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 April 29, 2013.

MEMBERS PRESENT:
Leg. Kara Hahn, Chairwoman
Leg. DuWayne Gregory, Vice Chair
Leg. Sarah S. Anker
Leg. Thomas F. Barraga
Leg. Albert Krupski, Jr.

ALSO IN ATTENDANCE:
Deputy Presiding Officer Wayne R. Horsley, 14th Legislative District
George M. Nolan, Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk of the Legislature
Thomas Vaughn, County Executive Assistant III
Laura Halloran, Budget Review Office
Sarah Lansdale, Director/Department of Planning
Janet Longo, Real Property Acquisition & Management
Frank P. Castelli, Environment Projects Coordinator/Economic Development and Planning
Elyse Jay, Department/Economic Development & Planning
Deborah Tinnirello, Aide to Leg. Hahn
Marge Acevedo, Aide to Presiding Officer Lindsay
Michael Pitcher, Aide to Presiding Officer Lindsay
Emerson Hasbrouck, Cornell Cooperative Extension Marine Program
Scott Curatolo-Waggman, Cornell Cooperative Extension
Bill Hillman, Chief Engineer/DPW
Michael Collins, Engineer/Town of Southold
And all other interested parties

MINUTES TAKEN BY:
Diana Flesher, Court Stenographer

MINUTES PROOFED BY:
Anne Marie Farrell, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 2:20 PM

CHAIRWOMAN HAHN:
Okay, will all Legislators here for the Environment, Planning and Agriculture Committee please report to the horseshoe. Okay, can we all stand for the Pledge of Allegiance led by Legislator Anker.

SALUTATION

Thank you very much. Welcome to the April 29th meeting of the Suffolk County's Legislature Environment, Planning and Agriculture Committee. We do have a presentation today. And I'm going to ask -- do we have any cards? No cards. Okay. Is there anyone here -- would like to speak? Fill out a card and speak? Seeing none, okay, we'll move on.

We do have a presentation on the agenda; however, we have a -- I'm going to ask your indulgence. We have an appointment, has to be made and they are present, so I was hoping we could take that first.

INTRODUCTORY RESOLUTIONS

So I would like to move to take out of order -- let me find it -- sorry -- Introductory Resolution **1281, To appoint member of the Suffolk County Planning Commission (J. Edward Shillingburg). (Co. Exec.)** All those in favor of taking it out of order?

LEG. GREGORY:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Gregory. You know what? We need to wait for the Clerk. Here she is. Sorry about that. I didn't even realize -- okay. So we just have a motion -- motion by myself, seconded by Legislator Gregory to take IR 1281 out of order. All those in favor? Opposed? Abstentions? **1281 is before us. (To appoint member of the Suffolk County Planning Commission (J. Edward Shillingburg). (Co. Exec.)** If Mr. Shillingburg could come forward. You can sit down at the table, if you'd like.

Hello. Thank you very much for your willingness to serve. And if you could just tell us a little bit about yourself, that will help our Committee.

MR. SHILLINGBURG:
I'm Ed Shillingburg. I come from Shelter Island. It's a small community and we wear lots of hats. My predecessor, if that's to be the case, Linda Holmes, who served on the Commission for a longtime, and I knew she greatly valued the experience and used to tell me a number of this's and that's about it, she was a reporter and a writer. I'm a lawyer. I'm not in real estate and I don't do real estate work. And I figured that if she could make an impact, which I think she has, a general-purpose person like me could as well.

As I say, in Shelter Island we're all volunteers. When you move there full-time, which we did about 15 years ago, we just got sucked into all kinds of things. One of the things that we came into was the {SEEDS} Program, which went on in the early part of the 2000's, but on and on and on. I went to all those meetings and discovered a whole new world of development and protection and concerns.

Shelter Island is increasingly a suburban community, although they deny it. My general interest is not in keeping it as it always was, because that's long gone; it's more in the line of can we keep something valuable while we sustain the enormous development? I think all of this has gone on in

the rest of the County. And I would look forward to participating and making guidance judgements or whatever to help the program proceed.

I am a lawyer, I confess. I conduct an active practice, even with white hair. I do tax work. As I said, I don't do real estate work so I think I have no conflict issues.

And I'd be happy to answer any questions.

CHAIRWOMAN HAHN:
It's a huge time commitment for you to get here, I'm sure. Thank you for your willingness to serve despite that. Do we have any questions? Any questions from the Committee? Legislator Gregory.

LEG. GREGORY:
Again, thank you, Mr. Shillingburg, for your willingness to serve. Have you been made aware of the commitments to serve on the Committee? I'm not sure when they meet. Is it once a month or -- Shelter Island may not necessarily be the easiest commute, but I just wanted to make sure that you're aware of what's going to be asked of you.

MR. SHILLINGBURG:
I understand that. This, I confess, is my first visit to this building, to this campus. I'm much more familiar with County Center in Riverhead, but I found my way here and I think I can do it repeatedly.

LEG. GREGORY:
Okay. All right. I only say that because we have so many committees and sub-committees, it's difficult to get a quorum. I just -- I didn't want you to be unfairly surprised by the requirements, but we certainly -- you're a volunteer. We certainly welcome your commitment and your time to serve on the Planning Commission. It's very well needed and certainly will serve your community as well as the Suffolk County at large. So, thank you, again.

CHAIRWOMAN HAHN:
Anyone else? Legislator Krupski.

LEG. KRUPSKI:
I'd just like to thank you for your willingness to serve. It's really important to have a voice here from the East End. And did they -- did Legislator Hahn tell you that it's a ten-year sentence -- I mean term? (Laughter)

MR. SHILLINGBURG:
I think Linda's experience was a little longer than that, as a matter of fact. (Laughter)

CHAIRWOMAN HAHN:
Okay. I'm going to make a motion to approve, seconded by Legislator Krupski. All those in favor? Opposed? Abstentions? The motion is approved **(VOTE: 5-0-0-0)** You do not need to come back to the full Legislature. Correct? Correct. So thank you very much.

MR. SHILLINBURG:
Thank you.

CHAIRWOMAN HAHN:
Yes, congratulations.

PRESENTATION

Okay. So now -- thank you. The representatives from Cornell Cooperative Extension and the Town

of Southold will offer two separate presentations on MS4 Stormwater Management System and a wider discussion on Stormwater Management Program plans. Thank you for your willingness to allow us to take that resolution out of order. Hello, Emerson.

MR. HASBROUCK:
I have some packets for the Committee.

CHAIRWOMAN HAHN:
Yeah, Debbie, would you mind getting those and helping pass them out?

MR. HASBROUCK:
Thank you, Madam Chair, and Committee members for inviting me.

CHAIRWOMAN HAHN:
Emerson, just state your full name for the record.

MR. HASBROUCK:
Emerson Hasbrouck, Cornell University Cooperative Extension Marine Program.

CHAIRWOMAN HAHN:
Thank you.

MR. HASBROUCK:
Thank you for inviting me to speak today. I'm going to provide an overview and progress to date on the County's MS4 Stormwater Program. In your packet are -- there's a copy of my presentation. There's also some information relative to our Stormwater Program, some of the general public education information that we have. There's also the MS4 Annual Report that we help the County prepare every year. That gets submitted to the DEC. We presented that annual report at the CEQ meeting a couple of weeks ago. And we're still accepting comments. If anybody has any comments on the County's Annual Report, they can get in touch with me and we'll include those comments. That comment period is still open for another two weeks.

With me today is Scott Curatolo-Waggeman with Cornell Cooperative Extension. Scott does a lot of work on our Stormwater Program. Also we implement this program with Suffolk County Department of Public Works and the Department of Economic Development and Planning. We work extensively with Bill Hillman from DPW, who's here today, as well as Frank Castelli and Elyse Jay with Department of Economic Development and Planning. They both helped oversee our contract and our activities.

So the Suffolk County Stormwater Management Program is a collaborative effort between us at Cornell University Cooperative Extension and the County of Suffolk. And the purpose of the program is to improve water quality, to comply with -- or to help the County comply with Federal and State MS4 Phase Two Regulations and to address all of the DEC's stormwater SPDES permit requirements. And, again, we're under contract with the County to assist the County with that.

You can see our logo here. That's Stormy, the Duck. One of the first efforts that we did early on in the program was to develop a logo to be recognizable that we use on most of our public education material. We had a contest with schools throughout Suffolk County to name our mascot there, Stormy the Duck.

The successful implementation of this program is through cooperation through several different Suffolk County Departments. As I said before, primarily Public Works, Economic Development and Planning as they oversee our contract, but also Health Services, Parks and Recreation are involved in the program as well with Cornell Cooperative Extension. It's funded through the Suffolk County

Water Quality Protection and Restoration Program. And the program is for all County roads, facilities and properties. And the goals are improve surface water quality throughout Suffolk County and to ensure Suffolk County's in compliance with its SPDES permit requirements.

The MS4 Phase Two Stormwater Program has six minimum control measures. And these are mandated by the EPA and then flows from the EPA to the State DEC. And actually the County of Suffolk, as do other municipalities, has a SPDES permit that's been issued to the County with requirements in it that the County has to meet relative to these six minimum control measures. They're public education and outreach, public participation and involvement, illicit discharge detection and elimination, construction site runoff control, post construction runoff control and pollution prevention and good housekeeping.

And we've been involved in this program with Suffolk County for many years. So over the years we've had -- outreached over almost 28,000 students throughout the County. Eighty percent of those programs have been conducted within the TMDL watersheds. We've had presentations at a variety of civic groups and festivals. In fact, if any Legislators -- if you'd like us to give a presentation to any of your constituents, please ask us. It's free of charge. It's something that we do and it's part of our program. If you have a service group or so forth that you'd like us to give a presentation to, please contact us.

We've created and we've distributed a brochure, an activities page. That brochure is general information about stormwater. And it's printed in both English and Spanish. We have outreached to related businesses such as landscapers. We developed a comprehensive website, suffolkstormwater.com. If you want to know anything about stormwater or anything about the Stormwater Program in Suffolk County, please visit that website, suffolkstormwater.com. And it's actually hosted on Suffolk County's website. So it's suffolkstormwater.com just -- is a link to -- back to the County's website system.

Pollution prevention radio PSAs for pathogen and nutrient sources have been aired on local radio stations over 500 times here in Suffolk County. And we've put together some informational videos on stormwater issues that air on various local TV stations. And we have public participation activity such as curb markings and creation of green roofs with school groups, cleanup events and so forth.

CHAIRWOMAN HAHN:
Can I ask a quick question?

MR. HASBROUCK:
Yes.

CHAIRWOMAN HAHN:
So it says that you've outreached to related businesses such as landscapers, over 300 businesses reached.

MR. HASBROUCK:
Yes.

CHAIRWOMAN HAHN:
Is that in the last year?

MR. HASBROUCK:
No. All of this is since the implementation of the program, since we started working with Suffolk County on the program.

CHAIRWOMAN HAHN:
And do you know how many there are of related business -- you know, how many would there be in the population of those businesses, the landscapers, etcetera?

MR. HASBROUCK:
I don't, no. No. We work with our Agriculture Department, though, in reaching --

CHAIRWOMAN HAHN:
And then you provide them with these brochures and things? Or actually try to meet with them?

MR. HASBROUCK:
Both.

CHAIRWOMAN HAHN:
Okay.

MR. HASBROUCK:
Both, yes. And we also work with the Suffolk Soil and Water Conservation District to help provide training that's required for people who are involved in construction, post-construction activities.

CHAIRWOMAN HAHN:
Excellent. Thank you.

MR. HASBROUCK:
In terms of illicit discharge detection and elimination, over 12,000 storm drains have been labeled with our curb marker. And, again, in the upper right-hand corner, it's a plastic curb marker that we use adhesive to attach to all 12,000 storm drains in Suffolk County as part of public education and outreach. Again, it's got our logo on it.

Over 12,000 catch basins and about 300 outfalls have been geo-located, inventoried and incorporated into the County's GIS system. All outfalls are monitored multiple times, at least every three years for potential illicit discharges and dry weather flow samples have been collected from 155 of those outfalls and tested for various water quality parameters including fecal coliform and E.coli DNA source tracking that we do through our lab out at Southold.

In an effort to detect and eliminate discharges from on-site sanitary systems to impaired or TMDL water bodies, we've recently implemented a Septic System Inspection Program. And about 350 miles of County road have been surveyed for evidence of failing onsite septic systems. And the County developed and implemented an IDDE local law. It essentially prohibits anybody from discharging into the County's storm sewer system.

Minimal control measures 4 and 5 are similar, construction and post-construction practices, template and sample stormwater pollution prevention plans, or SWPPPs, have been developed to be used for projects conducted directly by Suffolk County DP staff as well as all contractors doing work for Suffolk County. DPW engineers and other staff are trained to adhere to the BMPs as outlined in the New York Standards and Specifications for erosion and sediment control. And that's some of the work that we do with the Soil and Water Conservation District. Post-construction efforts are focused on impaired and TMDL water bodies for which stormwater retrofitted plans and watershed improvement strategies have been developed. And parameters for the County's Management Program and Watershed data have been collected for input into a watershed model that the DEC has been developing in an effort to determine pollutant loads and reductions.

And under Minimum Control Measure 6, for pollution prevention and good housekeeping, we developed an online Stormwater Training Program based on the DEC's Municipal Pollution Prevention

and Good Housekeeping Assistance document for DPW and Parks staff. They can log on to that system when they have the opportunity and go through the training. The County's developed and adopted a local law to prohibit pet waste and waterfowl feeding on County properties. The County's established a Canada Goose Management Program in an effort to reduce pathogens. And it's an egg treatment -- egg oiling program. And to date we've oiled over 400 eggs. We've developed a Municipal Operations and Maintenance Assessment Checklist for Suffolk County facilities in order to evaluate Stormwater Best Management Practices for DPW facility activities. And proper signage and dog waste receptacles have been installed at the County dog parks. And, again, all of this is related to our contractual obligation with the County to assist it in meeting its SPDES permit requirements.

The DEC evaluation for the Suffolk County Program last year based on the 2012 annual report, this is from the DEC, the County's 2012 MS4 Annual Report reflects efficient, consistent, dedicated attention to MS4 requirements. Strong aspects of the County Stormwater Program include a diverse and well-executed public education program, volunteer stewardship programs, GIS-based Illicit Discharge Detection and Elimination program with effective monitoring, remediation efforts including leaching basins, detention ponds and alternative Best Management Practices, debris removal, catch basin cleaning, inspections and maintenance and fecal coliform mitigation efforts, attention to stormwater program effectiveness assessment and partnerships with Cornell Cooperative Extension and the Peconic Estuary Program.

And the DEC's evaluation summary was that Suffolk County is making important strides in achieving regulatory compliance while protecting and restoring the valuable water resources that are essential to Suffolk County residents, businesses and property owners.

I'll take any questions you may have.

CHAIRWOMAN HAHN:
I was interested -- can you tell me a little bit more about the on-site Septic System Inspection Program? And it's only on County roads, I take it?

MR. HASBROUCK:
Yes. Yeah, the program that we implement with the County is specific to County roads, properties and facilities.

CHAIRWOMAN HAHN:
Are you partnering with Towns as well on that at all?

MR. HASBROUCK:
Not as part of our -- not as part of our County contract.

CHAIRWOMAN HAHN:
Well, of course. (Laughter)

MR. HASBROUCK:
We are doing -- we are doing some work with some of the other municipalities throughout Suffolk County, yes.

CHAIRWOMAN HAHN:
On this kind of Septic System Inspection Program?

MR. HASBROUCK:
Not on that component, no.

CHAIRWOMAN HAHN:
Not on that component.

MR. HASBROUCK:
No, no. That was a new component that was added to the permit two or three --

CHAIRWOMAN HAHN:
How often -- how often do you find failings -- does it say here how often you find failing systems through this --

MR. HASBROUCK:
We haven't found any obvious failing systems.

CHAIRWOMAN HAHN:
Okay.

MR. HASBROUCK:
And we don't go on --

CHAIRWOMAN HAHN:
Right.

MR. HASBROUCK:
-- to, you know, people's personal property and we're not doing dye testing, those types of things. We don't have the authority to do that.

CHAIRWOMAN HAHN:
Okay.

MR. HASBROUCK:
So it's kind of a general overview to see if there's any obviously failing septic systems that are contributing to the County's stormwater system.

CHAIRWOMAN HAHN:
Got it. Legislator Anker.

LEG. ANKER:
Hi, thank you, again, for coming out here. And it was a pleasure being over in Mt. Sinai Harbor when we were working on cleaning up the lobster cages.

MR. HASBROUCK:
Thank you. That was a good project. We appreciate your interest in that.

LEG. ANKER:
It is a great -- yes, yes, it's a great project. Anything we can do to clean up our waterways. So my question is, you know, this is -- this is mandated by the Federal Government to clean up our water and through -- you know, stormwater seems to be the number one cause of pollution for our water bodies; is that correct?

MR. HASBROUCK:
Yes, in Suffolk County, yes, it's a number one cause of pollutants to our surface waters.

LEG. ANKER:
What's the most important thing our residents can do to stop the pollution of storm water?

MR. HASBROUCK:
Just be aware in your daily activities that anything really that you do on Long Island is likely to have an impact on surface water quality. And that there's no such place as "away." Things don't go "away." They do somewhere, whether it's, you know, garbage, pet waste, you know, when your tires wear out, there's little particles of rubber that end up on the road. And when it rains they get washed into water bodies. Our human waste, you know, on-site septic systems or if you're in a sewered area. But all of our activities can have an impact on surface water quality. So that's probably the most important message is to link our activities to all of the water that surrounds Long Island.

LEG. ANKER:
I just wanted to mentioned, too, the application of pesticides and herbicides. I have a -- well, I try to have an organic lawn as much as I can, but -- and I know there's organizations that support, you know, reducing your application of chemicals; because, again, those chemicals will end up in our waterway. And I do know in Mt. Sinai Harbor that they've had to shut down the entire Harbor because of pet waste, you know, you bring your dog down to the area; and, again, people don't think about that. They're not aware. I appreciate your awareness campaign.

MR. HASBROUCK:
Yeah, pet waste can be a significant problem. And then often when you bring your dog to the beach, you know, they're cued by odors. They're very sensitive to smells. And dogs will go right along what's called a rack line, the organic debris that's brought ashore at the last high tide. And they'll often urinate and defecate right in that rack line. And then on the next high tide, it just gets washed back out into the Harbor.

LEG. ANKER:
Another question, again, relating to what's causing this tremendous amount of stormwater pollution, there was something in Newsday about air pollution, you know, Suffolk County's air pollution. And I think a lot has to do with the automobiles and transportation issue, but also the midwest and the pollution blowing up into our area. Does that -- I'm assuming -- is that creating a lot of our issues with stormwater runoff when the rain catches those pollutants and comes down and ends up in our waterways?

MR. HASBROUCK:
Well, yes, yes. And it's kind of a different form of non-point source pollution, but there is atmospheric deposition for nitrogen. Also there's some issues with acidification relative to atmospheric deposition.

LEG. ANKER:
Last question: Legislator Hahn had mentioned about working with other municipalities. Are we as a County working, you know, sharing services, working together on, you know, on campaigns and on different ideas, projects to help with this mandated program?

MR. HASBROUCK:
Yes. We work together to the extent that we can with other municipalities. But in terms of our contract with the County, we're somewhat bound, you know, to expending the funds within that -- relative to that contract for the County's program for County roads, properties and facilities.

LEG. ANKER:
Thank you.

CHAIRWOMAN HAHN:
Legislator Cilmi.

LEG. CILMI:
Thanks, Madam Chair. Thank you for being here and for the presentation.

MR. HASBROUCK:
My pleasure.

LEG. CILMI:
Could you share with us, though, what are the top -- could it be top five or maybe top three culprits when it comes to surface water contamination?

MR. HASBROUCK:
Yeah. I'm trying to narrow it down to the top three: Pet waste, waterfowl is also a big problem, and in some cases we can address it and in some cases it's difficult to address. But that's why we worked with the County to develop and implement, you know, *do not feed waterfowl on County property.* Canada Geese, you know, trying to dissuade the nesting of Canada Geese. General activities that people are involved in, being cognizant of, you know, where you live relative to the local water body, understand that items that, you know, that's put on your lawn may end up in the local water body so follow the recommendations. And Suffolk County's been out in the forefront on this in terms of when you can apply fertilizers, what pesticides and herbicides homeowners can use. People need to be aware of that as well.

LEG. CILMI:
So you would say pet waste, Canada Geese and other naturally occurring waste from animals and whatnot and fertilizers and pesticides. Those probably are the top three?

MR. HASBROUCK:
U-hum.

LEG. CILMI:
Any percentages to the -- if you had to say, you know, as a percentage of total stormwater -- total surface water contamination, you know, pet waste consists or makes up 30%, Canada Geese make another 20%, fertilizers make up 10% and then there's all of the others? How can you --

MR. HASBROUCK:
I don't have a general percentage, but it's also -- it varies on the area that you're talking about. You know, some areas are more susceptible to pet waste and waterfowl. Other areas are less susceptible to that. Some areas where there's a lot of impervious surfaces that generate just a lot of runoff -- it's material that's going to be in the streets and parking lots, oil dripping out of vehicles, things of that nature.

LEG. CILMI:
How much of -- how much of the -- sounds like the top two -- well, let's go with the top three. How much of those top ingredients, if you will, are migratory in terms of once the water that's in that local area is contaminated, how far away does it, you know, does it potentially contaminate other waters? Or does it stay relatively local?

MR. HASBROUCK:
Depends on the pollutant and the circulation of the water body. In some areas it can be more long lived and pervasive than in other areas, areas that are well flushed and get, you know, dilution and you get the materials, you know, swept out into Long Island Sound or into the ocean, you have a dilution effect. Other areas tend to not flush as well and you have a greater accumulation. Bacteria, there's two issues there. They tend to die with time, but then also in some areas where there's, you know, warm temperatures in the summer and high organic content in the sediment, they can actually be a media for the survival and growth of bacteria. Different for each water body.

LEG. CILMI:
Just talk us to briefly about what we can do not only in terms of -- well, we've talked about what we can do in terms of preventing some of this contamination, but let's talk about what your recommendations are, what you're doing to study how we can prevent -- other than stopping, you know, pollutants from occurring, how we can prevent those pollutants from impacting our surface waters.

MR. HASBROUCK:
There's a variety of what are called Best Management Practices that can be put into use. And Suffolk County has a program to retrofit a lot of its discharges in order to take advantage of --

LEG. CILMI:
Filtration devices and --

MR. HASBROUCK:
Excuse me?

LEG. CILMI:
Filtration devices and things like that?

MR. HASBROUCK:
Yes, a variety of different devices, right, that you can retrofit to reduce -- to reduce the amount of stormwater that's getting into harbors and water bodies, but then also to reduce the pollutants that are in those. And the Best Management Practice, there's a range of them. There's recommendations that the State and the EPA have developed. And a lot of it is based on -- or what you're going to -- which one you would use is based on how much physical room you have, you know, where this discharge is, how much volume of runoff is coming through there, how severe is the problem, what are the pollutants of concern for that area. But there's -- yes, the DEC and EPA have developed a manual for that. And Suffolk County DPW, as they have funds, does a lot of work in terms of retrofit and addressing stormwater issues when they do, you know, road work and so forth.

LEG. CILMI:
And so it sounds like you would -- you would advocate for a more targeted management strategy as opposed to an overall? Because if you have different types of contaminants in different areas and different types of contaminants migrate, it sounds like you would prefer to see management systems put in place that specifically deal with whatever is happening in that area.

MR. HASBROUCK:
Yes.

LEG. CILMI:
Right.

MR. HASBROUCK:
Yes. Right, yeah. And that should be based on specific sampling information. I know Mr. Collins, who's going to follow me, is going to talk about total maximum daily loads and some of the issues relative to total maximum daily loads and how they were developed and estimated, if you will. But, yes, we're working with DPW in terms of addressing some of the more severe issues. And focus can be based on -- well, the State requires the focus to be on TMDL water bodies, but there's -- there can be some latitude as well for the County to address issues that seem to be more important or water areas that it wants to address. You know, for instance, the Forge River might be an area that the County would want to focus some of its efforts on.

CHAIRWOMAN HAHN:
Legislator Cilmi, would you mind if I ask --

LEG. CILMI:
That's fine. I was finished. Thanks. I appreciate it.

CHAIRWOMAN HAHN:
Okay. I was hoping, Bill, if you wouldn't mind, I think we ventured into that area where questions are appropriate for you. If you could remind the Committee -- I can't remember when the last time was that you were here and you were telling us about outflow pipes and filtering devices and what we're doing where and why and -- love a brief summary, if you wouldn't mind.

MR. HILLMAN:
Sure. We have roughly 200 discharges into surface waters. We've remediated -- I don't have the numbers off the top of my head -- but a good portion of those. We -- last year, I think, or the year before completed a project on CR 50 Union Boulevard in Islip, where I live also. It's your District, Legislator Cilmi. Champlain Creek, we put a treatment device there, just west of the Islip High School on Union Boulevard, another treatment device there. I believe that contract remediated 8 discharges? So we're very active.

LEG. CILMI:
Bill, forgive the interruption, but do you go back then after that and study the efficacy of those installations?

MR. HILLMAN:
Excellent question. And I wish I had a better answer, but, no, we don't. It is very difficult to do that. You need to have a number of -- a period of dry days and then a certain amount of rainfall has to happen. And then you have to have a team ready to go out at that exact time, collect the samples. And then they have to be under a specific protocol. Some of them have to be iced and have to get to a lab in a particular timeframe to be tested. It's a very difficult program to administer, so -- although we would love to do those things, what we rely on is the EPA. They test all these devices and provide ranges of pollutant removal. And we really go by their literature and their recommendations. So we have a very active program.

Our first -- the first thing we would love to do is remove the discharge completely and do a recharge basin or a retention pond. That's our first attempt. But if we don't have property in the area, that becomes very expensive because we have to acquire property. Obviously we don't want to take somebody's house, knock it down to make a recharge basin. So if there's vacant property, it's still costly.

The second option is to move to these end-of-pipe treatment systems. And they can become very site specific if there's -- and the technology is going at leaps and bounds on what to do with -- at the end of the pipe. But in general these vortex systems that remove the debris, when you remove the debris, you remove up to 90% of the pollutants because most of the pollutants adhere to the debris. Now debris can be bottles, cans, sticks, sand, silt. All that debris gets removed with these vortex systems. And you actually remove 90% of the pollutants.

So if there's any one thing that you can do is remove the debris. And that's our initial goal right now is we'd love to be able to check off the box. We've either removed the discharge entirely or we've had an end-of-pipe treatment system installed on all our discharges. Fifty percent is the number where I think we're at, somewhere around there. Slow and steady is really what we'd look to do on this.

CHAIRWOMAN HAHN:
So you're saying that 50% of the outflow pipes have some sort of end-of-pipe treatment system?

MR. HILLMAN:
I shouldn't even throw out a number like that because it's really off the top of my head, but that's a number that's running around in my head, 50%-ish.

CHAIRWOMAN HAHN:
Okay. We'll take that until you e-mail us later and I'll share with the group what it actually is. And do you have -- do we have a Capital Project that increases that number every year or is this something special we put in from time to time?

MR. HILLMAN:
We do have a Capital Program 8240, which is our Water Quality Program. We also -- if we're rebuilding a section of highway, for example, County Road 73 we have in the Capital Program for next year, that has direct discharges. There's no water quality funds in that particular project, but we will be addressing the direct discharges within that section of roadway. So we don't only do it when we have Water Quality funds. We take it upon ourselves to include that in our cost estimates as we're rebuilding roadways.

So it's a department-wide initiative. However, the Water Quality funding is -- does advance our ability to get those things done very quickly. If we -- the project I spoke about where we remediated, I think, 8 or 12 locations, there was a two-and-a-half million dollar, I think, grant from the Water Quality Program. So that two-and-a-half million dollars was well spent and remediated a number of locations.

CHAIRWOMAN HAHN:
As in 477? Typically.

MR. HILLMAN:
Yes, 477.

CHAIRWOMAN HAHN:
Which I know we're down real low with 477 dollars but -- Legislator Krupski.

LEG. KRUPSKI:
I'd just like to thank -- the County's DPW has done a lot of good work as far as remediating a lot of stormwater runnoff. And it is a lesson that you can't take the 477 money for salaries because then you don't do any drainage work and you don't do any stormwater remediation.

CHAIRWOMAN HAHN:
Yes, we've been talking about that for years. Anyone else have any questions of Mr. Hillman? Okay. Thank you so much, Bill, for being here.

MR. HILLMAN:
I'd just like to add that Cornell Cooperative Extension does a fantastic job; they really do. We value their experience -- their expertise and we consider them an extension of our DPW staff. Any time we ever ask a question, they always do a very good job in answering it and they run the program very, very well. So I'd just like to thank them. And, Emerson, thank you.

CHAIRWOMAN HAHN:
And Emerson --

MR. HASBROUCK:
Thank you.

CHAIRWOMAN HAHN:
-- you think that as the County moves forward on these projects and we add a few every year of the -- the discharge treatment device, are we making sure that we're strategically addressing the greatest problem areas? Is that how you're working together to make -- you know, as we do have the funds A), as obviously you stated when we're redoing a roadway, those projects happen because that's happening. But any other projects that happen, hopefully, are happening based on a priority need and based on pollution?

MR. HILLMAN:
The recent study that Cornell produced -- I'm not expert on it so I'm going to turn it over to Emerson in a second, but I believe it identified -- you start with impaired and endangered water bodies. And you look at the watersheds. And if you're contribution to that watershed is over 2%, I believe it is, you then need to prioritize that as something you should look at. That's per the DEC rules and regulations. I believe we actually have only three watersheds out of all -- I mean, hundreds and maybe thousands of watersheds that we have on County roads -- I believe we have three that are above the 2%. And I think they are at only 3% contribution.

So in context of the rules and regulations that the DEC sets out, we're in very good shape. The County's done a tremendous job at remediating our stormwater. And in the context of, again, the DEC rules and regs, we're well above many of the municipalities. They have a lot more work to do than us. So that kind of thing is what we use to prioritize the locations. But, again, we're well in advance of a lot of other municipalities. Emerson, do you have anything to add to that?

MR. HASBROUCK:
No. Well, that's a good summary. And also, as you said before, it's a matter of, you know, where is DPW doing road work where they can address stormwater issues at the same time and then to focus in on some of the problem areas.

Within Suffolk County there are almost 100 impaired water bodies. Those are total maximum daily load water bodies in what are called 303 water bodies. They're water bodies that have been identified as impaired. But of those, the County discharges to 20 of those. So, the County -- even though there's a lot, you know, around Suffolk County, the County roads and properties and so forth don't discharge to all of them. They discharge to about 20 of these priority water bodies. And DPW is doing a good job at addressing those.

CHAIRWOMAN HAHN:
Okay. I've got one more question. And I'm sorry if this is a stupid question and if you're going to say, you know, straight off the bat, not possible. But it's sounding to me like -- would you agree with the statement that Town and/or Village discharges rate a higher priority from an environmental standpoint than the County discharges in terms of filtering for cleaner -- for the cleaner water waste?

MR. HILLMAN:
I would say yes to that. You have to be adjacent to a surface water to impact that surface water. I mean, the closer you are, obviously if you're -- it eventually gets there. But the closer you are, the more dramatic the -- the more dramatic the impact is going to be to that surface water. So the majority of the roadways that are directly adjacent to our surface waters are mostly Town roadways. We have 1500 lane miles of roadway. You know, if you add up the ten Towns' roadways, it far exceeds that. So I would say the answer to that is yes by sheer number so --

CHAIRWOMAN HAHN:
Are we able to -- and/or are we partnering with Towns and Villages to help them? Because obviously it's in the County's best interest to help clean our waterways, you know. Whether it's the pipe itself is a Town or Village or County pipe -- do you understand the question? I mean, I don't think they should really matter and are we able to partner and are we able to grant and help, just make sure this gets done priority pipes first?

MR. HILLMAN:
Well, we don't interact on a day-to-day basis with the Towns to help them with their programs. We are here as a resource, although a limited resource. Our staff is minimal. That's why we rely on Cornell to do the heavy lifting for us. So even if we wanted to extend our hand to the Towns, it would be difficult for DPW and our staff to do so. We're here for -- to discuss with them and make recommendations. We'll always do that. But to get into the heavy lifting -- and that's really what they need help on, is the heavy lifting. We wouldn't be able to support those types of things. Then it gets down to a -- you know, if the County wants to be supportive to the Towns on those things, the only way we can really do that is through Cornell and having -- and funding Cornell to help the Towns. And that's a, you know, fiscal question for the Legislature and the County Executive to answer.

CHAIRWOMAN HAHN:
Well, certainly there may -- you know, there may -- this is policy decisions, I think, we have to think about; where is if we reached a limit with our own end of pipes or discharge locations whereby -- you know, again, here we are, we've talked about from land perspective the priority properties are, you know -- if -- we're making sure we're purchasing those, if there's a Countywide list of discharge locations, and if there -- someone's put them into a priority list, you know, maybe we should be helping -- it's all our water. So maybe we should be helping make sure the priority pipes are filtered first. And, again, I understand where we're at with money, if that's what you mean by heavy lift, you know, we all understand that. But we need to be thinking where our money can best be spent. And that's certainly a discussion, I think, we all should be having. And Legislator Krupski wants to add something to that.

LEG. KRUPSKI:
Yeah, I think -- from my experience, anyway, the County DPW's been very responsive. And I think it's up to the Towns, really, to take the initiative and say, you know, *for whatever reason, we think this water body's impaired and this is the reason why it's impaired.* And then if you reach out to DPW, if there is any County contribution, I've always found the County to be very helpful and very willing to work with the Town on solving the problem. Because it's rarely only a County contribution. It's usually a combined -- because of the geography, a combined County and Town problem. So -- but I haven't ever seen that to be a problem. I think they're doing that already.

MR. HILLMAN:
Yeah, I'd agree when the Towns do reach out, we are responsive and we do what we can. From an engineering standpoint, we're much better suited than many of the Towns. We have, you know, several engineers who are dedicated to doing strictly stormwater. They have, you know, a Town engineer who does 50 million things. So we're definitely staffed better than the Towns. And we will assist when we can.

I'd also like to point out that the 477 funds, the Towns are able to submit applications. And I don't know the percentage, but many of them -- many of the ones that have been approved in my 8 years here with the County have been Town-related projects. I think you bring up a good point, Legislator Hahn, about prioritizing. And I think that's where the Towns may struggle, is setting those priorities. *What is the priority for each Town?* And then, you know -- then it's -- once those priorities are set, it's their responsibility to figure out a game plan to attack them.

I don't -- I don't claim to be an expert on what each Town has done to address their MS4 program, but I would venture a guess that we are much more advanced than probably all ten Towns. Although I know Legislator Horsley -- he's not here anymore, but I know the Village of Babylon is very proactive in their stormwater management program. They've done an excellent job. It's just a small Village. Many of the small Villages have done an excellent job. I think between the small and the larger County, the Towns are where some additional resources may be needed.

CHAIRWOMAN HAHN:
And we've even, because of legislation we passed last year, made some surplus equipment available to the Towns and Villages for filtering as well. Frank stepped up to the podium, because I'm sure he's going to say, and I do -- yes, I do recognize that 477, as I sit on -- sat on the Water Quality Committee, we've approved Town projects. And I do remember that.

MR. CASTELLI:
Yeah, I just wanted to add that we have over -- excuse me -- over the past several years, we've -- we've furnished the various Towns and Villages with several million dollars of 477 Water Quality funds. And it's a nice way to leverage the Quarter Percent money that we have.

CHAIRWOMAN HAHN:
Do we have a priority list of our -- of those outflow locations -- outflow? Um, discharge locations? Do we have them rated based on the amount of pollution? You know, and which ones if we were to get an influx of 477 dollars that, you know, we would want to -- because I'm not sure that I remember, you know, if we're going to be talking about a project in the Village of Port Jefferson versus a project in -- you know, where there might be some sort of priority rating for which discharge locations, where they fall.

MR. CASTELLI:
The Committee itself doesn't have such a prioritization. But there are various Comprehensive Management Plans. South Shore Estuary Reserve, for instance, the Peconic Estuary, Long Island Sound Study. And we rely on those. Us and the Towns rely on the results of those studies to prioritize the need -- the needs. And that's part of the information that is asked for in the application for the Water Quality funds.

CHAIRWOMAN HAHN:
Legislator Anker, did you have -- did you want to want to add something? No, you weren't raising your hand? Okay, Legislator Krupski did.

LEG. KRUPSKI:
Priority areas would also be set by shellfishing areas and bathing areas. Those are the Towns that would want that water quality improved.

CHAIRWOMAN HAHN:
Legislator Anker.

LEG. ANKER:
I just want to stress the importance of stormwater runoff and health. Because what happens, of course, is the toxins go into our water bodies. And, you know, the clammers, the fishermen and women, we swim, you know, our children are constantly in the waters. So, again, it would be interesting to understand the fiscal value of what we don't do, which will, you know, create, I'm sure, health issues and, you know, have issues with economic status within our waterways.

I'm just curious has there been -- do you have studies on that? I know all of you guys were looking up here, but do we have studies showing the economic value of what we are gaining doing stormwater runoff awareness versus not doing it at all?

MR. HILLMAN:
The County has not done any study such as that. Our approach has been rate and rank our worst -- the most impaired water bodies and what are the largest discharges to those impaired water bodies. So we rate and rank our discharges. And we start at the top and we go down. We figure out the best way to remediate that discharge. We've never done an economic impact analysis on that. It would be pretty -- when you have a large impaired water body and you've -- you've done -- you have one outfall, but you have many other components to that impaired water body, fixing that one outfall would be very difficult, I think, to figure out. And, Emerson, maybe you can chime in on this, figure out what the impact would be by that --

LEG. ANKER:
Right. I just want to -- to me, it would be obvious, do the right thing, do the obvious thing. So, I mean, I don't know even if there needs to be a study done, but I'm -- I was just curious if there has been some type of research developed to analyze the toxins and how much water improvement has been done within those areas.

MR. HASBROUCK:
We haven't down any economic analysis on non-activity, if you will, no.

CHAIRWOMAN HAHN:
I guess the rate and rank is what I would be looking for. But it to be inclusive of all across municipalities, you know, and -- so that we had an idea Countywide of all the different discharges and how they would rank against each other. Okay. I'm sorry, Emerson?

MR. HASBROUCK:
That's okay. Well, there's -- the County has over 12,000 catch basins and about 300 discharges. And we've actually, you know, geo-located all of those with GPS. So they're all on GIS coverage. And then for all the discharges, we've mapped the storm sewer shed for each one those discharges. So the County knows the land area that contributes runoff to those catch basins and those discharges.

And in terms of -- in a way, prioritization, I mentioned a few minutes ago, I'll mention it again, that Mr. Collins is going to talk about total maximum daily load, TMDL water bodies and some of the issues around TMDL. But that was an attempt by the State to try to prioritize water bodies and which ones, you know, have different impairments and which ones are more impaired than others. Mr. Collins is going to talk about some of that. But, you know, there may be some latitude as well about where to direct limited funds in terms of addressing stormwater and remediation.

Going forward, though, with TMDL water bodies, just a short little bit of history, in that Suffolk County was brought into the Phase II Stormwater Program based on the population of the County; whereas some of the Towns and Villages were brought in once TMDL water bodies were identified. So the County was brought in on that before the TMDLs and it's based on population.

And, lastly, Legislator Cilmi -- oh, he stepped out of the room, I guess. I should have included sediment before when he was asking me about the priority. I don't know why I didn't think of that, but, Bill, your discussion certainly highlighted the issue with sediment and it's going to rank near the top.

CHAIRWOMAN HAHN:
Okay. Thank you. So this went on a lot longer than I had expected and there's a lot of great discussion. So, thank you. Thank you, Bill, thank you Emerson. And we'll bring Mr. Collins up and hear from him. Thank you for being here.

MR. HASBROUCK:
Thank you for inviting me today.

CHAIRWOMAN HAHN:
Thank you very much for being here. And thank you for all you do.

MR. COLLINS:
Good afternoon. My name is Michael Collins. I'm an engineer for the Town of Southold. And what I'm going to present is a brief overview of Stormwater Regulation in New York State and specifically how this applies to the East End of Long Island.

Southold's been regulated under this program since 2009, but over the last year we've deconstructed the reasons why the Town was regulated. And that resulted in this presentation that Legislator Krupski asked me to come give today.

So, stormwater discharges from municipal separate storm sewer systems, abbreviated as MS4s, they are federally regulated under the SPDES Program. And Phase I, which was instituted in the early 1990s, was medium and large cities or counties with a population over 100,000. And Phase II is what brought in regulated small MS4s, which is what typically applies to Long Island and Suffolk County in general. This brought in these municipalities based on population density, urbanization as determined by the census, and also their additional designation criteria that are put forth by the local permitting agency, which in this case is DEC.

So New York State, as I said, it's regulated by New York State DEC. It's under what's called the State Pollution Discharge and Elimination System Permitting Process. And the general permit that covers this is General Permit GP-0-10-002. And the municipalities that are permitted are known as covered entities. And this is an important distinction because the designation criteria applies to the storm sewer systems. The permit is issued to the owner or operator or the municipality. You'll see why this is important in a minute.

So automatically designated MS4s in 2003 at the beginning of this process were based on the 2000 census. It's soon going to be the 2010 census but that guidance document hasn't been released yet. And then there are three additional designation criteria that DEC set for small MS4s. And those are Criterion One, which applies to storm sewer systems discharging to waters subject to an EPA approved total maximum daily load. And Criterion Two basically states if part of your Town is urbanized, it would extend it to the boundaries of the Town, the full program. Criterion Three extends parts of the program to Town boundaries. And the various Towns and Villages that are designated under these criteria, there's a guidance document for it.

But the most important thing is Criterion One. And that's because MS4s, as I stated, are what are designated not municipalities. Covered entities are not regulated to their municipal boundaries unless they're entirely urbanized or subject to Criterion Two or Three. You have to remember that this permit only applies to point source discharges, discharges from municipal storm sewer systems that impact waters of the State; doesn't cover private discharge, doesn't cover non-point source discharge such as something sheeting off of a large part of land and it doesn't apply to anything that infiltrates into groundwater.

The basis for regulation under Criterion One are these pathogen TMDLs. The basis for these, it's supposed to establish a loading reduction that would take a body of water that currently is subject to shellfishing restrictions, it attempts to assign the various inputs, be they natural or municipal in nature, and put forth a framework for reducing those loads to a level where you can reopen that shellfishing water year-round so that people could enjoy it.

And as part of that, it attempts to assign a portion of that load reduction to the various

municipalities that are permitted. And there are a number of East End Towns and Villages, Southold included, that are subject to SPDES regulation solely based on this regulation. And the real problem here is that the TMDLs, as set, are scientifically unsound and in some cases are completely unnecessary.

So some of the problems include, they're set for water bodies which do not exceed DEC pathogen limits. There are a number of completely clean bodies of water that have never suffered pathogen impairment that made it into these regulations. That's because there was a misidentification. Some of these waters are closed for administrative reasons only. The DEC Shellfishing Unit will automatically close either part of the year or year round a body of water that could be subject to pollution based on a marina or nearby sewage treatment plant.

There are also those that are closed for non-storm water pollution or have no municipal stormwater discharge, such as bodies of water that are completely surrounded by preserved land and they have a large amount of pathogens coming from wildlife, which means you can't shellfish there, but it's not a municipal issue. And then there's another one where sometimes there's pollution that's underlying in the water body. An example of this would be Sterling Harbor. The agency has suspected that there may be past industrial contamination. No one's ever looked for it or confirmed it, but because of that, it's administratively closed. The pathogen data actually shows that the water is quite clean, but they're just concerned. So it's an administrative closure.

Also, unfortunately a lot of these were based on limited or out-of-date pathogen data. The -- some of the data sets are more than 20 years old. They predate a lot of the Towns' and Villages' efforts to do stormwater remediation, so they're not taking into account the fact that the water has already been retrofitted and cleaned up. And in many cases when they pull data for more than 20 years ago, they're under sampling protocols that are no longer in use by DEC. And most importantly they're based on grossly overestimated stormwater contributory areas. They did not take into account what parts of the land actually flowed to these bodies of water. You heard Emerson talk about the County has measured its storm sewer sheds. The agencies never did this before they established the regulations.

So hopefully you can read this table (indicating). These are the 12 TMDL water bodies within Southold. You can see at the top Mattituck Inlet, which actually does have a stormwater runoff issue, but not to the extent that it's been presented. The agency calculated 3,400 acres of contributory area. We've only been able to confirm that about 65 of that come from Town-controlled areas. And that means if it's about less than 2% of the sewer shed area and they're asking for a pollutant reduction of 64%, it's impossible to cut municipal runoff by that much when you don't have that much contributory area.

You have a similar problem with the next two, Hashamomuck Pond zone one and Richmond Creek. As you go further down the list, you see that -- you have to have a minimum 30 samples to do a shellfish analysis. The TMDLs were set on 20, or in one case 13, so you're starting to skew the data by analyzing it wrong. The bottom of the list you see there are three creeks. There's either no impairment or no data to support impairment. Southold was actually able to get relief for our West Harbor out on Fishers Island by proving that there was never a problem there and asked for relief from the regulation and it actually got it.

As a visual example, you take a look, this is the James Creek sewer shed and watershed area. The red outline is about 200 acres. That's what the regulation says is draining to the water body. And it's asking the Town to reduce our loading by 51%. Our area is that little beige area to the left (indicating). It's less than two acres. And we're actually going to cut that off with a project, but I can almost guarantee you that it's going to have a negligible impact on overall pathogen loading.

So what we've done is we've actually gone beyond the TMDLs rather than just focusing on

retrofitting compliance. We've gotten together with DEC Shellfishing Unit and created a local water quality sampling program. Our Trustees, staff and volunteers, there's about ten of us so far, went to DEC and got trained in how to take samples. They give us the equipment. They took about an afternoon including travel. And since then, we've actually gone out and done at least four sampling runs on Wickham Creek. And the beauty of this is that it doesn't cost us anything. DEC's lab is the only one authorized to do the analysis. So it just takes our time. And by working with them, as soon as the New York Department of State Regulatory package comes out, the 48 acres of Wickham Creek have been recommended to go from completely uncertified to certified year-round. And our Mattituck Creek seasonal area, which is about 60 acres, should go from conditionally to seasonally certified, which means we don't have to test it after every rainfall any more. We've proven that we've retrofitted enough that it's not going to be a direct runoff problem anymore.

So some of the conclusions that we've come to, is that some -- or quite a number, actually have -- municipalities out in the East End are either unnecessarily regulated or overregulated, either subject to regulation in areas that are clean or subject to regulations that you simply can't comply with because you can't achieve those levels of reduction. Water bodies designated as impaired may actually meet water quality standards. When you take a look at the larger list, you've heard of these 3 or 3D water bodies, appendix to water bodies. We took a look at the impaired water body layer. We identified over 20 errors just in our first cut. And that's including things that we knew to be impaired but didn't make the list. And municipal stormwater runoff may not be as responsible for poor water qualities, we believe.

Because of our soils out here, so much of our runoff infiltrates, that in many cases your municipal runoff to these bodies of water is negligible. You may get much more direct surface runoff from surrounding properties, which is definitely something we should address, but it's not something that you can address with this type of regulation. And what it really comes down to is local knowledge has to be incorporated into all water quality regulation and decision-making across the board. No Town, Village, County or State agency can pass up an opportunity to review and comment on all draft regulation, all of these impaired lists and any other guidance that comes out from the agencies. We have to get involved at an earlier level.

And that's the end of the presentation. Any questions?

CHAIRWOMAN HAHN:
Anybody have any questions? Legislator Krupski? No? Legislator Anker.

LEG. ANKER:
Yeah, from your presentation it just seems like we -- we really don't know enough -- or you're saying that, you know, we're trying to identify where this pollution is, but it seems a lot of it is coming from our natural resources. Is that what the overall idea -- in other words -- and we're trying to help reduce the pollution in some of these areas, but --

MR. COLLINS:
I'm saying in many cases the finger has been pointed at municipal stormwater runoff and that may not be the case. I think it's important for all of us given the few resources we have and the large number of problems to deal with, to first identify whether there is a problem; then identify the source of it; and then come up with a mechanism to treat it. This may have been a cart before the horse situation where the problem was identified and dealt with before we actually confirmed that it was the source.

So it's important to have the right regulation aimed at the problem. And unfortunately by taking resources and complying with this particular regulation, you end up doing things like happened to us where we retrofitted a body of water only to find out later it had never been impaired in the first place. Those years and dollars of resources have now been taken off the table and cannot be used

to solve an actual problem.

LEG. ANKER:
Let me ask you a question. How was it identified, you know, as far as when they decided, okay, this is -- these are the areas that we need to clean up, how did the -- what is it, EPA? DEC? Identify it?

MR. COLLINS:
Well, I can only speculate as to why these were chosen. But my theory is, is that there's a list. You can go onto the DECs website and you can see shellfish closure is based on mapped areas. I can only imagine that what happened is one arm of the agency or agencies looked at that and said, "oh, it's closed, there must be a problem there." And I don't think anyone ever checked with the Shellfishing Unit to see why is it closed? Is it administrative? Is it something other than stormwater? And it's that disconnect which caused a lot of the problem. And then when you run bad numbers through a bad model, you often end up with, "oh, yeah, we confirmed, it's actually impaired. You need to reduce loading."

But if you look at the actual regulation, there were several bodies of water that required negative reductions in pathogens to achieve the standard. In one case negative 10,000 percent. That should have indicated to somebody that the model was wrong.

LEG. ANKER:
So as a Southold representative, have you -- did you write to the -- is it the EPA? To -- or actually, I guess, both -- to DEC to let them know of this -- of this information so they could reevaluate the, you know, the testing that you've done?

MR. COLLINS:
This has been extensively documented at the State level. On the recommendation of Legislator Schneiderman, we're now working on trying to petition the EPA directly.

LEG. ANKER:
Thank you.

CHAIRWOMAN HAHN:
Legislator Gregory.

LEG. GREGORY:
Thank you. Thank you, sir, for coming here today. From what I gather from your presentation is that there are certainly in some instances bodies of water that have been designated improperly. And it looks like the Town of Southold, at least to a certain extent you took, kind of the bull by the horn and got your people trained and certified and start collecting samples. Although DEC does the testing themselves, you assisted in that process; is that correct?

MR. COLLINS:
Yes. Unfortunately their Shellfishing Unit has been gutted and -- no pun intended. The result is they don't have enough staff to test all of the waters so they rely -- they're actually relying on the Towns; and in some cases the Trustees volunteer to go out and do the sampling for them.

LEG. GREGORY:
Okay. So that's -- I don't want to say recommended, but that's probably something that's going to be more common, I guess?

MR. COLLINS:
I think as long as it's being offered, everyone should try and take advantage of it, especially if it gets you the data you need to determine whether or not you actually have a problem there. I mean, if

we identify an actual stormwater runoff problem, we definitely want to go deal with it. The problem we're having is that we're running around chasing problems that we can't solve because we don't have the data; so we got to get the data first.

LEG. GREGORY:
Right. Because now they're making assumptions based on other predictors that a certain body of water may be contaminated. And all you have to do is have the resources to go out there and do the testing and to verify if that body of water has actually been -- you know, got some contamination.

MR. COLLINS:
Exactly.

LEG. GREGORY:
Okay. All right. Thank you, sir.

CHAIRWOMAN HAHN:
Legislator Anker and then Legislator Cilmi.

LEG. ANKER:
Quick question, isn't there a very simple way to identify pollutants coming out of a discharge? Can they just take water samples and see what the pollution that comes from those discharges may be?

MR. COLLINS:
Yes, you can sample the discharge itself and determine whether or not there are pollutants in it. But the question becomes is that a level of pollution that will actually impact the water body? So you may have pathogens coming out of a pipe. Are they sufficient that once they're diluted into a bay or a river or stream, that they will actually cause an impairment? We've measured Wickham Creek, to be an example, we took a sample from a puddle by the side of the road. And it was so high for pathogens, they couldn't get an accurate measurement. Yet that same water, once it made it into the Bay and then had spread out is completely clean. It's diluted out. There's always going to be a certain pathogen load. And the question is, is it enough that it causes an impairment? So just measuring the pipes alone doesn't really give you an accurate measurement of what the impact on the shellfishing area is.

LEG. ANKER:
Thank you.

CHAIRWOMAN HAHN:
Legislator Cilmi.

LEG. CILMI:
So my apologies for missing most -- my apologies for missing most of your presentation. It sounds like I would have really enjoyed it. And maybe you can provide whatever slides you had to us via e-mail or something afterwards.

You're sort of highlighting another area where there's government dysfunction. And we have to be careful as a County Legislature not to let that run downhill; so not to let the County Legislature sort of perpetuate that dysfunction by, you know, promulgating regulations that are irrespective of reality and just taking whether it's the DEC or whether it's the EPA or any other agency that, you know, we base our decisions on, whether it's in the environmental realm or otherwise, on what, you know, folks in other levels of government tell us. Because it's clearly not always true. And in addition to that, as you pointed out, in some cases one hand doesn't know what the other hand is doing.

I remarked to somebody the other day how absolutely ludicrous it was that on the one hand you have the New York State Health -- and I may be using the improper term -- but the New York State Health Council that said that you couldn't close -- you couldn't sell a nursing home; and on the other hand you have the New York State Health Department that says you can close a nursing home. It doesn't make any sense that you can't sell it, but you can close it.

So we see this dysfunction all of the time. And I really appreciate that that you were here today sort of pointing it out to us. Because my belief is that we really need to open our eyes and look at it and know it's there before we make decisions based on some of these things that other folks tell us may be in fact but may not be in fact. So, thanks.

CHAIRWOMAN HAHN:
Legislator Krupski.

LEG. KRUPSKI:
Thanks for recognizing that, Tom. That's one of the reasons I asked Michael to come here today, because everybody at every level grouses about the State mandates and the Federal mandates. And Southold is doing something about it by deconstructing the law and seeing that it's not really applicable to East End Towns. You now, that's one of the ways you can fight back against these mandates, by making it really obvious and try to push back the EPA is going to be a -- is going to be a tough road. But, you know, you have to do that. It's only fair to the residents to do that.

So a lot of this -- and a lot of the questions went also towards local control. You know, you have to -- you have to work with the local Towns because they're the ones who can pass the drainage codes, they're the ones who can pass the setbacks, they're the ones who can pass the pet waste codes that are going to have an impact because that's -- that's where your -- you know, it's mostly private property that borders on surface waters. So I want to thank Michael for coming in and making that presentation.

CHAIRWOMAN HAHN:
I would as well. Thank you very much.

TABLED RESOLUTIONS

Okay, we'll move onto the agenda. Okay, under Tabled Resolutions, Introductory Resolution **2028-2012, Authorizing appraisal 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)** This, as we heard from the title, has been amended to incorporate the new Triple A Program, which we passed -- which passed the Legislature last week. And it received a rating of 69 points? Director Lansdale, if you could correct me on that. If that's the case, I would like to make a motion to approve.

DIRECTOR LANSDALE:
Yes, that's right.

CHAIRWOMAN HAHN:
Seconded by Legislator Anker.

LEG. KRUPSKI:
Can we have, excuse me, discussion on that motion?

CHAIRWOMAN HAHN:
On the motion, Legislator Krupski.

LEG. KRUPSKI:
We had put off -- we had a list of properties waiting for -- to be kind of in a queue for acquisition. So how does this -- question to Director Lansdale: How is this going to work out mechanically now with all these parcels we're going to put in? And what's the timeline?

DIRECTOR LANSDALE:
So the timeline right now -- or how this will work is those -- we will continue to make recommendations of highly rated parcels. As we've done in the past, we've provided previous legislative Committee meetings, a rating sheet. And we can go through that rating sheet. This did receive a rating of 69. And then we will add -- we will collect all of the appraisal step resolutions and then it will authorize the Division of Real Estate to conduct an appraisal and then present those findings at least twice a year to the Environmental Trust Review Board to collectively look at parcels, set the appraised value and then forward the appraised values to members of this Committee.

CHAIRWOMAN HAHN:
Have you set the date for the first of the twice-a-year ETRB meetings?

DIRECTOR LANSDALE:
I have not yet but --

CHAIRWOMAN HAHN:
Can you have that for us for the next meeting?

DIRECTOR LANSDALE:
Definitely.

CHAIRWOMAN HAHN:
Thank you. Okay. We have a motion and a second. Any other discussion? All those in favor? Opposed? Abstentions? **2028 is approved. (VOTE: 5-0-0-0)**

Introductory Resolution, IR 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) That was not amended and that had a rating of --

DIRECTOR LANSDALE:
It had a rating of 17 points.

CHAIRWOMAN HAHN:
Seventeen points. And we're going to -- that doesn't meet our traditional threshold. So I'm going to make a motion to table.

LEG. ANKER:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Anker. All those in favor? Opposed? Abstentions? **2059 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution 1038, Authorizing appraisal 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) Remind me the rating on this one.

DIRECTOR LANSDALE:
That had a rating of 11 points.

CHAIRWOMAN HAHN:
Okay. That being said, I'm going to make a motion to table.

LEG. ANKER:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Anker. All those in favor? Opposed? Abstentions? **1038 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution **1113, Authorizing appraisal 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)** That had 56 points?

DIRECTOR LANSDALE:
Yes, that's right.

CHAIRWOMAN HAHN:
Fifty-six points. And it was amended to reflect Triple A. I will make a motion to approve; seconded by Legislator Anker. All those in favor? Opposed? Abstentions? **1113 is approved. (VOTE: 5-0-0-0)**

Introductory Resolution 1118, Authorizing appraisal 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) This was amended; however, the point ratings for this?

DIRECTOR LANSDALE:
Sixteen points.

CHAIRWOMAN HAHN:
This rated a 16, which is below our threshold. I will make a motion to table.

LEG. ANKER:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Anker. All those in favor? Opposed? Abstentions? **1118 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution number **1119, Authorizing appraisal 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)** This was amended to reflect Triple A. And the number of points was 28?

DIRECTOR LANSDALE:
Twenty-eight.

CHAIRWOMAN HAHN:
Okay. I'm going to make a motion to approve.

LEG. ANKER:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator Anker. All those in favor? Opposed? Abstentions? **1119 is approved. (VOTE: 5-0-0-0)**

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. 0600-098.00-01.00-019.000). (Co. Exec.)** This was amended to reflect the Triple A Program. And this received?

DIRECTOR LANSDALE:
Fourteen point seven five on a rating scale of 25.

CHAIRWOMAN HAHN:
Right. This is a farmland property so it's a different scale. And 14.75 meets the threshold and exceeds it. Motion by Legislator Krupski. I will second. All those in favor? Opposed? Abstentions? **1189 is approved. (VOTE: 5-0-0-0)**

Introductory Resolution 1232, Authorizing the granting of a permanent easement to the Suffolk County Water Authority for production, distribution and transmission of drinking water on a parcel acquired by the County of Suffolk under the Old Drinking Water Protection Program (Aldrich Lane, Mattituck New York bearing SCTM No. 1000-125.00-01.00-001.000). (Co. Exec.) Mr. Vaughn.

MR. VAUGHN:
We would respectfully ask the Committee to consider a tabling motion at this time, please.

CHAIRWOMAN HAHN:
Motion by Legislator Krupski. I'll second that. Any discussion? All those in favor of tabling? Opposed? Abstentions? **1232 is tabled (VOTE: 5-0-0-0)**

INTRODUCTORY RESOLUTIONS

Introductory resolution 1256, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection program (effective December 1, 2007) for the Riverhead Central School District No. 2 property - Town of Riverhead - (SCTM No. 0600-046.00-03.00-005.000 p/o). (Krupski) Okay, so this is a new one. And we should have -- this is an acquisition and we have a --

LEG. KRUPSKI:
Motion.

CHAIRWOMAN HAHN:
-- motion from Legislator Krupski. I'll second the motion. On the motion? Would you like to

comment, Director Lansdale?

DIRECTOR LANSDALE:
Sure. This received a rating of 17.25 out of a rating scale of 25. The minimum threshold for our recommendation is 10.

CHAIRWOMAN HAHN:
It's a highly rated farmland property. It's also an acquisition resolution so it's been -- already passed planning steps a longtime ago. And we have -- do we have a map for this one? We do. It's page 9 of 9 in our packet, if anyone wanted to see that.

DIRECTOR LANSDALE:
As you can see, it's surrounded by protected land in our Purchase of Development Rights Program.

CHAIRWOMAN HAHN:
And it's very highly rated. And we have a motion and a second. All those in favor? Opposed? Abstentions? **1256 is approved. (VOTE: 5-0-0-0)**

We finished **1281** previously. That was taken out of order.

Introductory Resolution 1355, Establishing the South Shore Coast Protection Task Force. (Calarco)

LEG. GREGORY:
Motion.

CHAIRWOMAN HAHN:
Motion by Legislator Gregory. I will second. Any discussion? Okay.

LEG. CILMI:
Just, Madam Clerk, would you list me as a co-sponsor of this resolution, please?

CHAIRWOMAN HAHN:
I'll co-sponsor as well. I think that's a -- it has a very good goal there. Okay. All those in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

CHAIRWOMAN HAHN:
Opposition from Legislator Barraga, but it is approved **(VOTE: 4-1-0-0)**

Introductory Resolution 1356, 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.) Mr. Vaughn?

MR. VAUGHN:
We would again ask the Committee to please consider a tabling motion on this.

CHAIRWOMAN HAHN:
Okay.

LEG. KRUPSKI:
So moved.

CHAIRWOMAN HAHN:
Motion by Legislator Krupski, seconded by Legislator Anker. All those in favor? Opposed? Abstentions? **1356 tabled. (VOTE: 5-0-0-0)**

Introductory Resolution 1360, Accepting and appropriating $50,000 in grant funding from New York State Department of Agriculture and Markets to update to the Suffolk County Agricultural and Farmland Protection Plan. (Co. Exec.) Director Lansdale? I'm sorry, you looked like you wanted to say something.

DIRECTOR LANSDALE:
(Shaking head no)

CHAIRWOMAN HAHN:
Any motions?

LEG. ANKER:
Motion to approve.

CHAIRWOMAN HAHN:
Motion to approve by Legislator Anker, seconded by -- nope. Seconded by Legislator Gregory. On the motion.

LEG. KRUPSKI:
I'm recusing myself.

CHAIRWOMAN HAHN:
Oh, okay.

LEG. KRUPSKI:
Thank you.

CHAIRWOMAN HAHN:
I knew you were, like, waiting to say something. Okay. So we have a motion to approve and we have a second. All those in favor? Opposed? Abstentions? And note the recusal by Legislator Krupski. **(VOTE: 4-0-0-0-1)**

1363 was withdrawn.

1367, Authorizing appraisal for the acquisition of development rights under the Suffolk County Drinking Water Protection Program as amended by Local Law No. 24-2007 - Gus Wade Farm property - Town of Babylon. (Gregory).

1363 was withdrawn. I said it fast. **1367?**

LEG. GREGORY:
I was advised that this has to be tabled until the Farmland Committee meets.

CHAIRWOMAN HAHN:
Okay. That's a motion to table from Legislator Gregory. I will second -- seconded by Legislator Barraga. All those in favor of tabling? Opposed? Abstentions? **1367 is tabled. (VOTE: 5-0-0-0)**

And we don't -- unless Director Lansdale, you have any other business for us, we are adjourned.

THE MEETING CONCLUDED AT 3:50 PM
{ } DENOTES SPELLED PHONETICALLY