large quantities of coal tar that is present at many of the sites, the major sites in Suffolk County.

As of 2/07, prior to 2/07, we were really just dealing with these five facilities. We knew the Bay Shore site was identified, Sag Harbor, Halesite, Patchogue and West Babylon. So prior to 2/07, these were the five sites that we were primarily involved with, investigating and identified. At that same time, really, the PSC hearings were on and the merger with National Grid, and in 2/07 there was an additional disclosure of other facilities and this -- you know, this map shows -- the large red dots are the major producing sites and the one in the Riverhead area we've added because it is a major producing gas facility that wasn't identified, it uses propane as a feedstock but we recognize it now as a major producing gas facility for the whole east end of Long Island at that point in time.

The other symbols there indicate, the smaller red circles were MGP's in Patchogue and West Babylon that were used occasionally. The dark circle in the Bay Shore area was a waste site and that's another area we're concerned with. The waste generated from these wasn't always left on site, there could be several more of those potentially throughout the Island. And then the blue cylinders are the Hortonspheres or the storage sites. The triangles there in orange indicate other MGP's, Saltaire, Southold. In East Hampton, they used other feedstocks, calcium carbide or gasoline, to crack and to make gas with.

So I guess the point is that since -- between 2/07 and 2/09, we went from five known sites, now we're up to, if you count Riverhead, fourteen, and there just seems to be this constant revelation of new sites. The 14 -- this is a little busy and it's really just to show you that there -- 14 -- 14 of the sites are under some type of consent order with DEC and they're going through some process of being cleaned up. Several of these sites have rather substantial cleanups under way; that's the good news between now and two -- since 2/07, that Bay Shore and Sag Harbor and Halesite in particular have undergone significant clean-ups on them. For the prior twenty years, there really was not much happening at these sites. So that's the good news.

The bottom -- our potential there, the potential sites that have been identified, or we suspect, and we really don't know -- these came out in various reports and such, that we have -- we don't really know, they're suspected in other areas of Sayville, Holtsville, Greenport, Orient; this is really our big concern now, is to get to the bottom or hopefully identify most of these sites in the near future. Our role, again, has been -- as Vito said, Vito's been involved with this have for over twenty years. But since 1980, these sites, some of the major sites were identified just because of the bulk storage of fuels on them. And at that point in time, New York State DEC I guess recognized these were very large, complicated sites, and so the DEC in 1980 had taken a primary role of overseer and the lead role in overseeing these sites. We've been actively involved with supplemental reports, looking at risk in the community. Our unit's put in hundreds of wells, hundreds of groundwater samples, surface water samples. We've largely been looking at the off-site areas, way before anybody else

had looked at them. They were busy with the on-site work, DEC and New York State DOH, so we felt the need to get out in the community and to do our own investigations and we're doing that to this day. Other issues since 2/04, soil vapor has been an issue associated with the groundwater plumes, and we continue to look at that and address that. And we've worked specifically with the Bay Shore Community Task Force to help oversee and to bring some additional testing there, and we've also continued to review all sites and to do additional investigations, as we will do in Riverhead.

**MR. MINEI:**

Jump about, I think the next eight sites and we'll get right to the Riverhead --

**MR. PAULSEN:**

Yeah, this was just an overview. And there's a good website that we can make available -- actually it's National Grid, but there's a lot of good information about the updates on some of those sites.

**MR. MINEI:**

We're on the bottom of page five now in your hard copy.

**MR. PAULSEN:**

The recent revelations which just occurred in the last month or so, which fortunately came to us through these different various reports that identified and made note of a site in Riverhead, prior to that we had on several occasions when the Hortonsphere was revealed, we recognize that, you know, where was this gas being generated from? There were specific questions asked, DEC and National Grid, as to the source of that gas. We suspected it probably wasn't piped back in those times all from Bay Shore, although some of it was. And as it turned out, indeed there was an MGP site there, as indicated in these reports. The Hathaway, the American Gas Journal and the Morgan Report all revealed evidence of an MGP in Riverhead. Also from these reports, Orient, Holtsville, Bridgehampton was mentioned as well as some detail on the distribution, piping between these plants on the Island.

This was taken from the Morgan Report, and the fine -- the lines there are not roads, those are actually the pipelines in this case. So there was in 1953 at least some evidence that there was a distribution system out there that could pipe gas between the different facilities and the different areas of the Island. They were limited, they weren't able to produce the capacity needed just from one Bay Shore site. That's why Halesite was there, Sag Harbor was there, West Babylon, Patchogue and now Riverhead, all supplemented -- they all supplemented that distribution system. They didn't have the ability to have a system like today where you can bring sources in out-of-state, distribute them, you had to have other stations along the way to help supplement that distribution system.

This was actually taken from Newsday, October 2nd, and the top picture there is actually what presently looks like and the bottom left is -- actually, that's the cracking facility as it stood in the 1949 report. And again, the location has been mentioned of the Hortonsphere and the MGP are very near the Peconic River. The feedstock in the reports was propane, not coal or oil as many of the other sites were.

In '99, you can see those long cyndricle [sic] tanks s where the propane was stalled was still present in the '99 photo. If you look at a photo in 2/07, those tanks are gone, so there's obviously been work or some type of restoration or work being done on the site during that period of time. And as you can see, it's a rather large site and the potential for, you know, contamination is certainly there. The propane itself, although I'm sure it doesn't generate the coal tar waste, propane itself has been a contaminant in our groundwater in Suffolk County. We have several sites where we have significant propane contamination in the groundwater. It is a gas that is -- has a specific gravity, it is soluble and it can be dissolved into the groundwater under certain conditions. And we have sites, one in Shirley in particular where there's several thousand parts of propane in the groundwater. So this -- just to say that because it's propane and a gas was eliminated from potential groundwater impacts. Certainly there, we certainly deal with it and we have evidence of it on Long Island, and it

shouldn't have been dismissed just on the fact that the feedstock was a gas or a liquified gas.

The other concerns are the source of the processing of the propane, where did the propane come from and obviously where it was stored and how that facility was maintained and how it -- you know, we know nothing about that. The large fuel oil tanks, two 20,000-gallon fuel oil tanks were on-site; those in themselves can be very problematic. There was processed water. There was a processed waste stream, cetylated combustion processing and disposal. The catalysts used were, in some cases, nickel or chromium, so those were -- can be heavy metals themselves, can be problematic. There's runoff, dust, soil vapor. You know, we didn't know anything about the security of the site. Was there discharge or drainage pipes to the Peconic River, as in several other sites? Any they also had deep well injection. They put process water back into the aquifer directly.

So those are just some of the concerns we've identified in a short period of time. And that's why we feel so strongly, you know, that this facility needs to be listed with DEC as soon as possible, and at least a preliminary site assessment conducted as soon as possible.

There are also -- in that area, there's also potential for private wells and there are also public well fields there; we're in the process of evaluating those now. Again, we're going to look at an off-site investigation to determine if there's an off site plume associated with these facilities. We can act on those things relatively quickly. We're not so sure how the on-site investigation will proceed, but we will continue to provide input with DEC and DOH on those issues.

Our general recommendations for all of these sites is that we -- you know, Vito and I have sat in on many meetings through the years and asked, I know Wayne asked the same question; you know, is this all the sites, you know, is this everything? And we continue to be frustrated. We learn about, you know, these other facilities, and it's particularly frustrating when we learn about it from a third source not from National Grid or DEC.

We also are very concerned, still to this date, of the contamination that's off-site. There's different technologies out there being used, and it's all not negative. There's been a lot of good work done in the last two years to get some of the source out and to implement some interim remedial measures to mitigate this plume. And there's been some positive movement, especially in the last two years, but there's still -- in our point of view, there's still a lot of frustration with, you know, being comfortable that we know everything that we need as the County. And we're the stakeholders here who live here and work in these communities, you know, we're not always sure that everything is being revealed and told to us. So those are some of our frustrations. But we will do everything within our resources to monitor and evaluate the risk of these facilities.

**LEG. ROMAINE:**

Question --

**MR. MINEI:**

That sums it up. I mean, the overarching theme here is we share your chagrin and ire. Ronnie mentioned that we have obtained what we thought was a very constructive working relationship among DEC and National Grid, and we thought there was an open sharing of information. This, quite honestly, is a significant setback, I think, to that relationship.

We're also concerned that apparently some folks did know about it, and those who knew about it summarily dismissed it as not a concern. Now, I think you know our reputation that we follow data. We have no built-in agenda to start pointing fingers here, but we base our decisions on data gathering. And we're not sure it's there to prove the point to either say it's a major impact on the river or it's not, and we're saying it's found in the science.

You've been hearing a little bit about all this arcane science, but the bottom line is more intuitive. You find the sources, you find the activities. And come on now, despite the rumors, I wasn't here in '48.

**(LAUGHTER)**

So there weren't the great progressive environmental regulations you have now protecting you. Even at BNL and places like Grumman, world class science was going on but really lousy janitors. I mean, there was a lot of indiscriminate waste being disposed of improperly. So that's it. What was the material used, what was the activities going on, what was the ultimate disposal of the waste material, and has it indeed impacted our groundwater and surface water resources? We want to get to the bottom of this. And I want to personally thank you, all of you individually have been great supporters of our activities, along with the County Executive, our groundwater research capabilities, our well drilling, and of course our nationally-renowned laboratory. So I just wanted to thank you going in.

***(\*The following was taken by Gabrielle Skolom - Court Reporter & Transcribed by Kimberly Castiglione - Legislative Secretary\*)***

**CHAIRMAN HORSLEY:**

Gentlemen, thank you very much for your presentation today, and I know there's some questions, but I wanted to make a quick statement, and it's an issue that's been concerning me. And obviously it's on your mind as well, Vito, that the DEC, who has the regulatory authority here to oversee the MGPs, Hortonspheres, the cracking plants and all the like, where are they? Why are they -- why did they admit that they knew of this plant going back in 2002 and didn't tell us. It's just unconscionable that our partner -- it seems to me that the seems to be a friendlier relationship with DEC and National Grid than there is to DEC and Suffolk County. It worries me, it troubles me. It may be because their staffing levels are too few and they rely on National Grid for information and/or KeySpan, or whoever the company was at that time, and that's where they got their information. Maybe that's -- you know, and they are comfortable with that. But to me as a regulatory agency they just seem to be dropping the ball one time after another and we don't have any information. It's just frightening to me that this continues to be this pattern.

We are going to invite them here on the 27th, and I want to hear them. I want them to explain why they didn't tell you, Vito. You know, you are in the meetings with them, day in, you know, year after year. Why didn't you know? It just makes me crazy.

**D.P.O. VILORIA-FISHER:**

Did you forgot me?

**CHAIRMAN HORSLEY:**

Oh, I'm sorry. Ms. Fisher.

**D.P.O. VILORIA-FISHER:**

Actually, I have a few questions that are not related to one other, but I've been listening to this all afternoon. The ocean of benthic impact has been put forth, okay. How quickly do the plumes move? How close are they to having a benthic impact? How close are they to surface water?

**MR. MINEI:**

Well, again, Ronnie's my expert, but if you look at the Bay Shore graphic, that plume probably is 50 years in the making. Groundwater typically moves about one to two feet per day in a lateral motion, so some of these things take quite a while to move. But if you saw the one graphic of the Riverhead facility, in the lower left hand corner, in the foreground, was the Peconic River. So whether it's 500 feet or close to one thousand, you're talking about a couple of years of movement to reach a surface water.

**D.P.O. VILORIA-FISHER:**

So imminent in some cases.

**MR. MINEI:**

It could have happened. If there was indeed discharges to the ground, which we haven't documented yet, Ron is going to go out there with our crew and start installing wells between the facility and the river. We are going to start trying to delineate, indeed, if we see there's a plume moving towards the River and then it is the extrapolation process of how long has this occurred. That's what's troubling, again. And as I said, the Peconic River is one of I think three or four wild, scenic recreational rivers in Suffolk County. It's designated because of the beauty and the high quality of the nature resources. Unfortunately, we determine that on more classical parameters. We weren't aware of the BNL activities, the Grumman plume, and now possibly, you know, discharges from a manufactured gas plant. So those things are in our mind besides the public health mission we have with regard to the drinking water wells. But about a foot or two a day. So these plumes you see are often many years in progress.

**D.P.O. VILORIA-FISHER:**

Okay. My second question, somewhere in a study that was put together by Martin Cantor, it said something about a LEGG study or analysis that was commissioned by National Grid. Do you anything about the information that came? It was the acronym, L-E-G-G. Are we able to access what the data was that came out of that analysis?

**MR. PAULSEN:**

They've promised us over the last, well, two years, a historical overview/report of all of their facilities. I talked to David {Lattimore}, their Vice President last Wednesday night at a Bay Shore meeting.

**CHAIRMAN HORSLEY:**

This is National Grid you're talking about.

**MR. PAULSEN:**

Yeah, National Grid has this report. They were going to, you know, go do a complete, comprehensive, historical evaluation of all potential sites. I haven't seen that it -- that report either. It's been promised. And know I think in lieu of the fact that the Hathaway Report came out I think they are going back looking that again now, so. I can't -- you know, we're as anxious as you are to see that.

**D.P.O VILORIA-FISHER:**

My third question has do with the Hortonspheres because a couple of years ago when this had all come to the surface, so to speak, and we were looking at what the sites were, I went to Port Jefferson because there had been a Hortonsphere there. It is no longer there. My understanding, when I asked questions at that time, was that because it was a storage facility rather than a manufacturing facility, that it was unlikely that it would have the level of contamination that the manufacturing facilities would have had. And when, Mr. Chair, correct me if I'm wrong, you and Legislator Romaine and I went to another Hortonsphere in Riverhead and that was right by the river. And I remember we had a river view.

**CHAIRMAN HORSLEY:**

That was the led paint chips problem.

**D.P.O. VILORIA-FISHER:**

But we were -- I think there was some level of comfort that because that was storage and not manufacturing that it wouldn't have the same kind of contaminants. It's two years hence. Are we more suspicious of what's happening around the Hortonspheres or what had happened or what level of contamination there was or had been?

**MR. PAULSEN:**

Yeah, one of the things about the Hortonsphere is that there is some interest in, and it's in some of these Hathaway Report, notice that those facilities, especially in Nassau and towards the city more

we use all as disposal sites. So there was a lot of waste stream generated, they couldn't always keep it on site, and the Hortonspheres were sites that some of that was thought to possibly been put, so some of the waste stream could have wound up there. That was one of the points of interest, but there are also other contaminants more metal related, you know, they were painted with possibly lead paint. So there's other -- there were other things why the evaluation of that needed to take place. That was a positive thing on National Grid and DEC to identify those, which makes it even more perplexing why they would ignore a major MGP in Riverhead. It's, you know, we are going to look at the Hortonsphere so it was, you know, it was a little -- just didn't really -- wasn't consistent with, you know, the complete evaluation we're all hoping to get.

**D.P.O. VILORIA-FISHER:**

I do ask short questions, but I get long answers.

**MR. PAULSEN:**

Sorry.

**D.P.O. VILORIA-FISHER:**

No, no. I'm teasing. The last question has to do with the slide that you had up, and the questions you have regarding that last item you have is deep injection. That's a method for wastewater treated water? I thought that was pretty new technology, that deep well injections of wastewater was in existence back in the 50's?

**MR. PAULSEN:**

Yeah, I mean, using wells for a source of cooling water, I think there were three wells there. My feeling is that some of the wells were used as a cooling water source or process water and then they were able to take advantage of, you know, probably the characteristics of that formation are pretty course and they were able to reinject the water on site. But we don't know, there could have been discharged pipes to the rivers. That's why we have a lot of questions of that. It's a good point, you know, injecting water -- you know, reinjecting water is a tricky endeavor today for a variety of reasons. So it was, you know, a little perplexing to us, which is why we want more information on those --

**D.P.O. VILORIA-FISHER:**

What makes you suspect that there was deep well injection in this process. Was it a common thing?

**MR. PAULSEN:**

It's in a 1948 report that it mentions that they --

**D.P.O. VILORIA-FISHER:**

It does mention it.

**MR. PAULSEN:**

Yeah, it does mention it right in the report. That's what keyed in on us right away.

**D.P.O. VILORIA-FISHER:**

Thank you very much. Thank you, Mr. Chair.

**CHAIRMAN HORSLEY:**

Okay. Mr. Minei, can you just hang on second? I just had a quick question as a follow-up to something that Vivian had asked. When we dealt with Bay Shore and we found that this is a bigger topic than, and I mean this is a bigger question here. We found that they had removed, going back a ways, this is nothing recent. They removed filler to Brentwood that was contaminated filler and built a road on it, and they recently cleaned it up and I applaud them for the clean up.

How do we know like areas like Riverhead or anywhere across Suffolk County, that filler or contaminated soil, or whatever you want to call it, how do we know where that went, where is now, is it still out there in unknown locations? Is there any historical documents that gave record to

where they sent the stuff once they left that may not be on the site itself. How do we tackle that? Because I got a feeling it's in somebody's backyard. It's a worry.

**MR. MINEI:**

I always say that's why God made New Jersey, but I get into trouble for that statement. To start with, on a mathematical scale you would have to do a serious budget determination, determine the amount of materials created and then try to determine how much is accounted for. Then from there you step out as to, you know, the concerns of where other sites might be on Long Island. There was too many inviting sites as Suffolk County developed. We see it almost every day with Ron's crew, the Pine Barrens and all the roadways cut back in there and the indiscriminate dumping that goes on of all kinds of materials.

**CHAIRMAN HORSLEY:**

So it is very possible that some of these dumping sites may have been public lands.

**MR. MINEI:**

It would be conjecture right now.

**MR. PAULSEN:**

I think it's important to know this, too, the coal tar waste stream tended to be put in pits near the site because it's not a -- it's a syrupy type of a contaminant. It tends, in most cases, not to have gone too far. It was just discharged directly to a water. A lot of the waste in what was up in Brentwood was the purifier waste where they would use things like wood chips to purify those gases. There is no evidence of those in Bay Shore or Sag Harbor, so somewhere, you know, there could be quite a bit of purifier waste that hasn't been identified. That would probably be the waste stream that I would key as the one that -- I mean, that's what showed up mostly in Brentwood.

**CHAIRMAN HORSLEY:**

Is it possible that these records could be part of the -- a lot of this, I understand, is all sorts of sealed records. They're court sealed, 20,000 different documents that LILCO had at one point that the court sealed. Is it possible that that kind of information is out there? Would they have had records of such things?

**MR. MINEI:**

We should hear from them. It's a good question. Dumping of waste is not unique to Long Island. A quick trip to Idaho, the interstate that cuts across Idaho, is mining waste. So the DEC and EPA is very concerned about starting to test, 20 years after the interstate was created, across parts of Idaho. So it isn't unique to Long Island.

**CHAIRMAN HORSLEY:**

Yeah, I was worried about the public lands in particular. Mr. Romaine.

**LEG. ROMAINE:**

First of all, I want to thank the Health Department for the great groundwater job they did. The United States Navy has contaminated large sections of Calverton. That plume flowed undetected to the Peconic River, contaminated wells. If anyone went to sportsman's night at that club, I told people don't drink the water.

**MR. MINEI:**

Don't eat the chicken salad, either.

**LEG. ROMAINE:**

And don't eat the chicken salad, absolutely.

**D.P.O. VILORIA-FISHER:**

I did both.

[Laughter]

**LEG. ROMAINE:**

But if it wasn't for the Health Department, that plume would never have been discovered. So let me start with this, because you are working on this problem. Do you have enough resources to do this job?

**D.P.O. VILORIA-FISHER:**

We're working on the budget.

**MR. MINEI:**

Yes, we think so. If you note, the County Exec's 2010 budget message he highlights the fact. Ronnie did a great job of preparing a report that shows the cost benefit of maintaining a road drilling crew here in Suffolk County.

**LEG. ROMAINE:**

I've asked the Navy, by the way, as part of my letter to the Secretary of the Navy, to reimburse Suffolk County for the expenditures of over \$150,000.

**MR. MINEI:**

Closer to 200,000. Up your request, Ed.

**LEG. ROMAINE:**

I will up my request.

**MR. MINEI:**

The answer, you know, in summary is with the positions we've identified in the 2010 budget with the support we're getting from the County Executive that he highlights in his budget, we think we'll have the staffing finally that's sort of been lacking in the last couple of years for the staff of the well drilling crew.

**LEG. ROMAINE:**

Good. Let's go into Riverhead right away. This location in Riverhead, unlike the Hortonsphere, which is across from Snowflake Ice Cream, if anyone knows where that is -- it's very good ice cream out there. Directly across the street, you walk down a path, you cross a little bridge and a river. The Hortonsphere is there. Let's start there. You were indicating that this might have been a disposal site. What testing, if any, has the Health Department done or have coordinated with DEC to have done on this site, other than retrieving Wayne's easel there that he lost. I mean, what testing have you done on this site?

**MR. PAULSEN:**

You know, this site just came to our knowledge only weeks ago.

**LEG. ROMAINE:**

The Hortonsphere I'm talking about.

**MR. PAULSEN:**

Oh. The Hortonsphere has had what they call a preliminary site assessment done.

**LEG. ROMAINE:**

By?

**MR. PAULSEN:**

It's been done. DEC mandated National Grid do it. They have done groundwater, soil samples.

**LEG. ROMAINE:**

Do you have copies of that?

**MR. PAULSEN:**

Yes.

**LEG. ROMAINE:**

Could you forward all that information to my office?

**MR. PAULSEN:**

Sure, absolutely.

**LEG. ROMAINE:**

I would like to get a copy of that --

**MR. PAULSEN:**

Sure.

**LEG. ROMAINE:**

-- and analyze it. Let's move down the road because a little bit further to the west of there, you go to Snowflake Ice Cream, there is a fajita place, an animal hospital, and bingo. You're at the intersection of Mill and 25. Directly east of Pose Office you have the KeySpan site there, or I guess National Grid. They had a cracking plant there and they used that for propane?

**MR. PAULSEN:**

The facility outlined there --

**LEG. ROMAINE:**

It's missing on that one, but the previous one they had -- they used the cracking facility for propane?

**MR. PAULSEN:**

Yeah, we believe that's the facility that -- where the propane was cracked, the one that's identified, you know, and outlined in yellow.

**LEG. ROMAINE:**

And they had the two, what do you call, the storage tanks there that are no longer there. Okay. What is the possible impact of that cracking facility and the propane? You're talking less than a couple of hundred feet away from the Peconic River. You can see it directly across. That's 25 there is the road that's running. Tell me about the potential impact.

**MR. PAULSEN:**

Well, again, it's, you know, from a groundwater if there were groundwater impacts they're like to have already reached the river as they did in Bay Shore. It was a 100 year old site.

**LEG. ROMAINE:**

What happens when something like that reaches the river? Why don't you explain that in laymen's terms. What happens when that type of contamination would reach the river normally, generally speaking. I understand you haven't done a full investigation of this site, so let's talk generically. What happens when that type of pollution reaches the river?

**MR. PAULSEN:**

You know, it really depend on the, you know, what constituents are in that plume. What tends to happen in plumes that been around a long time is they lose their ability to have any type of natural degradation take place. If there's a source area still present, it will continue down the same path. What it does is it really destroys the capabilities of nature to deal with some of these things, to break them down naturally. What tends --

**LEG. ROMAINE:**

And when they are not broken down what happens? What happens to the river, what happens to wetlands, what happens to the estuary, what happens to the bay.

**MR. PAULSEN:**

You know, those are all questions that are really specific to what contaminants are present, are they bioaccumulating, will they impact -- you know, are they the types of things, and there are plenty of things that can get into the environment that nature through certain bio-remediation and actual degradation can take care of. So until you really understand the exact constituents and conditions --

**LEG. ROMAINE:**

How extensive does the investigation have to be to reveal, to come back and say this is what happened, this is what we think happened, this is the impact, it's minimal, it's major, it's this, it's that. This is the suggested path for remediation, if any. How much extensive do you have to do? How much time is this going to take? Who is going to do that work?

**MR. PAULSEN:**

That work --

**LEG. ROMAINE:**

Is that you, is that DEC?

**MR. PAULSEN:**

No, that's -- see, DEC is the lead on all of these sites. New York State DEC and DOH are the lead. You know, our main goal is to try to pick up the off-site contamination and private wells and groundwater issues and surface water issues. The way these things usually work is they have to go on site and determine those conditions. They don't tend to look off site very quickly, and that's a role that we can respond to quickly and we plan to.

I'd say within a couple months. We've already scheduled some drilling out there, so we are going to be on -- you know, we're going to do some samples in the river and, you know, we're going to get on all these things within the next couple of weeks. We've already started planning and getting mark outs on the roads. We intend to respond to it, you know, very quickly, but the whole magnitude and all the studies that have to be done on site, you know, you are talking a long period of time. But our big concern right now is for public health and the environment.

**LEG. ROMAINE:**

So you could have a preliminary study, I don't know if they have -- if they use a well or there's public water there, for example, for one of the restaurants, Buoy One, which is a fish restaurant right across the street. I got to think about eating there in the future. But clearly those people are concerned about that. All the people that would live around there are concerned about that. I assume that the direction of the groundwater is south towards the river. It's part of the watershed. I've got to think about what's happening.

You talked about the pristine Peconic River. I still remember the sewage treatment plants that my colleague, who served in this district prior to myself, Mr. Blass, when I served another district, talked about the radiological activity from Brookhaven Lab that flowed into the river. Now I'm looking at the Navy plume. Now I am looking at this and I'm wondering about this river. This is one of four rivers in Suffolk County that flows into one of 13 national estuaries, and I am concerned for the people of Riverhead that live near this facility. I am concerned for the impact on the river and the estuary and the bay itself, and I would like to know more. So if we can get a preliminary report about this towards January or February of next year, is that doable?

**MR. MINEI:**

Yeah, hopefully. It looks pretty straightforward, but as Ronnie can instruct you, because the river is impounded at that section he may be chasing it a little further to the east. So indeed it is a priority for us. We're going to start the work offsite. We're going to ask DEC to show us the information they claim they had to, again, summarily dismiss it as a problem, and then we'll continue with our groundwater investigation. Again, a well drilling is a weather dependent activity, but we're going to start it as soon as possible. We'll keep this body informed of the status of our investigation and how we're doing.

**LEG. ROMAINE:**

I will tell you that probably around 11:00 on Monday morning outside the gates of this facility myself and the members of the Riverhead Town Board will be demanding that DEC turn over their information to the County and to the Town of Riverhead. It is absolutely incredible to me that this information was not shared. I don't know the impact of this information. I'm not a scientist. I try to absorb the best I can. And there may be no impact at this point; I'd like to know that one way or the other. I'm not suggesting that this is a major catastrophe, but I am suggesting that the lack of sharing of information, I am certainly discouraged. And the Town Board and myself are going to be joining together on Monday morning asking for DEC to release this information.

Then obviously we're going to be looking to work with the Health Department to make sure that the impacts are understood, if any. And I'm going to say if any because I don't know. But you've told me that propane has created more pollution issues in the past in Suffolk County. I am gravely concerned about this. I am gravely concerned and I am going to check them. We spend a lot of money to preserve land, to try to protect our rivers and bays, you are absolutely right. And then people come along, whether consciously or unconsciously, and inflict damage. I want to make sure that that damage is assessed and as much as possible, corrected. Thank you, Mr. Chairman.

**CHAIRMAN HORSLEY:**

Thank you very much, Mr. Romaine, and I share your concerns. If I can I'll be joining you at that gates on Monday.

**LEG. ROMAINE:**

Gates on Monday at eleven o'clock.

**CHAIRMAN HORSLEY:**

Eleven o'clock I have got to do a class, but --

**LEG. ROMAINE:**

What's a better time for you?

**CHAIRMAN HORSLEY:**

Give me a half hour more. My class goes to eleven -- about a quarter to eleven, from Farmingdale.

**LEG. ROMAINE:**

Eleven thirty then.

**CHAIRMAN HORSLEY:**

Okay. I got a quick question and then I have to get Mrs. Juchatz up here. She's going to be talking to us about the health issues relating to the Riverhead site. But I have a quick question here. On October 3, 2009, Newsday article states, "Suffolk County on Friday drafted letters to National Grid and the State DEC demanding full disclosure over a historic gas facility in Riverhead." Any others yet to be revealed? Have you heard anything from this, and can I have a copy of that letter? I never saw it.

**MR. MINEI:**

Well, the letter is in draft form and it's making its way through our usual protocol of review in the

administration and with the County Exec's Office.

**CHAIRMAN HORSLEY:**

So it hasn't been sent as yet.

**MR. MINEI:**

It hasn't been sent yet.

**CHAIRMAN HORSLEY:**

Can I be CC'd on that?

**MR. MINEI:**

It's -- you know, I work for the County Exec through the Commissioner's Office --

**CHAIRMAN HORSLEY:**

Is anyone here from the County Executive's Office? No. Nope. Okay. Well, I'll have to ask then, but I'd like a copy of it.

**MR. MINEI:**

Newsday's been demanding that letter, too. And, again, our protocol is approval through the appropriate channels, then to alert the addressees of the letter, being DEC and National Grid. So within that as part of government --

**CHAIRMAN HORSLEY:**

I would hope. This is a team play here guys. I'm open for team play. Let's work on this together, and guys I truly appreciate your comments today. It's been most helpful. Again, on October 27th we're going to be widening the scope. We're going to ask DEC, we're going to ask National Grid. We're going to reach out to some of the public to see how they feel about these issues, and we're hopeful you guys will be here as well.

Mrs. Juchatz. Environmental Department. Sorry to keep you waiting. This is not any indication that you are less important than any of the other speakers today. But we are waiting for your comments and certainly this concerns not only the Riverhead MGP but also the health ramifications involving MGPs and crackling plants.

**MS. JUCHATZ:**

Thank you. Is it working?

**CHAIRMAN HORSLEY:**

You've got to keep your hand on it.

**MS. JUCHATZ:**

All right. I'll try. I'll try to do that. My name is Amy Juchatz, and thank you very much for having me here today. The presentation that I have is on the Riverhead Hortonsphere to address some comments that our department, the Department of Environment and Energy, had made regarding a preliminary site characterization report that was done, so I was going to update you a little bit on that.

I did want to sort of talk with you a little bit about what our department, along with the Health Department, is doing in terms of the whole MGP evaluations of all the sites. We are very involved with those sites. In my position as toxicologist I take a look at all the data that's generated either by the Health Department, County Health Department, the State DEC or Nation Grid, whoever has taken the sample. So I look specifically for, you know, potential health impacts. I look at pathways of exposure. I take a very critical eye at have potential pathways of exposure been evaluated so that additional sampling isn't necessary, and that's really, you know, of the critical things that I take a look at.

We have been very actively involved in the Bay Shore site. We've been recently involved in the Babylon MGP as well because a recent remedial study has been done there, and as well with these other sites that have been the {seedling} plants and Riverhead Hortonsphere as you'll see here. So we will maintain our vigilance on those sites.

I also wanted to mention that one of the other functions that our department has been serving is sort of a coordinating role among the different agencies. We have probably about twice a year we coordinate a meeting, which we call a coordinating meeting, and we get together all the different entities that are involved in these MGP sites. We get the State Health Department to come down or call in by phone, we get the State DEC, we get the Regional Office of DEC, we get National Grid as well as the County Health Department. We all sit down and go through all of the different MGP sites, all of the different things that are going on, all the Hortonspheres, the {seedling} plants and update each other on what's happening, where we think things need to go, and, you know, how things are progressing.

Probably about two years ago I would say there was a request to have this historic review of other potential sites that are out there, and that has been ongoing, that investigation. They do update us at each of these meetings and the status of that report, and as recently as last April they did provide us with some preliminary, you know, results of that or what was coming. We have not gotten the final copy of that, but they have told us that they will be providing that next week when we have our next coordinating meeting. So we are expecting that report.

I should also mention that the, in terms of the Riverhead catalytic cracking plant, that was identified in a draft distribution report that they gave to us, a gas distribution report that they gave to us and a figure in that report. However, there was very scanty investigation provided on it. But I just wanted to be clear that it was identified on a map that they had provided to us.

**CHAIRMAN HORSLEY:**

May I interrupt?

**MS. JUCHATZ:**

Sure.

**CHAIRMAN HORSLEY:**

Do you have this map? What are we talking about? What map?

**MS. JUCHATZ:**

It's a map in a draft report. I could provide you the map, but it's in a draft report that they have -- I can't provide you the report because that's still in draft form, but I could provide you the map.

**CHAIRMAN HORSLEY:**

Are there any other locations that have not been talked about on this map?

**MS. JUCHATZ:**

Not that I saw.

**CHAIRMAN HORSLEY:**

Could you send it over?

**MS. JUCHATZ:**

I'm sorry?

**LEG. ROMAINE:**

{Inaudible}

**MS. JUCHATZ:**

I don't believe so. I'll take a closer look.

**CHAIRMAN HORSLEY:**

Well, let's take a look at -- please, send us that map. That's the first I'm hearing about that.

**MS. JUCHATZ:**

Okay. I will also say sometimes in the historic review they had a consultant go through a lot of the Sanborn maps, the PSE reports, and a lot of times there were facilities that were identified, but then they were not linked to LILCO. So sometimes there are -- you know, there may be other places out there, but they are not then Nation Grid's. They won't be on National Grid's list.

**CHAIRMAN HORSLEY:**

Got it.

**MS. JUCHATZ:**

If you'd like, I can talk about Riverhead Hortonsphere?

**CHAIRMAN HORSLEY:**

Sure, please.

**MS. JUCHATZ:**

I think I was asked to talk about this a little bit because, well obviously it is close to the Riverhead cracking facility, but then also we had submitted a comment letter as we often do when we review reports that come in. We take a look at them, as well as State Health Department takes a look at them, and then together we put comments -- we formulate comments, and then those typically, as in this case, then get incorporated into the comment letter that goes from State DEC to National Grid. So our comments are, as it was in this case, incorporated in what National -- what DEC told National Grid they needed to do in terms of follow up. So that's the preface to, you know, what our involvement is here.

So this is just -- you've all been there, I guess, so you know probably better than I where it's located, but the red box is, you know, where the Hortonsphere fear is located. It was a gastris distribution holder, it operated until 1998, I think it probably began around the mid 1900's, I think that's about when most of them were built. The site's approximately point seven acres, it's currently owned by LIPA. And there's also a -- you could see on this previous slide, there's a large substation, a local substation south of the little red box.

And then also that we commented on this draft, site characterization, data summary, from January, 2009.

Okay, this I know I recognize, it's a really bad figure, but I wanted to give you a sense of where the samples were taken because I think the reason it was difficult to understand our comment letter is that it pertains to various sample locations, and this may not help that much but it was an attempt to try to help explain that a little bit.

I do also have copies of the presentation, I believe it was handed out. The blue circle is, if you can see, it's very light, but that was the approximate location of the Hortonsphere. Since National Grid's focus is their involvement as it was a Hortonsphere, the sampling typically in these sites focuses on the Hortonsphere. We try to get them and we do get them to expand out, but initially the sampling focuses in on the Hortonsphere.

What we determined basic -- from this initial sampling round, the biggest issue that we had was that some of the surface soil samples had elevated lead lamp levels; not in terms of public health, but in terms of ecological risk. And our biggest comment, then, in that letter was that they should not be using, in this case, human health risk criteria, but they should be using ecological risk criteria because of this location. Being near the Peconic River, there are two County parks on either side, Cranberry Bog I think is to the east, Peconic River County Park is to the west, and I'm told by the

Parks Department that those are -- they do have ecologically sensitive areas and uncommon species located in them. So we wanted them -- lead is a very -- is ecologically a toxicant that is of ecological significance and so we wanted them to be using the more restrictive criteria for evaluating surface soil lead levels. And because of that, we ask them then to -- that then required them to go back and do additional sampling, because we did find some levels that were elevated in terms of ecotox criteria.

The other significant finding or area that we wanted them to go back and focus on, they only did one sample that was -- one soil vapor sample. Ron alluded to this as being a relatively new issue, but we like to look at what kind of gases could be coming out of the ground, should something be built on that site. If a commercial building, if an industrial building, if a house were built on that site, what potential gases could be coming from the ground, like radon, and get into the home. So it also helps to give us an idea about potential contamination sources that we may not be finding someplace else.

One soil vapor sample was taken, it did find low levels of contaminants and those were BTXE and they were also other solvents that didn't seem to really make sense -- Methyl Ethyl Ketone, not things that are typically petroleum related -- so we asked for additional soil vapor sampling. Again, the soil vapor samples did not match what we were seeing in soil. It also did not match the groundwater sample which did not really detect anything. So we wanted further clarification, further characterization of the site in terms of soil vapor sampling.

That's just basically what I just said; some metals are above ecological criteria. I think also copper was in one or two of the samples.

So our comments, just to explain what you might see in that letter, is that typically when we ask for exposure scenarios to be elevated, we want to see surface soil samples taken from 0 to two inches. We want to know if a kid is playing in that soil, they're not going to be typically digging dip, they're going to be exposed to the top surface and then putting their hands in their mouth. So that wasn't done at every location.

In addition, again, the soil vapor location didn't have a corresponding surface soil, so was there surface soil contamination right where that soil vapor was? That would help to explain it. The ecological criteria, already mentioned. And then a lot of what's in that comment letter which is confusing is corresponding comments that their tables and figures are not matching with sample identification. And you know, probably over all is that we felt it was premature for them to make any conclusions on source of soil vapor contaminants that were detected.

And so our comments were included in the New York State DEC letter to National Grid. Those comments -- those adjustments were made in a subsequent plan and that additional soil sediment, soil vapor and a groundwater sample was collected this summer and we're now awaiting that additional report. That's it.

**CHAIRMAN HORSLEY:**

Thank you very much, Ms. Juchatz. Are there any questions?

**D.P.O. VILORIA-FISHER:**

Can I go home now?

**CHAIRMAN HORSLEY:**

You can go home now. I just have one quick question related to -- you have taken a look at the MGP analysis in different locations throughout Suffolk County, Bay Shore and others. Could you just quickly for the Legislators, what health problems do these -- that occurs because of the MGP contaminants that are seen in most MGP locations?

**MS. JUCHATZ:**

Okay. The biggest concern that we've had is -- well, there's typically an associated groundwater plume, and Bay Shore, luckily folks are on public water, so that pathway of exposure has been eliminated. But certainly, we would be concerned if people were drinking water that, you know, was in that -- was contaminated from that plume. And the concern there would be a lot of -- as was mentioned earlier, a lot of the contaminants are carcinogenic and so even low level exposure over a long time period is a concern.

Soil exposure is really fairly limited to, you know, where the source material is located. So as long as those areas where source material or waste product has been have been detected, that should be okay in terms of soil exposure. The other overriding area which has been -- there has been, especially in Bay Shore, a great deal of sampling both by the County Health Department, and especially really National Grid has gone -- at our direction, has gone to a great extent to do, is sampling homes that are over the groundwater plume because some of the PAH's, namely Naphthalene, is volatile as well as the BTXE: Benzene, toluene, xylenes, and ethylbenzene. So we had been looking at that.

The other area -- and so far we really have not found, and the State Health Department has -- we're all working together on this. We have not found situations where there has been -- where we can say that there is a soil vapor intrusion, so from the groundwater plume getting in to indoor air. We have some areas where, you know, "Oh, maybe," but it's still -- it's not at a very significant level, so if it is, it's till very low, low level.

And the other area we're following very closely is in the oxygen injection treatment that's going on in Bay Shore, we had concern that by putting in the oxygen, are they creating new contam -- new constituents degradation products that now may volatilize and enter homes. And so there is a very extensive that we review, initially it was weekly, now it's quarterly.

**LEG. ROMAINE:**

Are they turning the contaminants into a gaseous state?

**MS. JUCHATZ:**

Yes, or turning them into a different chemical that will volatilize out of water and get into homes; we're following that very closely. They're doing a great job of soil vapor sampling, that was really one of our requirements in the operation and maintenance program and so far that has not appeared to be an issue.

**CHAIRMAN HORSLEY:**

All right. Thank you very much. We appreciate your comments today, and I'm glad you're here.

All right. I think I'm alone. Oh, I see Legislator Stern down there. Motion to adjourn?

**LEG. STERN:**

Second.

**CHAIRMAN HORSLEY:**

There you go. Seconded. All in favor? Opposed? We are adjourned.

*(\*The meeting was adjourned at 4:37 P.M. \*)*

**{ } Indicates phonetic spelling**