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MEETING OF THE LONG ISLAND COMMISSION ON  
AQUIFER PROTECTION

DECEMBER 9, 2015

10:04 a.m.

260 Motor Parkway  
Hauppauge, New York

Lori Anne Curtis  
Court Reporter



1

## 2 APPEARANCES:

3 Jeffrey W. Szabo, Chairman  
Suffolk County Water Authority

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5 Frank Koch, Vice-Chair  
Long Island Water Conference6 John C. Milazzo, Esq., Counsel to the Board  
Suffolk County Water Authority

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8 Stan Carey  
Nassau-Suffolk Water Commissioners Association9 Carrie Gallagher  
NYS Department of Environmental Conservation

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11 Walter Dawydiak  
Suffolk County Department of Health12 Donald Irwin  
Nassau County Department of Health

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14 Dorian Dale  
Suffolk County Executive Representative15 Michael Schneider  
Nassau County Legislative Presiding Officer

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17 Chris Ostuni  
Nassau County Legislature18 Brian Schneider  
Nassau County Executive Office

19

20 Sarah Meyland  
Nassau County Minority Leader Representative21 Jared Hershkowitz  
Suffolk County Presiding Officer Representative

22

23 Michael White  
Suffolk County Legislature Presiding Officer24 Paul TeNyenhuis  
Suffolk County Soil and Water Conservation  
25 District

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APPEARANCES:  
(Continued)

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4 Stephen Terracciano  
U.S. Geological Survey

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MR. SZABO: Good morning,

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everyone. My name is Jeff Szabo.

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Welcome to the meeting of the Long

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Island Commission on Aquifer

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Protection. It is now five

7

minutes after ten on December 9th.

8

We'll start the meeting by

9

working through the room here for

10

introductions of the folks seated

11

around the table. I'm the CEO of

12

the Suffolk County Water

13

Authority, the service chairman of

14

the LICAP Commission. I believe

15

this is my last meeting as chair.

16

The bylaws, I believe, state that

17

it rotates. At our next meeting,

18

which will likely be in February

19

or March, I believe the new chair

20

will be selected at that time, and

21

I believe it may be Frank.

22

MR. KOCH: Yeah, I believe

23

it's me, Frank Koch.

24

MR. SZABO:

25

Congratulations.

1

2

I'm not sure, John, do we

3

need a resolution, or it's

4

automatic?

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MR. MILAZZO: It's

6

automatic, I believe.

7

MR. SZABO: And I also want

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to state, we certainly wish

9

everyone a very happy and healthy

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holiday season to you and your

11

families. We appreciate everyone

12

taking the time to come here today

13

for this meeting.

14

So, Mr. Carey?

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MR. CAREY: My name is Stan

16

Carey. I'm the representative

17

from the Nassau-Suffolk Water

18

Commissioner's Association.

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MR. KOCH: Frank Koch,

20

representative for Long Island

21

Water Conference and also

22

Superintendent of South

23

Farmingdale Water District.

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MS. GALLAGHER: Carrie Meek

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Gallagher, Regional Director DEC.

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MR. DAWYDAIK: Walter

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Dawydiak, Suffolk County Health

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Department.

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MR. IRWIN: Donald Irwin,

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Nassau County Health Department.

7

MR. SCHNEIDER: Brian

8

Schneider, representing Nassau

9

County Executive Ed Mangano and

10

the Nassau County Department of

11

Public Works.

12

MS. MEYLAND: Sarah

13

Meyland. I'm representing the

14

Nassau Minority Leader of the

15

Legislature.

16

MR. HERSHKOWITZ: Jared

17

Hershkowitz, Suffolk County

18

Presiding Officer representative.

19

MR. WHITE: Michael White,

20

for the Suffolk County Legislature

21

Presiding Officer.

22

MR. MILAZZO: John Milazzo,

23

Suffolk County Water Authority.

24

MR. SZABO: I would just

25

ask John to check that we have a

1  
2 quorum to proceed. I believe that  
3 we do.

4 MR. MILAZZO: We're good.

5 MR. SZABO: Okay, is that a  
6 legal interpretation or math?  
7 We're counting heads.

8 Okay, I would ask if  
9 there's any comment from the  
10 public, and if there is, please  
11 stand and state your name.

12 MR. OTTAVINO: Jerry  
13 Ottavino. I'm with the Point  
14 Lookout Civic Association, and I'm  
15 curious if LICAP has made any  
16 progress or laid any groundwork  
17 for the groundwater management  
18 entity that's due in 2017. Has  
19 there been any subcommittee or  
20 ad hoc committee formed to at  
21 least lay the groundwork for that  
22 entity?

23 MR. CAREY: Yeah, we've  
24 been making great progress with  
25 all the subcommittees. I've been



1  
2 sitting in on a few myself, Jeff  
3 has been on a few, Frank has been  
4 on a few, and I will have a report  
5 today on the Water Quality GIS  
6 database that we've put together.  
7 We've done quite well with that.  
8 So, to answer your question  
9 briefly, yes.

10 MR. OTTAVINO: And that  
11 will lead to the entity?

12 MR. CAREY: Lead to?

13 MR. OTTAVINO: The water  
14 management entity -- the  
15 groundwater management entity that  
16 is due in 2017.

17 MR. CAREY: I don't know  
18 that that is a decision for this  
19 board to make. We have reports  
20 we're going to be furnishing, but  
21 I don't know that that's going to  
22 come from this board.

23 MR. MILAZZO: I don't think  
24 there's a new entity proposed.  
25 LICAP is to prepare a plan; it's

1  
2 not to create a new entity. This  
3 is the entity.

4 MR. HERSHKOWITZ: Can we  
5 comment?

6 MR. SZABO: Sure.

7 MR. HERSHKOWITZ: In the  
8 resolution it suggests talking  
9 about an entity in the last  
10 Whereas resolution, and then  
11 further on in the Resolve, it  
12 talks about management, and I  
13 don't think it's a leap for him to  
14 come up with a question about  
15 whether it is our responsibility  
16 or not to come up with an entity.

17 You know, when I'm reading  
18 it, and I'm reading it over and  
19 over again, there's leeway in  
20 there, but I think the intent of  
21 the legislation, certainly in the  
22 Resolve and in the Whereas, the  
23 last Whereas and "will Resolve,"  
24 it does refer specifically to  
25 management and to an entity, and

1  
2           it's something that I think we  
3           have need to discuss. I think  
4           it's something that's important.

5                     You know, if you take the  
6           leap backwards and you talk about  
7           a management plan, and how do you  
8           implement that? Is it merely --  
9           and you and I have discussed this  
10          through e-mails in terms of  
11          whether we make resolutions in the  
12          resolution format or we talk about  
13          actionable specific plans that the  
14          legislature can adopt, but I  
15          believe if you really look at the  
16          resolution, they are talking about  
17          that, they're referring to an  
18          entity.

19                    MS. GALLAGHER: If I can  
20          comment on that --

21                    MR. SZABO: Can you please  
22          just state your name before you  
23          speak.

24                    MS. GALLAGHER: It's Carrie  
25          Gallagher. I only used to run

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2 LICAP, but...

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So, in the early days, that reference was so that LICAP essentially was going to sunset unless, you know, assuming that this other entity or management team was going to be put in place, possibly at the state level. So that was in the days when there was a discussion about state legislation occurring, so we wanted --

MR. HERSHKOWITZ: You are talking about the task force.

MS. GALLAGHER: Right. So, that was the language to allow for that possibility, but it didn't preclude that possibly LICAP was not meant to exist this way in perpetuity, because that entity might be created at the state level.

MR. HERSHKOWITZ: But why does it specifically say in the

1  
2           Resolve, these are the things that  
3           LICAP should do, and management  
4           was one of them?

5                       MS. GALLAGHER:   Because the  
6           last Groundwater Management Plan  
7           that existed for the region was  
8           done by DEC in 1986.

9                       MR. HERSHKOWITZ:   I  
10          understand that, but it does say  
11          "management," and it does refer to  
12          an entity in the beginning of the  
13          resolution, so I think it's  
14          something we really need to look  
15          at.

16                      MR. SZABO:   Well, again,  
17          just to stress Carrie's point, if  
18          you recall, when we started  
19          running around trying to get the  
20          Suffolk and the Nassau  
21          legislatures to create LICAP,  
22          there was a lot of discussion by  
23          primarily the environmentalists,  
24          the environmental community, for  
25          state action to address drinking

1  
2 water quantity and quality in the  
3 region, and initially many of them  
4 were opposed to the creation of  
5 LICAP because it had limits.

6           You know, it had limited --  
7 no enforcement, limited  
8 jurisdiction, but most definitely  
9 it was an opportunity to  
10 collaborate, to meet, to be  
11 accountable, to begin the  
12 discussions and to allow for the  
13 subcommittees to do a lot of the  
14 work that we believe needs to be  
15 done in order to move forward.

16           So, as a compromise, Carrie  
17 and I had -- and at that time,  
18 Dennis Kelleher and a bunch of  
19 others, we had agreed that we  
20 would sunset, that if the state  
21 created an entity that would carry  
22 on LICAP's work, we would go away.

23           And just to clarify, that's  
24 the intent in the legislation.  
25 Counsel can speak to it if you

1  
2           like, Jared, but I'm not sure  
3           there's much more to discuss or  
4           debate. I think it was pretty  
5           clear, and I think, Carrie, you  
6           probably feel the same way.

7                       MS. GALLAGHER: Right. It  
8           doesn't mean, Jared, that one of  
9           the recommendations of LICAP or  
10          one of the recommendations coming  
11          out of the Groundwater Management  
12          Plan can't be some new entity or  
13          an enhancement of LICAP.

14                      MR. HERSHKOWITZ: I don't  
15          think that's what the resolution  
16          says. The resolution specifically  
17          says in (e) "management  
18          opportunities," and to me, that  
19          means together with the reference  
20          to an entity that we should at  
21          least present the choices as part  
22          of our presentation to the  
23          legislature, and that those  
24          choices should come about through  
25          discussions through the

1  
2 committees. You know, because if  
3 we step back and look at it from a  
4 holistic perspective, some of the  
5 arguments that people have made is  
6 that everyone over the last four  
7 decades has been kicking the can  
8 down the road, the old cliché --  
9 excuse me for using it -- and that  
10 there hadn't been someone to move  
11 it forward, there hadn't been some  
12 entity, some thing, some group,  
13 some whatever move all of these  
14 recommendations that all of these  
15 studies which have been so  
16 beautifully presented, you know,  
17 but yet things haven't happened.

18           So DEC has done this  
19 nitrogen thing, and that's great,  
20 and these guys are doing this, and  
21 Suffolk County is doing this, and  
22 this guy is doing that and Nassau  
23 County is doing that, and this one  
24 is doing this, but there's no one  
25 that can coalesce everyone



1  
2 together, and how that entity  
3 functions and what power it has,  
4 how it's funded, these are the  
5 things that I think the resolution  
6 speaks to in terms of management  
7 opportunities, in terms of the  
8 reference of the term "entity" in  
9 the Whereas.

10                   So, I respectfully  
11 disagree. I believe that the  
12 legislatures want us to offer  
13 opportunities, offer choices in  
14 terms of management, not come up  
15 necessarily with this one plan,  
16 and certainly LICAP is not that  
17 entity, but that we as a wonderful  
18 group of people who -- I mean, we  
19 have had some wonderful debates  
20 and wonderful discussions, and I  
21 think that those management  
22 opportunities should be on the  
23 table at least to discuss, at  
24 least to offer in the  
25 recommendation section or in

1  
2 another paragraph, "Look, we've  
3 discussed all these things and  
4 these are the choices that the  
5 legislature should look at."

6 MS. GALLAGHER: I don't  
7 think we're saying different  
8 things. I think we're saying the  
9 same thing, maybe just in slightly  
10 different words. So, I don't  
11 think anyone is saying that that's  
12 not going to be the course.

13 My understanding -- you  
14 know, I haven't been here for a  
15 couple months directly involved in  
16 LICAP, but my understanding was  
17 those ideas were being discussed,  
18 and those --

19 MR. HERSHKOWITZ: Well,  
20 there's been one presentation by  
21 Sarah, you know, in terms of this  
22 compact plan, but I don't believe  
23 there's been other management  
24 opportunities explained or  
25 discussed or offered.

1  
2                   MR. CAREY: So, some of the  
3                   subcommittees are looking into  
4                   management agreements and ways  
5                   that we can better protect the  
6                   aquifer as part of their task in  
7                   the subcommittee, so it's being  
8                   done through, you know, not  
9                   necessarily as when we meet as a  
10                  whole board, but in the  
11                  subcommittees.

12                  MR. HERSHKOWITZ: I've been  
13                  to many of those meetings, not all  
14                  of them, but, yes, I agree with  
15                  you, but we're talking about an  
16                  entity that puts those things in  
17                  place. So I agree with you that  
18                  the work of the committees has  
19                  been spectacular, and there are a  
20                  lot of wonderful things coming out  
21                  of it, and we've all talked about  
22                  actionable plans, we've all had  
23                  e-mails going up and back, and  
24                  we've talked about these very  
25                  specific things, which is

1  
2 different from some of the other  
3 reports in the past, but who's  
4 going to do it? How is it going  
5 to be implemented? How are we  
6 going to move it? And that goes  
7 against the kinds of the kicking  
8 of the can.

9 I think this is a very --  
10 this is the first time we're a  
11 bipartisan political group on Long  
12 Island really looking at this, and  
13 I think we need to take the bull  
14 by the horns a little bit, use the  
15 resolution and move it forward in  
16 terms of let's really tackle this  
17 problem. How are we going to  
18 implement all of these things  
19 coming up? And I think that needs  
20 to go towards choices in terms of  
21 an entity.

22 (Whereupon, Mr. Ostuni  
23 entered the meeting room.)

24 MR. SZABO: Well, I think  
25 some of the points that you are

1  
2 making certainly can be addressed  
3 in some of the subcommittee  
4 meetings over the next several  
5 months. I don't think anyone is  
6 looking for a decision today on  
7 how to proceed, but the topics  
8 will come up, it will be  
9 discussed, there will be an action  
10 plan. As to what extent, I think  
11 that's open for a debate, but as  
12 everyone has said, there's been a  
13 tremendous amount of good work  
14 conducted by those participating  
15 in the subcommittees, and that  
16 will continue.

17 I would just like to note  
18 that Mr. Ostuni has now attended  
19 at about 10:12. Welcome, sir.

20 MR. OSTUNI: Thank you.

21 MR. SZABO: Any other  
22 comments from the public?

23 (Audience member raises  
24 hand.)

25 MR. SZABO: Yes? Please

1  
2 state your name.

3 MS. BLUM: Paula Blum. I'm  
4 with the League of Women Voters of  
5 Nassau County.

6 Is there a possibility of  
7 having a subcommittee specifically  
8 geared towards looking into the  
9 possibility of an entity and how  
10 that entity might be formed and  
11 what the specifics of the entity  
12 might be?

13 MR. SZABO: A sub --

14 MS. BLUM: My understanding  
15 is that over the past 40 years  
16 there have been a lot of really  
17 good ideas coming out of a lot of  
18 different places, but none of them  
19 have been implemented, or if any,  
20 very few have been implemented.  
21 Perhaps if you had a subcommittee  
22 specifically geared to the type of  
23 entity that might implement all of  
24 these wonderful ideas and plans,  
25 it might be worthwhile.

1

2 MR. SZABO: Well, I know --  
3 Michael, did you have something?

4 MR. WHITE: Well, I think  
5 it's a great suggestion, but I  
6 think there's a presumption that  
7 there needs to be a new entity --

8 MS. GALLAGHER: Right.  
9 Thank you, Michael.

10 MR. WHITE: -- and so this  
11 is the first choice, to work with  
12 it within the framework to see a  
13 division of labor or an elevation  
14 of responsibilities that would  
15 make that happen, because you  
16 know, I'm always one of the people  
17 out there to say we are  
18 over-governed. Not to say that --  
19 because I believe the position of  
20 Jared, there is a lack of focus,  
21 but I think our first instance  
22 would be to see if it fits within  
23 existing framework, and where that  
24 can be.

25 That's one of the choices.

1  
2 If that doesn't work, and there's  
3 a determination that there's a  
4 need for yet another governing  
5 agency and how that's going to be  
6 established and at what level of  
7 government, that's a different  
8 question.

9 So I would like to approach  
10 the first level first.

11 MR. DAWYDIAK: If I could  
12 just add -- I'm Walter Dawydiak,  
13 Suffolk County Health.

14 We went through a similar  
15 exercise in the Suffolk County  
16 Comprehensive Water Resources  
17 Management Plan, and it's really  
18 an issue of form and function, and  
19 we haven't really defined the  
20 needs and function, so it's just a  
21 little premature to spend too much  
22 time on the form.

23 Waste water is a good  
24 example, because in Suffolk County  
25 we first defined the impacts, the



1  
2 needs, the available tools, we  
3 looked at alternatives, costs and  
4 benefits, and decided that for  
5 waste water a new district made  
6 sense, and that's a huge policy  
7 decision. But the reason was  
8 there was a lot of state money  
9 that could pass through, and the  
10 way it could pass through is  
11 through that district, so that was  
12 really the argument that supported  
13 the creation.

14 So I think as we move  
15 forward and start to put on the  
16 table specific actions, we see how  
17 to best implement them, and all  
18 alternatives are certainly on the  
19 table.

20 MR. SZABO: Thank you,  
21 Walter.

22 I hope that addresses your  
23 question.

24 Any other comments from the  
25 public?

1

2

(No response.)

3

4

5

MR. SZABO: Okay, with that being said, we'll close the public comment.

6

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8

9

I trust everyone has had the opportunity to review the minutes from the September 17, 2015 LICAP meeting.

10

11

That being said, I ask is there a motion to approve?

12

13

MR. CAREY: Motion to approve.

14

MR. HERSHKOWITZ: Second.

15

16

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MR. SZABO: Motion by Stan, second by Jared. Minutes are approved.

18

19

20

Frank Koch and Stan Carey are going to provide a report on water quality and GIS update.

21

22

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25

This is one of the -- I don't want to steal Stan's thunder, but as everyone said, there's been a tremendous amount of work behind the scenes, not at

1  
2           this formal setting, but very  
3           smart people getting together,  
4           spending time, making the  
5           commitment to do things that we've  
6           never really done before. Stan  
7           and I had a chance to see some of  
8           that yesterday with the GIS water  
9           quality update, but I'll kick it  
10          over to Mr. Carey.

11                   MR. CAREY: So, this  
12          subcommittee in water quality and  
13          in putting all the water quality  
14          data from all the public suppliers  
15          of Long Island into a GIS database  
16          initially was a very big  
17          challenge, because we had to get  
18          releases from all the water  
19          suppliers to allow us the  
20          information from the various labs  
21          that they use.

22                   We managed to get a  
23          handful. We don't have them all  
24          yet. Frank and I did put a  
25          release out to everybody and we're

1  
2 getting them back in dribs and  
3 drabs, but there were a lot of  
4 concerns about security-sensitive  
5 information as far as the  
6 coordinates as to where the public  
7 water supply wells were located.  
8 The districts were very hesitant  
9 to just give that information  
10 freely and not knowing that it was  
11 going to be protected.

12 So, we spoke to John  
13 Milazzo and we also spoke to the  
14 Long Island Water Conference  
15 attorney, and we were advised that  
16 that information, being that it's  
17 very sensitive, is not subject to  
18 FOIL. I also had a conversation  
19 with Don's staff at Nassau County  
20 Health, and they also felt very  
21 strongly that the information had  
22 to be protected and was not  
23 subject to FOIL through LICAP.  
24 So, I believe we've accomplished  
25 that.

1  
2                   So now, my -- the next part  
3                   is to convince the rest of the  
4                   districts and water suppliers to  
5                   provide their releases so we can  
6                   move forward, but we did manage to  
7                   do a dry run with the GIS database  
8                   with a handful of districts in  
9                   Nassau and a handful of supply  
10                  wells in Suffolk, and it was  
11                  really a nice job by Ty and Jim at  
12                  the Water Authority. Jeff had  
13                  mentioned that yesterday we did  
14                  see it for the first time. It's  
15                  very comprehensive.

16                  I don't know this has been  
17                  accomplished anywhere else by any  
18                  other agency, that I am aware of,  
19                  but you can click on a  
20                  parameter -- let's say if you want  
21                  to look at iron -- and pick the  
22                  range, anything over the MCL, and  
23                  it would pop up on the map  
24                  everywhere just by clicking. If  
25                  you wanted to look at MTBE or any

1  
2 other VOCs and you can see it  
3 Island-wide.

4 So our intent moving  
5 forward is to get the rest of the  
6 districts to provide the releases,  
7 get this finalized, and it would  
8 be a nice tool for LICAP, it  
9 probably would be a nice tool for  
10 the Health Departments and also  
11 USGS, but we could also make it  
12 available to any individual  
13 district or engineering firms that  
14 want to use it. So, we're very  
15 happy with the progress that we've  
16 made so far, and hopefully we keep  
17 going in the direction where we  
18 get the rest of the releases.

19 MR. WHITE: I just want to  
20 back up for a second. Not to stop  
21 the train here, but...

22 So, I'm having a hard time  
23 understanding. So, they were  
24 concerned about information they  
25 were supplying to us would not be

1  
2 subject to FOIL, but we're using  
3 it to provide a database and a  
4 report that is going to become  
5 available to --

6 MR. CAREY: Right, the  
7 overall map, okay, the general  
8 public would not be able to drill  
9 down and see where your public  
10 water supply is on an X-Y  
11 coordinate, and that's what they  
12 were most concerned about. They  
13 didn't want the general public to  
14 see the exact locations published  
15 of where their public supply wells  
16 were.

17 So, if we were to furnish a  
18 report, you would just see a map  
19 with dots on it. The public would  
20 not be able to drill down into  
21 that GIS map and see where the  
22 specific wells are.

23 MR. WHITE: Why not? Don't  
24 we want to know where the public  
25 wells are at?

1

2

MR. IRWIN: They are a

3

Federal Homeland Security

4

restriction. It's against that.

5

MR. WHITE: Okay, that's a

6

good answer.

7

MS. GALLAGHER: Right. To

8

give the actual layer, a data

9

layer, but certainly people can go

10

on Google and see where public

11

supply wells are and water towers

12

are, but you just don't want to

13

give out the exact accurate, you

14

know, geographic location.

15

MR. WHITE: Okay.

16

MR. CAREY: And that was

17

one of the biggest concerns, and

18

frankly, I'm not over that hurdle,

19

yet, with the rest of the

20

suppliers. I'm going to speak

21

tomorrow night at the

22

Nassau-Suffolk Commissioners'

23

Meeting. Hopefully, I can get the

24

rest of them to come on board, but

25

when it's finished, it's going to



1  
2 be a really nice tool for all of  
3 the water suppliers and involved  
4 agencies.

5 MR. IRWIN: Stan, have you  
6 gotten historical data? Have we  
7 provided that to you, or you  
8 just -- you said you are getting  
9 cooperation from the labs. I'm  
10 assuming that --

11 MR. CAREY: Suffolk County  
12 Water Authority lab has everything  
13 for Suffolk, and then Pace  
14 Analytical we found out does every  
15 other district or supplier in  
16 Nassau and Suffolk. So the  
17 releases were basically for Pace  
18 Labs. The districts giving it to  
19 them would not allow LICAP access  
20 to their 2014 and '15 sampling  
21 data.

22 MS. GALLAGHER: So you  
23 start with like an 18-month window  
24 so you can picture before you had  
25 all the other...

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MR. CAREY: Yeah, we did a dry run over the past month or two with just a handful of districts that already provided releases in Nassau and Suffolk, so that's why we were able to see the result yesterday.

MR. IRWIN: Because the actual water quality data is available. I believe we can provide that to you.

MS. GALLAGHER: Right.

MR. IRWIN: And you can match up the wells.

MR. CAREY: The question was what format. That was part of the challenge, what format, what software were used, and we found out that Pace provides an annual spreadsheet, similar to an Excel spreadsheet for every district, and they were able to upload that right into GIS. So it was fairly simple.

1

2

MS. GALLAGHER: Right, so I

3

think there's a difference in

4

using the supplemental data. It

5

doesn't include the X-Y

6

coordinates, and to do the

7

mapping, you need that

8

information.

9

MR. IRWIN: Well, usually

10

water quality would be in a

11

separate table and then the X-Y

12

coordinates is in a different

13

table, and you just need a field

14

to match them.

15

MS. GALLEGHER: Right.

16

MR. CAREY: I spoke with

17

Joe DeFanko, and we probably will

18

need some help with the

19

coordinates for some of the

20

districts who don't have them

21

readily available.

22

MR. IRWIN: We just need to

23

put a letter in saying that they

24

have been protected, but we can

25

also give you data that goes back

1  
2 decades.

3 MS. GALLAGHER: That would  
4 be the next step.

5 MR. CAREY: If we don't  
6 have the cooperation of all the  
7 districts -- I want to try to get  
8 everybody on board, and hopefully  
9 they realize it's for a really  
10 good cause in what we're trying to  
11 accomplish Island-wide, so I think  
12 that would be the Board's next  
13 decision, if we want to take it  
14 and publish it anyway, even if  
15 they didn't agree. We're not  
16 quite there yet, but hopefully  
17 with a little more work, we can  
18 get there.

19 MR. DAWYDIAK: If I can  
20 add, in Suffolk County we have all  
21 of the data for all of the  
22 community as well as a  
23 non-community from our own  
24 monitoring as well. I'm sure our  
25 guys will be talking to you about

1  
2           this, but what you are talking  
3           about is a tremendously valuable  
4           project which is years and years  
5           overdue, and to the extent we can  
6           get all the data from as many  
7           wells as possible on that, that  
8           would be a huge resource.

9                         Our problem in Suffolk  
10           County is that the data is stored  
11           in pretty marginal format  
12           sometimes, and you have to  
13           manually go in and scrub out which  
14           pretreatment, posttreatment,  
15           replicants, multiple resamples.  
16           So, when you start getting into  
17           averages and any kind of analysis,  
18           it gets messy, and so somebody has  
19           to do some programing to sort all  
20           that out, and that may be trivial.

21                         Who is going to maintain  
22           this web page going forward?

23                         MR. SZABO: That's a very  
24           good question. We had this  
25           discussion yesterday and earlier

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2 this morning before LICAP.

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Assuming that we're able to get all of the drinking water providers to join and provide data to get information from the Nassau and Suffolk County Health Departments and then get all that data input into the system that we have, which will be time consuming, but we most definitely believe it will be able to occur, managing it and updating it and making it available, that's a question that the board would need to discuss.

Certainly, the Suffolk County Water Authority would be willing to do that. We have to speak to counsel to see if there are any problems with that or issues that may come up, but as far as maintaining and managing it, that's something we would gladly take on. It's a worthwhile

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2 endeavor.

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I see some of the staff in the back there from the Water Authority looking like "Oh, boy, we just got another assignment," but certainly we can do it. If it's not the Water Authority, then I'm open to suggestions.

(Whereupon, Mr. Dale entered the meeting room.)

MR. CAREY: I think in the discussions we had yesterday also, we would be able to provide it to any district that maintains the GIS database if they wanted to have it for their own use or for their consultants' use to maintain it for their own needs, but really for the purpose of LICAP, we're only going to take this so far for our report and to furnish this for some other agencies or potentially a new agency would have it to pick up where we left off.

1

2

MR. SZABO: I'd like to

3

state Dorian Dale, at 10:29, is

4

here.

5

MR. DALE: You know, it's

6

like my third-grade teacher used

7

to say, "A diller, a dollar, a

8

10:00 scholar."

9

MR. SZABO: Good morning,

10

Dorian. How are you?

11

MR. DALE: I'm well, thank

12

you.

13

MR. SZABO: Any other

14

questions?

15

Frank, did you want to add

16

anything to that?

17

MR. KOCH: No, that's it.

18

I think before we go to the Health

19

Department for some of the

20

supports there, it's just great to

21

have every utility on board. I

22

think it supports LICAP much

23

better, so me and Stan will work

24

on that. We'll get as many people

25

on board as possible before we go



1

2 to Plan B.

3

4 MR. SZABO: Before we move  
on, Walter?

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MR. SZABO: Before we move  
on, Walter?

MR. DAWYDIAK: I just have  
one other question for the group.  
We don't need to answer it today;  
I want to put it on the table.  
We've had differences of opinion  
as to whether contributing areas  
to public supply well fields need  
to be privileged and confidential  
and non-FOILable for purposes of  
Federal Homeland Security.

The interpretation was  
fairly rigid back in 2001 where it  
was hands off everything. The  
state Health Department has told  
us informally that's your  
decision. If you feel that the  
benefit to releasing it for  
planning and management purposes  
outweighs any potential risk, they  
would defer to us, so we've never  
gotten anything formal, but I

1  
2 think this would be a great  
3 opportunity for LICAP to weigh in  
4 on making that information  
5 available.

6 From our perspective in  
7 health, people ask for it all the  
8 time. It's very cumbersome to  
9 have to go parcel by parcel and  
10 tell people whether they're in or  
11 out. It would have huge utility  
12 for towns, villages, the state and  
13 the public to access this sort of  
14 information, and I think group  
15 consensus on making that available  
16 would be really helpful.

17 MR. SZABO: Much  
18 appreciated. I'm not sure that's  
19 something we're looking to decide  
20 today.

21 MR. DAWYDIAK: No, I'm  
22 talking about in committee work.

23 MR. SZABO: Yeah,  
24 subcommittee work. Thank you,  
25 Walter. Appreciate it as always.

1  
2                   Ty Fuller, who is with the  
3                   Water Authority and sort of  
4                   spearheaded putting this data  
5                   together and working with Stan and  
6                   the Nassau County folks, and also  
7                   Pam Smalls from our laboratory, I  
8                   would just ask Ty, is there  
9                   anything else you would like to  
10                  comment on related to the process  
11                  and where we go from here?

12                  MR. FULLER: Well, as far  
13                  as the process, I was really  
14                  excited to see that everybody was  
15                  able to work together fairly  
16                  quickly. In the future, just  
17                  having it in an Excel format, that  
18                  can be something that can be used  
19                  to import from other databases. I  
20                  know yesterday we spoke about  
21                  using the Water Quality Exchange,  
22                  or WQX, but for right now, it  
23                  works for our means.

24                  Potentially, with this  
25                  database we set up via GIS, I

1  
2 think the Department of Health  
3 kind of started something with  
4 non-community wells. I'd like to  
5 see us incorporate more. You  
6 know, potentially have private  
7 wells, monitor wells, it's  
8 something that could be very  
9 extensive. So, you know, it's a  
10 great start so far.

11 MR. SZABO: Thank you, Ty.

12 Any other comments?

13 (No response.)

14 MR. SZABO: Okay, that  
15 being said, we'll move on.

16 Steve Colabufo,  
17 subcommittee report?

18 MR. COLABUFO: So, since  
19 the last joint subcommittee  
20 meeting that we had in October,  
21 the two subcommittees have been  
22 holding smaller individual  
23 meetings regarding all of the  
24 specific topics that will be  
25 included in the Groundwater

1  
2 Management Plan. This is a good  
3 opportunity for the authors, as  
4 well as other interim parties to  
5 sort of brainstorm ideas for  
6 possible inclusion in those  
7 reports, which would be part of  
8 the larger Groundwater Management  
9 Plan.

10 We still need to hold  
11 several meetings for several  
12 topics we haven't had the  
13 opportunity to meet on yet, and  
14 our goal for 2016 is really going  
15 to focus on getting the reports on  
16 those subtopics done.

17 So, we'll probably be  
18 altering in some manner the way we  
19 have the subcommittee meetings.  
20 In 2016, the focus will really be  
21 on getting other reports done. We  
22 hope to have first drafts by, say,  
23 mid/late February and final drafts  
24 by the fall of 2016. At that  
25 point, we can begin the process of

1  
2 editing those reports and editing  
3 the overall Groundwater Management  
4 Plan.

5 There you go, short and  
6 sweet.

7 MR. SZABO: Okay,  
8 questions?

9 MR. HERSHKOWITZ: Steve,  
10 and I know we've exchanged some  
11 e-mails on this, are we trying to  
12 focus on each plan a  
13 recommendation, an actionable  
14 plan, attached to these reports?

15 MR. COLABUFO: Well, there  
16 should be some recommendations at  
17 the end of each plan, but really,  
18 the vision we have is kind of an  
19 historical introduction of the  
20 problem, a summary of what's going  
21 on, and then as a conclusion, some  
22 recommendations for improving  
23 various things. So, yes,  
24 management will be part of the  
25 reports, to have some

1  
2 recommendations.

3 MS. GALLAGHER: It should  
4 be part of every report,  
5 recommendations. And that would  
6 be rolled up into the overarching  
7 recommendations that then  
8 logically follow with a, you know,  
9 major recommendation.

10 MR. HERSHKOWITZ: I mean,  
11 conceptually, each report is a  
12 substantiation for the  
13 recommendation.

14 MS. GALLAGHER: Right,  
15 hopefully.

16 MR. HERSHKOWITZ:  
17 Conceptually.

18 MR. SZABO: Okay, thank you  
19 very much.

20 We have an item for  
21 discussion here, and I'll open it  
22 up to the members, really, to an  
23 Island-Wide Conservation Plan, and  
24 this is something that each of the  
25 drinking water providers

1  
2 independently do, and many do a  
3 very good job, and we're very  
4 proud of the Suffolk County Water  
5 Authority's efforts, but I would  
6 like to just open it and get  
7 everybody's thoughts as to some  
8 sort of combined effort, some sort  
9 of a strategic conservation plan  
10 that all of the providers, with  
11 input from the Health Department  
12 and DEC and everyone else, may be  
13 able to adopt, maybe a long-term  
14 plan. It's something that I think  
15 would be very valuable information  
16 when it comes to anything from,  
17 you know, quantity to recharge  
18 to -- you name it.

19           And I'm not sure of what's  
20 the best avenue to sort of pursue  
21 a discussion of a comprehensive  
22 plan Island-wide. I don't know if  
23 it should be a discussion and  
24 assigned to one of the  
25 subcommittees, if that's something



1  
2 that we would like to -- well, I  
3 guess first, should we have --  
4 should conservation be part of the  
5 discussion here at LICAP and some  
6 of the subcommittee work? I'll  
7 start there.

8 MS. GALLAGHER: Absolutely.

9 MR. HERSHKOWITZ: Of  
10 course.

11 MR. SZABO: Well, even with  
12 well permits -- and, Carrie, maybe  
13 you can elaborate -- some of the  
14 changes and some of the  
15 requirements that the DEC seeks  
16 when entities are making  
17 applications for wells.

18 MS. GALLAGHER: Right. So,  
19 there is a requirement to have an  
20 updated water conservation plan.  
21 We're actually working to come up  
22 with a better template that's more  
23 usable, makes more sense, that all  
24 of the water districts can then  
25 follow, and providing that along

1  
2 with that, kind of a one-page  
3 annual update as to what they  
4 achieved that year.

5           So, looking really at  
6 benchmarks and measurable  
7 activities that would happen  
8 during the year and that you would  
9 be able to report out to us on an  
10 annual basis, and then you would  
11 want to relook at that when you  
12 are looking for permit  
13 modifications or renewals or new  
14 wells or changes.

15           And, Stan, I think Jen and  
16 Tony have been working with  
17 Massapequa as like a guinea pig.

18           MR. CAREY: We were one of  
19 the first to go through the new  
20 requirements. We put application  
21 in for a new well -- not in  
22 Lloyd -- but the measurable  
23 objectives each year is what's new  
24 to us.

25           But I think it's a good

1  
2 idea for this committee, because  
3 there are a lot of suppliers in  
4 Nassau that may not be looking for  
5 a well for ten years, and they may  
6 not be exposed to the new  
7 requirements. So, I think it is a  
8 very good idea for the  
9 subcommittee. Maybe we can have  
10 someone from your staff sit in on  
11 it for some guidance, but I think  
12 it fits right in to what we've  
13 been charged to do.

14 MS. GALLAGHER: So a piece  
15 of that, obviously gets into the  
16 issue of caps. There are caps in  
17 Nassau County for the water  
18 districts where there's a  
19 significant number of districts  
20 who routinely exceed their caps,  
21 which does not make sense -- you  
22 know, so something is not working  
23 with that system right if there's  
24 routine exceedences, not by a  
25 little bit, but by a lot. So part

1  
2 of it is revisiting how the caps  
3 are set, do they still make sense  
4 as they exist, and how this  
5 hopefully new water model for  
6 water conservation plan would work  
7 to improve that system.

8 Another piece being, when  
9 we talk about Island-wide, in some  
10 locations it makes more sense,  
11 say, maybe for peninsulas to work  
12 together on a multi -- well, you  
13 know, almost like a multi-water  
14 district conservation plan,  
15 because of the limitations in some  
16 of those, because of salt water  
17 intrusion and some other things  
18 occurring, it may start to happen  
19 in the middle Island locations  
20 where you've got contamination  
21 plumes that then make clean water  
22 quantities less available to you.

23 So it's definitely a  
24 challenge that needs to be  
25 addressed for a lot of reasons.

1  
2           So I think there's a way to do  
3           that, or even have some  
4           multidistricts, and then  
5           Island-wide subregional  
6           conservation goals might make the  
7           most sense.

8                         But we're hoping to have  
9           more information about that in the  
10          spring. I think Jen was really  
11          trying to work with Massapequa,  
12          which was the first kind of guinea  
13          pig in Nassau.

14                        MR. CAREY: It's really not  
15          so bad. It's all for the better.

16                        MR. SZABO: Jared?

17                        MR. HERSHKOWITZ: I think  
18          that now that you've established  
19          this, you know, reaching out to  
20          all the water suppliers, which you  
21          do ordinarily anyway in the group,  
22          to assess what individual water  
23          suppliers do in terms of  
24          conservation, and then kind of  
25          boil that down, see what everybody

1  
2 else is doing as a way to boil  
3 down what's the basic.

4 For instance, in Dix Hills,  
5 we charge more for people who use  
6 so much more water. Some  
7 districts don't. I mean those  
8 kinds of things. So, everyone can  
9 see what everybody else is doing,  
10 and maybe we can reach a common  
11 denominator on things obviously in  
12 water conservation, but there's  
13 many, many other conservation  
14 techniques that we can use, and if  
15 the water suppliers can reach an  
16 agreement on that, that would be  
17 phenomenal, and if it came from  
18 here, that would be great.

19 MR. GRANGER: Paul Granger.

20 I just wanted to remind  
21 everyone, I am working on the  
22 water efficiency, so that's an  
23 opportunity to explore and discuss  
24 water conservation in terms of  
25 what's happening or existing, and

1  
2 it's also talking about the  
3 existing and new initiatives, so  
4 that can probably be the forum for  
5 us to explore water conservation.

6 MR. HERSHKOWITZ: And if  
7 you can come up with a Water  
8 Conservation Actionable Plan, that  
9 would be great.

10 MR. SZABO: Thank you,  
11 Paul.

12 Any comments from any of  
13 the board members?

14 (No response.)

15 MR. SZABO: If not, I would  
16 just ask that that topic be  
17 assigned to one of the  
18 subcommittees for a future  
19 discussion, and certainly, a very  
20 good point, Jared.

21 Dorian?

22 MR. DALE: I would just  
23 underscore what Jared tepidly  
24 alluded to, and that would be  
25 price point. I think in talking

1  
2 conservation it's not low-flow  
3 shower heads, it's price point at  
4 the end of the day, so let's be  
5 real in terms of what's going to  
6 give this conservation teeth.

7 MS. GALLAGHER: Dorian, I  
8 never heard you say that before.

9 MR. DALE: I know, it's a  
10 complete novel thought that sprung  
11 to mind.

12 MR. SZABO: Okay, we have  
13 circulated a draft calendar for  
14 2016. I think everyone should  
15 have that before them. Clearing  
16 out the dates for potential  
17 meetings, assuming, again, we are  
18 very flexible based on things that  
19 happen throughout the year, but we  
20 thought it would be, obviously,  
21 appropriate to have some dates set  
22 aside.

23 If everyone has had a  
24 chance to review it, I would ask  
25 for a motion to approve the



1

2 calendar and a second.

3 MR. KOCH: I make a motion.

4 MR. IRWIN: Second.

5 MR. SZABO: Motion by Mr.

6 Koch, second by Mr. Irwin. Thank

7 you very much. It's approved.

8 MR. HERSHKOWITZ: Can I ask

9 a question?

10 And this falls to Counsel,

11 does the resolution call for

12 public hearing in Nassau and

13 Suffolk each year?

14 MR. MILAZZO: Yeah, we've

15 had this conversation, and what it

16 says is there's to be a public

17 hearing in each county, but that's

18 basically on the plan.

19 MR. HERSHKOWITZ: But

20 doesn't it specify "each year"?

21 MR. MILAZZO: Yeah, so

22 LICAP, on an annual basis, shall

23 conduct at least one public

24 hearing in each county for

25 purposes of soliciting

1  
2 information. It's necessary for  
3 the report's preparation. We've  
4 had that --

5 MR. HERSHKOWITZ: We did  
6 one last year, not this year.

7 MR. MILAZZO: Right.

8 MR. HERSHKOWITZ: So it's  
9 something we should look at, I  
10 think.

11 MR. SZABO: If you recall,  
12 when the commission was created,  
13 we did have a public hearing in  
14 Suffolk County, a public hearing  
15 in Nassau County, and that was for  
16 the purpose of the public to  
17 inquire as to -- to state their  
18 concerns related to, you know,  
19 drinking water quality and  
20 everything else. It really was  
21 not a -- it wasn't much of a  
22 discussion. It was for public  
23 comment.

24 And Jared, we sat there,  
25 and Walter, we all sat there, and

1  
2 we took the comments, but it was  
3 really not a give and take. It  
4 really wasn't a discussion.  
5 We've -- we were discussing it  
6 internally, and the thought being  
7 that when we have something to  
8 share, when we're ready to, in a  
9 draft form, present and then get  
10 public input and have a dialogue,  
11 that it would be appropriate to  
12 have additional public hearings in  
13 both counties. I would defer to  
14 Counsel as to --

15 MR. HERSHKOWITZ: I was  
16 just looking at the wording in the  
17 resolution.

18 MR. MILAZZO: Yeah, we had  
19 the debate last time, and I think  
20 that was the same comment, that  
21 maybe it's better to have a report  
22 so people can comment on it, and  
23 you urged that maybe we should  
24 have the hearing first.

25 MR. HERSHKOWITZ: That was

1

2 prior.

3

4

MR. MILAZZO: Yeah, so that  
was the only hearing we've had.

5

6

MR. HERSHKOWITZ: I'm just  
looking at the wording, too.

7

8

MS. SZABO: So obviously we  
want to stay true to the  
resolution.

9

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MR. MILAZZO: Your meetings  
are publically noticed, and people  
are invited to them and there's a  
public comment period.

14

15

MR. SZABO: So that  
substantiates the resolution.

16

17

18

MR. MILAZZO: It says "at  
least one public hearing." The  
spirit --

19

20

MR. HERSHKOWITZ: I  
understand the spirit.

21

22

23

24

25

MR. MILAZZO: -- is to get  
public input and be part of the  
process. So as an entity, you can  
decide, well, we should have a  
hearing early next year and that

1  
2 will give us the hearing, but you  
3 have met the intent by having  
4 these public meetings, publicly  
5 noticing them, and the web page is  
6 also inviting people to comment,  
7 and people can reach out to any of  
8 the members at any time.

9 MR. HERSHKOWITZ: So let me  
10 do a follow-up, then. Since we're  
11 looking at the calendar, is that  
12 something we should consider in  
13 this calendar year, in '16, as a  
14 public hearing based on what Steve  
15 said that we'll have some sort of  
16 draft or finalized format in the  
17 fall, so maybe we should look  
18 towards October, November as  
19 public hearing times, and put out  
20 some real good publicity on those,  
21 which I don't think we did well  
22 last time.

23 MS. SZABO: Right. We were  
24 all, I think, a little  
25 disappointed with the

1  
2 participation from the public last  
3 time, and we did our best to try  
4 to promote it, and --

5 MR. HERSHKOWITZ: All I'm  
6 saying is we should put it on the  
7 calendar, do it earlier.

8 MR. SZABO: Good point. We  
9 will most definitely have public  
10 meetings in both counties in 2016.  
11 I think the question is when is it  
12 most relevant and informative, and  
13 I'm not sure if it's fall, or  
14 maybe at some point in the summer.  
15 I would have to base a decision on  
16 the scheduling dates on the  
17 recommendations of the  
18 subcommittee chairs to say -- to  
19 decide when there's enough  
20 valuable information to schedule  
21 those hearings.

22 But can I assume that the  
23 commission is in favor of  
24 scheduling public meetings in both  
25 counties at some point in 2016?

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2 MR. SCHNEIDER: Yes.

3 MR. OSTUNI: Yes.

4 MR. SZABO: That's great.

5 See? No argument. That's great.

6 So, Jared, continue to work

7 with us with that in mind, as the

8 subcommittee work progresses, we

9 will schedule something in 2016

10 and allow for public comment and

11 public input.

12 And again, the term "public

13 hearing" and "public meeting," I

14 would much prefer to have a

15 dialogue with the public, where we

16 are -- the commission members are

17 actively engaging those who are

18 speaking before us and we can have

19 a discussion related to this very

20 important topic.

21 But in my mind, a hearing

22 is hearing public comment, public

23 hearing, where maybe that's

24 somewhat limiting. So we're all

25 in favor of that. That's good. I

1

2 appreciate that.

3

4 Any other comments? Any  
5 other business, topics that anyone  
6 would like to bring up?

7

Brian?

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MR. SCHNEIDER: Brian

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10 I would just like to report

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that Nassau County DPW will be

12

forwarding the USGS agreement for

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2016 to 2017 to the County

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legislature in early January. It

15

should be at one of the first

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legislative sessions. The funding

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level for the agreement has been

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filled for that two-year period by

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the county. It's not something

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that -- you know, we're happy to

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do it, but in these fiscal times,

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it's getting increasingly

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difficult to do that, but we are

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moving forward with this

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agreement, so the USGS is actually

working now, because their fiscal



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2 year started October 1st of 2015.

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So, that's a great thing to report and I wanted to let everybody know.

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MR. SZABO: Thank you very much. That's certainly good news. With the funding allocated, a resolution before the Nassau legislature, we expect approval? Is there a consensus?

MR. SCHNEIDER: Yes. The funding is already in the capital plan, which is approved by NIFA, so we're not seeing any jeopardy regarding the funding level. So we're good to go.

MR. SZABO: Great, thank you, Brian.

That being said, the next full meeting is scheduled for March 9, 2016. I'd like a motion to adjourn.

MR. WHITE: Motion.

MR. DAWYDIAK: Second.

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MS. SZABO: Motion by  
Mr. White; second by Mr. Dawydiak.  
Thank you very much. Have a very  
safe and happy holiday, everyone.  
(Time noted: 10:49 a.m.)

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CERTIFICATION

I, LORI ANNE CURTIS, a Notary Public  
in and for the State of New York, do hereby  
certify:

THAT the foregoing is a true and  
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of December, 2015.

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LORI ANNE CURTIS