

**ENVIRONMENT, PLANNING & AGRICULTURE COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**  
**MINUTES**

A meeting of the Environment, Planning & Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on March 11, 2013.

**MEMBERS PRESENT:**

Leg. Kara Hahn, Chairwoman  
Leg. DuWayne Gregory, Vice Chair  
Leg. Sarah S. Anker  
Leg. Thomas F. Barraga  
Leg. Al Krupski

**ALSO IN ATTENDANCE:**

Deputy Presiding Officer Wayne R. Horsley, 14th Legislative District  
Leg. Kate M. Browning, 3rd Legislative District  
George M. Nolan, Counsel to the Legislature  
Sarah Simpson, Assistant Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk of the Legislature  
Alicia Howard, Legislative Aide  
Thomas Vaughn, County Executive Assistant III  
Marie Berkoski, County Executive Aide  
Laura Halloran, Budget Review Office  
Craig Freas, Budget Review Office  
Sarah Lansdale, Director/Department of Planning  
Lauretta Fischer, Principal Environmental Analyst  
Department of Planning  
Janet Longo, Real Property Acquisition & Management  
Frank P. Castelli, Environment Projects Coordinator  
Economic Development and Planning  
C. Salazar, SC DEPP  
Jennifer McGivern, SC DEPP

**(ALSO IN ATTENDANCE Continued on next page)**

**ALSO IN ATTENDANCE (Continued from first page)**

Peter Danford, SERV  
Paul Matthews, SERV  
Patrick Hurley, SERV  
Deborah Tinnirello, Aide to Leg. Hahn  
Michael Pitcher, Aide to Presiding Officer Lindsay  
Joe Gergela, LI Farm Bureau  
Randall Parsons, The Nature Conservancy  
Adrienne Esposito, Citizens Campaign for the Environment  
Peter A. Scully, Regional Director New York State  
Department of Environmental Conservation  
Salvator Ervolina, Division Director, DEC  
Scott Menrath, DEC  
Joyce A. Rodler, DEC  
Jeanine Broughel, DEC  
Chris Lubicich, Health Services/Environmental Quality  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 2:26 PM**

**CHAIRWOMAN HAHN:**

All right. All rise for the Pledge to the Flag led by Legislator Krupski.

**SALUTATION**

I thank everyone for your patience. We had a delay from the last Committee. A lot of work going on here today.

**PUBLIC PORTION**

We do have some cards. We'll begin with that. Our first speaker is Joe Gergela followed by John Turner. Renee, did we have any other cards? No. Okay, two.

**MR. GERGELA:**

Good afternoon. I actually thought that you were going to do your presentations first and comment later. But since you gave me the floor, I'll speak now.

I'm Joe Gergela, Executive Director of Long Island Farm Bureau. Good afternoon, members of the Legislature, ladies and gentlemen and our friends from Albany that took the time to come down here. Obviously this is a difficult subject, a lot of science, a lot of politics, a lot of public relations issues. It's very complicated. The thing that I would say to you all is to have an open mind. This is going to be a process that's going to take some time. State's going to collect comments from everybody, do an assessment of the plan and figure out a strategy going forward.

For us in agriculture, my farmers are very concerned about this subject. It is not fun to be a farmer and be viewed by the public that we're doing things wrong to hurt our groundwater. We all live here. We all drink the same water. We care about our communities. But this is also a very serious economic matter to us. Without the tools to protect our \$300 million investment, there goes the agriculture industry, which the public has invested tens of millions of dollars to hold onto our land base and as well as work with us to hold onto the industry.

The other part of that is the tourism industry. Keep in mind that the East End of Long Island where the farms are is also the tourism capital of Long Island. And together both those industries are about 10% of Long Island's economy. Also not to mention 7 to 8,000 jobs involved with just farming alone.

We're very concerned. We're also very concerned about doing our very best management practices. Long Island farmers are among the leaders in the United States working with Cornell, Department of Agriculture, Soil and Water Conservation, all our agencies, and to do the best job possible in our management of our lands.

I like to say, and sometimes I'll get in trouble with my friends in the environmental community, farmers are not environmental activists; farmers are active environmentalists. They take this very seriously. This is the number one issue facing Long Island agriculture. And to say that our guys are concerned is an understatement. Some of the farmers that I would love to see come to some of these meetings to speak up, they're just so beside themselves over this that they feel that they couldn't keep their composure to speak properly before the public about it. So I get to do the heavy lifting as some people like to say in the industry.

**(TIMER SOUNDED)**

I also want you to know -- okay, I'll close, Kara. But I want you to know that I am trying to work

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with the environmental community in particular Adrienne, Kevin McDonald and some of the others that are willing to have continued conversations. We're not going to agree on everything, but we're trying to find common ground, where possible, so that we can be respectful of each other's opinions and move the process forward.

Thank you for letting me speak and good to see everybody.

**CHAIRWOMAN HAHN:**

Our second speaker is John Turner followed by Adrienne Esposito.

**MR. TURNER:**

Good afternoon, Chairwoman Hahn and members of the Committee. For the record my name is John Turner. And I'm a consultant for the Town of Brookhaven with regard to its Open Space Program. And I'm here today representing Town Supervisor Ed Romaine, who sends his regards and regrets that he can't be here himself to provide the comments that I'm going to provide to you today.

But what I wanted to speak briefly about is the Town of Brookhaven's strong support for resolution 2028 of 2012. That's the resolution that relates to planning steps for the Avalon Bay property that's situated in the Carmans River Watershed.

I had the privilege of being Director of DEP for the Town of Brookhaven. And one of the last things I was involved in was actually coming up with a -- kind of a rating framework for open space acquisitions for the Town pursuant to that corridor of that River. And we used four criteria: And that really was where was that property located in regards to the zone of contribution? And that a parcel that's right along the River is going to have a greater influence in terms of water quality in the river than a parcel that's 50 years out to whether that land takes 50 years to travel; the size of the property, the intrinsic qualities of the property, the species, for example; and then the -- its positioning with regards to other public properties.

**(TIMER SOUNDED)**

Wow, that was fast. And so applying those four criteria to a number of properties, about 32, the property that came out the highest was the Avalon Bay. And not surprisingly because it is by far the largest remaining complex of open space in the entire Carmans River Watershed, being about 175 acres in size. And so that value of that wooded open space to the River is really quite significant.

It is located next to, already preserved, County-owned land. It is to the east. It is located next to Town of Brookhaven-owned land. Peter Scully's here. And when Peter was with the Town, he did a great job of preserving some of these parcels the Town owns to the north. And so because of these reasons, again, our criteria, it was the highest rated parcel. And because of that, the Town felt quite committed to the properties and the Town Board did pass a resolution in February dedicating \$400,000 for the purchase price. And so we're hoping that you knowing that fact, of the Town wanting to step up in a meaningful way financially to try to secure this property will motivate you to un table this tabled resolution and move it for approval by the full Leg.

So that's really the comments I want to provide on behalf of the Town Supervisor Ed Romaine. Thank you for your time.

**CHAIRWOMAN HAHN:**

Thank you. Question, Legislator Krupski.

**LEG. KRUPSKI:**

Good afternoon.

**MR. TURNER:**

Good afternoon.

**LEG. KRUPSKI:**

If this is a really important parcel, why doesn't Brookhaven just go ahead with the purchase?

**MR. TURNER:**

Brookhaven doesn't have the financial resources right now to acquire the entire property. The Town's committed \$9 million for open space acquisition really for the year 2013. I don't need to tell you, Legislator Krupski, what a challenge it is to come up with the fiscal resources to buy open space, but a lot of different municipalities are struggling to do that.

The Town, despite the situation we find ourselves in, the Town still made a significant commitment of \$9 million. It's been basically earmarked for about \$1.5 million for each of the Council Districts that acquire key open space parcels. And so that amount of money is really what the Town can afford at this time. And that partnership that we have with the County is not unusual. I mean, I can -- I could point to you in the year 2012 two parcels totalling 22 acres that the Town bought on its own without any County -- we didn't come to you for County help. We did it on our own. One parcel just east of the County's Police Station and another parcel up just south actually of Prosser's Cathedral Pines and that's in next to your park quite frankly but we foot the entire bill on that.

So we have a fluid but very constructive productive relationship with the County and we really try to commit the resources we can, whenever we can, to do that. Sometimes we do it ourselves; sometimes you folks do it yourselves. A lot of times we partner together.

**LEG. KRUPSKI:**

Thank you.

**CHAIRWOMAN HAHN:**

Just a point of information, Mr. Turner.

**MR. TURNER:**

Yeah.

**CHAIRWOMAN HAHN:**

The County has less than nine million for the entire County of Suffolk.

**MR. TURNER:**

Okay.

**CHAIRWOMAN HAHN:**

So -- just so you understand where we're at.

**MR. TURNER:**

Okay. Thank you.

**CHAIRWOMAN HAHN:**

Next speaker is Adrienne Esposito.

**MS. ESPOSITO:**

Good afternoon, Legislators. My name is Adrienne Esposito, Executive Director of Citizens

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Campaign for the Environment. I'm also here to talk today about the pesticide use strategy plan presented -- or will be presented by the New York State DEC. I want to clarify a couple of things. One is that this is a draft plan. It's our organization's position that this draft plan, which is supposed to be crafted to protect our drinking water is currently anemic and needs to be more protective of drinking water.

I'd also like to clarify, as Joe Gergela said, we have been meeting with the Farm Bureau on -- pretty much a routine basis and -- to work together to figure out a plan that works for Long Island. I want to make it very clear: We are not advocating hurting farmers. We are not advocating banning all pesticides. We eat. All of our 80,000 members eat. We like farmers. Everything you've ever done in the history of 28 years for CCE has been to help farmers: Land preservation, non-point source pollution funding, whatever we could do to help funding, {Capos} Upstate we've done and we will continue to do.

But on Long Island we need to pay some special attention to when certain pesticides are getting into our drinking water. Currently we're worried about the three most frequently found pesticides in our water: Imidacloprid, Atrazine, and metalaxyl. They are three of the 117 pesticide and pesticide breakdown products that are currently found in our water. We're saying, "all right, we know that they're water soluble, we know that they're being found across Long Island, particularly on the East End North and South Fork in the most frequent detects. We should phase them out. We know it's not working. Let's get rid of them. Let's find something else that works better." We think that's a logical approach.

I mean there are 12,500 pesticide products for registered use here in New York State; little over 300 of them have already been carved out and told you can't use them on Long Island because they have a sole source aquifer. We're saying add three more. So for us, you know, the message I just want to bring to you is that our objective is what it's always been for three decades here in Suffolk County; and that is protection of public health, protection of our resources, protection as sustainability of the aquifer system. If we don't have clean drinking water, there's really not much left.

So, we're working also with the DEC. We've been participating in many meetings and we'll participate in many more about how do we accomplish this goal and strengthen the plan? But I will say the plan needs to be strengthened. I mean the DEC is a regulatory agency. At the end of the day, we're not sitting around holding hands singing kumbaya, we have to regulate. And we have to protect the resource. That's our goal. I hope that's your goal and I know it's the Long Island public's goal. Thank you.

**CHAIRWOMAN HAHN:**

Thank you. You had eleven seconds left. Someone has a question? Oh, sure, Legislator Horsley.

**D.P.O. HORSLEY:**

Just quickly, the three evils that you have mentioned --

**MS. ESPOSITO:**

For the record I did not say three evils.

**D.P.O. HORSLEY:**

(Laughter) How do they fit into the draft pesticide pollution prevention strategy? Were they castigated or were they --

**MS. ESPOSITO:**

No. They are identified in the strategy as being the three pesticides that need to immediately be talked about.

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**D.P.O. HORSLEY:**

So they kind of agree with you?

**MS. ESPOSITO:**

I can't tell -- I mean I think the DEC is more than able to speak for themselves. What we would like to do is get rid of them. Unfortunately I do feel that --

**D.P.O. HORSLEY:**

So they're being talked about.

**MS. ESPOSITO:**

The strategy, which I know that they will characterize, you know, for themselves, I feel, you know, it says we need to form a committee and we need to discuss the problems. Now, frankly we've been discussing and working on committees for a decade. We would like to conclude the work at some point. We know government moves slow, but it should move. So we feel that something a little bit more proactive is in order right now. But, yes, I think that also the DEC will tell you those three pesticides are of concern. They're not at standards yet where -- they meet the drinking water standards so that's good. Our position is we don't wait 'til they get to standards and shouldn't. Because why do you want to wait to pollute and then figure out what to do? I mean, the smart person prevents it before it occurs. That's cheaper, that's safer and that's really being proactive in protecting our resource.

**D.P.O. HORSLEY:**

Okay. I just want to find out how they stood on it since we're looking at a third draft report.

**MS. ESPOSITO:**

Okay. Great. Thank you.

**D.P.O. HORSLEY:**

Okay, good.

**CHAIRWOMAN HAHN:**

Thank you. Randall Parsons.

**MR. PARSONS:**

Hello, Legislators, members of the Committee. Legislator Krupski, I'd like to welcome -- personally welcome him.

**LEG. KRUPSKI:**

Thank you.

**MR. PARSONS:**

I've appeared before him many times as a Town Board member. I'm here on behalf of the more than 20,000 members of the Nature Conservancy in Nassau/Suffolk. I come before you today to support voting resolution 2028-2012 off the table out of committee and to the full Legislature for a vote.

The Nature Conservancy considers the protection of plus or minus 180-acre Avalon Bay properties in the Carmans River Watershed as one of the top ten priority protection sites in all of Nassau and Suffolk Counties. There's no disagreement that these 180 acres of woodland and farm fields sloping down from 160 feet above the mean sea level towards the banks of the Carmans River are priority acquisitions for the County and Town.

This EPA Committee and the full County Legislature have previously approved the inclusion of these

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properties on the County Master List of eligible acquisitions. Brookhaven Town Board unanimously approved a resolution less than three weeks ago introduced by former Legislator Ed Romaine, now Town Supervisor, committing the Town to partner with the County on this purchase of up to \$400,000 of Town Open Space Farm.

These properties contribute clean fresh water to the Carmans River and the South Shore Estuary Reserve. They are also within a County and State-designated deep groundwater recharge area, Suffolk County Health Department Groundwater Management Zone Three.

The Suffolk County Sanitary Codes define a deep recharge area as a geographic area of Suffolk County that contributes recharge water to a deep groundwater flow system thus replenishing the quantity and affecting the quality of the long-term water supply. Hydrologists believe that the freshwater aquifer beneath the higher elevations of the Avalon properties is more than 1800 feet deep. The Carmans River provides multiple recreational and economic benefits to Suffolk County residents including recreational fishing in the river, open space and clean drinking and surface waters and protection of property values and quality of life.

Protection of the Avalon Properties is critical to the Carmans River system. The Department of Environmental Conservation, the State DEC water sampling shows that the river is increasingly stressed by human development and its bi-products. We support continued efforts by the County and Town to develop a comprehensive plan to protect the River's Watershed and its water quality. I'm almost done.

We understand that these are tough economic times for the County and that each expenditure must be carefully weighed. However, the people of Suffolk County have voted in multiple referenda to tax themselves to fund County's open space and farmland protection programs. And with the gradual improvement of the economy, County revenues from sales tax, which can be used for this acquisition, are increasing. We understand that the owners of the Avalon Bay properties are willing sellers at this time. The Town is ready to partner with the County, but the County is the key player in this acquisition. Without County participation at this time, this property could be lost forever. Is there really any good reason not to move forward with the acquisition of the Avalon properties at this time? We can't see one. Thank you.

#### **CHAIRWOMAN HAHN:**

Thank you very much. And that was the last of the cards. Is there anyone else who would like to be heard? Seeing none, we will move onto the agenda.

### **PRESENTATIONS**

Our first presentation is representatives of the New York State Department -- Department of Conservation will make presentation on the the Draft Long Island Pesticide Pollution Prevention Strategy. And I see we have Peter Scully here and he brought some friends. (Laughter).

Thank you, Regional Director Scully, for responding to my letter request that you and individuals from the Department are here to tell us about more than a decade's worth of community outreach and work on a pesticide plan. And so we're looking forward to hearing what was released recently and what will happen soon.

#### **MR. SCULLY:**

Thank you, Chairperson Hahn and thanks for your kind invitation. We'll tell you that we're here because there is movement on this issue. And notwithstanding some of the comments you heard from Ms. Esposito and Mr. Gergela, there is a lot more that they agree on than they don't; and the fact that we're here today shows just how seriously the Department takes the need to protect Long Island's sole source aquifer and embayments and the rest of the environment.

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Another indication of how seriously we take the issue is the fact we had four key staff travel down with me today. We have Sal Ervolino, the Division Director of Materials Management, who oversees the entire materials management side of DEC including solid waste and pesticide. Scott Menrath is the Bureau Director of Pest Management. He'll be joining me here in making the presentation. Jeanine Broughel is the Bureau Chief of Product Registration and Pest Management Alternatives. And Mary Roy is a Special Project Coordinator for the Division of Materials Management who's been very much involved in this project. Also with us is Joyce Rodler, Pesticide Control Specialist, who is supervising our Pesticides Program here in region one.

#### **CHAIRWOMAN HAHN:**

And I thank everyone for making the trip. Thank you.

#### **MR. SCULLY:**

So as I've indicated, rather than focus on areas of disagreement, which I'm sure others will cover and have already been mentioned, I'd like to focus on the broader picture in my introductory comments that Adrienne, perhaps, said it best: Preventing pollution is a worthy goal and what the strategy was designed to do. And it's notwithstanding any issues -- other folks may disagree, which is really an historic coming together as diverse interests to work together and pursuit of ways to enhance protection of Long Island groundwater. We had assistance along the way from the 26th member Technical Advisory Committee that included environmental groups including CCE, and the Sustainability Institute at Molloy College, government agencies including your own Health Department, the agriculture community, the pest control community, the landscaping industries and pesticide manufacturers. And never before has such a diverse group worked together on such an important issue.

The history of the project is long. It was first proposed by DEC itself in the wake of the enactment by the State Legislature of the Pesticides Reporting Law. In 1996 DEC's, its first annual report issued in 1997, proposed the Long Island Pesticides Use Management Plan. That proposal later became a priority management recommendation in the conservation -- the Comprehensive Conservation Management Plan for the Peconic Estuary, which was released in 2000. And, you know, some of the folks who you will hear from will express frustration that it took so long to get a proposal on the table for consideration, but here we are.

We worked very hard over the past year to advance the Pesticide Pollution Prevention Strategies, which will be the subject of our presentation. We are strongly encouraging public participation and public comment. We have a comment period running through April 30th, two public meetings set for April 3rd at Suffolk Community College Eastern Campus and on April 4th at the Morille Home and Security Center in Bethpage. And the purpose of this strategy is to use pollution prevention principles to enhance protection of the environment while still allowing for public health protection and protection of the agricultural industry, which is, as one of the speakers indicated, so important to Suffolk County's economy.

As you might expect, there are different views on the strategy on the regulation of pesticides generally. Some in the environmental community feel that the State should take a more aggressive approach and simply ban pesticides of concern. The agricultural community has recently been arguing that the restrictions we already have in place on the use of some pesticides on Long Island puts them at significant economic disadvantage compared to farmers elsewhere in New York. And the purpose of this public outreach really is for DEC and its governmental partners to get input as possible before finalizing the strategy.

To that end, we're pleased to be here today and look forward to the dialogue. And I'd like to introduce Scott to make the presentation.

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### **CHAIRWOMAN HAHN:**

You'd have to come to the podium just to speak into the record. And, please, if you don't mind repeating your name for the stenographer.

### **MR. ERVOLINA:**

Sure. My name is Sal Ervolina. I'm the Director of Materials Management for the Department of Environmental Conservation.

All I wanted to add -- basically Peter gave a great introduction, but just say that we've already had three stakeholder meetings of the diverse groups. We had one initially with the TAC and then we had two others. And as Peter said, we have a lot of diverse people come together. What you'll hear today also is talking of our registration program and existing program that we have today is one of the strongest in the nation. And it helps to protect the public health, the groundwater and the environment. And Scott will go through a couple of slides and tell you how that's being done.

And as was mentioned because of the sole source aquifer that we do have here on Long Island, we're very conscious of the potential impacts from pesticides and we try very hard to prevent or register any pesticide that could potentially harm the aquifers.

So that's basically all I wanted to say.

### **CHAIRWOMAN HAHN:**

Thank you. Scott, if you don't remind repeating your name, too, for the stenographer.

### **MR. MENRATH:**

Hi, my name is Scott Menrath. I'm the Director for the Bureau of Pest Management for DEC up in Albany. And I want to thank the Committee for inviting us again to speak with you.

What I will do is over the next 20 minutes or however long we have, in the interest of time, we'll try to go through this fairly quickly. But, please, if you have questions as I go through this, I just want to give you an overview of the strategy, try to dispel any misconceptions that you may have about it and answer whatever questions that you have.

### **CHAIRWOMAN HAHN:**

Thank you.

### **MR. MENRATH:**

As Peter had mentioned, we met with the Technical Advisory Committee about a month ago. And then we had two stakeholder meetings two weeks ago also. All told there were about 70 participants in those meetings. And we had a very good dialogue of discussion. The stakeholders represent all the communities that Peter had mentioned: The farmers, the public interest, the registrants and users and so on. So it was actually very encouraging to have those meetings sent to here, the comments from people who are here today as well as many others that actually showed how the strategy hopefully will work and get to the resolution that Adrienne had mentioned.

So in a nutshell, the challenge that we face, as you're well aware, we're just going to talk about two vital issues for Long Island; one has to do with water quality. We know that this is a unique situation here on Long Island. We live over a sole source aquifer. We have 3 million people roughly on Long Island who rely on the sole source aquifer as their source of potable water. So that's -- and we want to protect that.

The other vital issue, as Joe Gergela mentioned, and Peter as well, is pest management. That plays a vital role for the structural integrity of stored goods and agriculture and public health.

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We also know that since we're talking about pest management, the issue here really with the strategy has to do with pesticides. We know obviously that pesticides can affect the environment if they're improperly used. That's common sense. Also if there are certain environmental conditions and pesticide characteristics exist, that you can also impact the environment. So that's the challenge that the strategy was developed to address.

The goal of the strategy is the same as it had been in the previous draft that had been released back in 2010 and 2011. It's a two-part goal. The primary goal, again, is to protect Long Island's groundwater and surface water resources. We want to do that. We need to do that. As Adrienne had mentioned, the levels are not up at standards and I'll show a slide in a few minutes to explain some of that. But we don't want to wait until they get there. We want to address that now. And we want to do that while continuing to meet the pest management needs because agriculture and residential and pest management is very important to Long Island as well as the rest of the State.

So a few highlights of the strategy, as the name suggests, this is a pollution prevention strategy. So we use pollution prevention principles to enhance DEC's regulatory program. This isn't -- we're not giving up the regulatory program. We're not giving up any hammer that we have. This strategy is to utilize pollution prevention to enhance that. And I'll try to explain a little bit about that later on.

There is a blueprint for action. And I want to emphasize action -- this is not a strategy to form a strategy, to form a plan, to sit around and talk about what to do. There are many action steps. And the blueprint is something that was not proposed before. And, again, I'll go through the four or five steps that are part of the blueprint. And we want to get to implementing the strategy.

The strategy, the blueprint relies on collaboration with a number of stakeholders. There's one group in particular that's identified that's called a Technical Review and Advisory Committee. And I'll identify for you who those folks are. And then there are stakeholder workgroups. As Adrienne mentioned, she's participated in a number of meetings. And we still have a few more to go to make this work.

And the fourth component -- there are other highlights of the strategy but these four I just wanted to bring to your attention. We're trying to focus monitoring to answer the questions and issues that come up as part of the strategy. We have a scope of work with the Suffolk County Department of Health Services who does extensive monitoring and has for many years. We pay so much to them to -- for monitoring data and we've been working with them to try and focus some of the monitoring on identifying potential sources so we can figure out what -- what are the best solutions to the problems.

So, the question is why take a pollution prevention approach? There are three main reasons. There are many others, but one is that we have the registration -- the legal and regulatory framework under which the registration programs work. We do have the ability, the authority under the Environmental Conservation Law and our regulations to restrict conditions, deny, cancel or suspend registrations. I'll show you in a few more slides some of the restrictions and conditions that we place on registrations. But the second point there, which I need to call your attention to, is the fact that we cannot just make any changes to a registration or changes to a label that we want. We are bound by FIFRA, the Federal Insecticide, Fungicide and Rodenticide Act -- I got those right -- and a label has to be registered by EPA first. Any pesticide has to be registered by EPA. And then in order to distribute, sell and use those pesticides in any State, the State has to register them. We cannot impose additional conditions on a label that is not already approved under FIFRA by EPA.

So to make those restrictions and conditions, we negotiate with the registrants. And say if you want to register this product here, there are certain concerns that we have. And, again, I'll try to

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explain this a little bit more later to register the product. Denial, cancellation or suspension all offer the registrant the opportunity for a public hearing to explain the reasons for the denial or cancellation and so on. We also in every registration decision, this was in ECL and 326 regulations, we weigh the potential risks versus the potential benefits of pesticides use. And that is implicit in the pollution prevention approach to the strategy.

The second main reason is looking at water quality monitoring results, there are widespread detections. At least of the first three, and we'll talk about those three active ingredients, that we still have to look at the other active ingredients, but the detections can be fairly widespread, focused in certain areas that have already been mentioned. The levels, however, are generally low. And I'll show you that in a moment. We've also learned, not necessarily new information, but half -- over half of those 117 pesticides that have been detected since 1996 are legacy compounds. That just means that those are pesticides that are no longer registered and in some cases never were registered for use either on Long Island or New York State. And we also want to try and focus again, as I mentioned earlier, our monitoring on potential sources so that we can say, well, if the -- the sources are likely associated with, let's say greenhouse use and not other agriculture or residential use, then we know that the solution should focus on the greenhouses.

So here's a map. Many of you may have seen the one in the upper left-hand corner. That was prepared by the Suffolk County Department of Health Services. I know it's far away and it's small. I apologize for that. But essentially this shows where the pesticides have been detected. And you'll see this is for imidacloprid, one of the three. Many of the detections are up in the North Fork. There's some on the South Fork and then the rest are kind of scattered throughout the western part of Suffolk County -- or the other parts of Suffolk County. The other maps, which I did not provide today in the interest of time for metalaxyl and atrazine look very similar. Metalaxyl actually has more -- it was detected in more diverse locations, not necessarily more locations, more detections, but more locations. And, again, there's a focus on the North Fork, some on the South Fork and then scattered throughout the rest of Suffolk County. If you overlay all three of those together, it essentially looks the same, just few more dots.

What we did -- so that shows you the locations. This is any detection anywhere at one of these wells. It doesn't necessarily mean -- the colors don't mean -- the red is not worse than the blue; that's just a different type of monitoring well. So the red doesn't mean that there are more detections in those locations. Any one of these dots could represent a single occurrence or it could represent 100 or 1,000 detections. So what we did is we took that information and tried to plot it. And three are different types of -- or basically three different types of monitoring wells that Suffolk County Department of Health Services monitors. One is the private drinking water supply wells. And so the scale on this goes from zero to 55 micrograms per liter. That's parts per billion. And this red line is the 50 part per billion unspecified organic contaminants drinking water standard.

And so you can see that the levels that we're talking about generally are under five parts per billion. In fact, most of them are at trace levels or near laboratory detection limit. There are few that are above -- above those levels. These last two, for example, are from basically the same location. So these figures don't show you where these occurred; it just shows you what the levels were.

If you look at the other type of well, another type of well, it's the public water supply well. Those are larger community supply wells servicing a community or part of a community. All of those levels are down at -- you know, well under half a part per billion, which is what you would expect. There are higher volume withdrawal wells. The other type of well is the growing and monitoring well. Those typically would have been installed -- let me back up -- the scale on this goes up to just five parts per billion. We had to lower it so you could actually see the result; otherwise, you wouldn't even see the blips.

From the groundwater monitoring wells, typically they would be installed as part of investigation if

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contamination had been found in either of those other two types of wells. And, so that's why the scale here -- I want to bring your attention to that -- is up to 425. We had to raise it so that you could see that obviously in these cases, there are higher concentrations. All of the elevated, the higher concentrations that you can probably barely see from your vantage point, are associated with investigations that would have been illegal use or improper use or some problem or issue with the design of the facility.

For example, the highest concentration is 403 parts per billion, that is associated with one greenhouse that actually had a number of problems. It's a State Superfund site. The main issue there actually had to deal with chloramine and that's being cleaned up for that. That well was monitored several times after that. I think the next highest concentration -- the next sample actually was in the 300 part per billion and then it tailed off and disappeared. So this concentration does not appear again. These others that appear slightly elevated are associated with other types of investigations and other locations on Long Island. The only -- you have a question.

**CHAIRWOMAN HAHN:**

I do. The red line -- go back to the red line chart -- is 50 parts per billion.

**MR. ERVOLINA:**

Yes.

**CHAIRWOMAN HAHN:**

And that is shown to be where imidacloprid is dangerous for human consumption. Is that kind of a standard or no?

**MR. ERVOLINA:**

It is -- it is a ground -- it is the drinking water standard. It's an unspecified --

**CHAIRWOMAN HAHN:**

Particularly for imidacloprid?

**MR. ERVOLINA:**

For imidacloprid and many pesticides. Many pesticides do not have pesticides specific drinking water standards set for them. Atrazine, for example, is one of the few that does. That drinking water standard, I believe, is 3 parts per billion. But most of the -- most of the pesticides, and many other again just do not have specific standards set for them. So based on the characteristics of the compounds, these are organic compounds. There is essentially a default level of 50 parts per billion for each individual unspecified organic contaminant. And then a total of any combination of those cannot exceed 100. So those are default drinking water standards that the Department of Health uses.

**CHAIRWOMAN HAHN:**

But we really don't know what the drinking water standard is for imidacloprid?

**MR. ERVOLINA:**

We don't; however, there are some other guidelines. EPA, for example, has developed human health based guidelines for pesticides based on human health concerns. And the standard in the case of the imidacloprid, for example, would be, I believe it's 399 parts per billion; for metalaxyl it is 519 parts per billion. Simply indicating that they are not highly toxic compounds or they're less toxic than other constituents so --

**CHAIRWOMAN HAHN:**

And the one that you said that was 3 parts per billion was --

**MR. ERVOLINA:**

For Atrazine.

**CHAIRWOMAN HAHN:**

Atrazine.

**MR. ERVOLINA:**

Atrazine.

**CHAIRWOMAN HAHN:**

And you don't have a chart for that.

**MR. ERVOLINA:**

I have it -- I can -- I can give you a copy. I did not put it in the presentation because I knew our time was short.

**CHAIRWOMAN HAHN:**

Okay. And I just want to make sure that none of those little blue lines went above the 3 parts per billion on that chart?

**MR. ERVOLINA:**

You're stretching my memory. There -- yes. There were one or two instances where the concentration did exceed. In fact -- I should have taken Atrazine, I suppose. Those -- the concentrations that were elevated in Atrazine were all in one particular -- I believe it was a private drinking water well, but I can verify that for you, if you wish.

**CHAIRWOMAN HAHN:**

And so when you go down to the chart here on the right-hand corner, now the scale is way different. It's to 450 -- or 25. Sorry, I can't --

**MR. ERVOLINA:**

425. We wanted to show you all of the detections --

**CHAIRWOMAN HAHN:**

Yes.

**MR. ERVOLINA:**

-- on there so that you could see --

**CHAIRWOMAN HAHN:**

So it's well above the red line. If the red line was on this chart, it would be the third line from the bottom?

**MR. ERVOLINA:**

Correct.

**CHAIRWOMAN HAHN:**

Right. Okay. And so --

**MR. ERVOLINA:**

That's for drinking water and --

**CHAIRWOMAN HAHN:**

Because I'm -- I just want to take this slow so that we're all -- we're fully getting this. And this is

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for -- which -- explain the wells again where these were found.

**MR. ERVOLINA:**

They're groundwater monitoring wells. They would have been placed in numerous locations. For example --

**CHAIRWOMAN HAHN:**

Where you would expect to have a problem. Is that -- the wells are there to try to find the problems? Is that --

**MR. ERVOLINA:**

Correct. If something had been detected in one of these types of wells or there was a known spill or something like that, an investigation would begin. Suffolk County would install a number of wells. And, in fact, for this investigation, there were -- there were well over a dozen wells, maybe -- half a dozen wells that were installed and monitored over time.

My assistant has just provided me with -- with the detections of Atrazine. So, yes, there was one location where the concentration went up to about -- looks like 3.6 parts per billion. And there -- that was in 2007. That was at a private drinking water supply well. And then the -- the other concentrations -- again, I can leave a copy of this with you -- the other concentrations that are higher than trace levels but did not exceed the 3 parts per billion, again, were all from one particular well. So that kind of --

**CHAIRWOMAN HAHN:**

And since 2007 that well has been tested again and has not reached that level?

**MR. ERVOLINA:**

We have not seen that. Suffolk County Department of Health Services does the monitoring. All of the information that we have indicates that the levels were -- went well below that. I can -- I can leave a copy with you.

**CHAIRWOMAN HAHN:**

Okay. And we do have other questions. So we'll take a --

**MR. ERVOLINA:**

Okay.

**CHAIRWOMAN HAHN:**

So we'll stop here for a minute and answer a few questions now so that we don't have to hold everything until the end.

**MR. ERVOLINA:**

That's fine.

**CHAIRWOMAN HAHN:**

But we do have to keep an eye on time so I'm sorry about, you know, stopping, but I think these are very important points. And I really appreciate your willingness to answer questions.

Legislator Krupski; then Legislator Gregory.

**LEG. KRUPSKI:**

Just to put that parts per billion in perspective, a billion minutes ago Jesus was alive. So everyone should know what a part per billion is.

**CHAIRWOMAN HAHN:**

Legislator Gregory.

**LEG. GREGORY:**

My question's a little more basic, maybe not as basic (laughter) but what -- can you just explain to me the science that goes behind in determining safe levels? When you talk about parts per billion, it's a safe level but it's 50 parts, whatever you just said. Right. So what does that mean? To me that says, okay, that's some fancy number and someone says that I can be exposed to trace amounts or some small amounts of some substance. But really to me that confuses me because logically -- I guess someone has to make the determination, well, at this level of this substance was 5 parts per billion. The average person consumes, maybe, you know if it's found in groundwater 48 ounces of water per day, and they multiplied it out and that seemed to be safe. But you do have to calculate that some people are you -- you know, there's an average. Some people go below the average; some people above the average. So how do you determine -- say I consume 64 ounces of water a day. Obviously my exposure to this substance has found to be insignificant for the average person. My risk is a little higher. How do you come into those calculations?

**MR. ERVOLINA:**

Well, I don't make those calculations. That's really -- unfortunately that's a question mark for the Health Department about how they -- how they establish their drinking water standards. But it is similar to, as you just described, you used -- there are standard body weights and consumption assumptions. And you look at the concentrations of whatever the particular contaminant might be, assume that the person consumes that over some period of time, whether it's a 70-year lifetime. It will vary depending on the type of analysis that you're doing. They look at toxicological information as part of that calculation. And if something was -- a carcinogen, for example, if they would base those calculations on the increased risk of one in a million cases of cancer by consuming something with that concentration of that contaminant. That's a very simplistic answer to your question. It's really more of a Health Department question.

However, those numbers that are derived we essentially use as standards above which you should not go in order to consider that -- if you were to consume drinking water at above this 50 part per billion level, and again even though it's a generic standard, we would say that that is probably not -- we would use that as a guideline to say "you need to do something about that and you should not be drinking that water. And if you consume twice as much, then your exposure is twice as great." So --

**LEG. GREGORY:**

All right. Thank you.

**MR. ERVOLINA:**

Again a layperson's description of how to make those standards.

**CHAIRWOMAN HAHN:**

And, again, the point that it's a generic standard and has not been tested for the particular pesticide it could, you know, if --

**MR. ERVOLINA:**

To develop a standard -- a drinking water standard takes -- it's a very long and arduous and complex process. So without this 50 part per billion standard, we would have nothing in place. So essentially it does give us some benchmarks to at least look at contaminant concentrations. Now the -- I'm sorry, go ahead.

**CHAIRWOMAN HAHN:**

And you've in the past banned and/or restricted pesticide usage obviously, you being the DEC.

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What level does it take for it to show up before you've taken action in the past?

**MR. ERVOLINA:**

Not being in the program in the past, I can't answer that. However, what the strategy does -- intend to do is not necessarily as was pointed out earlier wait until we get to this 50 part per billion level, if we see a problem, then we see a problem here. That's the point of the strategy. It's not to wait necessarily to take certain action. We can -- in the list of authorities that we have, we can suspend -- immediately suspend the registration of a product if there's an immediate hazard to human health for the environment. If you approached anywhere near that level, we would probably take that type of suspension action. So if that's -- it will vary depending on the active ingredient and the specific circumstances.

**CHAIRWOMAN HAHN:**

But the chart on the lower right-hand side shows that at some point and in some places, it's approached and/or significantly exceeded.

**MR. ERVOLINA:**

Right.

**CHAIRWOMAN HAHN:**

So does it have to appear -- obviously you're waiting for something greater than just a single spot.

**MR. ERVOLINA:**

Right.

**CHAIRWOMAN HAHN:**

If you can repeat the statement you made earlier but be a little bit more specific about how widespread or what --

**MR. ERVOLINA:**

I was just going to get to that actually. It would -- obviously in the case of Atrazine where we had that one exceedance of the standard, even in these cases, these are individual locations. To make a decision to no longer register a product because there is illegal or inappropriate use in certain locations is probably not -- it certainly is a solution, but it's more -- it's a broad solution to a local or particular problem. The strategy -- there's no concrete answer to say, yes, once you've -- you've hit a dozen exceedances in five locations at the standard, that's a suspension location. It's not that quite bright a line. But the strategy is intended to look at these types of scenarios and look at the greenest of this type of issue.

Again, you know, you're seeing the -- you can see the high points. But what you can't really see is there are a lot of low points. Most of the detections, again, are very similar to what you see in these other graphs. They're down at the -- the detection limit or well below a part per billion. And so what we're trying to do is say "let's not wait to get to the standard." But certainly we need to look at, are there alternatives, are there different practices, are there ways that we can try and address this active ingredient so that we don't see this problem. The goal here is to try and reduce this, to get to the point where we see -- you can see there's no real clear pattern overtime, but we would like to see is the concentrations decrease and the frequency --

**CHAIRWOMAN HAHN:**

One more question and I'll let you continue. Do you treat Long Island differently --

**MR. ERVOLINA:**

Yes.

**CHAIRWOMAN HAHN:**

-- from the rest of the state?

**MR. ERVOLINA:**

I'm from Bethpage. So, yes, we treat Long Island very differently. Long Island is a, again, a unique geographic area. The geologic conditions here are different than other parts of the State. There are other parts of the State that do have sole source aquifers, but the source of drinking water and potable water and the number of people here, this is a unique scenario. And I'll show you some numbers here that was also earlier -- mentioned earlier about the number of products that cannot be used on Long Island but can be used Upstate.

**CHAIRWOMAN HAHN:**

Okay. Continue. Thank you.

**MR. ERVOLINA:**

Basically the third reason for taking a pollution prevention approach is we have actually feel that this would -- would be a faster method for coordinating activities of the various stakeholders and actually implementing some real actions rather than simply pursuing a change in registration; not that we could not pursue a change in registration, but that's not the first thing out of the gate. This also affords us the chance -- the best chance of success to change the methods of pesticide use. So it's a little bit more comprehensive than addressing an individual active ingredient. We feel that going through the strategy will actually have implications for pesticide use in general. And we're implementing this with no additional staffing or resources. The stakeholders that we want to implement this with, also we expect will not have additional staffing and resources. And, so the idea of working together with the stakeholders is to try and leverage the resources that we all have to improve the situation again.

So I won't spend much time on this. This is the blueprint. There are five steps basically and I'll go through each one individually. The last step has to do with utilizing water quality monitoring information, which is implicit in all four steps.

So step one is what we call assessment: Identify the active ingredients. And this is where DEC would do an initial assessment of the active ingredient. And, again, I'll go through some numbers of how many active ingredients the strategy will focus on. But if we were starting from scratch, we would look at a number of different criteria. We would look at detections. As was mentioned earlier, the three that we're focusing on first have been detected more than other contaminants, but there's more than just number of detections. As we went through with the charts there and the graph, there's concentrations. How does the concentration vary overtime, where are the high concentrations, what are the concentrations? Again, where are the locations, how frequently does it turn up in one location? The high imidacloprid one, the 403 parts per billion, you go back and sample that now and you won't see that concentration there again. Are there multiple contaminants co-located at the same location so that -- are there areas where we see not just one, but two or four or ten different pesticides showing up in the groundwater? Those are some of the criteria that we will use to try and prioritize the list so that we focus on the more important ones first.

The registration process really began in earnest in 1993, or comprehensive review began in 1993 so there are some active ingredients. Metalaxyl, for example, was registered many years before that. It didn't go through the full registration review that we would put pesticides through today. Again, there are several other criteria that we'll use. Availability of effective and lower risk alternatives. One of the recommendations that I've received in numerous letters of late was for us to take responsibility for looking at, say, for alternatives. That is in the strategy. It is in step one and step two of the blueprints so that's something that we agree and it's an important thing and we appreciate that being pointed out to us. So, again, these are just some of the criteria we would use

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to prioritize the active ingredients that we would look at.

Step two basically is where we start to get the work groups together, the TRAC that I mentioned earlier and the stakeholder workgroups. By the way, you should have copies of the slides. If -- we will post this on our web -- website at some point as well if you need to go back and take a look at it. So the partnerships are very key to that. And basically they are what we call governmental partners and non-governmental partners. The TRAC essentially includes the governmental partner side and Cornell. And, again, we've had meetings with the various stakeholders, representatives of all of these -- these folks. And the meetings actually went very well and we got a lot of positive feedback so far.

The primary purpose of the TRAC is to advise the department about the active ingredient, look at all the information that we have. What we will do is we'll go through, we'll say "we have these three or four pesticide active ingredients we want to look at. Here's the information we have" and start to figure out where do we have data gaps, where do we need to do more monitoring, what kind of information will we need to gather to do health risk assessments, what are the critical pest management needs, where are these active ingredients used? Are they used in greenhouses and golf courses or, you know, what's -- what are the likely uses? And are there alternatives? We actually have some profiles that Cornell Cooperative Extension from Suffolk County put together, which were very good on the three active ingredients of current interest. And then went through and identified some of that information already.

The five years -- I know some people have gotten confused about this -- we simply wanted to put a lifetime on the TRAC to say we will look at -- in five years we will look at how it's working and decide should we continue it, do we need other partners or different partners or operate differently? Doesn't mean the TRAC will disappear in five years or that the solutions will be all done in five years. But we'll see.

Then there are workgroups that were mentioned earlier too that will represent all these different entities academia, essentially Cornell, pesticide users, registrants, the public interest groups and so on. And each one has a vital role. I took out the slides to go over what some examples of the different things that each one of those groups would involve -- would do, but I can provide those for you as well if you wish.

Step three is basically where we get down to business and collaborate and actually implement these pollution prevention measures. So we prioritize. We may come up with a list of 12 different things that can be done in terms of pollution prevention. We'll prioritize those and working with the TRAC and the work groups and try to knock off each one at a time and track their progress. Again, we have to -- one of the good things about this component three is we're not necessarily starting from scratch. We have a lot of these partnership already in place. These entities are doing the work; however, we have not had a focus time. Now we're talking about focusing on imidacloprid, getting the registrants together that have products that contain imidacloprid, the users that actually apply them, the public interests that are certainly concerned about them, and others, and trying to figure out what exactly do we do, how do we get the word out to people, what alternatives are there and is there further research that needs to be done to come up with an acceptable alternative? That's the type of thing that this would involve. And, again, it would build on the implementation support.

And step four basically is tracking and monitoring the progress of the strategy. If -- and that will entail looking at the groundwater monitoring data as well as other things. There may be inspections that we need to do to determine who is actually implementing, say, best management practices for certain types of facility, say, a nursery should follow a certain type of best management practice; golf course superintendents are coming up with best management practice manual. Who's actually following that, what steps are they doing, are there certain things that should be done that will help to mitigate any concerns that may be coming from those types of uses. That's the kind of

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thing that we would do to monitor the results and collaborate with stakeholders in reviewing that. And if something is not working or not showing progress, and we need to define progress for each active ingredient, then we need to change course and consider something else.

So what we hope to achieve out of this, some of the positive outcomes of this, is, again, we don't want to get into the situation where we're approaching the standard, or certainly exceeding a standard, even if it's an unspecified organic contaminant standard. We want to see the contamination reduced in frequency, in location, in concentration, in all facets. And how much that gets reduced is going to vary with each active ingredient. But that is the goal to reduce and improve the situation. It's not to -- it's not to do nothing and just let it attenuate. And obviously pollution prevention involves the minimizing of introducing new contaminants into the environment. And we'll talk about how we do that in registration in a moment. And again expand again on the partnerships that we already have in place.

So, again, as I mentioned at the beginning, the strategy is intended to meld the pollution prevention principles with the existing regulatory program to try and achieve the goal of improving the groundwater and surface water and protect the surface water on Long Island.

In terms of how the registration works now for new active ingredients and ingredients that involve a major change in label, change in pesticide use, these are some of the things that we use to -- conditions that we would apply to a pesticide to mitigate any concerns that would come out of an extensive review by Department of Health, Fish and Wildlife and our own groundwater evaluation. One of the -- the main ones, the first one there is, as we mentioned earlier, there are a number of products that can be -- are registered for use off of Long Island but cannot be used on Long Island. But the -- and the other mitigations essentially would be ways to reduce the input into the environment, just reduce the number of applications and the method and so on.

So this just gives you an idea over the last 20 years, for new active ingredients we've had 365 applications. About a quarter of those have been denied or withdrawn. The difference between a denial or a withdrawal is very fine. Sometimes a registrant will withdraw an application if they know that we're heading toward denial, just because it sounds better, or it appears it's without prejudice. Sixty percent of the products that we do register have some type of mitigation language. One of those conditions, or multiple conditions that -- on the previous slide that I mentioned, we would place on the registration. Overall about 70 percent of new active ingredient products that have come through in the last 20 years were either denied, modified or had some -- or withdrawal.

Same thing for what we call major changes in label. That would be for product that you change -- having a major change in the use pattern, for example. Again, the point here overall is very few applications get through the process unscathed. We have a very strong registration process in New York State. So 70 to 73 percent of these types of applications that have come through the last 15 or 20 years have had some type of mitigation. Other states do not necessarily have that. Some states -- if EPA registers a product, the State will register the product and that leads to some of what Joe had mentioned earlier, or Peter had mentioned earlier about, some folks -- farmers in particular saying "we are at a disadvantage compared with other states because they can use products that we cannot." That goes for New York State and it ratchets up even more for Long Island.

So, the scope of the strategy, we mentioned 117. The number has bounced around a few times. We settled on a 117 active ingredients. They are listed in attachment A or appendix A of the strategy. Sixty-one of those are associated with 47 active ingredients. And the difference between those two members is just -- there's 47 active ingredients and 14 more degradation products. So the initial scope of the strategy would be to focus on those 47. However, for example, it may not necessarily be just 47. That number may go up. The most recent data that we have from Suffolk County indicates that only 15 of those active ingredients were identified at that time.

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So 47 active ingredients have been identified sometime in the past decade and a half, but if something had been detected once or twice ten years ago and never detected anywhere since, it will stay on the list for us to look at, but it's not going to get a high priority. And that's -- part of the strategy, is again, as I mentioned, trying to prioritize what are we going to look at first. So, we will probably take -- so don't worry about the numbers. I'll be 15 and 47 or something like that, but we -- if something shows up next year, it will go on the list and we'll take a look at it. So this is just to define the scope of the strategy. And was mentioned earlier, we've already agreed, we don't have to go through step one, we've already done that for these three we've agreed due to the number of detections and the current interest in these three that we would -- we would look at these first.

And, wrapping up, so the next steps, as was mentioned, we released this January 30th -- strategy January 30th. The comment period ends April 30th. Comments can be provided to me or to -- by e-mail. The easiest way is to send it into e-mail; though I've been getting a lot of letters lately. Public meetings on April 3rd and 4th; one in Suffolk County, one in Nassau as Peter had mentioned. We will respond to those comments, develop a response of the summary, modify the strategy as needed. And then we will have -- a notice will appear in the Environmental Notice Bulletins saying the strategy is finalized and 30 days after that date the strategy will commence or will be finalized and we will commence implementation. I think that's it.

#### **CHAIRWOMAN HAHN:**

Okay. Thank you. I'm going to start with just a few quick and then we'll have -- I'm sure each of us will want to ask something. But I just want to reiterate my confusion. And I asked this earlier, and maybe I didn't ask it the right way, I just want to confirm that you don't have a defined trigger for regulatory action? Like -- I think that is something certainly that should come out of this process, is that very early on you define -- you said that you need to define progress and -- on each active ingredient. And you need to see reductions and concentration in frequency, etcetera. But I think also critically important will be to define, you know, if -- if the direction of the levels that are found continue to go up, and it reaches a certain level, you know, automatic action is necessary. And I think that's critically important for everyone to know. And it seems sort of vague. And I think that's a really important piece to define, is when the trigger will go into place for that action.

#### **MR. ERVOLINA:**

Okay. Point well taken.

#### **CHAIRWOMAN HAHN:**

I don't know if you can say more.

#### **MR. ERVOLINA:**

Again, we have taken suspension actions in the past. I don't know the particulars of those actions, but obviously there -- there are some levels or some -- whether it's widespread or elevated in certain area, again, I don't know what was done in the past. But, yes, there certainly would be some -- there has to be some criteria upon which we would take a suspension type of action. Again, that would be for immediate harm. For the other -- for all of the pesticides that we're really talking about here, we're talking about taking an action now not -- because we don't see any of the -- we haven't -- most of the information we have is on the first three active ingredients that we mentioned. We still have to look at the other 15 or 47 or whatever the number is.

We are talking generally about fairly low levels. And so we're not looking to wait to take a -- an action to see -- when we see those levels rise. Certainly if we see them rise and spread, then, yes that -- we will have to take an action again. It's going to be very difficult to form a bright line as to when that action occurs for the active ingredients. It's going to be a case-by-case basis, but, I mean, your point is well taken, there will be some point at which -- at which we would have to take some type of regulatory action. In general, again, we're not seeing that for these types of active

ingredients yet.

**CHAIRWOMAN HAHN:**

And then the question about, well, what if there are a multiple number of pesticides? So -- I know there's a word for that.

**MR. ERVOLINA:**

Co-occurrence.

**CHAIRWOMAN HAHN:**

Synergistic or co-occurrence. If you could speak a little bit to that issue as well because I'm not sure if each of them has to reach 50 in order for there to be a problem. You know, I think, that would be a huge assumption.

**MR. ERVOLINA:**

Yeah. No, certainly it's the same question just asked, whether it's one or a multiple. That's a concern. The co-occurrence is one of the factors that we'll use to decide which active ingredients are we going to focus on first, or sooner rather than later. There is -- yes, there certainly is some uncertainty and, you know, what does it mean if you have 6 or 12 active ingredients located in a well or -- in a drinking well versus one? I understand that. So where we see co-occurrence, the greatest number of co-occurrences obviously of active ingredients, is going to raise the level of concern with those active ingredients and we're going to try to focus on doing something about those sooner rather than later.

Let's just, for example, say those three active ingredients imidacloprid, metalaxyl, and Atrazine were always located together at the same time. They wouldn't necessarily be because they're different types of pesticides for different uses. But if you always saw those three together, then that would raise our level of concern about those three versus another one that was -- another active ingredient that was only found by itself and was never found with other active ingredients. The composition of that is going to vary from case to case. And in some cases there have been probably upwards of a dozen or so pesticides located or found in a particular location. And other places you only find one pesticide. And so we'd have to -- but if that one pesticide is found in many more locations, then that co-occurrence -- that also has to be weighed in the balance of trying to figure out what do we focus on, what is the -- we want to basically take the worst first case, so --

**CHAIRWOMAN HAHN:**

How can Suffolk County help as we proceed together?

**MR. ERVOLINA:**

Well, I think Suffolk County is helping frankly. We have a good relationship with Suffolk County Department of Health --

**CHAIRWOMAN HAHN:**

Our Health Department, absolutely.

**MR. ERVOLINA:**

-- Services, yeah. I mean we rely -- all of the information that's in the appendix came from Suffolk County Department of Health Services; the map, we didn't generate that. That was from Suffolk County's data. So we're looking at that. We -- and the strategy calls for us to not only collaborate with all -- well, certainly to collaborate with all the stakeholders. But the relationship with Suffolk County is critical. You do the monitoring. You're out there getting the sampling data. You know the area better than we do. So we need to work hand in hand looking at the data. The maps and graphs are just two -- two of many ways that we need to look at the information to get a better handle on this.

**CHAIRWOMAN HAHN:**

Do we need more monitoring?

**MR. ERVOLINA:**

We certainly need more monitoring to focus efforts on what are the sources. Are greenhouses a source? Is certain types of farming, is vineyards a source? Is residential a source? So we certainly need to focus those efforts. You have -- compared to the rest of the State, Suffolk County looks like a pincushion. So there are a lot more wells here than we have in other parts of the State. So in that sense, yes, probably not -- not more monitoring, but there may be cases where there are areas that we haven't looked at before and we need to focus on that. So certainly more focused monitoring.

**CHAIRWOMAN HAHN:**

Okay. I look forward to working certainly with you, with our Health Department on determining how and where we might need -- or what types of new wells or new monitoring, etcetera, because I think we need to make sure we're doing enough and in the right places and testing for the right things.

**MR. ERVOLINA:**

Yes.

**CHAIRWOMAN HAHN:**

Okay. We had multiple questions here. I know I saw over here first Legislator Krupski; and then Legislator Barraga.

**LEG. KRUPSKI:**

I would just like to thank the DEC for coming out. You're coming out with a really comprehensive strategy. To hear Joe Gergela from Farm Bureau say that the DEC, "our friends from Albany," I don't know, that's pretty interesting, Joe. Twenty years ago I don't think -- I don't think I would have heard that. So I really have to thank the DEC for their approach to this. It's a fair and balanced approach. It's based on science. As someone who represents a good deal of agriculture in Suffolk County, this is the kind of approach we want to keep everyone safe. We want to be able to keep the industry farming. It's our heritage here. It's a big part of our economy.

So -- and I think you've explained it very well. I have read the strategy. I'd encourage all my colleagues to read the strategy and to ask more questions so they understand it. You know, to find something on a level of two parts per billion in the groundwater and to suggest that it be banned because it's found, you wouldn't suggest banning pharmaceuticals, all the different kinds of pharmaceuticals that are found in groundwater now at those levels or possibly higher, you wouldn't think of banning a gasoline byproduct in the groundwater. Because they're found it in the groundwater, you wouldn't say, well, we need to ban gasoline on Long Island. So you have to take a fair and balanced approach to this whole process. And I commend you on that. And I want to thank you for that.

When did you begin this whole strategy looking into this different approach?

**MR. ERVOLINA:**

I won't go back for the last 12 years or so. The previous draft, which, you know, is the Long Island Pesticide Use Management Plan, was released to a certain group of stakeholders in 2010 and 2011. There are many similar components to -- to the LIPUMP that's in the strategy. We didn't start from scratch. We didn't scrap that and start over again. So there are many similar components. The flavor is essentially a little bit different.

When the previous draft of the LIPUMP came out in November of 2011 and it was right around that

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or shortly before that time, we began working more closely with Region One. We had monthly meetings. In fact in some cases there were weekly meetings at that time with the Health Department, Ag and Markets Region One and ourselves. Much of the focus of the strategy has to do with registration. And that as in every state, even with EPA, that's a centralized function. Jeanine heads up the registration program for the Department. And so it really was right around the middle of 20 -- 2011. And we met quite extensively and went through this and had to reshape this a number of times and answer questions and try to come up with a strategy that appeared workable and with the resources we have and reasonable but also did not just kick the can down the road so to speak. We wanted to take some actions and do what appeared to be reasonable given the levels of contaminants. And again the three reasons of why this just seemed to fit well into a pollution prevention approach.

**LEG. KRUPSKI:**

Thank you.

**CHAIRWOMAN HAHN:**

Legislator Barraga.

**LEG. BARRAGA:**

Yes. Thank you very much for coming. Let me ask you a question. The three active ingredients that were on the chart, and were referred to in your earlier testimony, those three were picked because -- is there an agreement between DEC, the Farm Bureau and the environmental groups to take a look at these three active ingredients first?

**MR. ERVOLINA:**

Yes, there is agreement. The strategy actually says that we will focus attention on those. If we were to start from scratch and go --

**LEG. BARRAGA:**

How did you pick those three? Why were those three picked? Do they have the greatest potential for damage? Or were they just looking for three to get some sort of consensus?

**MR. ERVOLINA:**

Those three were -- they are the three most commonly detected pesticides on Long Island. So in terms of the number of detections, the previous LIPUMP, for example focused on numbers of detections. And so imidacloprid, for example, I think was detected over 1200 times similar for metalaxyl and so -- on the list of criteria that I outlined, detection is one -- one of the criteria we would use and just by sheer numbers those --

**LEG. BARRAGA:**

Is the plan to really take an in-depth look at the three and then make a final disposition or decision on the three before you go to the other 15 or 45?

**MR. ERVOLINA:**

No. The strategy -- again, the strategy is -- it's a strategy. It kind of outlines a process to move through what will likely happen and we can try to maybe clarify this in the strategy -- but what will likely happen is we will focus on imidacloprid. We will get a -- we will get the folks involved with applying the imidacloprid and manufacturing imidacloprid products and so on. And we will look at the pollution prevention measures and head down that path. And some of those measures will be implemented at different rates. We'll do the same thing with metalaxyl. And they have different people involved with that. So at any given point in time we will be looking at the three different active ingredients. We're not going to wait until the end when we reach whatever the measure of success is before we start on the next.

**LEG. BARRAGA:**

If you're going down all these different roads with each one of the three ingredients, do you have the resources and the manpower to expand that into a 4th, 5th, 6th item? You know, this seems to me like just the three alone would occupy a great deal of time before you move onto any of the others.

**MR. ERVOLINA:**

The three alone will occupy a great deal of time.

**LEG. BARRAGA:**

Is there a timeframe on that? Do you think the DEC will be in a position to make a decision as to whether or not you want to modify these things or leave them where they are or delete them?

**MR. ERVOLINA:**

No specific timeframe for any active ingredient; however, we already have some information available on the first three active ingredients. So step one is sort of underway. We will convene the TRAC within six months. It'll probably sooner than that for those three active ingredients because, again, we're not necessarily starting from scratch. We should be --

**LEG. BARRAGA:**

So you think around six months before they make a decision on the three?

**MR. ERVOLINA:**

I would say it would be --

**LEG. BARRAGA:**

No?

**MR. ERVOLINA:**

You mean in terms of making a decision about what to do about those active ingredients.

**LEG. BARRAGA:**

Right.

**MR. ERVOLINA:**

It's hard to pin down a timeframe. I would think that within a year we would be well underway to deciding what the pollution prevention measures are, what's likely to work and to implementing them. Some of the activities are not necessarily in our control. Again, we need to get the word out to people to use their many associations. Joe represents one association. There are many associations that need to get the word out to their members about these active ingredients.

**LEG. BARRAGA:**

One final question. Once you go beyond the three, are you looking for consensus from Farm Bureau and the environment group as you pick the 4th, 5th and 6th ingredient to take a look at? Or you could --

**MR. ERVOLINA:**

Perhaps consensus says it really -- DEC needs to take some lead in figuring that out. And that's why step one really is us looking at the next group of active ingredients and deciding well, which ones have occurred many times and at higher concentrations in various locations; all the factors that I mentioned so --

**LEG. BARRAGA:**

But those groups would have input before you made a final decision.

**MR. ERVOLINA:**

Certainly, yes. Yes, sorry. Of course, they would. Yeah, we wouldn't say "here's the next four and there's no common --" in fact even the first three, there may be other active ingredients that have similar properties that there's no reason necessarily to wait to pull in another active ingredient. So while we're addressing one, if there's something similar to metalaxyl, there's no reason not to address that one at the same time or in the same timeframe.

**LEG. BARRAGA:**

Thank you.

**CHAIRWOMAN HAHN:**

Legislator Anker.

**LEG. ANKER:**

Okay. Again, thank you for coming out here. Welcome to Hauppauge. Okay, so we spoke about the synergistic effect, the chemical soup -- and, of course, that's always of concern. Because you never know what can happen when chemicals are interacted together, is the issue with salt, the two components if they're separate --

**MR. ERVOLINA:**

Sodium chloride, right. Right.

**LEG. ANKER:**

Right. They're deadly --

**MR. ERVOLINA:**

-- right.

**LEG. ANKER:**

You put them together they're perfectly fine. But for chemicals that are made like pesticides, herbicides, insecticides, a lot of that stuff, you know, you think about Agent Orange. And I recently -- we just had a Vets meeting prior to this Committee meeting. And most of the issues that we're dealing with our returning veterans has to do with Agent Orange. It's the health effect, which is, you know, it's a shame. It's really -- it's really heartfelt for the people having to deal with that so -- but we've learned from our mistakes or we're learning. And from what you're giving us -- the information you're giving us today, we are still learning and we still have more to go. It's frustrating as a mother to wonder, well, how are these chemicals affecting my children. And so that's going to lead me to another question.

Now, we spoke about the safety standards. Years ago -- maybe decades ago, the safety standard was based on a full-sized adult. How do we do that now? Are we adjusting that safety standard to fit children and pregnant women?

**MR. ERVOLINA:**

Again, that's a Health Department question so I'm not really qualified to answer that. But I do know that the different criteria, different active ingredients, when the Health Department does their review for the registration process, some of the information does look at adult exposures. There are also child exposures. I don't know about the pregnant female exposures, but there are different types of exposure scenarios. In some cases children -- adolescent children may be more at risk than an infant for certain types of contaminants. So, again that would really be a Health Department question.

**LEG. ANKER:**

But when you showed us the graph, you know, there was a red line that went across to show the

exposure. Did that include children? Is that based on children drinking the water?

**MR. ERVOLINA:**

Unfortunately I don't know. I'll get the answer to that.

**LEG. ANKER:**

If you could. Again, is it based on a child? Is it based on the average weight size of a person? So in other words, you have the situation of a child versus a full-sized adult, do you average that and put that -- again, my concern is that we're thinking about the average adult where it's children that drink an awful lot of water. And those are the vulnerable groups we have to consider, especially deciding on this situation. So, if you could get back -- is there anybody from the Health Department here today? Yes? Could you -- Adrienne, did you say there's somebody from -- hi. Could you come up and just explain? Could you just explain -- if you know the way the safety standards are measured with chemicals.

**MR. PAULSEN:**

Yeah. Ron Paulsen from Office of Water Resources. And we do -- a lot of the monitoring that we work with Scott on comes out of our office. So, you know, we're hydro-geologists. We're not toxicologists over there. And most of that's New York State Department of Health. And EPA would guide that. It's our understanding that a lot of it's driven by the adult. In our risk assessments, I've seen pregnant woman and other categories looked at specifically. When we were doing investigations around BNL and there was methyl mercury, there was a whole gamut of risks looked at. They looked at children, they look at, you know, pregnant women. I'm not a hundred percent certain we can go to the New York State DOA representatives and find that out.

**LEG. ANKER:**

I would appreciate that. I think that -- that's really important. We're caught -- you know, again, you can bring the precautionary principle into this conversation. That's a whole other thing we can talk about another time. But, again, if -- we're here to protect public health. The most vulnerable people in our society, of course, are our children and pregnant woman. So, again, I appreciate -- now, you mentioned -- let me ask you a question while you're here and another question.

You know, when I was looking into the chemical -- the pesticide issues in Mt. Sinai, and the high incident of breast cancer, and we were trying to figure out -- determine, you know, what -- certain chemicals responsible and that actually found, yeah, they did find illegal chemicals, chemicals that were not registered in some of the soil and the water samples. And what was interesting is that they found very high levels of some of these chemicals, dangerous chemicals, concentrate, of at certain levels. And I think they mentioned it's due to the topography and you mentioned, you know, when the land was not flat, it would dip down. And so with the run-off, all this run-off would concentrate so many of these chemicals into one spot. And then some of the farmers, you know, decades ago would store some of these chemicals into one area.

How does that affect, you know, evaluating how we manage chemicals? You know, it's a concern because, again, two components, you know, how these things are stored -- how the chemicals are stored. But illegal chemicals, just like illegal dumping, you know, you can say that with drugs, illegal drugs, there's only so much we can do. We can make as many rules and as many restrictions as we can as a government. But if we don't have a way to prevent illegal chemicals from getting into our water, is there any way we can go back to the manufacturers where they can track it or something like that? I don't -- I'm hoping they're not used like they were decades and decades ago where there was pesticide, it killed off every bug, but it was incredibly dangerous. We -- the person using it may not have been aware of it. But is there a way that we, you know, the government, can try to find out where those dangerous chemicals -- or what they are, what those chemicals are, and monitor their release out into usage?

**MR. PAULSEN:**

It's probably a good question for our Region One DEC folks because they do, you know, they do a good job of monitoring pesticide use in inventories on the farms. And we've been involved with them in the past, even investigations where they would go in and they would see that there were chemicals they're not registered for use in New York State and they were being used, they were bought in other states. So those types of things occur, but DEC folks, in my history I've worked with, you know -- you know, they do a good job of -- the farmers have to keep those records and they have to track it. So there is a, you know, there are things in place to monitor and to track that. And there have been incidents where, you know, there was illegal uses and they were investigated, they were -- the fines and the appropriate actions were taken to eliminate that.

**LEG. ANKER:**

Right. I just, you know, make sure that I'm not accusing the farmers of doing anything that's -- that's not what I'm getting --

**MR. PAULSEN:**

I think it's a very small percentage that we're, you know, you're talking about.

**LEG. ANKER:**

Right. It could be a homeowner who has landscape --

**MR. PAULSEN:**

Right.

**LEG. ANKER:**

It could be anyone, anywhere, anytime. But, again, it's something so potent that could create a danger for our -- for our community. How do you monitor once it's released from the manufacturer? So, I don't know if there's something -- I know, Pete, DEC, do you have any comments on that?

**MR. PAULSEN:**

I think maybe Joyce or Peter. Joyce, do you want to speak to that?

**MR. ERVOLINA:**

You're talking about illegal use of product that would not be registered in -- in New York State?

**LEG. ANKER:**

I'm talking about all chemicals being released from a manufacturer. I mean, we have something -- what is that powder that they make the bombs with? They monitor that. The -- what is it, the --

**LEG. KRUPSKI:**

I wouldn't know.

**LEG. ANKER:**

You're a farmer. You know.

**CHAIRWOMAN HAHN:**

Maybe as a follow-up.

**MR. PAULSEN:**

Yeah, it's a perchlorate.

**LEG. ANKER:**

Yes.

**CHAIRWOMAN HAHN:**

Is there one place where we can see in total or comprehensively every item that is monitored for? Because you have to be testing for something in order to know if it's there.

**MR. PAULSEN:**

Well, I mean, that's a good point. We monitor for 140 different pesticides analytes in our lab and there's hundreds of active ingredients.

**CHAIRWOMAN HAHN:**

But you got to be -- you're also monitoring for more than just pesticide products I would think.

**MR. PAULSEN:**

Right, yeah.

**CHAIRWOMAN HAHN:**

Such like gasoline or, I don't know, like a -- it would be interesting -- is there a link to where all those 147 plus whatever -- whatever we're monitoring for what's included in that list? Is there somewhere we could get that?

**MR. PAULSEN:**

Well, yes. I mean we know the active ingredients that we monitor for in Suffolk County.

**CHAIRWOMAN HAHN:**

Okay. And could you provide that to us?

**MR. PAULSEN:**

Sure.

**CHAIRWOMAN HAHN:**

Just so that -- that would help our discussion. And then maybe -- maybe one of the tools in the toolbox, like on slide number 20, maybe you're getting at, when you say "limit sites of application," does that get at the -- you can distinguish between residential versus commercial, versus agricultural application, correct, when you have a tool to mitigate a risk?

**MR. ERVOLINA:**

Well, under the Pesticide Reporting Law commercial applicators are required to -- to file the records with us or report to us the pesticides that they applied on any particular property. So we have those records under the Pesticide Reporting Law.

**CHAIRWOMAN HAHN:**

But one of the potential tools might be to -- to treat differently residential versus agricultural application that you might, you know, decide that something can be banned for residential use, but we'll let farmers continue to use it because it's critical to their crops, I guess, is what I'm getting at.

**MR. ERVOLINA:**

Right, right.

**CHAIRWOMAN HAHN:**

So one of the tools, I don't see kind of mentioned there, but is -- maybe -- maybe you meant that to be when -- in under limit sites of application. Okay.

**MR. ERVOLINA:**

Yes.

**CHAIRWOMAN HAHN:**

Okay. That's what that's referring to.

**MR. ERVOLINA:**

And that's a part of our registration process already.

**CHAIRWOMAN HAHN:**

Yeah, yeah.

**MR. ERVOLINA:**

And we also restrict -- yes, correct. They are restricted uses. Right, restricted use means that only commercial -- only professional applicators can apply that so residents cannot apply those products. So imidacloprid is not available to you and I to go and purchase. However, if we have a certified applicator coming to treat our lawns, for example, they can apply imidacloprid products. But you cannot purchase it or you cannot use it here in -- in Long Island.

**LEG. KRUPSKI:**

A New York State licensed applicator.

**MR. ERVOLINA:**

Correct.

**CHAIRWOMAN HAHN:**

Okay. And we're going to try be quick because we have -- we have a lot more on the agenda so we are going to wrap it up with this last question for Joe Gergela, if he's still here. Sarah was hoping she could ask you a question.

**LEG. ANKER:**

I'll start while you're walking up. So, my question is, again, you know, I do have concerns with pesticides, insecticides, fungicides, but I also have a concern about the issues with the farmers. I mean, it's very important that we stay competitive and create healthy food. What are the alternatives?

**MR. GERGELA:**

Through this process, and this is where I do have some common ground, common sense, with Adrienne, and we -- I think we do anyhow.

**MS. ESPOSITO:**

We both have common sense, Joe.

**MR. GERGELA:**

Okay. We want to seriously evaluate the chemicals of concern. The three that are on the top of the list: Syngenta, which is a chemical company, is internally talking about withdrawing the product for use on Long Island, the herbicide. That's atrazine. That is used only on corn. It's very narrowly used. The reason that it showed up on the slide in that one particular case was industrial application by right-a-ways by LIPA and the Railroad many years ago. So their stories, to some of the -- the high numbers in certain places.

Same thing with the imidacloprid. There are three spills on commercial operations, which I'm not going to divulge where they are, but there were mishandling of those pesticides that wound up at a high level. Generally, and I would say, Albert can correct me if I'm wrong, but most of our farmers

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are now engaged in best management practices with Cornell in the Soil and Water District. We have some that have been rather stubborn, but we're making progress in that regard. Our farmers are concerned. And I'd say that most of them are participating in these programs to make sure that we use things judiciously and many are seeking non-chemical alternatives to the way that they farm. So we made huge improvements to the way we farm here.

The third one, which is a fungicide, metalaxyl, that --n and there again, it goes back to the discussion with the science group about discussing alternatives. Are there other fungicides that will be effective on our crops here? Or do we absolutely have to have that? There's a fungicide called ridomil. That's the only one that's effective on tomato blight.

So, let's for argument sake say, "well, we want you to only use it on tomatoes" Is that doable? Possibly. That's a registration and a -- a situation that we'll have to work through with Cornell, Soil and Water, Water Authority, the Health Department, DEC. That's why they set up this process is so that they can make intelligent decisions. Are there economical alternatives that will work so we can reduce the impacts on water. And that's what -- that's why I personally think that we've made great progress with the direction that DEC is going because it's common sense. It doesn't just say ban everything, let's work through the process and hopefully we have the correct science to make those decisions.

**LEG. ANKER:**

And, I think, you know, communication and compromise will get us much further down road than, you know, debating this and -- you know, again, my concern right now is, you know, can we do this as fast as we can, you know. What is the time element? You mentioned five years. You were talking about a study, you know. I would hope, you know, between our technology and the fact that we are all open-minded and we're ready to work together that it will take, you know, five weeks, five months, you know, I would hope it would take a lot sooner than later.

**MR. GERGELA:**

I think we are making progress in that regard at least as far as myself and Adrienne. I can't speak for all the other environmental groups, but we're trying to keep the discussion going and keep an open-mind as we go through this process. Because at the end of the day we want -- we want it to be successful and we want to have good water for all of us.

**LEG. ANKER:**

Thank you.

**MR. GERGELA:**

Thank you.

**CHAIRWOMAN HAHN:**

Thank you. I would like to thank Scott, thank Peter, Sal, Jeannine, Mary and Joyce for being here, for your work, for your willingness to come here. This Committee is committed to following this and we look forward to working with you as you move forward with the stakeholder groups. And if there's any way I hope we can have a discussion about monitoring and the real needs moving forward. Thank you. Thank you for your time.

**MR. ERVOLINA:**

Thank you very much. We appreciate that.

### SECOND PRESENTATION

**CHAIRWOMAN HAHN:**

Okay, first presentation down. **(Laughter)**

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Now I'd like to welcome Patrick Hurley and Peter Danforth, who will make a presentation about restoration efforts in the Great South Bay.

#### MR. DANFORTH:

Ready? Okay. First off, I want to thank the Legislators for allowing us to come here to present. My name's Peter Danforth, Assistant Director of Project SERV. Paul Matthews, lead innovator; and Patrick Hurley has recently come on with us as the Environmental Tech person.

And what I'd like to do today is first go over what I've given you in the packet. If you look on the right side of the packet, there's information. There's letters of recommendation from three academic institutions: Stony Brook University, Cornell Cooperative Extension and Long Island University supporting some of the work we've been doing over the years as well as an article from Suffolk, from the newspaper. And then on the left side we have the presentation that I'm about to give as well as our basic fact sheet. And there's also -- in that you'll notice a CDA. Our attorneys did advise us that because of some of the proprietary information that's in this, that's if it's all right with you, anyone who has that packet, would sign that. I've put your names on it. And all you need to do is sign "the recipient." It is a basic form, CDA form that we've gotten stock on. Okay.

So, first off, you know, the presentation I'm about to give is -- describes our program, but it also describes some of our long-term goals and also where we got the research that we did to get to where we are. And then, of course, some short term goals, and I'm hoping that the Suffolk County Legislature could help us with in the near future.

So let me just -- so Project SERV actually stands for Spawning Early Release Vessel Program. And I'll get to what that spawning early release means in a moment.

As you all know, Long Island and much of the East Coast have gone through -- and for that matter the Gulf of Mexico -- have gone through a great decline in shellfish over the years. Specifically to Long Island and the clam trends, as you can see here, the harvest here is noted for Brookhaven, Islip and Babylon. Significantly decreased since the '70s. And then as far as scallops, the scallop landings, the bay scallop specifically, they have dropped significantly to the point where in 2010 they were barely existing. And, of course now, with some work that's been done through the Legislature and through CEE in Stony Brook and many other organizations and LIU, there's been recent growth in there.

I put this down because I thought this was interesting. This is a global perspective on oyster reef conditions. It's a colored coded thing. **(Indicating)**. If you look over to where Long Island is, you'll see it's functionally extinct as far as oyster reefs are concerned. And this is very true, particularly when you get into New York Harbor more so than out towards the Island.

As I mentioned before, there's been a recent shellfish restoration efforts between the Great South Bay Reclamation Project and the Nature Conservancy, the restoration of Peconic Bay scallop populations and fisheries that were a combined effort from CCE and Long Island University and a number of other programs that have worked consistently to renew shellfish populations and to help the hatchery industry on the Island.

Spawning Early Release Festival, Project SERV, basically we're here to help in the effort to restore shellfish populations and also provide a community service program. We have three objectives. Pretty basic. They're very complex when you think about it. Restoring shellfish and organism populations in their coastal habitats, Providing education and public outreach and creating jobs and promoting economic development on Long Island.

Briefly, objective one, we have a specific way of going about restoring shellfish, whether it be scallops, oysters or clams specifically. We have a method that we've developed over the years, or Paul, I should say, has developed over the years with the help of CCE and the SPAT Program or the

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{SMELT} Program up in Southold, which is referred to as saturation spawning. And that is basically spawning larvae in great numbers increase their survival. And when I say spawning them, if any of you are familiar with the shellfish lifecycle, you have what they call a veliger stage and -- four veliger stages. And the fourth one is called a pediveliger stage. And that's the stage when they're ready to set in the environment. And with our technique, we basically get them to the point where they are ready to set in the environment, at about two weeks, and then with the right habitat for them we will spawn them in a saturation style. In other words, in great amounts.

We also have the privilege of being able to do it earlier in the year than it's normally done in the industry. It has been shown that you can set larvae in a colder setting earlier in the year, say in April. That has been done in the past. And this, of course, will help prevent our -- create less predation and increase the likelihood of shellfish settlement.

Now there's a boat, we have, which we call the mobile marine hatchery, which is the SERV vessel. This -- currently the boat is, we're working on it, we're trying to get it up to speed. It does have a couple of tanks ready to be used. And essentially what we'd like to see this as is a large mobile marine hatchery, a place where you can grow shellfish and bring it directly to the point of where you want to do restoration and work at that point in a mobile manner. There's a lot of benefits to this.

One, of course, being that it's mobile and it will be able to avoid situations such as large storms that come in. And you can see in the past, it wreaked havoc on some of the coastal hatcheries including Islip and hatcheries down the Jersey coast. But, also, it's just very large. It can grow up to about one billion larvae at a time. And what we'd like to do, in the future, this is what we would call our long-term plan, is to have this boat as the center of a community outreach. In other words, we'd spend about two weeks in every -- in about six ports in the season where we'd have a shellfish spawning event and a growout and release. And there we would have informational and educational displays and touch tanks and all sorts of different educational outreaches that have to do with what we're doing as a way of getting support and promoting education on what we're doing for the environment.

Another idea we had was providing on-site aquariums that were filled with algae. And then if you put any type of bivalve, be it clam or oyster, they will eat that algae fairly quickly. If it's saturated, you know, within a couple of hours you could see clear water. So you come, you look, you see they've been put in there and you come back and you can really see the cleansing process that shellfish provide nature uphand and close.

And then, of course, our third objective is, you know, helping to create jobs and economic development on Long Island. First most, if we are able to grow, as we have over the last few years, we will be able to hire more educators and technicians to provide the foundation of the SERV Program. We could provide summer internships. And we can even provide curriculums. There could be outreach to local universities as well as high schools. And basically by providing huge restoration efforts, we can bring back what we've seen before in fishing and tourism and food industries in the past.

The basic model for the mobile marine hatchery, as I said, would be something like this: The production and sale of shellfish larvae, for the purpose of restoration and commercial hatchery, seed back up. In other words, we are growing shellfish, not only for restoration, but for perchance hatcheries or businesses that are in emergency states that need to grow and we can provide in large quantities. We looked at what a possible budget would be or what kind of revenue could be created. If we went from April 1st to October 31st at six times during the season doing the delivery of ten days a month, either with clams or scallops, the revenue could be from seven to \$56 million a season in larvae alone. And this larvae, of course, would be -- I mean, not this larvae, but this revenue would be put back into the program and into the community as former outreach and economic development. This graph is a little bit better at displaying the kind of revenue that can be

generated from April to October.

Now, that's a long-term goal. Those are big ideas that we have. But right now we really want to prove our stuff. So we would like to be able to do a couple smaller example projects, pilot programs. We've discovered one place -- or I should say, Pat Hurley, our Environmental Tech person, who is a bayman from -- as a child 'til now, and he has noticed a good deal of eelgrass in an area of Moriches Bay that would be a perfect settlement for scallops, bay scallops specifically. And essentially what we'd like to do is our saturation spawning event there. A budget for that, if we were using the boat and we did about four plantings, would probably reach about \$200,000. With that being said, we can do a project that's a quarter of that easily or however much we could do depending on what our resources would be at the time. That is one element.

The other element that we provide is something we call the oyster set trap. This is actually one of the reasons we had you sign the CDA's because the oyster set trap is -- there's a patent pending. Go on.

**CHAIRWOMAN HAHN:**

You know that you're being broadcast live and that this is all on the record.

**MR. DANFORTH:**

Sure.

**CHAIRWOMAN HAHN:**

So you're not going to share anything here that is -- okay. Want to make clear.

**MR. DANFORTH:**

We're not sharing how to -- how it's developed. We're just revealing that we have it.

**CHAIRWOMAN HAHN:**

Okay.

**MR. DANFORTH:**

Okay.

**LEG. KRUPSKI:**

We won't tell anyone.

**MR. DANFORTH:**

Yeah. I know, this is all new to me, but I think we have a good thing and we'd like to see it work and it is at this moment pending.

You may all be aware the New York State 2100 Commission Report, which was recently drafted post-Sandy. And the Commission Report comes out of the Governor's office in New York State and essentially recommends the creation of these six different types of ecosystems to prevent storm surge and erosion. Barrier beach and dune systems, tidal wetlands, oyster reefs, I've underlined, riparian floodplains and flood proofing, living shorelines and natural berms and levees. **(Indicating)** The oyster set trap -- by the way, this is not -- this is -- this is a -- an example of when an oyster set trap has -- had its layers removed. This is a reef system that we could provide that has, as you can see from the picture, oyster larvae that's been set. That's after two month's growth. This is something we did when we were out at the Cornell Cooperative Extension's {SMELT} Program. And so we basically proved that this could be done.

It essentially creates an instant oyster reef. And when connected to a series, it's a system that can be made into a reef. The materials are pretty inexpensive. This is an estimate for about

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four -- about four or five 100 foot oyster set trap reef sites. That comes to approximately \$60,000, which, once again, is -- if you had four of these sites -- if you had one of these sites, then, we can cut down to about \$20,000 to produce. And the -- you know, the long-term benefit for something like this would be the creation of a living reef and healthier loggers at a fairly reasonable price.

We have a number of partners. Obviously, I've mentioned Cornell Cooperative Extension's {SMELT} Program; helped us research and prove the viability of our saturation spawning and oyster set trap. We currently reside at the Calverton incubator, sea business. We have met with a couple different organizations including the New York Harbor School and the Nature Conservancy who agreed to let us use their sites to create oyster set traps.

And as the DEC, if they're still here, are aware, that we are trying to work with a partner in New York City called SCAPE/Landscape Architecture, who have a method called oyster texture. And we want to group -- to work with them to form oyster reefs in New York Harbor and places that could work. **(Indicating)**. Some of the art here you see is from their studio. You might have seen it in the New York Times earlier this year after Sandy hit. It was a special in that weekend.

Also, if you know Sea Tow, Sea Tow is like the AAA of the sea. It's an organization here on Long Island. It's also based in other coastal areas around the world. They are boat assistance. They have agreed that if we ever do large scale saturation spawning events, they would be there to be contracted to be used in basically the drop of the hat. They are sitting and waiting to do business and we could have something for them to do.

So, the basic value of all these programs I see is, one, well obviously habitat restoration, more shellfish and more biodiversity through living reef systems, which lead to cleaner waters, which is, as you could see today, one of the -- the main goals that we're trying to get through and, of course, increase shellfish landings. We tried to crunch some numbers. If we were able to do a program, a saturation spawning program, like I mentioned before along the coast six times a year, we could get up to 3.8 billion bay scallops in three years. And I'm not certain how that would calculate out into the local industry, but it would definitely be a multimillion dollar wholesale industry if only 10% of these survive. Obviously, if we combine this with oyster reef and salt marsh restoration, it would be a coastal erosion mitigator. Home ownership values for cleaner waters and protected shorelines would add much to the real estate industry.

And then there's something that you will probably see in the future, which hasn't been mentioned very much lately in studies and that is carbon sequestration. Shellfish are being affected by increased acidification oceans. But then again shellfish -- and shellfish have in the past been a sequestra of carbon that allows us to breathe air we breathe today.

So basically the last slide here we -- our favorite slogan at this point is *awaits delivery*. We have partners and we have crew that are ready to deliver the services, but we need help. And we pinpointed a few places that possibly we could get help for. The Carmans River is a very healthy system. I'm familiar with it from my work I've done with teenagers in doing water quality sampling. We think that the Carmans River into the Great South Bay would be a great place for oyster set trap construction; that, or the Forge River. And then -- pending the quality of the water, of course.

And then as far as Moriches Bay scallop and clam saturation events, we think that Moriches Bay right now is a fairly healthy system in part to to the fact that's there's a breach. And we could probably make it -- take advantage of this breach and this circulation of water by having an event of this nature especially if there's eelgrass that's there and exists.

The boat, the SERV vessel's currently at Jackson's Marina. It has two tanks that are ready to be used. And so we would want to use them this year to grow out larvae for these events.

**CHAIRWOMAN HAHN:**

Okay. Thank you very much for -- for your time. And I want to apologize that, you know, we had two presentations here today. So I know that -- you know, we do agenda items we need to vote on.

**MR. DANFORTH:**

Yes.

**CHAIRWOMAN HAHN:**

And I'm sure if there are questions -- some quick questions now we can ask or we can follow up with you individually certainly.

**LEG. ANKER:**

Can I ask --

**CHAIRWOMAN HAHN:**

Quick -- yeah, quickly, Legislator Anker.

**LEG. ANKER:**

We've been here for a couple of hours already, so. Basically you're asking us for funding or for -- maybe something happening with zoning? What exactly do you need from the County?

**MR. DANFORTH:**

Well, we would be asking for obviously support through zoning; but also, if available, funding. The budgets that I put in this particular package are basically amendable to any changes that need to be made to them in order to get the work done. We really want to get our feet wet. Right now we are relying on grassroots funding, community support, volunteerism and in-kind -- donations in-kind. And, but we're hoping that this is the year that we can actually get some sort of government funding for the programs that we're doing.

**LEG. ANKER:**

Have you applied for grants?

**MR. DANFORTH:**

Yes, we've been applying for various grants. And we're also keeping our ear to the ground on what the State situation is. As I mentioned in the presentation, they have -- they say there's money that's going to post-Sandy relief; that's for coastal hazard mitigation. But we don't know what that is yet and it hasn't really been stated clearly. If you know what that is, we'd love to hear from you.

**CHAIRWOMAN HAHN:**

Lisa -- Lisa will have information about -- with the County Executive's Office about the grants for the Sandy mitigation. This sounds like a 477 type project for us.

**MR. DANFORTH:**

Yes.

**CHAIRWOMAN HAHN:**

And the way 477 funds work, like you'll see that we're approving grants on the agenda today. And the way that works, they were applied during the last cycle. So in the summer last year in order to get -- you know, it takes -- it's a very long process. So we'll ask when Director Lansdale comes forward from the Planning Department, maybe she'll be able to tell us when they'll let or open up 477 grants if we're going to have any this year.

**MR. DANFORTH:**

Okay.

**CHAIRWOMAN HAHN:**

We're going to hear -- it's possible that in '14, we won't have -- you know, we won't have money for '14 because of where the 477 fund balances are. So maybe she'll know about that now or maybe we'll have to get back to you on that, but it is a long application process for those funds. But you certainly should ask Frank Castelli and Sarah Lansdale about the application process and just make sure your applications are in.

**MR. DANFORTH:**

Okay.

**CHAIRWOMAN HAHN:**

And when the money -- you know, the projects get rated and they go through a committee. And -- and, you know, then they'll come to us once they -- you know, it's a long process before they come to us, so.

**MR. DANFORTH:**

Okay.

**LEG. ANKER:**

And the grant now -- I know the lobstermen and women, they were able to get grant funding due to the decline in lobsters. So maybe there's something for the scallop industry that you could apply for also.

But I just have -- and just an idea and I don't know how this would affect you, you mentioned that the government is giving money for the superstorms that we've experienced.

**MR. DANFORTH:**

Yes.

**LEG. ANKER:**

And you said that, you know, if artificial reefs could be created, is that something -- I'm thinking of all those cars that are, you know -- you know, if we can clean them up, take all the toxins out of them, create these barriers, is that something that might work?

**MR. DANFORTH:**

Well, yeah, actually you can make a reef out of anything. In fact, the largest reef, coral reef, I think, in the world is a bottom of a -- a landfill in Thailand, cement capping on it provides one of the largest reefs on earth and one of the most healthy ones as well. So, yeah, you can do that. I think what we're offering is a system that can adapt to anything. In other words, if you had a car, we could make the car work using our system because there's a series of layers and it's preset.

**LEG. ANKER:**

We got a lot of garbage here. I'm sure Ed Romaine would love to talk to you right now.

**MR. DANFORTH:**

Okay.

**LEG. ANKER:**

All right, thank you.

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### **CHAIRWOMAN HAHN:**

Okay. Anyone else? One question from Legislator Browning.

### **LEG. BROWNING:**

Actually I see John Turner's here. Thank you for -- for the presentation. And I know with the Forge River, I believe, the Town of Brookhaven did something at one time at the Forge River. So maybe reaching out, John, I don't want to put you on the spot but you're still in the room, but maybe reaching out, I know Councilman Panico with the Forge River you might want to -- to speak with them also on the Forge river.

### **MR. DANFORTH:**

Yeah, we did speak to Brookhaven some. I know they have very limited funding as well, but as do -- as does everyone.

### **LEG. BROWNING:**

We all do. But --

### **MR. MATTHEWS:**

I'd just like to say as a -- a predecessor program the LIU/CCE Scallop Program at Orient Harbor was funded by this organization; and some State funds, too. This replaces that program in a new location and another location and another location and another location that we don't know what it costs but Dr. {Tenelbock} says it's a lot less work so it costs less.

The other thing is it would replace the type of shellfish restoration program that was done for clams by the Nature Conservancy at a way lower price. So we're coming here with a better mousetrap as far as saturation spawning is concerned. When it comes to the oyster set trap, that's really not measurable or comparable to any other product. We just can deliver a preset oyster reef and install it. So that's a big deal, I think.

### **LEG. ANKER:**

Thank you.

### **CHAIRWOMAN HAHN:**

Thank you very much.

### **MR. DANFORTH:**

Thank you.

### **CHAIRWOMAN HAHN:**

Thank you for your time and we look forward to hearing from you again.

### **MR. DANFORTH:**

Thank you. Thanks, Kate.

## **TABLED RESOLUTIONS**

### **CHAIRWOMAN HAHN:**

Okay, to the agenda. Tabled resolutions. And we have Director Lansdale here.

**Introductory Resolution, 2028-2012 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Avalon Bay property - Town of Brookhaven (SCTM Nos. 0200-547.00-01.00-019.000, 0200-578.00-01.00-044.000, 0200-610.00-01.00-022.000, 0200-610.00-01.00-023.000, 0200-610.00-01.00-024.001 and**

0200-610.00-03.00-002.000). (Browning)

**DIRECTOR LANSDALE:**

Would you like some background on that?

**LEG. GREGORY:**

Absolutely.

**CHAIRWOMAN HAHN:**

Yes, please.

**DIRECTOR LANSDALE:**

Sure. The property is located on the north side of Mill Road on the south side of Granny Road and the west side of German Boulevard east of Mill Pond Golf Course and in the Hamlet of Yaphank in the Town of Brookhaven.

**CHAIRWOMAN HAHN:**

Now, this has been tabled before. We -- we are at a place as discussed earlier where we're faced here with, and again, this is an outside group, but the Nature Conservancy telling us that this is -- may just be on their top ten list, I think, they said on Long Island, for parcels to be preserved. However, we're faced with a planning steps resolution that would get us to negotiate a price with a -- with a landowner.

At our last meeting, we talked -- you talked about bringing forward a proposal to us to change the way we do planning steps. And since that time a number of Legislators have met with you and we've determined that that should come before us to codify any proposal to change the way the process is done and the way planning steps are brought before the Legislature, while not legally required to be codified, we just all agree that we would like that to happen. Can you just give us an update on where we are in that process?

**DIRECTOR LANSDALE:**

Sure, we'll be happy to. The -- as you've indicated, Chairwoman, we have met with you at your meeting on Friday to review a proposed process and concept that we're looking to introduce at the next General Meeting of the Legislature next Tuesday. And that would be looking at amending the planning steps process as it's currently known so that it would be an appraisal step, thereby giving the Legislature additional information to determine which properties -- and prioritize which properties should move forward. So we're very close. We should have the draft legislation ready for distribution to members of the Legislature sometime this week.

**CHAIRWOMAN HAHN:**

Excellent. And I do -- I do know that we will look forward to reading your proposals and working with you should any of us feel like there would be changes that would be needed or that we would like to see made because I -- because obviously in the end this has to be something that we all agree to. So that being said -- oh, yes, Legislator Browning.

**LEG. BROWNING:**

Thank you. And I know I'm not on the Committee, but, you know, again this -- this is a, I have to say, a very important parcel. And just out of curiosity, Sarah, how many parcels have you ever come across with a rating as high as 69 in the past -- in your tenure and prior to you?

**DIRECTOR LANSDALE:**

This is -- we've had the opportunity to -- under legislation that was passed last, earlier last year in 2012 to do an overhaul, an evaluation of all the Master List parcels that the County had identified previously through its four Master Lists. And this is certainly among the top 25% of parcels that we

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have looked at. It is -- I would agree with all of the comments made by John Turner and the Nature Conservancy, that this is a parcel that -- that is important.

**LEG. BROWNING:**

Okay. So, you know, my concern is, is the longer we wait, what's the chances of the -- the seller from walking away? Maybe -- maybe, you know, maybe not. But I think it's important that we, you know, get what your proposal is. I do have some concerns that what might be proposed could wind up causing us to create a delay in -- in some of the process in moving forward with some of the properties. So that's one of my major concerns.

**CHAIRWOMAN HAHN:**

Well, some of these are on the Master Lists.

**DIRECTOR LANSDALE:**

Yes, some of these parcels are, in fact, in the Master List. But I do want to just point out that our current fund balance for open space as of the end of February is \$1.1 million. Now, that excludes money that is in the Quarter Percent that -- from 2012 that has to be brought forward, but we are -- these are extraordinary times. And we're actually in a weaker financial position with open space as it relates -- and farmland, for that matter, as it relates to what John Turner previously stated was the total budget for the Town of Brookhaven of \$9 million. So, you know, we have one-ninth approximately what they have. Just -- just wanted to raise that.

**CHAIRWOMAN HAHN:**

Legislator Krupski.

**LEG. KRUPSKI:**

And actually Brookhaven has the advantage. They could take advantage of the 2% transfer tax, which they currently don't. And they could have a dedicated source of funding for, you know, for open space and for farmland preservation. And they could -- they can have -- well, they can try again. I mean, this is the time. This is the time when resources are very thin at the County, State and Federal level to act as partners for open space preservation, the time to, you know, to find resources wherever you can.

**CHAIRWOMAN HAHN:**

I think -- I think we also have to begin the discussion of opening up Greenways and the programs -- the bonding programs, the two that we've have chosen not to touch because they impact our General Fund obligations for debt service. I think that there may be properties that reach a certain threshold in the point system that will warrant us tapping those monies. And this may be one of those that we would consider going for the extra funds for. So, I think we have to have that discussion.

So, do we have any motions on this one? I think -- I'll make a motion to table for the time being, seconded by Legislator Barraga. I think the Committee recognizes the importance of this parcel; however, we are at this critical crossroads and we need to get our process established that we can move forward with and be comfortable and we have a two-week cycle. So --

**LEG. GREGORY:**

Question.

**CHAIRWOMAN HAHN:**

Okay, question, Legislator Gregory.

**LEG. GREGORY:**

Miss Lansdale, Legislator Browning mentioned that the rating is 69. I had a different number. I

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guess those were updated.

### **DIRECTOR LANSDALE:**

Yes, there is an updated rating sheet. I'll provide that to members of the Committee.

### **LEG. GREGORY:**

Okay, thank you.

### **DIRECTOR LANSDALE:**

The updated rating reflects looking at the parcel and it -- within its entire assemblage area as opposed to just the individual parcel. I'll distribute these.

### **CHAIRWOMAN HAHN:**

And you'll have -- so, at the next Committee will you be able to talk more about the money as well?

### **DIRECTOR LANSDALE:**

Definitely.

### **CHAIRWOMAN HAHN:**

I'm sure we will have --

### **DIRECTOR LANSDALE:**

I'll be able to provide a specific accounting of where we are. And I'll do that moving forward on -- at each Committee. In addition, just to reiterate, we'll have that updated language on our proposal for planning step -- the new planning step or appraisal step language within a matter of a few days.

### **CHAIRWOMAN HAHN:**

Okay. Okay, so we have a motion to table and a second. All those in favor? Opposed? Abstentions? **It is tabled. (VOTE: 5-0-0-0)**

**2059 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Fish Thicket Preserve property - Town of Brookhaven (SCTM Nos. 0200-895.00-04.00-015.001, 0200-895.00-04.00-014.001, 0200-895.00-04.00-014.002, 0200-895.00-04.00-006.000, 0200-895.00-04.00-007.000, 0200-895.00-04.00-008.000 and 0200-895.00-04.00-009.000). (Calarco) Same motion, same second, same vote. Okay, it's tabled. (VOTE: 5-0-0-0)**

**1038 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Estate of Shivella Pasquale - Town of Brookhaven (SCTM Nos. 0206-020.00-04.00-001.000 and 0206-020.00-04.00-006.000). (Hahn) Another planning steps. Same motion, same second, same vote. Okay. (Tabled - VOTE: 5-0-0-0)**

**1113 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Calabro property - Town of Brookhaven (SCTM Nos. 0200-980.50-07.00-001.000, 0200-980.50-07.00-002.000, 0200-980.50-07.00-003.000 and 0200-980.50-07.00-013.002). (Browning) Another planning steps. Same motion, same second, same vote. (Tabled - VOTE: 5-0-0-0)**

**1118 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Gentleman's**

**Riding Park properties - Town of Brookhaven. (Hahn)** Same motion, same second, same vote. **(Tabled - VOTE: 5-0-0-0)**

**1119 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Terryville Greenbelt properties - Town of Brookhaven. (Hahn)** Same motion, same second, same voted. **(Tabled - VOTE: 5-0-0-0)**

#### INTRODUCTORY RESOLUTIONS

New resolutions, introductory resolutions. **1153, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Active Recreation/Hamlet Park/Historic and/or Cultural Park component - for the Oakdale Greenhouses, LLC as assignee of Rolling Stone Estates, Inc. Property - Town of Islip (SCTM Nos. 0500-354.00-02.00-002.000, 0500-354.00-02.00-003.000 and 0500-355.00-03.00-068.000). (Co. Exec.).** This is an acquisition resolution. I will make a motion to approve.

**LEG. BARRAGA:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Barraga. Any discussion? Questions? All those in favor? Opposed? Abstentions? **1153 is approved. (VOTE: 5-0-0-0)**

**Introductory Resolution 1154, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] - for the Ceraldo Construction Corporation property - Pine Barrens Trail County Park addition - Pine Barrens Core - Town of Brookhaven (SCTM Nos. 0200-461.00-03.00-039.001 and 0200-461.00-03.00-045.000). (Co. Exec.)**

I'll make a motion to approve, seconded by Legislator Anker. Any questions? Discussion? All those in favor? Opposed? Abstentions? **1154 is approved. (VOTE: 5-0-0-0)**

**Introductory Resolution number 1156, Accepting New York State Clean Water/Clean Air Grant Funds, amending the 2013 Capital Budget and Program and appropriating funds in connection with the Carmans River Fish Ladder (CP 7180). (Co. Exec.)** I'm going to make a motion to approve, seconded by Legislator Anker. Is there -- was there someone here to talk about the fish ladder?

**DIRECTOR LANSDALE:**

Yes, there is. There's Frank Castelli.

**CHAIRWOMAN HAHN:**

Welcome, Frank.

**MR. CASTELLI:**

Hi, good afternoon. Frank Castelli, Economic Development and Planning. This -- this fish ladder project -- actually this a State grant from New York State DOS. And the grant was actually given to us -- actually given to DPW back in 2005. So it's taken quite a number of years to get to this point. This -- this is a grant for \$252,000. And what it will allow us to do is to pay for a -- a contractor to do the final design work for this fish ladder at the lower lake. Design, permitting, everything right up to the construction phase. We have gone through the full RFP process. We have chosen a contractor to do this work. And they are just awaiting the appropriation of this funding so that they

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can get started. Well, first we'll have to -- we'll have to negotiate a contract with them and then they can get started on this project.

The project is important to us. It's a great project. It will provide fish passage right through the Carmans River up past lower lake, into lower lake. Right now New York State has -- New York State has put in a fish ladder at the -- the south end of Southaven park near Sunrise Highway so the fish can now get past that point, but they can't get past the impoundment on County Road 21, which makes -- at the lower lake.

Another thing I just want to briefly mention is that the Town of Brookhaven is currently in the final design phases of a fish ladder at the upper lake, which is upstream of us so that we really need to get this project done in conjunction with the Brookhaven Town project because it doesn't seem any good to have a fish ladder at the upper lake if we don't have ours at the lower lake.

#### **CHAIRWOMAN HAHN:**

Okay. We have a question from Legislator Krupski.

#### **LEG. KRUPSKI:**

Two hundred and fifty thousand for planning? What's the cost of construction and who owns the land there on either side?

#### **MR. CASTELLI:**

This is County -- Suffolk County property. The -- the 252,000 grant from the State was for design and construction. The contract -- the bid came at considerably less than that for the planning and design. I think about 113,000. So that this -- what we're going to do is we're going to appropriate this -- this grant and then -- obviously there's going to be money left over for construction. And we're also -- at that point the Water Quality Protection and Restoration Program has already committed -- the committee has approved an additional 200,000 for this project, but we're not asking for that at this point. So what we're going to do is we're going to accept and appropriate this grant, get the design work done. Whatever money is left over from the 252,000, will go -- we'll have to do another resolution to change the Capital Project's account to allow it to be used for construction and then also appropriate the Quarter Percent 200,000.

#### **LEG. KRUPSKI:**

What's your timeline on this?

#### **MR. CASTELLI:**

We would like to try -- try and get this done this year. The -- the State -- we have negotiated a contract with the State for this funding. It expires March 31st, 2014, so we'd like to get this entire project done within a year.

#### **LEG. KRUPSKI:**

Thank you.

#### **MR. CASTELLI:**

Thank you.

#### **CHAIRWOMAN HAHN:**

Okay. We have a motion to approve. Correct, Madam Clerk? Yes, we have a motion and a second. All those in favor? Opposed? Abstentions? **1156 is approved. (VOTE: 5-0-0-0)**

**Introductory Resolution 1157, Amending the Adopted 2013 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2013 Capital Budget and Program, and appropriating funds in connection with Coastal Steward's Shellfish**

**Restoration Project (CP 7180). (Co. Exec.)** I'll make a motion and seconded by Legislator Anker. Frank, are you here -- you're prepared to talk about this one as well?

**MR. CASTELLI:**

If there are any questions, I would gladly answer them.

**CHAIRWOMAN HAHN:**

Sure, Legislator Anker.

**LEG. ANKER:**

Again, I think it's a great project. You know, we're cleaning out our harbors. I got to ask you, though, okay, so you put the oyster seeds, I guess, into the -- into the harbors. Is that how this works? Now -- and they filter the water to clean the water.

**MR. CASTELLI:**

Yes.

**LEG. ANKER:**

Now, how healthy are those oysters to eat? Or do we eat them?

**MR. CASTELLI:**

There are certain waters that are certified and certain waters that are not certified. If the oysters are -- if they're being grown in certified waters, then they are -- they are healthy to eat.

**LEG. ANKER:**

Okay, I was just wondering. Because I know in Mt. Sinai, you know, the water basically comes in and it flushes itself out. And it's supposed to help with the health of the actual oyster or clam -- clams that are there. So those, I believe, are fairly safe to eat. But then some areas don't have that water movement.

**MR. CASTELLI:**

There are certain areas that are not certified. But one of the reasons for doing this project is that the oysters themselves have a clarifying effect on the water quality.

**CHAIRWOMAN HAHN:**

Correct.

**MR. CASTELLI:**

They improve water quality as a filter feeder.

**CHAIRWOMAN HAHN:**

And they're -- do you know the plan for placement? Is it in the certified or the non-certified waters? I believe --

**MR. CASTELLI:**

I think I'm going to defer to Mark -- Mark Campo who's here from Coastal Steward, just to make sure I get that right.

**CHAIRWOMAN HAHN:**

Excellent. And I know -- I've worked with Mark. He drives the boat when we do the cleanups on the beach. Because Coastal Steward has an amazing beach cleanup. And my daughter and I ride with you and help get the trash off the beaches around Port Jefferson Harbor. So thank you for all of your work and your dedication to keeping our coasts and our waterways clean.

**MR. CAMPO:**

Thank you very much. Again, my name is Mark Campo and I am the Director of Coastal Steward. And recently so, so I'm not as knowledgeable as Dave Johnson would be if he was here but unfortunately wasn't able to stay due to the extended time here.

However, I can tell you that we do spread the oysters in all certified waters to the best of our knowledge. Now as they mentioned at times certain areas within Mt. Sinai and Port Jeff Harbors are closed for various reasons. But for the most part those are areas that are along the coastal -- along the borders of the harbors where you may have some runoff due to rain and storm and so on and so forth. And most of what we do deposit is more to the middle of the harbors and in areas that are less affected by any closings. But, again, if they are put in areas where they're closed, then the baymen are responsible not to harvest within those areas. But we do try to avoid them.

**LEG. ANKER:**

Thank you.

**MR. CAMPO:**

You're welcome.

**CHAIRWOMAN HAHN:**

Legislator Krupski.

**LEG. KRUPSKI:**

Exactly -- could you explain the program in a little more detail?

**MR. CAMPO:**

Certainly. We purchase larvae from the Cornell University. And what we do is we work in conjunction with the Brookhaven EPA group and we use their facilities down at Mt. Sinai Harbor in which we set the oysters onto cleaned clam and oyster shells that we maintain in tanks.

Once the oysters are set, then they're moved out into the Harbor in protected cages. And we maintain them through -- cleaning them on a regular basis to make sure that we have the best mortality rate we can get. And we wait for -- approximately one year until they reach an adult size, which, I believe, is approximately one inch. And at which time, then, they're released out into our harbors.

**LEG. KRUPSKI:**

What's the status of the wild set in the areas that you're going to be -- you propose to do this?

**MR. CAMPO:**

I personally can't do talk to that. Dave would be able to answer that. However, I can tell you as a boater in the harbor for over 20 years, I personally have never seen an oyster on the bottom of a boat until these last -- you know, past year-and-a-half to two years. And as the boats are coming out of the water, they are encrusted with, you know, baby oysters so they must be creating oyster beds out there that are spawning on their own. Because, again -- again, we're starting to see them to the bottom of boats, which, again, I can testify that I've never seen before until the past, you know, year.

**LEG. KRUPSKI:**

Wouldn't we want to know that before we spend \$115,000 if they were going to survive or not?

**MR. CAMPO:**

I -- I --

**LEG. KRUPSKI:**

This is supposed to be a fund dedicated for water quality improvements?

**MR. CAMPO:**

That's correct.

**LEG. KRUPSKI:**

So wouldn't we know -- wouldn't we want to know that there's a certainty of actual water quality improvements?

**MR. CAMPO:**

I just personally can't -- you know, speak to that. I'm new to the organization so I wouldn't be able to answer that. I don't know if that's --

**LEG. ANKER:**

I think that's why we're doing this, to show that there will be water improvement. Again, I know this has been done previously.

**MR. CAMPO:**

This will be -- well, they've been -- we've been doing it, I believe, since the year 2000. This will be the second -- no, no, sorry, I apologize. This is the third significant setting of oysters into the harbor that our organization has done.

**LEG. KRUPSKI:**

And has there been any -- any, like, testing to see if there's survival of the oysters? And at what levels?

**MR. CAMPO:**

The only -- the survival -- the only survival rates I can talk to you is the rate in which, you know, we've seen the larvae achieve adulthood. That's all that I can testify to. That we're getting, you know, about a two-and-a-half percent to a three percent survival rate. And we believe from our learnings that this year we're going to try to get, you know, a five to six percent survival rate before we set them in the harbor. I think your question is, is once they're set in the harbor, what their survival rate is. And I can't speak to that.

**LEG. KRUPSKI:**

Sure. Because if they don't survive in the harbor, they're not going to do any water quality improvements. And is there any way to quantify the water quality improvements?

**MR. CAMPO:**

All I can tell you is an adult oyster filters, you know, 50 gallons of water a day. And we've put in over 350,000 adult oysters so -- you know, 18 million gallons a day is being filtered by the oysters if, in fact, to your point, they survive. I, again, cannot speak to that. My assumption is, is they are. Again only -- the only result that I can speak to is I am now seeing, you know, live baby oysters growing on the bottoms of boats that obviously is coming from oysters that are self-spawning that I've never seen before.

**CHAIRWOMAN HAHN:**

And also they're surviving in the cages at the rate you described --

**MR. CAMPO:**

That's an absolute. We -- we -- right.

**CHAIRWOMAN HAHN:**

-- and during that year -- during that year they're treating the water --

**MR. CAMPO:**

Right. I can speak to the growth rate in which we see them surviving in the cages when they're under our control. Once they're seeded in the harbor. I personally am not -- you know, can't speak to --

**CHAIRWOMAN HAHN:**

And will Dave be able to be here next week or maybe we can get an answer and have Frank share that with you?

**LEG. KRUPSKI:**

It seems like it would be good to know if it's effective or not before we spend that kind of money.

**MR. CAMPO:**

I can certainly have Dave respond to the Committee in writing as to --

**CHAIRWOMAN HAHN:**

Excellent.

**MR. CAMPO:**

-- that answer.

**CHAIRWOMAN HAHN:**

And maybe we can prepare -- get an expedited transcript of just that little -- the little questioning here about this project that we could -- that would help get us an answer.

**MR. CAMPO:**

That'd be fine.

**CHAIRWOMAN HAHN:**

So we'll get that to you.

**MR. CAMPO:**

Thanks.

**LEG. KRUPSKI:**

You might -- you might have better success in different areas in the harbor. That's my point, too. You might have, you know, where you're putting them, there might be better areas.

**MR. CAMPO:**

Well, again, I know that Dave searches. They do have underwater cameras. They make sure that where we do seed them is in locations that are optimal for their survival. For instance, you wouldn't want to put them into any areas of the harbor that are mud bottoms. They would -- they would suffocate. So they are put on hard, sandy bottomed areas that are identified by Dave and his team to -- again, to get the best result. Is there a quantifiable result? Again, I can't speak to that.

**CHAIRWOMAN HAHN:**

Okay. We'll see what we can get in response. Thank you. I would like to -- I would like to move this out of Committee. So we have a motion to approve and a second.

**LEG. BARRAGA:**

Second.

**CHAIRWOMAN HAHN:**

All those in favor? Opposed?

**LEG. KRUPSKI:**

Abstain.

**CHAIRWOMAN HAHN:**

Abstentions? One abstention. **1157 is approved. (VOTE: 4-0-1-0 Abstention: Leg. Krupski)**

**MR. CAMPO:**

Thank you.

**CHAIRWOMAN HAHN:**

Thank you.

**Introductory Resolution 1186, Appropriating funds for the Study and Monitoring of Public Health Related Harmful Algal Blooms (CP 8224). (Co. Exec.)** I'll make a motion to approve, seconded by Legislator Anker. Any questions?

**LEG. KRUPSKI:**

Who will answer the questions?

**CHAIRWOMAN HAHN:**

Do we have anyone here? We have someone here from Health? If you could come forward and identify yourself for the record.

**MR. LUBICICH:**

Good afternoon, Chris Lubicich, with the Health Department's Division of Environmental Quality.

**CHAIRWOMAN HAHN:**

Sorry, Chris. **(Laughter)**. Legislator Krupski, did you have a question?

**LEG. KRUPSKI:**

Thank you. Who will monitor -- who will do the monitoring and how do you do it? How do you conduct it? And what time of year?

**MR. LUBICICH:**

Currently it's -- Dr. Chris Gobler from Stony Brook University is under contract to -- to do the monitoring. This will also -- some of this funding will be put towards a symposium where we will have, you know, the local people involved and we'll be looking to get, you know, a national type of speakers on the science.

**CHAIRWOMAN HAHN:**

Legislator Anker.

**LEG. ANKER:**

There was an extensive presentation on this before, I think, you had gotten into office. But do you think we can get a copy of that presentation about the algae blooms?

**CHAIRWOMAN HAHN:**

I think it's on -- on the T-drive. You certainly should. We'll make that available to you so that you understand just how extensive the work that Chris Gobler does is; and understand the importance of the HAB, harmful algae bloom issue. Any other questions? Okay, we have a motion to approve and a second. All those in favor? Opposed? Abstentions? **1186 is approved. (VOTE: 5-0-0-0)**

**Introductory Resolution 1188, Appropriating funds in connection with the Peconic Bay Estuary Program (CP 8235). (Co. Exec.)** I'll make a motion to approve.

**LEG. BARRAGA:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Barraga. And Legislator Anker has a question. Also, Chris? Chris as well is here to answer questions on this one.

**LEG. ANKER:**

Real quick overview of this project.

**MR. LUBICICH:**

The Peconic Estuary? The Peconic Estuary is really the entire bay system, you know, with the Peconic River and going east. It's hard to put it in a two-minute nutshell. It's a very big project. It was started in the -- in the '90s. The estuary itself got federal recognition, I believe, it was in 2000. It's a -- the federal grant runs anywhere from 100,000 to \$600,000 dollars a year.

**LEG. ANKER:**

So we're going to get reimbursed or this -- this is a bonding. So this is --

**MR. LUBICICH:**

No, this is a match.

**LEG. ANKER:**

Oh, this is a match. Oh, okay. Okay.

**CHAIRWOMAN HAHN:**

I see Craig Freas. Our BRO analyst is willing to weigh in on this.

**MR. FREAS:**

Yeah, we -- I'm sorry, I'm very loud. As Chris said this is -- this is the -- part of the match for the Federal Peconic Estuary Program grant. In this particular case, the funds are going to be used to retain a contractor who's going to do an economic evaluation of the -- the bay resources.

**CHAIRWOMAN HAHN:**

But our \$200,000 will get how much from the Federal?

**MR. FREAS:**

I believe it's 50% -- it's 100% match so our 200,000 gets \$200,000.

**LEG. KRUPSKI:**

Where does that 200,000 come from?

**MR. FREAS:**

This \$200,000 is -- will be County serial bonds.

**LEG. KRUPSKI:**

So, we'll borrow the 200,000 to do a study saying that -- that Peconic Estuary system is an important economic generator for a variety of reasons.

**MR. FREAS:**

I would say that this -- I would hope that this study will be more specific than that, Legislator. I

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also -- we don't borrow -- these funds, yes, they -- basically we're going to borrow \$200,000 to get \$200,000 from the Federal Government in this particular case.

**LEG. KRUPSKI:**

So, we're going to borrow \$200,000 to do a study. And it's going to be matched by \$200,000 that the Federal Government will borrow.

**MR. FREAS:**

I do not know if the Federal Government is going to borrow that money or not.

**CHAIRWOMAN HAHN:**

But my -- my notes here say "that the Peconic Estuary Program requires an updated economic evaluation of the natural resources." So, does that mean that the Federal Government requires that we do this in order for them to continue to fund whatever the work is getting down in the Estuary Program?

**MR. LUBICICH:**

I don't know if it's -- if they require it or not. I could get that for you, but it's part of the CCMP, the master plan, the comprehensive plan for protection and restoration of the estuary.

**MR. FREAS:**

Legislator Anker.

**MR. LUBICICH:**

It hasn't been --

**MR. FREAS:**

It sounds to me like -- the economic evaluation is probably a deliverable in the grant, from what you just read. So, yeah, the Federal Government requires us to do it in order to get the grant money.

**CHAIRWOMAN HAHN:**

And the grant money's more extensive than just this money for the planning.

**MR. FREAS:**

Well, it --

**CHAIRWOMAN HAHN:**

Like we get additional funds from -- from the Federal Government for a much broader array of programs that happened in the Peconic Estuary.

**MR. FREAS:**

I believe the grant is -- the grant in total, and we can work with our -- with Cornell and Stony Brook as subcontractors -- Chris, correct me if I'm wrong on any of this -- but I believe the grant's about 1.7 million, \$2 million in total for the whole grant. This is just one piece of the grant. And it also gets equipment and stuff like that.

**MR. LUBICICH:**

Right, the grant varies, the grant varies from year to year in the actual dollar amount of it. But, you know, the Federal money won't enhance this project. This project will stand on its own. The Federal money runs other things in the estuary.

**CHAIRWOMAN HAHN:**

But we're required to do this to get that. You think?

**MR. FREAS:**

Yes, and it also counts as part of our contribution.

**CHAIRWOMAN HAHN:**

Okay, right.

**MR. FREAS:**

Occasionally when we buy equipment, for example, we bought -- we've at least proposed to buy a vessel on here so that vessel counts as part of whatever our required match is in the course of the year.

**CHAIRWOMAN HAHN:**

Okay. We have a motion and a second. Okay.

**LEG. ANKER:**

Can some of those -- can some of the monies be used for the -- the people that were here giving the presentation?

**MR. LUBICICH:**

Talking about the shellfish people?

**LEG. ANKER:**

No, I'm talking about the \$1.7 million, once we get through this, then you said there's other -- oh, I'm sorry, yeah, the shellfish people.

**MR. LUBICICH:**

We run a variety of different projects. If they were interested in working out their -- they can contact us. You know, it's a management committee, which the EPA, DEC, the County has representatives, they choose which projects.

**LEG. ANKER:**

In other words, we have to look at this as an investment into the -- this estuary to get more monies and funding -- Federal funding, for this particular area. Is that what --

**MR. LUBICICH:**

That's correct, yes.

**LEG. ANKER:**

Yes, okay. Thanks.

**CHAIRWOMAN HAHN:**

Okay. We have a motion and a second. All those in favor? Opposed?

**LEG. KRUPSKI:**

Opposed. I don't think it's a good idea to borrow money to chase grants for economic evaluation studies that are -- we pretty much know the answer to.

**CHAIRWOMAN HAHN:**

Okay, thank you. One opposition. **1188 is approved. (VOTE: 4-1-0-0 Opposed: Leg. Krupski)**

**Introductory Resolution 1189, Authorizing appraisal for the acquisition of development rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Volmut Farm property - Town of Riverhead (SCTM No.**

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**0600-098.00-01.00-019.000).** (Co. Exec.) I'm going to make a motion to table because we're going to wait to decide on the right way to do this procedure.

**DIRECTOR LANSDALE:**

Yes, we respectfully request tabling.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Barraga. All those in favor of tabling? Opposed? Abstentions? **1189 is tabled. (VOTE: 5-0-0-0)**

One more item because there's nothing else on the agenda. However, I do want to ask you about the -- oh, I'm sorry, 1205 was added to my agenda. Sorry. **Introductory Resolution 1205, Authorizing empowering and directing the Suffolk County Department of Economic Development and Planning to file a grant application pursuant to the New York State 2012-2013 Local Government Efficiency Grant Program to Evaluate Wastewater Operations in Suffolk County. (Co. Exec.)** I'm going to make a motion to approve.

**LEG. BARRAGA:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Barraga. On the motion. Does anyone -- do you have any summary of this?

**DIRECTOR LANSDALE:**

I do. It's a request for \$25,000, which is the maximum request. The amount of the local share is 5,000. And specifically it's to look at wastewater billing in Suffolk County to evaluate if there's a better ways to bill and to equalize billing across the different sewer districts in Suffolk County.

**CHAIRWOMAN HAHN:**

Okay. We have a motion and a second. Any more questions? Okay. All in favor? Opposed? Abstentions? **1205 approved. (VOTE: 5-0-0-0)**

And, then just quickly before we finish, Director Lansdale, if you can just tell me -- I've been told there's been a delay in surveying. And so we would like to know -- I was told that there was a list of surveyors that had expired and that we need to bring them forward and that they were waiting in Law Department. So I want to know if you know where this is at. We certainly need to -- we can't delay that any longer. It shouldn't -- if it expired in December it shouldn't have taken this long to get us a new list for approval. I certainly hope that if we do need to approve it, we will have that list for Certificate of Necessity at the next meeting. And if you can speak to that and have other information, if I'm wrong, please let me know.

**DIRECTOR LANSDALE:**

Sure. We are -- I thank you for bringing this to my attention. On Friday I'm looking into it. Apparently there's been some misinformation -- misunderstanding, I should say, as to the specifics of the process. And we're getting a better handle on how to remedy it and I will keep members of this Committee fully informed on how to remedy this as quickly as possible so that there's no -- no delay in acquisitions.

**CHAIRWOMAN HAHN:**

And certainly the surveying happens at the end of the process. Correct? So these are properties that are ready, you know, we really want to move on, we don't want to delay them if they're part of, you know, we've put that money aside for them. We don't want to delay this at that point.

**DIRECTOR LANSDALE:**

Yes, we hear you loud and clear.

**CHAIRWOMAN HAHN:**

Thank you. Legislator Browning.

**LEG. BROWNING:**

No. Thank you for bringing it up because I didn't know anything about until -- there's a church in my district. There's a piece of property for sale. And they said the contract is signed, everything has been signed. And now they said, now we find out there's a delay. So, you know, obviously for them this has been probably close to two years maybe that they've been going through this. And they need to get the property sold I think they're looking to buy the church building that they're currently leasing. So, you know, it's kind of a financial burden for them right now. But I -- I just, I couldn't believe it that, you know, we have these surveyors that the list expired in December and we're still waiting to get the new list and we got it approved. So, it does have to approved by the Legislature. Correct? The same as we did with the title companies?

**DIRECTOR LANSDALE:**

That's what we're still investigating. I've had a couple of conversations today. This was just brought to my attention on Friday. We are working closely with the Law Department and with Real Estate to resolve this quickly. We should have a better understanding tomorrow.

**CHAIRWOMAN HAHN:**

And, thank you. We are certainly -- this Legislature wants to move forward with the properties we're committed to. We want to, you know, we absolutely -- the money -- we want to buy land. And we're trying to get it right on the new -- the new items that come before us for certain. The ones we're committed to, we want to move forward with. And with all due -- you know, making sure that -- that we get them. And we really don't want a legal department, you know, pile of stack of things to get to to delay us on those, so, if that's the case --

**LEG. BROWNING:**

Well, I'd like -- I'd like to see if there's a possibility, I mean, I know we complain about CN's and there's been complaints, but obviously this has been getting on now -- it's getting close to four months. So I think if there's a possibility of getting the CN, to approve this -- or if we should or we shouldn't, I mean -- I know George left, maybe we should check with him and see what his opinion is. But, you know, again can we go through -- I mean, the Town of Brookhaven has surveyors, there's, you know -- all of the other municipalities have them. Can't we go through them and then let them bill us?

**DIRECTOR LANSDALE:**

I don't have an answer to that question, but I will get back to members of this Committee and to you, Legislator Browning, as quickly as possible. You should hear back from me tomorrow.

**LEG. BROWNING:**

Okay, thank you.

**CHAIRWOMAN HAHN:**

Thank you, Director Lansdale. Thank you. With that we're adjourned.

**THE MEETING CONCLUDED AT 5:11 PM  
{ } DENOTES SPELLED PHONETICALLY**