

**HEALTH COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**

A regular meeting of the Health Committee of the Suffolk County Legislature was held in the Maxine S. Postal Legislative Auditorium of the Evans K. Griffing Building, 300 Center Drive, Riverhead, New York on Thursday, September 1, 2016 at 2:00 p.m.

**MEMBERS PRESENT:**

Legislator William Spencer - Chairman  
Legislator Bridget Fleming - Vice-Chair  
Legislator Robert Calarco  
Legislator Monica Martinez  
Legislator Tom Cilmi  
Legislator Robert Trotta  
Legislator Leslie Kennedy

**ALSO IN ATTENDANCE:**

Legislator Al Krupski - Legislative District #1  
George Nolan - Counsel/Suffolk County Legislature  
Amy Ellis - Chief Deputy Clerk/Suffolk County Legislature  
Craig Freas - Budget Review Office  
Michael Pitcher - Aide to the Presiding Officer  
Ray Donnelly - Aide to the Presiding Officer  
Elizabeth Alexander - Aide to Legislator Spencer  
Liz Sutton - Aide to Legislator Fleming  
Alyssa Turano - Aide to Legislator Hahn  
Dr. James Tomarken - Commissioner/Suffolk County Department of Health Katie Horst - County Executive's Office  
Kevin McAllister - Defend H2O  
Jeff Szabo - Suffolk County Water Authority/Chief Exec. Officer  
Stan Carey - Nassau Suffolk Water Commissioners Association  
All Other Interested Parties

**MINUTES TAKEN BY:**

Lucia Braaten - Court Stenographer

**CHAIRMAN SPENCER:**

Good afternoon. Thank you, everyone. We are now going to begin the Health Committee. And I would ask if we could stand and have a salute to the flag, to be led by Legislator Trotta.

***(Salutation)***

Please remain standing. I would like a moment of silence for all the brave men and women that are serving this country, both at home and abroad.

Also, as noted, in all our committees this week, we have lost a dear colleague and friend in Scott Martella in a tragic car accident last week, and we continue to mourn his loss, as well as our prayers go out to his family.

And, also, for all of the victims of the floods over the past week.

***(Moment of Silence)***

We also want to acknowledge on this Thursday, before our Labor Day weekend, really the sacrifice of really labor and our unions over the course of the year and that we recognize that.

So with that, we'll open the public comment. I have one card at this point and that's from Kevin McAllister. So, Kevin, please come up. You have three minutes, and it's nice to see you again.

**MR. MC ALLISTER:**

Thank you, Dr. Spencer. Kevin McAllister of Defend H2O. I have addressed the full Legislature before. I will do so to the committee today speaking of the practice of grandfathering by the Health Department. And what that is, is basically recognition of some prior flow at a commercial establishment, allowing for expansions and in some cases complete redevelopment without requiring the necessary upgrades to wastewater treatment.

Just as a point of reference, this all falls under the Clean Water Act, that wastewater regulations have been delegated to New York State DEC, ultimately with Title 6, Chapter 10. They assign standards for treatment, and that standard for flows that exceed 1,000 gallons per day. They must achieve nitrogen removal, not to exceed 10 milligrams per liter. Suffolk County, as an agent of the State, must adhere to the same standard. They can have a more stringent standard. Through their Article 6, they have such a standard. It's identified in Appendix A for businesses and other commercial uses, multi-family housing.

There is an internal memorandum from the Health Department describing their discretion on grandfathering, and I'm here to tell you the supporting documentation, as I got into it with the septic codes, it does not hold water. Ultimately, the way it is written, it shall be in harmony with the general purposes to protect groundwater, drinking water, surface waters and other natural resources.

We're at a juncture in time. We all recognize the implications of nitrogen overload. This County, through Article 19, is trying to make some inroads on the residential side of things with advanced treatment. And meanwhile, on the commercial side, if they can demonstrate some permit in some time, then basically these redevelopments happen. And case in point, an old motel transformed into a 23-unit condominium circa 1960s and '70s, ultimately providing some form of permit with a flow that exceeded the current or the -- for the condominiums, this was grandfathered with no advanced treatment. This is the same of, I guess in some comparison, ultimately having 10 or 20 homes upgrade into these systems, and then ultimately having a commercial establishment down the road, without any checks and balances on the discharge, negating those benefits. So I ask you

to closely exam this. I have all the paper on this. It really comes down to your will to get into this, into these regulations a bit, and this practice has to stop without delay. Thank you.

**CHAIRMAN SPENCER:**

Kevin, excuse me. We have a few questions for you, if you wouldn't mind.

**MR. MC ALLISTER:**

Sure.

**CHAIRMAN SPENCER:**

Legislator Trotta.

**LEG. TROTТА:**

So what you're saying is that this practice of grandfathering some buildings in is negating what we're doing in other locations? Like I'm not familiar with this. What you're saying is if there's a condo or something, and because they had people there before, we're allowing this to continue at the same rate about? You know, give me an example of some --

**MR. MC ALLISTER:**

Well, we're talking conventional treatment, right, the septic systems, on the order to 50 to 60 milligrams per liter, that's the discharge. So, in this case, we have 23 units that have been approved March of '16 by the Health Department, declared grandfathered.

**LEG. TROTТА:**

What was there?

**MR. MC ALLISTER:**

Historically, it was a motel and a restaurant.

**LEG. TROTТА:**

Was it occupied?

**MR. MC ALLISTER:**

Oh, no. It was -- it was not occupied for a number of years. The use certainly had expired. Basically, the structures were taken right down to the ground and up came four separate buildings that are housing 23 condominium units. And what I'm suggesting --

**LEG. TROTТА:**

They replaced the cesspools? They put new stuff in, I'm assuming.

**MR. MC ALLISTER:**

They identified that there's two existing, and they put in two additional systems to support the two buildings, so --

**LEG. TROTТА:**

Standard cesspools, though.

**MR. MC ALLISTER:**

Correct, complying with 1973 code with the septic tank, and then the adequate leaching pools to support the flow coming out of -- from the units.

**LEG. TROTТА:**

Is this an isolated incident, or is it --

**MR. MC ALLISTER:**

Absolutely not, Mr. Trotta. This is from -- I can probably tick off 10 or 12 redevelopments or significant expansions within Southampton and East Hampton Towns. I was alerted in response to basically disclosing this information publicly. Setauket Harbor cited an establishment there that transformed into, I believe, condominiums, again with a grandfathered application for existing septic systems.

**LEG. TROTТА:**

Now, when we just past passed this new law last month --

**MR. MC ALLISTER:**

Article 19?

**LEG. TROTТА:**

Yeah. Will that have some effect on future?

**MR. MC ALLISTER:**

That is specific to the residential side of development, and what that does is allow -- it is approval process for advanced treatment systems with the standard of not to exceed --

**LEG. TROTТА:**

It has nothing to do with what you're talking about?

**MR. MC ALLISTER:**

Well, it does. I mean, if we're -- on one side, we're trying to ultimately make advances on nitrogen reduction on the residential side.

**LEG. TROTТА:**

No. But you're talking about these grandfathered things that are mostly commercial establishments.

**MR. MC ALLISTER:**

Correct, and there's quite a few of them that are out there. And I will submit to you, the 19 milligram standard that is now being applied to some commercial establishments, and that -- that's not permissible.

**LEG. TROTТА:**

So I think they're trying to balance new construction and they know they don't want to -- it's a tough balance, I understand.

**MR. MC ALLISTER:**

Well, I can appreciate the challenge that the Legislature has, but I'm speaking as a scientist purely with water quality protection. This is a practice that needs to stop, again, without delay, because we are offsetting it.

**LEG. TROTТА:**

Or upgraded systems.

**MR. MC ALLISTER:**

Correct, yes.

**LEG. TROTТА:**

Yeah, right.

**MR. MC ALLISTER:**

Required -- basically adhere to State Law, adhere to Article 6, and require upgraded systems that remove nitrogen to the standards that have been --

**LEG. TROTТА:**

I had a constituent who opened a store, and because it was closed for two years, had to get like some new inspection that cost her \$5,000. I'm assuming they had to pay a similar fee.

**MR. MC ALLISTER:**

Well, perhaps it might have been an inspection that ensured that it conformed to 1973 code. I don't believe it would have imposed the upgraded system that meets the 10 milligram standard.

**LEG. TROTТА:**

Okay. I get what --

**MR. MC ALLISTER:**

But that's speculation on my part.

**LEG. TROTТА:**

I get what you're saying. Okay. Thank you.

**CHAIRMAN SPENCER:**

Legislator Cilmi.

**LEG. CILMI:**

Hey, Kevin. Just real quickly, are you talking about a regulation that the Health Department has the authority to promulgate and manage on their own, as opposed to coming to the Legislature for approval with?

**MR. MC ALLISTER:**

The history -- this is -- I believe it was dated, the internal memo, 2005. It's not been -- it was not signed. Again, this is a policy memo. And I am saying -- suggesting to you that it deviates from State Law, as well as the County law, that, ultimately, through Article 6, that the Health Department is operating in non -- in noncompliance.

**LEG. CILMI:**

And what does the Health Department say?

**MR. MC ALLISTER:**

My query with the Health Department, and to be perfectly candid with you, it was double-speak. I ended up calling up the State, New York State DEC, spoke to a Wastewater individual. As soon as I mentioned grandfathering, I was immediately deferred to their Legal Department, and the Legal Department didn't know what I was talking about. So these are three conversations that certainly did not satisfy my concern that this is lawful. There needs to be State statute. The State Legislature has to provide the authority to Suffolk County to deviate from the State standards. Suffolk County cannot be -- have a less stringent standard than New York State, and I'm describing to you within the commercial -- you know, the business side to the multi-family. Ultimately, if we're exceeding 1,000 gallons a day, we're -- they're obligated to have advanced treatment.

**LEG. CILMI:**

But is this -- this is in the Sanitary Code?

**MR. MC ALLISTER:**

Yes.

**LEG. CILMI:**

So, I mean, the Health Department has argued that -- that they have control over the Sanitary Code, that it's -- that it's not within the control of the Legislature. I've argued that we should have control over the Sanitary Code, and changes in regulations, and whatnot. And I guess my point is you can't have it both ways. I mean, if you're asking that the Legislature kind of weigh in here with the Health Department in terms of not grandfathering commercial establishments, then the Legislature should also have the authority to weigh in on changes in fee structures and fines and everything else having to do with the Sanitary Code as well. And I've put that out there and it's been rejected every time. So my point is that we can't be -- we can't -- we can't exercise oversight when it's convenient and then not -- you know, not agree with oversight when it's inconvenient; do you follow?

**MR. MC ALLISTER:**

I agree with that and I -- Mr. Cilmi, I actually thought you had passage of legislation going back five or six ago that actually assigned the oversight to the Legislature with respect to any new code modifications.

**LEG. CILMI:**

We had -- we actually -- I did draft a bill, which did pass, which said that any major changes in the Sanitary Code emanating from the Comprehensive Water Resources Plan, I think I'm stating that correctly, would have to come to the Legislature for approval first. But that doesn't relate to -- this is not a change that comes from that. You're suggesting that this is something that they just do and --

**MR. MC ALLISTER:**

This is cavalier.

**LEG. CILMI:**

Right, just something that they do.

**MR. MC ALLISTER:**

Yes, with an internal -- by virtue of an internal memo that doesn't hold legal water.

**LEG. CILMI:**

Right. And I don't disagree that the Legislature should have that sort of oversight, I agree that it should, and I think the oversight should be -- should be comprehensive. That's my position. And, you know, at some point in time, I'll probably reintroduce that bill. If I could get your support on that, that would be fantastic.

**MR. MC ALLISTER:**

Absolutely.

**LEG. CILMI:**

All right. Thank you.

**MR. MC ALLISTER:**

And if by virtue that I'm incorrect on the regulations, which I confirm that I at least believe that I'm

not, this -- you know, just common sense to allow this practice to continue when we're trying to roll back nitrogen inputs and loadings to water bodies, again, on the residential side, moving into advanced treatment systems where they're already required in the commercial setting and we're not adhering to the law, that's a problem.

**CHAIRMAN SPENCER:**

So we have a long speakers list. I've got a group of cards here. You know, just acknowledging to my colleagues that I have an extremely long agenda, so just keep that in mind. So I have Legislator Kennedy next.

**LEG. KRUPSKI:**

In all deference, it's a rainy day, so there's no hurry for us to get out of here.

*(Laughter)*

**CHAIRMAN SPENCER:**

Okay. Legislator Kennedy.

**LEG. FLEMING:**

That explains why you're hanging out.

**LEG. KENNEDY:**

Okay. Can you tell us what the name of the particular -- the hotel-turned-condos project was?

**MR. MC ALLISTER:**

Yes. It's Ponquogue Manor Condominiums. I have the plans. They're large plans, I'm happy to show them to you. You will see the distinctions in historic flow over -- exceeded 7,000 gallons per day. It's been permitted as of March 16 by the Health Department for 6400 gallons per day. Twenty-three units is essentially a redevelopment. I don't know what was left in the ground, but, clearly, from structure up, it's all new, and that, I would submit to you, is the tip of the iceberg.

**LEG. KENNEDY:**

Is that in Hampton Bays?

**MR. MC ALLISTER:**

It is.

**LEG. KENNEDY:**

Okay.

**MR. MC ALLISTER:**

It's on the way to Ponquogue Bridge.

**LEG. KENNEDY:**

You also said you can name of other projects?

**MR. MC ALLISTER:**

Yes.

**LEG. KENNEDY:**

Could you send that to myself and anyone else who is --

**MR. MC ALLISTER:**

Absolutely.

**LEG. KENNEDY:**

-- interested there? I became kind of very familiar with the grandfathering in of septic systems when we were dealing with the Bavarian Inn. Their septic system was grandfathered in. But if I recall correctly, and I can't think of the number of years, if the facility does not operate, then the grandfathering is deceased.

**MR. MC ALLISTER:**

That would make perfect sense.

**LEG. KENNEDY:**

That is the way it goes. So there can never be building at that Bavarian Inn property if you need a cesspool. I don't understand why that wouldn't exist with condominiums in there, so I'd be very interested in going through this.

**MR. MC ALLISTER:**

And let me be clear to the Legislators. This isn't about, you know, basically the operations of these businesses. These are opportunities to capture and upgrade systems when we are having either major rebuilds or major expansions, and that's the time when, okay, you got to step up.

**LEG. KENNEDY:**

None of them had to put in waste treatment facilities themselves?

**MR. MC ALLISTER:**

No. They all pulled the grandfather card and it --

**LEG. KENNEDY:**

And they didn't even require that they have the nitrogen reduction?

**MR. MC ALLISTER:**

I will provide you with the regulations. I'll provide you with the internal memo. And again, if you just spend a little time reading this --

**LEG. KENNEDY:**

I will.

**MR. MC ALLISTER:**

-- you will see that what I'm telling you today is correct.

**LEG. KENNEDY:**

Just another question. How far from the water are each of the lists that you have?

**MR. MC ALLISTER:**

The Ponquogue Manor Condominiums is waterfront. There's a restaurant on Lake Montauk. There's several. There's, I'll say -- I'll have to go through my list, but there is certainly a handful that are actually waterfront parcels.

**LEG. KENNEDY:**

Okay. Thank you.

**CHAIRMAN SPENCER:**

Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. Thank you, Mr. Chair. Good afternoon. So, Kevin, you and I have had this conversation before. Do you see any reason why the towns in their site plan review -- now they don't have the ability to approve any system that the Suffolk County Health Department hasn't approved. But once they start to approve these alternative wastewater systems, do you see any reason why the Towns couldn't require any of these systems to be put in place in the course of this redevelopment?

**MR. MC ALLISTER:**

Oh, absolutely. And I certainly encourage the Towns to adopt local laws. They have the authority to do so, and at a minimum, ultimately be flagging these redevelopments or expansions to ensure that they are, in fact, not grandfathered by the County, and that the Health Department is requiring systems up to the standard.

**LEG. KRUPSKI:**

And I'm sure then their, you know, site plan reviewers in the Planning Department would then probably be happy to work with the Health Department on which would be the most appropriate system to put in.

**MR. MC ALLISTER:**

Yes. And, again, what it comes down to is meeting that standard, as opposed to what system, and this goes to the point of -- I'll give you an example. Meschutt County Park, where the system was replaced with a system that does not meet the ten-milligram standard, this can't be continuing. This -- you know, we have to -- we have to get -- you know, adhere to the State Law on this one.

**LEG. KRUPSKI:**

Thank you, Mr. Chairman.

**CHAIRMAN SPENCER:**

Thank you. And welcome to the Health Committee, Legislator Krupski. Thanks for welcoming us to Riverhead, appreciate it.

*(\*Laughter\*)*

That's it for now, Kevin. Thank you so much for your time.

**MR. MC ALLISTER:**

I much appreciate the opportunity to expand on my three-minute remarks. Thank you.

**CHAIRMAN SPENCER:**

I -- you know, we have the Commissioner here, we have a very close working relationship. Later on during the committee, I will put out a request to look into this issue further, and he's always extremely responsive. So thank you.

**MR. MC ALLISTER:**

Wonderful.

**CHAIRMAN SPENCER:**

Thank you very much.

**MR. MC ALLISTER:**

Thank you so much. Have a great afternoon.

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

If I'm --

**CHAIRMAN SPENCER:**

Legislator Fleming has a comment.

**LEG. FLEMING:**

No. I just wanted to follow up on your point about following up on this issue, because it is an important issue. And I can say that we -- you know, when we did the -- I don't have a question for you, Kevin.

**MR. MC ALLISTER:**

Okay.

**LEG. FLEMING:**

I just wanted to say to Doc that, you know, I have been in touch with Peter Scully about this particular issue, and I think everyone agrees, if there is a problem, we are, you know, committed to fixing it.

During the discussions around the Article 19 revisions, which are a huge, huge step forward in the Sanitary Code, first changes in the Sanitary Code since 1973 -- Al Krupski and I, you know, thanks to the support of the Legislature, were able to put together a Legislative Working Group that included planners and engineers and municipal attorneys from the Towns to start to make sure that those questions that Al was asking about, you know, what the Towns can do to further nitrogen reduction as opposed to what the County can do, are answered and examined and really looked at very carefully.

The next step is revisions to Article 6 and Article 5, and that's -- that is a process that's underway right now. I am in touch with Department of Health Services. You know, I work very closely with planners and engineers from Town of Southampton and Town of East Hampton. That old Allen's Acres parcel, the Ponquogue is in Hampton Bays, is in Southampton. The restaurant that Kevin is referring to is in Montauk in East Hampton. So we're very well aware that we have a lot more to go. The Article 19 revisions were huge, and we now have these Appendix A systems approved. We're working -- the Health Department is working on getting the single residential systems approved. And we recognize there are a lot of complicated regulatory questions that have to be answered and the grandfathering is certainly one. But I know we have the support of Peter Scully. I know the Towns are on board with making a fix there. So we appreciate the advocacy, and I think we are moving forward, and I'd be happy to keep looping you all in.

**CHAIRMAN SPENCER:**

Thank you. We will be anxiously awaiting your progress. Thank you. Our next speaker is Karen Blumer with the Open Space Council. Welcome, Karen. And you have three minutes to discuss any remarks that you'd like to make.

**MS. BLUMER:**

I can hardly say my name in three minutes, but I'll try. Yes, I am representing Open Space Council. Good afternoon, Members of the Health Committee. I'm here to speak about LICAP. We have had the pleasure of being a participant with LICAP, the Long Island Commission on Aquifer Protection, for the last about year-and-a-half. They have been meeting for two-and-a-half years, since March 2014. So I want to address the fact that we believe, some of us, that your mandate that

you, Dr. Spencer, actually sponsored, and every one of you or your predecessors --

**(\*The Timer Bell Sounded\*)**

Is that three minutes, or is that the beginning?

**CHAIRMAN SPENCER:**

No, not at all.

**MS. BLUMER:**

Okay.

**CHAIRMAN SPENCER:**

Just getting started. You're good.

**MS. BLUMER:**

Okay.

**CHAIRMAN SPENCER:**

You're good.

**MS. BLUMER:**

Endorsed unanimously. The mandate in the Resolution, 805-2013, is very clear. You are saying to LICAP, "We are in a water crisis." You softened it by saying things are critical based upon the Health Department's own report. We are in a crisis and we want you to find a solution.

And you have stated in that resolution that LICAP is clearly directed to produce a plan to form the, quote, scientific underpinnings of a yet-to-be-established entity. Now here's the problem. I want to say something positive, first of all, in my three minutes. Really, kudos to the leadership of LICAP. They have created a process that you should be proud of. It is open, it is public, it is inclusive. We have all the experts at the table. We have participants like me, who has expertise in certain areas, and the general public. We all sit at the table. Dignitaries, as well as us, roll up our sleeves and say, "Okay, what are we going to do?"

So, however, one of the problems here is that there have been repeated requests from members of the officials on that commission to LICAP that we look at what that entity might be. The leadership refuses to even discuss entity. They say -- their retort repeatedly over the year-and-a-half we've been part of this is it is premature. Now wait a second. This has been half a century of 16 different reports. The report that you've asked from LICAP is going to be the 17th report. Most of those reports sit on a shelf and nothing is done. This cannot happen with this report. And many of us on LICAP, or that are associated with it, are asking that you be aware that they are avoiding looking at what that entity might be. It is not premature. And besides avoiding discussing the entity, it is even worse. For some of the subcommittees, and I happen to be on four of them, but on one that I'm on, the PPP, the Public-Private Partnership, we have come up with our draft report. It's draft, it goes to the leadership, it's subject to change. But one of our items, Number 10, is to look at an entity. That one happens to be a compact. The compact is only one of the spectrum that some of us have been collecting from the State Legislature to "Joe Schmo" on the street.

So you are asking this body, LICAP, to give you recommendations, and it's with an "S", it's not one recommendation. What are our options? We're in big doo-doo, so to speak. Our water over the last half century is not going up, it is going very desperately downward, and we must do a turnaround. We cannot do the same thing we've done for 50 years.

So since LICAP is here, we are urging you very strongly today to have this discussion, and really in the friendly, effective way that we discuss at LICAP, you know, to -- what is this that's premature? What is it that you're actually strong-arming one of your subcommittees not to include any discussion of an entity? Thank you very much.

**CHAIRMAN SPENCER:**

So, Karen, I did get word of your concerns, and one of the reasons that they are here today, and I've been working with Legislator Hahn. So that we wanted to get LICAP here and we wanted to get some of the highlights of what's been going on. But, also, we want to address if there are concerns out there. So I -- you know, hopefully, you'll get -- start to get some of those answers today. And thank you, appreciate that.

**MS. BLUMER:**

Good. I'll be listening. Thank you very much.

**CHAIRMAN SPENCER:**

All right, excellent. Our next speaker is Adrienne Esposito, Citizens Campaign for the Environment. And welcome, Adrienne.

**MS. ESPOSITO:**

Good afternoon. Thank you very much for the opportunity to once again speak. I'm going to make mine short and sweet, if you could believe that.

We're going to ask you to once again kindly support today and get out of committee two resolutions, 1649 and also 1767. I'm not going to talk to you, you might be relieved to know, about all the virtues of not using plastic bags. I think you've heard it all, Members of the Legislature.

I just want to mention one other thing, though. Yesterday, my coworkers and I, last night we were at the Central Park Zoo for a presentation on ocean protection. And I took up one of the handouts there, and this is a handout that -- and it was a -- it's a compilation of information done by a study of the Ocean Conservancy of worldwide beaches and their pickups, their beach cleanups. And so I just wanted to tell you, because I know you woke up this morning wanting to know this, but what are the ten most common items found when they clean beaches up? Number one, believe it or not, is cigarette butts, which I think is very easy to believe. Number two is food wrappers. Number three is the plastic beverage bottles, because not everybody has the bottle return deposit like we do. Number four is bottle caps, which I was a little surprised at. Five is straws. Six and seven are plastic bags and different forms of them.

So we've made the top ten, which is not good news, this is not the Johnny Carson list. And this is an easy remedy for you to do, is to put a nickel fee on both paper and plastic, which we believe and know for a fact will change public behavior. About 60 to 70% of the public will switch to bringing their own bag.

So we're asking you to kindly give that your support. As you know, the compilation bill forms a committee that will seek for ways to achieve a minimum of 75% compliance -- not compliance, but 75% of the public changing their behavior and bringing their own bag. So we're very hopeful. We are making a great step in the right direction, and we look forward to your support on that. Thank you very much.

**CHAIRMAN SPENCER:**

Adrienne, I wanted to thank you, because just you are kind of the passion and the impetus behind this issue moving forward --

**MS. ESPOSITO:**

Thank you.

**CHAIRMAN SPENCER:**

-- this year. There's a lot of advocates that we have been able to see, and we've had to speak on both sides of the aisle with both the Administration, the business community, the unions, the environmental community, and it's been quite a journey. And so to be able to potentially get to a place with something that may be -- you know, no one's 100%, you know, like happy with on both sides, but perhaps being able to move forward, I think it's potentially a really great day for Suffolk County. So Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. And I know you and I have had many discussions about the most effective way to ban plastic bags, and we don't have to go on for a long time for the reason we've had those discussions, but, rather, the mechanics of how to do it the most effective way so that it will effectively, you know, not eliminate, but really limit the use of these bags.

**MS. ESPOSITO:**

Right.

**LEG. KRUPSKI:**

Do you think the 5 cent fee on paper and plastic will be enough of an insulting incentive for people, that, "Oh, gosh darn it, another fee, I'm not going to pay it, I'm going to bring my reusable bag"? Do you think that's going to be enough of an incentive to make people change their behavior?

**MS. ESPOSITO:**

Well, I don't think it's what I think that matters, I think it's what the evidence shows that matters. So we know, for instance, in Washington D.C., the nickel fee for the first year costs about an 80 to 86% compliance. It leveled off a little bit after that, people kind of got used to it. Now it's about 66% of the public are bringing their own bag. And I like to use D.C., because I feel like the population base there is similar in demographics to the population bases here in Suffolk County. So, again, that's not what I think, it's just this is what we've seen on a societal scale, and the same is true for California. We've seen some issues like in Europe, where -- I'm sorry, Ireland, for instance, they keep raising their fee each year, and now I think it's -- is it 33 cents, Jordan?

**MS. CHRISTENSEN:**

Around, yeah.

**MS. ESPOSITO:**

It's 33 cents right now in Ireland. And we know that that's not because they're abundantly wealthy there. We know that they're escalating it. I don't know why they just don't freakin' ban it. I don't get that, to be honest with you. But we know that, you know, there are times when the fee has been raised to order an increase -- a change in the public behavior.

**LEG. KRUPSKI:**

Well, I think it's because it rains every day, so they need the plastic bags.

**MS. ESPOSITO:**

Well, that could be.

*(\*Laughter\*)*

**LEG. KRUPSKI:**

Thank you. Thank you, Mr. Chairman.

**MS. ESPOSITO:**

But like you said, this is a start for us, this is a good start.

**CHAIRMAN SPENCER:**

Considering the history, and this issue has been brought up before and never even been able to gain any traction, you know. Adrienne, did you see the article that just came out in The Guardian that England's plastic bag use has dropped 85%, and their pence is equivalent to our penny, since the five pence charge introduced?

**MS. ESPOSITO:**

Yes, yes.

**CHAIRMAN SPENCER:**

Yeah. I thought that was something that was also exciting to kind of consider, but --

**MS. ESPOSITO:**

I've had this conversation with many State Legislators, not about bags, but about anything. You know, you can educate, educated and educate, but you must incentivize --

**CHAIRMAN SPENCER:**

Yes.

**MS. ESPOSITO:**

-- and a change. And so you need those two things. And what I like about this bill is that it marries those two things. There's an educational component and there's an incentivization for people to change behaviors. And look, we all know it, right? Plastic bags are a thing of the past, reusable bags are of the future. We're asking you to bring us into the future. That's what the bill does.

**CHAIRMAN SPENCER:**

Thank you, Adrienne.

**MS. ESPOSITO:**

Thank you so much for your time and your work.

**CHAIRMAN SPENCER:**

The next speaker is Kurt Fuchs with the Surfrider ELIC. Welcome, Kurt. Thank you.

**MR. FUCHS:**

How are you guys doing today?

**CHAIRMAN SPENCER:**

Good, thank you.

**MR. FUCHS:**

Sorry, I'm a little nervous. I appreciate you having me here today. We at Surfrider support the measures to reduce the usage of plastic bags for all the many reasons that Adrienne just explained. These bags end up in the ocean where they're eaten by sea life, entangled, cause numerous problems. They also break down into tiny pieces and are eaten by commercial fish species, so we are possibly poisoning ourselves in the end. We all know that we see these things in tornadoes

flying around Suffolk County when we drive by places, tangled in trees. When you go to the beach you see them floating around.

I believe the fee is a great place to start, hopefully not end, like Adrienne said, because I don't know if it will be enough, but it is a great start. Take a page out of, like she said, Ireland's book and, like you said, in England and just kind of go from there. But we wholeheartedly support this, and, yeah, I just think it's a great thing.

**CHAIRMAN SPENCER:**

We really need your help. Thank you for being here.

**MR. FUCHS:**

Thank you.

**CHAIRMAN SPENCER:**

I really, really, really appreciate that. We're going to -- we're going to do some good things for everyone. Thank you.

**MR. FUCHS:**

Absolutely. Thank you very much for having me.

**CHAIRMAN SPENCER:**

Thank you. That's the last card that I have. Is there anyone else that wishes to be heard? Seeing none, we're going to close the public comment at this time and we're going to move on to our presentation.

So I'm sure we -- as I mentioned as Karen Blumer was speaking, today we are fortunate to have with us representatives from the Long Island Commission for Aquifer Protection. And I was fortunate to be part of the formation of LICAP, I was included. And, you know, we know that our water quality is a substantial issue, especially when we talk about our aquifer. So with that, we have us with us today Jeff Szabo of the Suffolk County Water Authority.

**MR. SZABO:**

Yes.

**CHAIRMAN SPENCER:**

And also Vice Chair Stan Carey of the Nassau Suffolk Water Commissioners' Association. And what I've asked them to do is to come before the Legislature today, this committee, and I think they're going to be invited to come in front of the Environmental Committee, but to just kind of give us a brief overview of where we are with the -- with the Commission, and just the status of the report. And any other questions that my colleagues may ask, they'll try to answer. So without any further delay, Jeff, welcome.

**MR. CAREY:**

Okay. Good afternoon. My name is Stan Carey. In addition to serving as Superintendent of the Massapequa Water District, I am currently the Vice Chairman of the Long Island Commission for Aquifer Protection or LICAP. I'm joined today by Suffolk County Water Authority Chief Executive Officer Jeff Szabo, who also served on LICAP's -- as LICAP's first Chairman.

I appreciate having the opportunity to update you on the vital work being conducted by LICAP, formed through legislation unanimously supported by both Suffolk and Nassau County Legislatures in 2013. Before I discuss a few of LICAP's achievements to date, I want to frame the discussion by taking you back to 2013, prior to LICAP's formation.

You'll undoubtedly recall that a proliferation of reports and studies called for the need to take proactive measures to safeguard the sole source aquifer that provides all of our drinking water. But the ability to protect our greatest natural resource was a tremendous challenge due to the many governmental entities and decentralized land use controls that define life on Long Island. This is because the aquifer system is not subject to local rule. It crosses local geopolitical boundaries, and thus protecting it required a regional solution. But no action was being taken, and so the Suffolk County Water Authority, in conjunction with the more than 100 utility and non-utility members of the Long Island Water Conference, proposed what was to become LICAP, a commission consisting of private and public experts on groundwater issues that would gather relevant data and lead the way in protecting our groundwater supply. And the two Legislatures, in their wisdom, strongly supported the initiative and approved legislation to create LICAP.

In addition to the Suffolk County Water Authority and Long Island Water Conference, among the nine voting and 13 ex officio LICAP members are representatives of the Executive and Legislative branches of both County governments, as well as representatives of each County Health Department, the United States Geological Survey and the New York State Department of Environmental Conservation. It is a group with a tremendous breadth of knowledge about all issues pertaining to groundwater. I'm pleased to report that LICAP has, by any objective reckoning, more than fulfilled its charge.

As required by legislation which created it, the Commission has drafted the region's first State of the Aquifer Report, an assessment of the structure of the sole source aquifer and the contaminant threats that could potentially challenge its long-term health if not addressed soon. Since decisions made by Nassau and Suffolk's nearly 3 million residents, how they dispose of their unused prescription drugs, what they put on their lawns, have an enormous impact on the health of the aquifer system as a whole, the LICAP members who participated in developing and writing the report have consciously made it as accessible to the general public as possible.

A huge aspect of what LICAP seeks to accomplish in making sure Long Island residents are knowledgeable about the source of their drinking water and what they can do to protect it, which is why we've already held public hearings in both Counties, and have three additional hearings scheduled October 13th at 6:00 p.m. in Hauppauge, October 17th at 6:00 p.m. at the Nassau County Legislative Chambers in Garden City, and October 20th at 6:00 p.m. in this building. LICAP's State of the Aquifer Report is currently being finalized and will be published this Fall. It will be updated annually.

The Commission's other statutory focus is the creation of a Groundwater Resource Management Plan, which is scheduled to be released next year. The plan, which will identify threats to groundwater quality and quantity, assesses the adequacy of existing groundwater management regulations and recommend amendments to regulations where needed, as well as recommend an implementation for plan for all stakeholders. Perhaps the greatest accomplishment to date, simply because it is an achievement that I believe is a result of getting groundwater experts from both Counties together, is Water Traq. Water Traq is a GIS-based contaminant mapping system that is allowing us to chart our contaminant threats throughout the region in both Counties and share the information with the public. It is the first program of its kind in New York State.

The program, through the use of interactive maps, allows users to search for levels of contaminants, and set limits to pinpoint whether the contaminant poses a threat at any given location. The program is a direct result of water suppliers for the first time sharing accumulated data on contaminant levels, and should prove to be invaluable in helping us to protect our sole source aquifer. The program is a direct result of the creation of LICAP.

LICAP has also placed a great emphasis on water conservation. A major conservation effort

launched this summer by the Suffolk County Water Authority focused primarily on the East End, and a smart irrigation system controller pilot program initiative also announced this summer by the Port Washington Water District can be attributed to discussions among LICAP members who understand the need to preserve our sole source aquifer. These efforts will only be expanded upon in the coming years.

And so though I realize there are those who would like to see a single State-operated management entity running all of Long Island's water resources, I'm asking that you keep Water Traq and LICAP's other early accomplishments in mind when such proposals are made.

It's also worth keeping in mind that the DEC has just added two new staff members in its Region 1 water supply section; is in the process of developing a separate web page on its website just to note where water withdrawals on Long Island, and is implementing electronic reporting of monthly and annual pumpage totals through -- via Excel spreadsheets for 2016.

And, of course, it's important to remember that no one has a greater stake in preventing the pollution of our aquifer system than Long Island's water suppliers, as we're required by law to filter groundwater contamination before distributing drinking water to our customers. It goes without saying that pollution prevention is much less expensive than remediation.

So we're all essentially on the same page, but it's important to keep in mind that while there are always ambitious proposals, the Long Island public water suppliers who launched LICAP with your support have been hard at work on developing actual solutions.

We don't need at this point in time an additional layer of government determining how to best protect our precious groundwater supply, because, frankly, we're already doing it. And we'd like to continue our work until we're assured of a future that includes a sole source aquifer that is plentiful and, to whatever degree possible, free of pollutants.

Thank you very much. And Jeff and I would now be happy to answer any of your questions.

**CHAIRMAN SPENCER:**

There are several questions, but I'll take the prerogative as Chair to go first. So in any case, thank you for your update. So one of the issues with doing something such as this is working with two Counties, two Legislatures, two separate Administrations, and so somehow we've been able to reach a fair amount of consensus to move forward. As far as, you know, what was spelled out in the legislation, I think there are certain reporting requirements. To date, can you just tell me, you know, are we on time, are we delayed? Where do we stand as far as with what is specifically spelled out in the legislation to what we've accomplished to date?

**MR. SZABO:**

We have -- Jeff Szabo, Chief Executive Officer of Suffolk County Water Authority.

**CHAIRMAN SPENCER:**

Jeff, just speak into the mic a little bit more, because we want to make sure we pick up of your voice.

**MR. SZABO:**

I had the good fortune of serving as Chairman of LICAP in the first couple of years. And we thank you for this opportunity to come before you today and brief you on the status of LICAP.

The Commission plans to issue a draft State of the Aquifer Report. In fact, I have copies here for the Legislators today. We have, as Stan mentioned, several public hearings scheduled for this Fall,

two in Suffolk County, one in Nassau County, where the committee will then solicit input from the community and from anyone who wants to speak before the Commission, and then we will take that information and then finalize the report. So that will be issued this Fall.

In 2017, LICAP does plan to publish their groundwater plan, and I -- this may be some of the comments that were made by Ms. Blumer earlier. I think there may be sort of a misunderstanding of some of the requirements and the mission of LICAP.

It was established two-and-a-half years ago by unanimous acts of both County Legislatures. And, you know, to their credit, to your credit, you've been extremely supportive in having us conduct this work. But the original legislation does have a -- I think it's the 17th Resolved Clause which calls for the Groundwater Management Plan issued in 2017 that calls for management opportunities. That's what it states as far as, you know, the future in making recommendations on other possible entities to provide oversight. I believe that's what she's referring to. There is a Whereas Clause that I believe Mr. Nolan put in the original legislation that mentioned something about maybe additionally when it comes to providing oversight, but that's a Whereas Clause, not a Resolved Clause.

So what we're hoping to do is solicit input from experts and from the public at these public hearings, finalize the draft State of the Aquifer Report, publish that, and then 2017 focus on the groundwater plan, issue that in 2017, and there may be some recommendations in that report that speaks specifically to moving forward with other management entities.

**CHAIRMAN SPENCER:**

Jeff, if you would refresh my memory, or just, you know, everyone in the room. I know as we were discussing -- and I do thank you for allowing me to be one of the Legislators that you approached to bring this forward. One of the initial concerns, because, as Karen had stated, you know, we are in a substantial water crisis, potentially, if we don't plan and have a -- besides a plan, execute actions to help protect our aquifer. And I think one of the challenges, as far as when we introduce LICAP, was understanding its limitations, and understanding that the LICAP is not a compact, all right? And so I think that a compact commission, from your understanding, because I think the idea -- and I know that there were people from the water conference who had come and said, you know, we need an organization that has the authority. And there are concerns as far as the authority, as far as what is DEC powers, and who mandates and gives them that authority, but also with regards to resources. We looked at issues in terms of perhaps taxing water use to gain money, and taxes are always extremely unpopular, but to get resources to put together a working entity that would manage.

So LICAP was not meant to be a management agency, and the criticism was that it fell short, that it was not a management agency. But my understanding is that LICAP has taken experts all across Suffolk County that have worked dozens of hours uncompensated, literally, out of a strong interest to address the concerns in the community. So could that be part of what the criticisms are, is that LICAP is being looked to be a management agency, and does it lack the authority to be a management agency and the resources? Could you address that comment? I know I said a lot.

**MR. SZABO:**

Well, when it comes to LICAP and the original intent, we made it very clear early on that it would not have the ability for -- to propose -- whether it be fines, or oversight, or regulation, it would not restrict any of the present authority that the State DEC has or the State Health Department has. It was somewhat limited in scope. And you're right, Dr. Spencer, we were criticized early on because it did not go far enough. But, again, it was historic, because for the first time in a very public setting, you had entities, water providers and experts from both Counties collaborating. You had experts working together and, you know, accountable, you know, very truly accountable to the public and accountable to the Legislatures for the work that they're doing, not just the water

providers, but also -- but also, like Mr. Carey said, representatives from the Health Department, and the County Executive's Office, and the Legislature, and USGS, and input from experts in the environmental community. So they are all together at these public meetings working in these subcommittees to address the issue with and the concerns that we all have related to the future of the aquifer.

So there was no misgiving or no, you know, secrets about the powers that we did have. We knew it was limited, but it had a very specific charge. Draft the State of the Aquifer Report, do that, finish it, make, you know, the assessment, and then move forward with the groundwater plan in 2017 with possible recommendations. We have a five-year mission. You know, it sounds a little bit like Star Trek.

**CHAIRMAN SPENCER:**

Star Trek.

**MR. SZABO:**

Star Trek, right, but it was a five-year mission. We sunset at that point. We knew clearly going in that if our work was concluded and there was another entity that was created, we would go away and allow this new entity to come on and to take over, and grow and, you know, sort of take on the work that we had begun and then further it. Of course, the Legislature has it within their power to extend -- you know, to extend LICAP again, which very well may happen. So we have the power, you know, to finish our mission.

When it comes to, you know, some of the work of the State DEC, I do believe that there is, you know, some frustration and from residents, and, you know, from the public, and from some elected officials about the appropriate levels of staffing at the DEC in order to do the mission that they are charged with, but, as Mr. Carey mentioned, they have recently increased their staff in the Water Resource Department to address those concerns. So we have said repeatedly that no one is publicly opposed to additional oversight or, you know, providing information to the public or to governmental agencies, but to make a specific recommendation today or in this report, it is most definitely premature.

**CHAIRMAN SPENCER:**

My final question would be addressing just really the concerns that have been raised specifically by Ms. Blumer. Although I commend you on the work that you've done, I'm going to ask for you now, since you chaired this committee, you know its strengths, but you also are in a position to criticize. Are there legitimate points? Are there things that we can be doing better? Is there, looking back, a way that you've been able to take on this job? Are there things that we can do to course-correct, or do you feel that based on your experience, that we should continue as we have been going?

**MR. SZABO:**

Well, I'll comment first and then I'll let Stan chime in. You're very fortunate to have experts at the Water Authority who have committed their time to address the issues in LICAP voluntarily. You know, you talked about staffing, we talked about hydrogeologists, you talk about people -- you know, laboratory, and chemists, and engineers, and people who are taking time out of their normal workday to work on the issues, that is some -- it's because we believe in the mission of LICAP. For folks outside of the Water Authority and our friends in Nassau County, you have -- Stan is Superintendent of the Massapequa Water District. He has a full-time job. We have many other individuals like Stan who have served in exec -- you know, in leadership capacity within LICAP working on subcommittees, and writing reports, and collaborating with folks in Nassau and Suffolk, who are doing this because it's the right thing to do. No one's being compensated, nobody is being paid to do this, and we're not complaining about that. But if you look at the structure and you look at long term moving forward, I believe the legislation allows for the entity to request funding, grant

funding from various sources to help sustain it long term. I think that's something that we would look at if we were to move forward or pass this five-year initial term.

**CHAIRMAN SPENCER:**

Well, thank you. I think, you know, you've really given very candid comments regarding just the organization. A personal caution would be that even though it's limited in its resources and scope of authority, that we hope that the recommendations that are given are specific action items that County Legislatures and Health Departments and different authorities can address, and that LICAP doesn't look and paint a picture. You've seen the commercials where the bank's about to be robbed and the security guard says, "Oh, I'm a security monitor," you know, not a guard. So I hope that, you know, that you become more than just a monitoring agency or -- and that you -- even though you are limited in your authority, that in your report, that you give specific actions that we could take. I would ask that we could do that, and if the report -- we'll look at the report, the draft proposal, but I don't want LICAP to just be a talk only organization.

**MR. SZABO:**

And I appreciate those comments and the honesty. And, you know, there's a lot of truth to that. There are a lot of reports that have been conducted over the years and they sit on a shelf. And, in fact, LICAP, one of the things we did, we took all of those reports in both Counties and put them on our website, so they're accessible to everyone for the first time electronically, so we do understand that.

There is a point I'd like to make, though, and Stan had mentioned it. The collaboration, you know, sitting down quarterly, meeting with individuals, again, Health Department, DEC, USGS, the water providers, the public, and sharing ideas, and trying to make improvements to the business that -- you know, that we're in in protecting the aquifer, the creation of this Water Traq program. And with some of you, we've talked privately a little bit about it, but this is information that is publicly available. It's -- each year we have to provide our customers with the annual Drinking Water Quality Report to let folks know what's in the water that they drink and all that good stuff. But never has it been in one location where the public can look and search for contaminants of raw, you know, untreated and treated water. So they can look at the County and pull up individual. They can pick a contaminant and they can search for it. They can look at their own individual water. This is something the State has tried, this is something that the County has tried, and many different entities have tried for, you know, 50-plus years, so we're very proud. You know, again, that's one of the successes of sitting together and collaborating, sharing information. It's not live yet, but it will be live very shortly. But this is something, when you have smart people and you have dedicated people who are committed to addressing the issue, when they collaborate and sit down, good things happen.

So I'd like to thank you all for your support of LICAP. And a final point. I would like the Water Authority's Director of Strategic Initiatives, Ty Fuller, he's the point person for this Water Traq program. I would very much like, with an invitation from the Chair, if Mr. Fuller could come back, and maybe Stan and myself, in the near future and he could do a formal presentation about Water Traq and what it does, and how important it is for the public.

**CHAIRMAN SPENCER:**

I think that would be wonderful. Consider it done, we'll extend that invitation.

**MR. SZABO:**

Thank you.

**CHAIRMAN SPENCER:**

Legislator Krupski.

**LEG. KRUPSKI:**

Thank you, and thank you for that presentation. And I know I've spoken, you know, before -- you before about different specific issues. And you're going -- you said you're going to come up with a groundwater report, and then next year, a groundwater plan.

**MR. SZABO:**

Well, this year we -- and I have copies here for you. We have a draft State of the Aquifer Report.

**LEG. KRUPSKI:**

Is it going to be -- because, really, there's two things here, there's quantity and there's quality. So is it going to address both?

**MR. SZABO:**

Well, it covers many other topics than just quantity and quality. So there's a whole -- I forget how many specific topics, but maybe 10, or 12, or 15.

**LEG. KRUPSKI:**

I think some of the concerns are on both issues, both on the status report, and I wonder if they're both in there. You're looking at recharge of rainwater being so critical to recharging the aquifer. You know, you want to capture every drop of rain. And when you look at different rain events that we've had in the past two weeks here, you know, one area gets five inches, another area a couple miles west gets none. Obviously, if you can recapture that rainwater in August, you're really -- you're really doing a great benefit to the aquifer. Does it -- do you have drainage in there as recommendations for municipalities, and for drainage codes and whatnot, to make sure that we're going to maximize the capture of rainwater?

**MR. SZABO:**

I just want to be clear. In the State of the Aquifer Report, which does cover recharge and multiple topics, it is sort of a synopsis of the aquifer today. The Groundwater Management Plan that will be issued in 2017 is more of the recommendation portion of LICAP's work.

**LEG. KRUPSKI:**

Okay. It's just that -- it's just that in the report, it could say, you know, these areas do a good -- are doing a good job. I know Suffolk County Department of Public Works, I'll put in a plug for them, because I know historically over the past few decades, they've done -- New York State DOT, they've done a wonderful job of drainage and recharging and stopping the rainwater from flowing into surface waters directly, and, I mean, that sort of example is what I'm talking about.

And then, also, does it mention sewer discharges? Because we've all heard the stories anecdotally of saltwater intrusion in Nassau County, because so much water is pumped out of the ground, treated as sewage waste, and then discharged overboard. And then, you know, of course, there's not enough rainwater to recharge the aquifer, because so much is being actively pumped over, that there's a problem with salt water intrusion. Does it -- does this study mention that? And will the plan address that in the future? You know, how many gallons are we -- of fresh water are we losing annually? And I know there's sewage treatment plants from Amityville to Fishers Island, there's quite a few of them.

**MR. CAREY:**

To answer your question specifically, many of the reports will contain that information, whether it's recharge rates versus withdrawal rates. That information will be in several reports, and it kind of all gets tied together at the end. We do make recommendations. But as far as the saltwater intrusion and compared to recharge, the saltwater intrusion really is only in the coastal communities, and the

main recharge is in the central part. Perhaps the most notable is the Pine Barrens area. So, you know, it's all being considered and will be reported on, but those reports are different from the State of the Aquifer. Those reports are due next year.

**LEG. KRUPSKI:**

Okay. Thank you. And then, finally, do they also include -- and I represent an area that's represented on the seal here, agriculture, and as a -- as a seasonal use and certainly a periodic use. So while it's a seasonal use, it's not -- you can't say, "Well, there's so many acres of farmland, they use so many gallons per acre," it's just impossible. Are you going to go into a little bit more specifics of, well, you know -- and I'll use an example. In Peconic, you know, there's a farm next to us that's now fallow. It had been in sod production for 30, maybe 40 years. So now there's no -- there's no water use at all. The two farms to the east are a vineyard, very little -- now there might be big casings on there because of past farming practices, but the past, oh, for 10, 15 years very little water use. So are you going to be that specific and say -- not just lump agriculture in as one industry, you use -- you know, this crop is going to use so many gallons per acre, but actually look at it and say, really, as a region, there's great variability and even break it down?

**MR. CAREY:**

We -- it's very -- it's a challenge. Your specific question, to address the agricultural irrigation portion is very challenging for us. Although it is mentioned and we have it covered in one of our reports, it's challenging, because we have no way to quantify how many wells, agricultural wells are out there and what their pumpage is. So it's really hard for us to place what the actual impacts are on the aquifer, and the reason for that is, is the DEC does not regulate these agricultural wells. So unless we physically go out and count them and estimate the gallonage, it's a very difficult task for us to do. But if it's any assurance, it's not being completely ignored, it's on our radar, and we hope to, at the very least, touch on it in some of our reports.

**LEG. KRUPSKI:**

I think the assurance would be that it's touched on, you know, accurately, because it is a changing -- like I said, the farm next to us, it's certainly a changing water use scenario, and you want to characterize it as accurately as possible.

I think industry that is as important to Long Island with -- and if you count the boroughs that are physically on Long Island, you got like 6 million people. And I think, you know, the future of food production on Long Island is really important. And so just being sensitive to that, that agriculture is an existing industry that's -- shouldn't be burdened. I think a lot of people are concerned this is going to lead to a tax on water, and that the State is ultimately going to put meters on the wells and then -- and put a tax on water use, and that's -- I think that's a big concern.

**MR. CAREY:**

It is, it's a big challenge, because we understand the importance of the agriculture. But, you know, it's kind of twofold, because the more that the farmers pump to irrigate, the more saltwater intrusion becomes a problem, especially out on the North Fork where a lot of that pumpage is going on. So it's very challenging and it's difficult. But, you know, you could look at -- you know, you said gallonage per acre. I know that different crops require different amounts of water. I know sod farms, they use quite a bit of water compared to maybe potatoes or a cornfield. So we hope to do the best we can, but again, it's hard to quantify how many are out there and what gallonage. But I don't know that we're going to address and kind of restrictions on them, if that's what your specific question was.

**LEG. KRUPSKI:**

That's a lot of the concern, but thank you for being sensitive to that. And again, it is seasonal. And because it's an industry and a business, it's not like you would say, "Well, I'm going to grow this

crop this year and I'm going to pump so many gallons per acre on it." You get a year like this where you get quite a bit of rainfall in August, you know, you're not going to -- you're going to spend the money in fuel. You're not going to spend the money in labor just because you're allotted so much or you're supposed to pump that much. So it's a -- it is not an easy target, you know, I can tell you, for you to -- for you to hit, but just to be sensitive that it's -- you know, it's important. Thank you, Mr. Chairman.

**CHAIRMAN SPENCER:**

Thank you, Legislator Krupski. And is it still raining outside? It's still, you know --

**LEG. KRUPSKI:**

I'm good, thanks.

*(Laughter)*

**CHAIRMAN SPENCER:**

All right. I'm sorry. I can't acknowledge the audience once we're in the -- I apologize. But, you know, we'll be happy to -- Liz, if you could see what Karen's concern is. So Legislator Trotta has a quick question.

**LEG. TROTTA:**

Just your thoughts on the speaker about the last -- who spoke about the grandfathered in. I mean, is that something that you're addressing?

**MR. CAREY:**

With regard to the nitrates in groundwater?

**LEG. TROTTA:**

Yes. If we're grandfathering people in, you know, I was just wondering what your thoughts are on that.

**MR. CAREY:**

Well, that, we really don't have any control over that portion of it, that's up to the Suffolk County Health Department. But our Water Traq that we mentioned, the GIS mapping system, does identify levels of nitrates in all of the drinking water wells in Nassau and Suffolk.

**LEG. TROTTA:**

No. What I'm saying is would you -- would you be before that or against that, or your Board would recommend that we don't do that or --

**MR. CAREY:**

Well, I mean, anything that reduces nitrates in groundwater we would be in favor of, in general. But I don't know that there is a -- and through Water Traq, what we've learned from Water Traq, that there is a widespread problem. And I'm only speaking about drinking water, not surface waters, with nitrates in drinking water, it's not widespread.

**CHAIRMAN SPENCER:**

Jeff, thank you again.

**MR. SZABO:**

Thank you. Thank you all.

**CHAIRMAN SPENCER:**

Thank you both for being here. Stan, I really appreciate really all of your hard work, and we're excited. Are you going to distribute those reports to us?

**MR. SZABO:**

Yes.

**CHAIRMAN SPENCER:**

Thank you. I'll have the Clerk grab those for us. So that's our presentation. I did want to mention, I did have a couple of other presentations that we postponed for this. But there was an event in Suffolk County earlier in the week in Huntington Harbor, which is my backyard, where there was a fish kill. We saw one out east. This particular fish kill, which was notable, was that it was involving the end of Centerport Harbor, which is blocked off into an area which is known as Mill Dam Pond where there is a gate system that allows water in and out, and there was a fish kill of several thousand bunker. But around the Centerport Bay, there appeared to be some other areas of fish that succumbed to what was believed to be a low oxygen concentration within the water.

I've asked the Health Department to kind of look into this issue, and reached out to Stony Brook. And we're in the process of gathering more information to address this issue, be it a combination of human error and natural events, but to make sure that we're doing everything possible, so we'll keep you posted on that.

**TABLED RESOLUTIONS**

I am going to move on to our agenda. And first one is ***Introductory Resolution 1207 - A Local Law prohibiting the distribution of plastic carryout bags used in retail sales (Spencer)***. This is the original resolution that we've been tabling. It sunsets after today, but we're moving forward with the other one. So I'll make a motion to table.

**D.P.O. CALARCO:**

Second.

**CHAIRMAN SPENCER:**

Second. All those in favor? Opposed? Abstentions? **(Vote: Tabled 7-0-0-0)**.

I'll refile it if necessary, but I don't think I will have to.

***1598 - A Local Law to register retailers of liquid nicotine in Suffolk County (Cilmi)***. Motion to table for public hearing by Legislator Cilmi, second by Legislator Kennedy. All those in favor? Opposed? Abstentions? Motion is tabled. **(Vote: Tabled for Public Hearing 7-0-0-0)**

***I.R. 1649 - A Local Law to reduce the use of carryout bags in retail sales (Spencer)***, this 5 and 5. I asked for a motion to approve.

**LEG. FLEMING:**

(Raised hand).

**CHAIRMAN SPENCER:**

Second by Legislator Fleming. All those in favor?

**LEG. KRUPSKI:**

On the motion.

**CHAIRMAN SPENCER:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

So could you explain this? How -- who this is -- you know, the timeline, when it would be implemented, and who would it affect? Is it going to be every retail establishment, or is it going to be a limit on like size, or seasonality, or that sort of thing?

**CHAIRMAN SPENCER:**

Sure. It's a complex bill that, you know, we've been following for the last six months. And I know that it was set out to really try to change the use to reusable bags. And so as we got further and further into this, we saw that there were a lot of different opinions, but a lot of support. And so we tried to craft a bill that really addressed, number one, enough of a timeline to be able to give people a chance to adjust. So this bill goes into effect in January 2018.

Now what we've done with the 5 and 5, which initially was a ban, the 5 and 5 was not where a lot of us wanted to be. A lot of people wanted an outright ban and advocated hard for that, and there was substantial support. What I found, as being one of the sponsors of the bill, working with the Administration, working with Labor, working with industry, but also working with the reality of the different -- because some of the Legislators felt that any fee was really not a good thing to do, others thought the fees should be a lot higher. Some of the Legislators thought we should ban everything, plastic and paper, and require reusable. And what I found was that as I further got into this, we were all over the map.

So one of the things that we were able to do, that I thought was kind of a good thing out of this particular bill, was that we move forward with the 5 and 5, which some may have seen that as being a loss, but putting in a committee with the companion legislation that would monitor the progress. So, one, it's an extended period of time before it goes into effect, so we can keep track of the numbers of bags. And then two, once we put it into effect, there's enough of a timeline to give people a chance to adjust, to be prepared, where people aren't just going to the store and saying, "Oh, my God, this is what's happening." So that once it goes into effect, this committee will monitor the results, and then at a time certain, and the companion legislation, where they will come back and will be able to say there's been, to our -- best of our knowledge, an 80% reduction, or something like that, that we can then look and decide if this has been effective. And if it's not -- and I think we set out specifically like a minimum of a 70% reduction that we're hoping to see to start with this.

So I know that there's some disappointment. I'll be quiet at this point, because I see you have a follow-up question or something.

**LEG. KRUPSKI:**

No. And I have to -- and I'll be honest with you, I'm going to quote Legislator Trotta, you know, I'm tired of seeing the bags in the water and I'm tired of seeing the bags in the field, so I really appreciate your effort. How do you do the monitoring?

**CHAIRMAN SPENCER:**

Well, one of the things that we have is, as we've looked at other countries and municipalities, they do keep track in terms of the number of bags that are going into the stores, the number of bags that are being picked out of the landfills. And I don't know how exact the science is, but they get a pretty good idea. And that's one of the things I'm tasking this committee with, is to -- looking at that. Now the Health Department has indicated that, you know, right now, the legislation as it stands, the Health Department had a concern that that responsibility would be theirs and it's not. The Health Department has to be responsible as far as the enforcement portion of it, but this

committee will receive support and guidance to be able to make certain mathematical assumptions or statistical assumptions and be able to get that information to best determine what those numbers are.

**LEG. KRUPSKI:**

Thank you.

**CHAIRMAN SPENCER:**

Thank you, sir, appreciate it. I know that, you know, this has been very difficult for this Legislature, three public hearings. I think that I've calculated 12 hours of testimony from over 230 different people. So there are some revisions, but I would not put you through another public hearing that we would look at to kind of tweak some of the issues. But I do think we have something that is powerful, I think it's brave, it's bold, it's well thought out, and the time is now. And, you know, I'm looking forward to, you know, having bipartisan support and doing something that we've worked on together.

So I'm going to ask for a vote. All those in favor? Opposed? Abstentions? **(Vote: Approved 7-0-0-0)**

Thank you very much for getting me out of committee, and, hopefully, we can have a great meeting on Tuesday. And please speak -- Wednesday. Please speak to me privately. I know there are other concerns that I have to finish conversations on.

I.R. 1649, a Local Law to reduce the -- oh, we just passed that. Yee-haw, all right.

***I.R. 1674 - Amending the 2016 Adopted Operating Budget to accept and appropriate 100% additional State Aid from the New York State Office of Mental Health (NYS OMH) to Concern for Independent Living and Options for Community Living for mobile residential support services (Co. Exec.).*** We need a motion to approve and place on the Consent Calendar, offered by Legislator Kennedy, seconded by Legislator Fleming. All those in favor? Opposed? Abstentions? The motion carries. **(Vote: Approved and Placed on Consent Calendar 7-0-0-0)**

***I.R. 1675 - Amending the 2016 Adopted Operating Budget to accept and appropriate 100% additional State Aid from the New York State Office for People with Developmental Disabilities (NYS OPWDD) to Skills Unlimited and United Cerebral Palsy (UCP) for a Cost-of-Living Adjustment (COLA) (Co. Exec.).*** Same motion, same second, same vote to place on the Consent Calendar. **(Vote: Approved and Placed on Consent Calendar 7-0-0-0).**

***I.R. 1676 - is Amending the 2016 Adopted Operating Budget to accept and appropriate 100% additional State Aid from the New York State Office of Mental Health (NYS OMH) to Hands Across Long Island, Federation of Organizations, Pederson Krag Center and PSCH, Inc. for mobile crisis services (Co. Exec.).*** Same motion. Just, Craig, for quick -- just can you just give me the dollar amount? I just don't have it readily available, for the --

**LEG. CILMI:**

A hundred and thirty-six thousand.

**CHAIRMAN SPENCER:**

Hundred and thirty-six thousand. So same motion, same second, same vote, placed on the Consent Calendar. **(Vote: Approved and Placed on the Consent Calendar 7-0-0-0).**

***I.R. 1677 - It's Amending the 2016 Adopted Operating Budget to accept and appropriate***

**100% additional State Aid from the New York State Office of Mental Health (NYS OMH) to Family Service League for Assertive Community Treatment (ACT) team expansion (Co. Exec.).**

Same motion, same second, same vote for the Consent Calendar. **(Vote: Approved and Placed on the Consent Calendar 7-0-0-0)**

**I.R. 1713 - Accepting and appropriating 100% federal pass-through grant funds from New York State Department of Health in the amount of \$435,937 for the Maternal and Infant Community Health Collaborative ("MICHC") administered by the Suffolk County Department of Health Services, Division of Patient Care and to execute grant related agreements (Co. Exec.).** Same motion, same second, same vote. **(Vote: Approved and Placed on the Consent Calendar 7-0-0-0)**

**I.R. 1714 - Accepting and appropriating 23% New York State and 77% federal pass-through grant funds from the New York State Department of Health in the amount of \$3,638,909 for the Special Supplemental Nutrition Program for Women, Infants and Children ("WIC") administered by the Suffolk County Department of Health Services, Division of Patient Care and to execute grant related agreements (Co. Exec.).**

So this is different. I'm going to ask for a motion and a second. It can still be -- adds up to 100, but I'm going to get a new vote this time.

**MR. NOLAN:**

Gotcha.

**CHAIRMAN SPENCER:**

Motion by Legislator Martinez, she likes money.

**(Laughter)**

And seconded by Legislator Trotta. All those in favor? Opposed? And consent -- and placed on the Consent Calendar. **(Vote: Approved and Placed on the Consent Calendar 7-0-0-0)**

**I.R. 1715 - Accepting and appropriating 100% grant funds from the New York State Department of Health in the amount of \$284,836 for the HIV Partner Notification Program administered by the Suffolk County Department of Health Services, Division of Public Health and to execute grant related agreements (Co. Exec.).** Let's see. Motion to approve by Legislator Fleming, second by Legislator Spencer; placed on the Consent Calendar. All those in favor? Opposed? Abstentions? **(Vote: Approved and Placed on the Consent Calendar 7-0-0-0)**

And we have a whole 'nother page to go.

**MR. FREAS:**

That was 17, right?

**CHAIRMAN SPENCER:**

That was 1715. **I.R. 1716 - Accepting and appropriating 100% grant funds from New York State Department of Health in the amount of \$227,042 for the Emergency Medical Services Program Agency ("EMSPA") administered by the Suffolk County Department of Health Services, Division of Emergency Medical Services and to execute grant related agreements (Co. Exec.).** Same motion, same second, same vote. **(Vote: Approved and Placed on the Consent Calendar 7-0-0-0)**

***I.R. 1717 - Amending the 2016 Adopted Operating Budget to re-allocate 100% State Aid from Pederson Krag Center to PSCH, Inc. For the purpose of operating Mental Health Programs (Co. Exec.). Same motion, same second, same vote. (Vote: Approved and Placed on the Consent Calendar 7-0-0-0)***

***I.R. 1718 - Amending the 2016 Adopted Operating Budget to re-allocate funds from Pederson Krag Center to PSCH, Inc. for the purpose of operating Chemical Dependency Programs (Co. Exec.). Same motion, same second, same vote. (Vote: Approved and Placed on the Consent Calendar 7-0-0-0)***

***I.R. 1719 - Accepting and appropriating 100% grant funds from New York State Department of Health in the amount of \$566,745 for the Public Health Tuberculosis Prevention and Control Program ("TBPC") administered by the Suffolk County Department of Health Services, Division of Patient Care and to execute grant related agreements (Co. Exec.). Same motion, same second, same vote. (Vote: Approved and Placed on the Consent Calendar 7-0-0-0)***

***I.R. 1720 - Accepting and appropriating 100% federal grant funds from the Department of Health and Human Services Food and Drug Administration in the amount of \$70,000 for the continuing to advance Suffolk County's Conformance with the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS) administered by the Suffolk County Department of Health Services, Division of Public Health and to execute grant related agreements (Co. Exec.). Same motion, same second, same vote. (Vote: Approved and Placed on the Consent Calendar 7-0-0-0)***

***I.R. 1721 - Accepting and appropriating 100% federal grant funds from the Department of Health and Human Services Food and Drug Administration in the amount of \$70,000 for the continuing to advance Suffolk County's Conformance with the Voluntary National Retail Food Regulatory Program Standards (VNRFRPS) administered by the Suffolk County Department of Health Services, Division of Public Health and to execute grant related agreements (Co. Exec.). Same motion, same second, same vote. (Vote: Approved and Placed on the Consent Calendar 7-0-0-0)***

***I.R. 1723 - Accepting and appropriating 100% federal pass-through grant funds from the New York State Department of Environmental Conservation in the amount of \$149,225 for the State Pollutant Discharge Elimination System (SPDES) Water Quality Management Planning Program administered by the Suffolk County Department of Health, Division of Environmental Quality and to execute grant related agreements (Co. Exec.). Same motion, same second, same vote. (Vote: Approved and Placed on the Consent Calendar 7-0-0-0)***

***I.R. 1736 - Accepting and appropriating 100% grant funds from New York State Department of Health in the amount of \$24,720 for the Immunization Action Plan ("IAP") administered by the Suffolk County Department of Health Services, Division of Patient Care Services for a Cost-of-Living Adjustment (COLA)(Co. Exec.). Same motion, same second, same vote. (Vote: Approved and Placed on the Consent Calendar 7-0-0-0)***

***I.R. 1737 - Accepting and appropriating 100% grant funds from New York State Department of Health in the amount of \$26,690 for the Tobacco Enforcement Program-ATUPA administered by the Suffolk County Department of Health Services, Division of Preventive Medicine for a Cost-of-Living Adjustment (COLA)(Co. Exec.). Same motion, same second, same vote. (Vote: Approved and Placed on the Consent Calendar 7-0-0-0)***

***I.R. 1760 - A Local Law to regulate animal rescue organizations operating in Suffolk County (Martinez).*** Legislator Martinez, what's your motion?

**LEG. MARTINEZ:**

Motion. Well, table for public hearing.

**CHAIRMAN SPENCER:**

Oh. Motion to table for public hearing, I'll second that motion. All in favor? Opposed? Abstentions? Motion is tabled. **(Vote: Tabled for Public Hearing 7-0-0-0)**

***I.R. 1767 - Establishing a carryout bag reduction Public Education Working Group (Spencer).*** I'll make a motion to approve, second by Legislator Fleming. All those in favor? Opposed? Abstentions? Same motion, same second, same vote. **(Vote: Approved 7-0-0-0)**

Hang on before you go. Just briefly, for two minutes, I'm going to ask Commissioner Tomarken, who's here, I just have one quick question for him, to come forward. Craig, if you wouldn't mind, while he's doing that, if you could give me a total.

**MR. FREAS:**

\$6,715,333.

**CHAIRMAN SPENCER:**

That's nice. All right. That's a lot of money we accepted. You knew I was going to ask that question, didn't you? Commissioner, I just wanted to check in with you. I know there's a lot of issues that are going on. I hope you heard the request as far as there are four things that I'm looking for. Earlier, there was a request by Kevin McAllister with regards to some sanitary flow that's being grandfathered in on projects. I think that's the crux of it, and I know Legislator Fleming is working on that. But I am, you know, just, you know, interested in how that process works and if it should be looked at, if it's appropriate.

**COMMISSIONER TOMARKEN:**

Yeah. I just had a conversation with Legislator Krupski, and I think it needs to be reviewed. Just to clarify, that when somebody is grandfathered, they are required to bring their system up to standard, and if they want to go above the -- what they're grandfathered, then they have to meet the 10 milligram limit.

**CHAIRMAN SPENCER:**

Okay.

**COMMISSIONER TOMARKEN:**

But I think the whole issue needs to be reviewed. We are putting together an official response and evaluating all this. And, you know, this stuff was done, I don't know, 20, 30 years ago. It's time to upgrade -- update it and make it more appropriate.

**CHAIRMAN SPENCER:**

The second issue was I did -- you know, we've spoken a couple of times on the fish kill and that, you know, we'll defer and wait for more information.

**COMMISSIONER TOMARKEN:**

I can give you an update right now.

**CHAIRMAN SPENCER:**

Certainly.

**COMMISSIONER TOMARKEN:**

I just sent it to you, but I -- here it is. Field staff were in the Centerport Mill Pond area this morning, today, and surveyed the area for dead fish. Below are the findings.

Centerport Mill Pond had a couple of dead fish along the shoreline, approximately five. The pond was filled with water and the locks closed. Four beaches in the vicinity of the pond had a few dead fish washed up on the shoreline, approximately two to five fish. The fish were badly decomposed, mostly bones. They looked at Steers in Asharoken in Northport, Fleets Cove in Centerport, Huntington Beach Community Association in Centerport, and Centerport Beach. No odor was detected in any of these locations.

**CHAIRMAN SPENCER:**

Commissioner, after a fish kill in a vicinity such as this, where there is recreational boating and beaches, when those fish are decaying, is there a change in the water as far as bacteria levels from all that decay that would lead to beach closures?

**COMMISSIONER TOMARKEN:**

You have to test it.

**CHAIRMAN SPENCER:**

You have to test it. So would there be as a result of this some enhanced testing of those public beaches in that area to determine if they should be closed temporarily?

**COMMISSIONER TOMARKEN:**

There should be, yes.

**CHAIRMAN SPENCER:**

Okay. All right. Legislator Fleming has a question.

**LEG. FLEMING:**

Hi, Commissioner. You said you're putting together an official response to what, to Mr. McAllister's --

**COMMISSIONER TOMARKEN:**

The grandfathering. It's in Article 6, and an official position, and what we want to do going forward. And I think we would want to work with Legislators and other advisors to review the whole process.

**LEG. FLEMING:**

When you say we're putting together an official position --

**COMMISSIONER TOMARKEN:**

The Administration and us.

**LEG. FLEMING:**

Who would I contact to be part of that conversation?

**COMMISSIONER TOMARKEN:**

Well, you can either contact me, or Walt Dawydiak, or Peter Scully, any of the three of us.

**LEG. FLEMING:**

All right. Thank you. I did have a conversation with Peter two days ago after an article came out in our paper about it, so I assume that's part of the same process that you're talking about.

**COMMISSIONER TOMARKEN:**

I didn't see the article, but I suspect you're correct.

**LEG. FLEMING:**

Okay. Thank you.

**CHAIRMAN SPENCER:**

Commissioner, also, we have a preliminary report from the LICAP, and I would like to give a copy of that to the Health Department. I don't know if you could have the appropriate department review that report. And, also, if there's opportunities of guidelines that this Legislature can put forward as policy to be able to address the issues in that report, I would like that.

**COMMISSIONER TOMARKEN:**

Walter Dawydiak is on the LICAP.

**CHAIRMAN SPENCER:**

Oh, he's -- so he will --

**COMMISSIONER TOMARKEN:**

Board or whatever it's exactly called, and so we'll get his comments.

**CHAIRMAN SPENCER:**

And my fourth and final issue is Zika. Very hot August, Miami Beach, Olympics, people coming back and forth. What's happening in Suffolk County, just briefly as an overview? Have we seen any uptick here? Is it what you've expected? Are we doing the appropriate surveillance that we're protecting everyone?

**COMMISSIONER TOMARKEN:**

Yeah. So far in New York State, there have been no locally transmitted cases. We have 50 traps specifically for *Aedes albopictus*, which is the mosquito that we're concerned about. *Aedes aegypti*, the mosquito that is in Miami, or they are attributing to the Miami outbreak, is not here. So far in New York, we don't expect it, but it could, but it's not here yet. All our cases, and in Suffolk County we have 44 cases, are all from travel related, and all cases in New York State are travel related.

**CHAIRMAN SPENCER:**

Thank you. Do you like coming out here? I won't.

*(Laughter)*

**COMMISSIONER TOMARKEN:**

That's a no-win question.

**CHAIRMAN SPENCER:**

Thank you, Commissioner. I have no other business before this committee today. Does anyone else have anything? If not, we stand adjourned. Thank you.

*(\*The Meeting was Adjourned at 3:34 p.m. \*)*