1	SUFFOLK COUNTY WATER AUTHORITY
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4	LONG ISLAND COMMISSION AQUIFER PROTECTION
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7	IN THE MATTER OF:
8	GROUNDWATER RESOURCES MANAGEMENT PLAN
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10	x
11	735 Veterans Memorial Highway
12	Smithtown, New York 11787
13	November 30, 2017
14	Time noted: 6:02 p.m.
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22	Reported by:
23	GinaMarie DeMarco
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1	APPEARANCES:
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3	JEFFREY W. SZABO, Vice Chairman
4	Suffolk County Water Authority
5	
6	FRANK KOCH
7	Suffolk County Water Authority
8	WALTER DAWYDIAK
9	Suffolk County Department of Health
10	
11	MICHAEL WHITE
12	Suffolk County Legislature Presiding Officer
13	MICHAEL FERRETTI
14	Nassau County Department of Public Works
15	
16	DONALD IRWIN
17	Nassau Department County of Health
18	JOHN MILAZZO
19	Counsel for Suffolk County Water Authority
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1 (Time noted: 6:02 p.m.) 2 MR. SZABO: Good afternoon, thank you for 3 attending today's public hearing hosted by the Long 4 Island Commission for Aguifer Protection for LICAP. 5 My name is Jeff Szabo and I am the Vice Chairman of I'm also the Chief Executive Officer of the 6 7 Suffolk County Water Authority. Before we get 8 started, I would just ask the folks around the horseshoe here to introduce themselves. Starting 9 10 with my right. 11 MR. DAWYDIAK: Walter Dawydiak; Suffolk 12 County Health Department. 13 Frank Koch; representative for MR. KOCH: 14 Long Island Water Conference. 15 MR. WHITE: Michael White; representing 16 the Suffolk County Legislator Presiding Officer. 17 MR. FERRETTI: Michael Ferretti; Nassau 18 County Department of Public Works. MR. IRWIN: Donald Irwin; Nassau 19 20 Department County of Health. 21 MR. SZABO: Thank you. 22 The purpose of these hearings is to elicit 23 public comment on LICAP's draft water Groundwater 24 Resource Management Plan. The draft is available 25 online at LIAquiferCommission.com. And in just a



- minute I will introduce Steve Colabufo who will give 1 2 a brief presentation on what the Groundwater 3 Resources Management Plan consists of, as well as an 4 outline some of its key recommendations. A list of 5 the plan's top 15 recommendations is available 6 outside if you haven't picked one up already. You 7 can browse through. 8 Before we begin, I would just like to 9 remind everybody that today's proceedings are 10 designed to form a forum on today's comment on the 11 plan. And that is not a question-and-answer 12 session. Any questions you may have can be 13 submitted electronically by e-mailing to 14 LICAP@SCWA.com or by mail, PO Box 38, care of 15 Suffolk County Water Authority, Oakdale, New York 16 11769. 17 The comments will be addresses as quickly 18 as possible. All comments made today will be 19 brought before the LICAP voting board for
- consideration during our upcoming general meeting on
 December 13th at 260 Motor Parkway, Hauppauge.
 That's the Water Authority's office space. I
 believe that meeting is at 10:00. At that point
 it's the hope that the commission will adopt final

report of the Groundwater Resources Management Plan.



1 That being said, I wanted to introduce --2 before we get to the public comment -- I wanted to 3 introduce Steve Colabufo, the Water Authority's 4 Water Resource Manager who will give a summary about 5 the plan by a presentation. 6 MR. COLABUFO: Thanks, Jeff. 7 Can you all hear me out there? 8 My name is Steve Colabufo, I'm the Water 9 Resources Manager, Suffolk County Water Authority. 10 We're here tonight to talk about the whole new LICAP 11 Groundwater Resources Management Plan. This is the 12 second major deliverable from LICAP. Last year we 13 discussed the State of the Aquifer Report. 14 Groundwater Resource Management Plan is more 15 comprehensive and more forward looking. There's 16 been a culmination of couple of years probably close 17 to three years or more that different people have 18 been involved in LICAP. 19 For those that you may not know I'll just 20 give a brief background here. LICAP is Long Island 21 Commission for Aquifer Protection. And it's 22 basically a partnership for water resource 23 professionals from Nassau and Suffolk Counties. 24 Includes water suppliers, regulators, government

officials, academics and citizens and activist



groups that have formed to address the quality and quantity issues facing on the aquifers on an island wide basis, rather than be so region focused or area focused. It was really kind of a regional kind of an island-wide look at water quality and quantity issues facing all of us.

It was created through legislation and passed in 2013 by both Nassau and Suffolk legislatures the county. As you see on the bottom of the slide, the website for LICAP is there LIAquiferCommission.com.

Within LICAP is every water public supplier providing over 3 million amount of residents with potable water. Nassau and Suffolk County executives as well as well as the Nassau and Suffolk County legislators. We also have people that work in Nassau and Suffolk County Health Departments. With New York State DEC and USGS. So it's a very broad tent. A lot of different people involved in the formulation and the work that LICAP does.

There's a bunch of different of logos.

This is a collage of the logos of various participants. There's actually a lot more than you see in this page. This is all that can fit on one



page. It's a, again, a large number of different agencies of people throughout LICAP.

We have nine voting members. Several of which are behind me here. Some representing, again, different aspects of groundwater and government ins Nassau and Suffolk. We have some non-voting members as well from other organizations. Again, relating to groundwater on Long Island.

One or the two -- one of the more internal significant structures within LICAP has to do with the two subcommittees. I was Chair of the Water Resources and Infrastructure Subcommittee. Bill Merklin was Chair of the Water Resources and Opportunity Subcommittee. And we each had our own little mission to sort of cover a certain aspect of Long Island groundwater as you can see in the slide here.

We began meeting back in late 2014. Those initial meetings were attended by, again, a very wide cross section of Long Island groundwater community. And the attendees at those initial meetings following the adopted law of LICAP responsible for determining the subject matter that was going to be included in management plan. Once we got the idea for input into the plan, two



subcommittees divided up the topics based on their mission. One subcommittee, the one I was Chair in wanted a long-term on resource oriented subject matter. Water Resource opportunities Subcommittee focused more on short-termed facilities oriented topics. And subcommittee chairs organized and over saw the programs and teams that created and edited all the reports. There are about 15 reports created over a three year span. Those reports provided the raw material from which this Long Island Groundwater Resources Management Plan was formulated.

So again, a combination of about a three-year process. The biggest difference between this Groundwater Resources Management Plan and the other ones that have come before it, is that this was done cooperative efforts from existing -- people who already work within the groundwater community on Long Island. Various branches of government as I have mentioned before.

So rather than a consultant doing the work on his own, this was actually done cooperatively by people who already worked within the groundwater industry on Long Island. So it was pretty significant difference on how this plan came about and evolved.



So these are the goals for the management plan, providing a clear picture of threats assessing of the adequacy of existing regulations creating an action plan that would -- implementation program a prioritization schedule for recommendations that came about. Also recommended regulatory amendments and legislative actions.

It was about 15 to 16 different authors. All the reports. I'm not going to go through slide-by-slide here. Just a shout out to all the members -- kudos for all the hard work they did. Appreciate that.

We ended up with 15 different reports. As shown in the next two slides. Again, I'm not going to go through each one. They covered a great variety of groundwater quality and quantity topics — to Long Island. Including an reactivation of the public supply well system, formally the Jamaica water supply company located in Queens, New York activation a very hot topic as we go forward.

We also describe a couple of initiatives that have been either completed or at least started while LICAP was initiated or as LICAP began. So WaterTraq and USGS has form a Long Island study were either completed or underway since LICAP has begun.



So we have 10 different sections of the plan. The first five are more or less a list of existing condition and programs. The executive summary includes the top 15 recommendations. Jeff mentioned they are out there in the lobby if you want to take a look and see what they are. Better that than rather read the whole report to find what the major recommendations are. We put them in the beginning section.

The last couple of sections are more forward looking. Management, implementation opportunities, moving forward. Certainly we have an acknowledgment section where we acknowledge the authors and their hard work and the references they utilized to complete their reports. And all of the individual reports are available in the Appendix. So if you do find a subject you're interested in, you read the full report.

So we ended up with a lot of recommendations from each of the reports. They were voted on -- not voted on. Ranked by LICAP voting members in this A, B, C fashion. Some were eliminated all together and some were combined if they were similar recommendations in other reports.

So these are the top 15 recommendations



- that you have in front of you. They're in no
 particular order. So number one here is not the
 first. They're all just -- in no particular order.
 It's kind of A-list of recommendations.
 - So like I said, the full reports will be available in the Appendix and also on the LICAP website. The final draft will be available for comment until next Friday, I believe. And as Jeff mentioned, we will adopt the plan Wednesday, December 13th.

You can submit comments many ways on the web, by e-mail, by phone, or by old fashion mail at the addresses and numbers you see here. And next couple months we'll see the completion of the State of the Aquifer Report and we will continue to budget based on funding potentially receiving from New York State. Depending on how much money is received we will try utilize that leverage it for data for use of the WaterTraq and sustainability study.

And that's basically it. Just a real quick synopsis of the plan.

So we can open up to public comment at the time. Just thought I make it short and sweet here.

MR. SZABO: Thank you, Steve. In particular I just want to call attention to the



1 effort from the last several years of Steve 2 Colabufo. He's done a fantastic job. Not only 3 managing the subcommittees, but putting together and 4 spending -- how many hours -- hundreds of hours if 5 not more. Putting the draft together. Take 6 different chapters and putting it into one 7 comprehensive report that we could all comment on 8 and certainly share with the public. So you've done 9 a great job. We do appreciate you, Steve. 10 MR. COLABUFO: Thank you. 11 MR. SZABO: I also want to thank the members of the commission who are up here. Who over 12 13 last several years have spent countless hours 14 volunteering, contributing to LICAP's success. 15 That being said, I have a card here from 16 Mike Kauffman. Mr. Kauffman, will you come up at this time. Thank you. 17 18 MR. KAUFFMAN: Thank you very much. name is Michael Kauffman. I'm a resident of the 19 20 village of Nissequoque. I am vice chairman of the 21 council in environmental quality in Suffolk County. I run the EIS process. And I've been doing that for 22 23 about -- longer than I actually want to admit. 24 also a member of the Suffolk County Planning

Commission. I'm representing villages under 5,000

population.

I'm going to try and look at this from a planning prospective given the large withdrawals of water from magothy aquifer where most of the wells are right now, the large population clusters in the western part of Suffolk County, and for the giant new projects that are coming in in the western part of Suffolk. Clearly the western aquifers are being stressed and they're going to be stressed for the future.

We're seeing right now drops in the water table in Nassau. And they're pretty extreme due to the large population in limited areas that have infrastructure regarding the sewers. And everyone knows what's going on in Nassau. It's not a shot at Nassau or anything like that. That's simple the way it is. The water tables have dropped. The streams have dried up to a very great degree. The lakes are basically being stressed. So we see that impacts are possible for a large water withdrawals and they're not theoretical.

I mean, we're seeing it -- from my perspective in the county right next door. And the lines between the counties is simple that, a line on a map. The aquifers are connected and I'm very



worried about Western Suffolk. Western Suffolk is 1 2 facing depletion issues right now. The Water 3 Authority in every EIS that I see says that they can 4 supply the project, and indeed they have a very 5 large network of piping and they have a lot of They do have a lot of underground water 6 resources. 7 that they can tap into. They always talk about the 8 cones of impact on the aguifers will be limited. 9 But there are impacts right now. We are seeing it. 10 One project I know, for example, will 11 lower the aguifer for several miles from the actual 12 project. By up to a foot. That's a pretty good 13 depletion. 14 So we also have another problem which 15 recharge is declining this county as special ground 16 water protect areas aren't built over. And as 17 frankly we are more and more urbanized. 18 For example, Smithtown at the four 19 corners, Constantine Plaza, there's a Home Depot 20 over there, a Costco, there's a Target. A few other 21 stores over there. It's sitting right on top of a 22 SGPA. It basically was permitted because the stores

over there actually don't give off many pollutants.

However, there are problems in that the water that

is caught over is latent hydrocarbons and that's all



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- going in the catch basins. Not flowing away or anything. It's getting recharged with the SGPA.

 But it's dirty water. So we have a lot of problems out there.
 - And I'm what I'm looking at is how we restore the equilibrium. And this is will, if you will the planning I've been doing for 30 years in my home village and head of my home town Smithtown, et cetera. And also now as a regional official for the county of Suffolk. This is where I want to give some actual recommendations.
 - I think we would need to limit the building and impacts on the SGPAs. We can't have anymore of this. Catch basins will ameliorate the impact by total capture.
 - There was a project I worked on a couple of months ago, which I'm not happy about. And basically "it was paved to go over most of paradise" if you will, to quote Joni Mitchell. I don't go back that far, but I do know the song. And basically the concept was basins would catch everything. And that the water would be recharged. Well, it's all concrete. It's all cars. It's going to be latent with hydrocarbon. It's going to be latent with what I technically call schmautz.

1 MR. MILAZZO: Can you spell that for the 2 record.

MR. KAUFFMAN: S-C-H-M-A-U-T-Z. But he's heard me say this word before. But basically it's polluted water and we really need to basically protect these areas. There's a lot of rules and regulations out there. Not of them have really been made binding. And frankly, a lot of towns just don't abide by them.

There also should be no more acceptance of site specific EISs that are larger projects. That look at the water and basically say, "Okay. The water can be supplied. We don't think we're going to do anything." The problem is when you're looking at site specific EISs you're ignoring the regional impact.

Look at, say, Route 25 in Nassau -- you look at Route 25 in Suffolk, the road network is overwhelmed by the accumulative impact of each little project which always is described as inconsequential by the traffic engineers. You could have a road that's already plugged up and I guarantee you an applicant, and I know I've representative developers, I know what they do.

I'll probably have problem for saying it, but you



- can get an engineer to say, "Oh, it's not going to have much of an impact." You have to have a regional plan such as you guys are developing with some teeth in it to make sure that the recommendations of an EIS are not forgotten. That these impacts are not going to be forgotten.
 - I like recommendation number 12 that you guys have over here. "Require DEC and County Health to review and provide comment on municipal for applications." I actually testified before the assembly health committee recently about a similar issue in that -- has teeth in it in the municipal planning process. Which everyone always ignores. And problem is it doesn't get looked at.

 Recommendation 12 sort fills that gap. And I'm very, very happy to see that.

I would advise strengthening that to make it go to a coordinated review so that a town or another municipal cannot necessarily ignore that. I've seen unfortunately this kind of stuff happen, where comments are submitted and the town or village wants to go forth anyway and they just throw the comments out.

So site specific EIS is the kind of ignore the overall issues, the regional issues, the



regional -- they cannot any longer be ignored. We have problems out here. We're seeing -- Walter -- pardon me, Mr. Dawydiak was part of the team in Suffolk County that noticed that we were having nitrogen problems. Nitrogen infiltration into the magothy from all of our construction and everyone living around here over the last 40, 50 years.

We're starting to lose our aquifers unless something happens. And that's one of the reasons why you gentlemen were organized.

This thing needs teeth and it needs to be looked at in a regional way. And again, as someone who looks at this stuff regionally, sitting on regional boards, I think it is critical and I've looked at some of the recommendations. I'm like what I'm seeing. They need to need to be really, really pushed.

Finally, as on the side, you have on here recommendations 5 and 11, "established guidelines for the use of water by geothermal systems and notification for a public water supplier before a system comes in."

I wrote the master code for the county and a number of towns have adopted it for geothermal.

And one of the recommendations that we had in there



- or one of the rules that we had in there, was a notification of the public water supplier.
- 3 | Guidelines since you have that's a critical element
- 4 | that we did not really look at. These systems all
- 5 use different amounts of water. As such, there's
- 6 one facility out on the Eastend, I would say the
- 7 | name, that uses a enormous amount of water. It's an
- 8 older system and it pumps the water away.
- 9 It may be that you want to use closed 10 systems or something like that, or have a preference 11 for that. Geothermal is a very, very efficient way 12 of dealing with heating and cooling. It needs to be 13 regulated, if you will. Just as other regional
- 14 project need to be done.
- To the extent the industry is trying to go
 forward, you need to -- as you guys say, establish
 the guidelines. And I think that's a very, very
- 19 Thank you very much.

MR. SZABO: Thank you very much for your comments.

good thing. That's all I have to say.

- Our next speaker is Rob Carpenter from the Long Island Farm Bureau.
- MR. CARPENTER: Thank you very much. I appreciate the opportunity to speak on your report.



Before I began, I actually did read the report cover to cover, every word and I have to say I'm very impressed by the thought and the length of time you all put into this. And I congratulate you and the authors of the report.

I did bring hard copies of my statement that I would like to distribute if it's possible for you to have for the record. But I do want to read it into the record, if that's okay.

My name is Rob Carpenter. I'm the administrative director of Long Island Farm Bureau. The Long Island Farm Bureau is a membership association representing over 3,000 farmer, fishermen, agribusiness people, and individuals interested in a rural quality of life here on Long Island.

We anticipate the many of hours it took of hard work and dedication to comply this report and make recommendations. The agricultural industry feels there are a few points and recommendations that need to be addressed before your report is finalized and we are here to assist with comments to better inform the users of this information so they have correct and factual information for future decisions.



As you state, in multiple sections of your report, Suffolk County remains one of the largest agricultural producing counties in terms of sales of product in New York State with over \$240 millions in annual sales. To our credit, municipalities across the county have invested hundreds of millions of dollars to preserve working farmland from development so that farmers will have land to farm in perpetuity and produce the food and fiber necessary to feed our citizens today and into the future.

As a water user, we are disappointed that agriculture did not have a seat at the table to present our industry's perspective and give guidance to the committee on the positive projects the industry is working on to ensure good stewardship of the land and water for future generations, nor were we asked to advise the group on our issues and concerns.

The first recommendation we are going to make to you is if there are any proposed regulations or recommendation put affecting farmers that an agricultural subcommittee be formed with farmers and industry support groups, in order that they were able to review and comment on the proposals. With

almost 40,000 acres of farmland in production, water quality and quantity are essential to the survival of the industry.

Furthermore, if any regulations or recommendations are proposed, we ask that new data compilation and testing are done to ensure the most up to date information is used as opposed to historical data that has changed or is outdated.

We also take great exception at the editorialized comments in the farming sections. And I'll page reference page 56 an further on in the report. We find it unfortunate that the authors chose to paint a specific picture of agriculture instead of reporting facts. Comments such as, "unfortunate by-product of farming is the need to kill or control pests and nuisance vegetation using pesticides, et cetera." We feel do not belong in this report as written, and need to be corrected before it is finalized, so as not to influence the user of this information. It is a necessity that farmers have the ability to protect their crops from the crop failure, and ensure that they are able to produce the quality product that the market demands.

Contrary to most peoples' opinions, farmers only use products if necessary and in



accordance with the label use as per EPA recommendations. That's on page 50.

Since you have brought up concerns regarding agricultural production, we would like to see added to this report, the positive steps farmer have taken to be better stewards of their land and water. Our industry has been a leader over the last 15 years or longer in instituting programs to this effect. We would ask this report be modified to credit farmers for their efforts.

Some examples of our initiatives include but are not limited to the following: Development of a comprehensive updated agricultural plan through Suffolk County which passed the Suffolk County legislature in April of 2016, unanimously. And I know that Steve Colabufo worked on that with us to a great extent. I thank Steve for his effort as well as representatives from some of the organizations here.

We've secured funding over \$1 millions to date in the Environmental Protection Fund to help farmers write and implement certified nutrient management plans and provide staffing to do so along with possible funding to assist farmers in implementation of those plans.



Work with Cornell University to utilize the Integrated Pest Management Program to reduce pesticide use on farms. I believe that we were one of the first industries to do so.

With Suffolk County's leadership received their Regional Conservation Partnership Program grant of over 1.2 million to help protect the water in the Peconic Bay Watershed.

Additionally, we've secured hundreds of thousands of funding to replace and modernize outdated fuel tanks on farms. And with that I would like to personally thank Mr. Dawydiak and his staff for all of the help that they've given us over the years. We truly appreciate your support.

Through the Soil and Water Conservation

Service work with farmer on better irrigation design
and implementation to conserve water. We've

obtained funding to institute a spray pad collection
system to prevent contamination of groundwater.

Those are just some of the things that we've been
working on.

The agricultural community was also pleased to be a leading industry in the Long Island Pesticide Pollution Prevention Strategy and with guidance of scientist and Cooperative Extension



worked hard to educate farmers in better ways to utilize products and develop best management practices for Imidacloprid, Atrizine, and Metalaxyl, the first three products reviewed by the pesticide plan. Farmers have also cooperated with the Suffolk County Department of Health Services to have test monitoring wells installed on some farms to get a true and accurate picture of water quality.

language regarding the Community Preservation Fund be modified in two ways. The first, being the CPF or the 2 percent transfer tax was not about open space. The top priority is Farmland Preservation and remains so today. Open space preservation and farmland preservation remain two separate and distinct programs. Additionally, last year voters approved using up to 20 percent of CPF funds to allow for water quality improvements projects. We would like to highlight that included in language is this language is ability for those funds to be utilized for agricultural environmental management programs as well. And that's referenced on page 50 and 164 of the report.

With regard to recommendations, we wholeheartedly agree that sole responsibility for



oversight of and the power to regulate our aquifer,
should remain with the New York State Department of
Health and New York State Department of
Environmental Conservation.

We are opposed to any mandatory programs, especially unfunded mandates. We also believe that careful consideration should be given to any recommendation that jeopardizes private property rights such as density reduction without just compensation.

In closing, we would like to formally ask that the following be added to the end of the report under recommendations to help with water quality improvements and protections:

Number one, additional funding for farmland preservation should be a top priority of the State and County. The explanation behind this is there are many benefits to having preserved farmland and priority should be given to more preservation in the future. Among the many benefits include no additional costs to taxpayers for maintenance. Farmers not only maintain the land, removing the burden from taxpayers, but pay taxes on the land.

As well, farmland is a great way for



- 1 | aquifer recharge areas to been maintained.
- 2 Especially on the Northfork where I know the water
- 3 | supply is threatened.

- Other benefits include the continued production of crops, jobs, wildlife, habitat, an rural character.
- Additionally, farmland is currently being looked at as a means to recharge grey water. While this is in its preliminary stages, there could be possibilities for certain crops.
- Number two, any water quality or quantity regulations or measures for conservation should take into account actions already implemented industry.
- This recommendation will ensure that any industry that has already worked to be a better steward of water will not be further restricted by sweeping recommendations.
- And as side note, we've seen that in the Susquehanna River basin where New York was one of the leaders in implementing stewartship practices and when the Federal Government came in and said, "Okay. Everybody has to cut an additional 20 percent," New York had already gotten down below their quota and was forced to do even more.
 - Long Island Farm Bureau remains committed



1 to assisting LICAP in their efforts. We thank you 2 for the opportunity to present and remain available 3 to answer questions you might have. And assist I 4 would be interested in presenting to you or bringing some farmers in, if you're interested, in hearing 5 6 from us and the things that we're doing. So we 7 remain at your disposal. Thank you very much. 8 MR. SZABO: Thank you, Mr. Carpenter. 9

I don't have any additional cards. Is there anyone in the audience that would like to speak before the commission?

[No response.]

MR. SZABO: Okay. It's 6:34. Why don't we recess for 15 minutes.

MR. MILAZZO: That's fine. And then if there's no additional people. I would recommend closing the hearing for today. Well, we're not going to close the hearing, we'll just continue it next Tuesday in Nassau County at 3:00 and another hearing at 6:00. And it will continuing one more time Wednesday night in Riverhead. And then we'll close it after Riverhead's hearing. And we'll discuss whether we want to close it at that time or receive written comment and keeping it open. We'll have more options at that time.

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               MR. SZABO: Okay. So now we'll take a 10
 2
     minute recess.
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               (Whereupon, a recess was taken at this
 4
     time.)
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               MR. SZABO: Back on the record. It's been
 6
     about 10 minutes and we're going to adjourn for
 7
     today. And resume Tuesday at the Peter J. Schmitt
 8
     Legislator at 3:00 p.m. 3:00 to 5:00 session.
                                                      So
 9
     we'll take additional comments at that time.
                                                    Thank
10
     you everyone for coming and we'll see you Tuesday.
11
     Goodnight.
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                    (Time noted: 6:42 p.m.)
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1	CERTIFICATE
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4	
5	I, GINAMARIE DeMARCO, a shorthand reporter
6	and Notary Public within and for the State of New
7	York, do hereby certify:
8	That the witness whose testimony is herein
9	before set forth was duly sworn by me, and the
10	forgoing transcript is true and accurate record of
11	the testimony given by such witness.
12	I further certify that I am not related to
13	any of the parties to this action by blood or
14	marriage, and that I am in no way interested in the
15	outcome of this matter.
16	
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18	J. J. M.
19	Stateman Char Com
20	GINAMARIE DEMARCO
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