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Transcript of the Public Hearing  
on  
Long Island Commission on Aquifer Protection  
Held on Monday, September 15, 2014  
1555 Franklin Avenue  
Mineola, New York

Hearing convened at 6:15 p.m.

BEFORE: JEFFREY W. SZABO,  
Chief Executive Officer of the  
Suffolk County Water Authority,  
and Chairman, Long Island Commission on  
Aquifer Protection

1 P R E S E N T

2 JEFFREY W. SZABO, CEO, Suffolk County Water  
Authority

3 DENNIS KELLEHER, Long Island Water Conference

4 KARL SCHWEITZER, Representing Nassau-Suffolk Water  
5 Commissioners' Association, William Ellinger

6 DON IRWIN, Representing Nassau County Commissioner  
of Health, Lawrence E. Einstein

7 BRIAN SCHNEIDER, Representing Nassau County  
8 Executive, Hon. Edward Mangano

9 CHRIS OSTUNI, Representing Nassau County  
Legislature, Hon. Norma Gonsalves

10 MICHAEL WHITE, Representing Suffolk County  
11 Legislature, Hon. Du Wayne Gregory

12 JOHN MILAZZO, Esq., Attorney for Suffolk County  
13 Water Authority

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P R O C E E D I N G S

CHAIRMAN SZABO: I am the Chief Executive Officer of the Suffolk County Water Authority, as well as Chairman of the Long Island Commission on Aquifer Protection. I would like to introduce to you the permanent members of the Long Island County Commission that are with us this evening.

We can start to my left, at the end:

MR. WHITE: Michael White, I represent the Suffolk County presiding officer of the legislature.

MR. SCHNEIDER: My name is Brian Schneider. I am representing the Nassau County Executive, Edward Mangano.

MR. IRWIN: I am Donald Irwin. I am representing the Nassau County Department of Health.

MR. KELLEHER: I am Dennis Kelleher. I am representing the Long Island Water Conference.

MR. SCHWEITZER: I am Karl Schweitzer. Representing Nassau Suffolk Water Commissioners' Association.

MR. OSTUNI: Chris Ostuni, representing the Nassau County Legislature.

1 CHAIRMAN SZABO: Thank you all.

2 I would also like to thank the Nassau  
3 County Legislature and Chris in particular for  
4 assisting us in setting up the public hearing.

5 Tonight we will be holding the first of  
6 two hearings, one in Nassau County and one in  
7 Suffolk County, to give you, the members of the  
8 public, an opportunity to offer your thoughts on  
9 the state of the aquifer system, and any measures  
10 you feel that should be taken to protect our  
11 groundwater for current and future generations of  
12 Long Islanders.

13 Each speaker tonight will be given three  
14 minutes. This is an opportunity for us to hear  
15 from you and to hear what is on your mind. This is  
16 a forum where we will listen. This is not a  
17 dialog, a back-and-fourth discussion. We will  
18 record and review your testimony so that Commission  
19 members can benefit from your thoughts. We are  
20 preparing a State of the Aquifer report and, also,  
21 a Groundwater Resources Management Plan.

22 As you may know, the Long Island  
23 Commission on Aquifer Protection was created last  
24 year by acts of both the Nassau County and Suffolk  
25 County Legislatures, to seek proactive measures to

1 protect our aquifer system in a coordinated manner  
2 with governmental entities on local, state and  
3 federal levels all working together for solutions.  
4 Our motivation in creating this Commission was that  
5 no central agency exists to monitor and protect our  
6 most vital resource, our groundwater supply. This  
7 Commission was created to address that need.

8 We have a designated group that is  
9 working together. We will make recommendations to  
10 those with authority to make the changes that are  
11 needed to safeguard the aquifer.

12 At this time, I would like to open the  
13 hearing and invite our first speaker, who is Paula  
14 Allen, representing PSE&G.

15 MS. ALLEN: That's what it says here  
16 but I'm not representing PSE&G.

17 CHAIRMAN SZABO: No?

18 MS. ALLEN: No, I'm here about them.

19 CHAIRMAN SZABO: Okay. Ms. Allen, if  
20 you could identify yourself and the organization  
21 that you represent, if you so desire.

22 MS. ALLEN: I am Paula Allen. I reside  
23 at 6 Stewart Drive in Woodbury. I am here with  
24 concerns as a grandma.

25 I certainly applaud everything you are

1 doing and I am on board with this. I am here with  
2 regard to the article in our town's Newsday section  
3 that the toxicity warnings for the utility poles  
4 that PSE&G are now putting in -- and rightfully so  
5 since after Sandy we needed a lot of maintenance --  
6 however, what is concerning me about this is that  
7 they have now used a new chemical which is banned  
8 in 26 countries, nicknamed Penta instead of the  
9 Creosote, just so it wouldn't rot out.

10 Obviously, physical contact is a problem  
11 because they are now labeling the poles, that it's  
12 a short-term carcinogen and highly toxic. When I  
13 read this, that was a concern, but then I thought:  
14 What about our ground water? Surely this will,  
15 within 20 years, 30 years, seep into our ground  
16 water supply, and we all know that once that  
17 happens, we are doomed.

18 So I am throwing it out to you, because  
19 I know this is an overwhelming task. They have  
20 already put on about 95,000 new poles that have  
21 this, with many more waiting in the wings, and I  
22 feel we need to stop this and to stop it now.  
23 Thank you.

24 CHAIRMAN SZABO: Thank you. I  
25 appreciate your comments, Ms. Allen.

1 I would like to ask Stan Carey, the  
2 Superintendent of the Massapequa Water District to  
3 come up.

4 MR. CAREY: Good evening, Members of  
5 the Commission. I thank you for allowing me the  
6 opportunity to speak tonight at this hearing.  
7 Again, my name is Stan Carey. I am Superintendent  
8 of the Massapequa Water District. I have been  
9 working in the public water supply industry for  
10 nearly 30 years.

11 I see the sign here, now it's three  
12 minutes. I ask that you bear with me. I may need  
13 five minutes to go over all of my notes here.

14 When this Commission was first being  
15 formed, many of us in the public water supply  
16 family envisioned LICAP as becoming much more than  
17 a group of professionals simply charged with  
18 providing a "State of the Aquifer Report." Many of  
19 us in the water supply industry hoped for a  
20 Commission which would take an active role in  
21 providing guidance for and solutions to the many  
22 drinking-water issues that we face here on Long  
23 Island on a daily basis.

24 I think it would be accurate to say that  
25 we are all very well versed with the issues that

1 are important to the public water supply with  
2 regard to the sole source aquifer. Some of these  
3 issues include, but are not limited to: Superfund  
4 sites; salt-water intrusion; emergent contaminants,  
5 such as pharmaceuticals and personal care products;  
6 toxic plumes from various sources; unregulated  
7 contaminants; geothermal units.

8 In addition to this list of challenges,  
9 one might add the New York City DEP reactivation of  
10 supply wells in Western Nassau and Queens, with  
11 their potential to impact the hydraulics of the  
12 aquifer.

13 These are some of the many issues which  
14 we each face daily and, in most instances, affect  
15 all water districts and authorities collectively.

16 One specific issue the Massapequa Water  
17 District would like this Commission to comment on  
18 and support is the recent legislation passed by  
19 both the New York State Assembly and Senate calling  
20 for the New York State Department of Environmental  
21 Conservation to furnish a detailed report on the  
22 feasibility of containing the Grumman-Navy  
23 groundwater plume emanating from the Bethpage site.  
24 This plume has already contaminated many public  
25 water supply wells and continues to threaten many



1 more. This bill is simply awaiting Governor  
2 Cuomo's signature. When enacted, the impact of  
3 this new law will prove a milestone in preventing  
4 the continued southern advancement of this plume.

5 Consequently, the Massapequa Water  
6 District respectfully requests this Commission to  
7 adopt a formal resolution tonight, supporting this  
8 law and to write to Governor Cuomo, urging that he  
9 sign this legislation.

10 Back in June when this Commission met in  
11 Bethpage, it seemed as though the issue of nitrogen  
12 levels in the Bays was a topic of prime concern for  
13 the members. While this issue is currently  
14 important to our Suffolk County members, this  
15 Commission should not make nitrogen levels a  
16 priority, abrogating the usual threat that  
17 contamination poses to our sole-source aquifer. I  
18 would much prefer, and many would agree, that this  
19 Commission take an active, vocal role in the  
20 never-ending war against contamination of the  
21 aquifer, which is the paramount and universal  
22 concern of all public water supplies on Long  
23 Island.

24 Going forward, after the conclusion of  
25 the "State of the Aquifer Report," I would like to

1 see this Commission stay active with regard to  
2 advocating for resolution of the important issues  
3 we face. I would advise the Commission that the  
4 public water suppliers do not want an additional  
5 level of government. The New York State Department  
6 of Environmental Conservation has the experience to  
7 be the lead agency we must rely on. To better  
8 facilitate the DEC agency status, perhaps this  
9 Commission can forge a closer working relationship  
10 with the local water purveyors in our united goal  
11 of aquifer protection.

12 One suggestion I offer is the relocation  
13 of the DEC's Albany Remediation Bureau to the  
14 Region 1 office here on Long Island, which without  
15 doubt, confronts the greatest threat to  
16 contamination in the State of New York by virtue of  
17 its designation as a sole-source aquifer. Such a  
18 move will certainly make the Remediation Bureau  
19 more responsive to the concerns of the local water  
20 suppliers.

21 Thank you for your time and I  
22 respectfully submit my comments for the record.

23 CHAIRMAN SZABO: Thank you, Mr. Carey.

24 I would like to recognize this morning  
25 the Honorable Judy Jacobs, Nassau County

1 Legislator.

2 MS. JACOBS: Thank you very much. Many  
3 of you are old friends. It's nice to meet you. I  
4 am so pleased -- I had no intention of speaking  
5 tonight and I don't know if you need it for the  
6 record, but I am Legislator Judy Jacobs, 16th  
7 Legislative District in Nassau County.

8 I have been devoted to, without any  
9 expertise of my own, just being aware, being on top  
10 of what happens with our water supply. I was very  
11 involved when the Suffolk County Water Authority  
12 was potentially going to break into the Lloyd  
13 Aquifer of Nassau County. We had hearings, the  
14 state had hearings in Stony Brook. I was one of  
15 the people that spoke expressing my concern,  
16 expressing the concerns of the legislature at the  
17 time that something like this should not be  
18 allowed; it's such a precious resource for us. Our  
19 water is such a precious resource.

20 Actually hearing the first two speakers,  
21 I believe Mr. Allen actually hit on something I was  
22 going to speak about, because I was at that North  
23 Hempstead meeting, believe me not for the PSEG  
24 poles, but someone had gotten up in public comment  
25 discussing it, and I think it is something that all

1 of a sudden there is a lightening rod that we have  
2 to be on top of and, really, not be behind the  
3 eight ball but be in front of it. I mean, it's  
4 already on a lot of the poles, but it doesn't have  
5 to continue that way, and we should all be  
6 concerned, no matter where they are.

7 As far as the aquifer, I don't think  
8 anything is more important. I know right now this  
9 discussion about New York City also looking to tap  
10 into Nassau County, we have great concerns and  
11 great interest in protecting our water for  
12 generations, for our] grandchildren, to make  
13 certain we have done everything that we can, and to  
14 have you in place, the only thing that will make it  
15 wonderful is if you start taking action on being  
16 proactive in this and making certain that you're  
17 our watchdogs with the expertise and you will have  
18 the support of people like myself who don't  
19 consider themselves experts, but do consider  
20 ourselves interested parties who have proven in the  
21 past that we have spoken out on environmental  
22 issues.

23 So the ball is in your court and I wish  
24 you well and I look forward to future meetings like  
25 this. Thank you.

1                   CHAIRMAN SZABO:     Thank you very much,  
2     Legislator Jacobs.

3                   Next I would like to call upon Thomas  
4     Tracey.

5                   MR. TRACEY:    Thank you for allowing me  
6     to speak.   My name is Thomas Tracey.   I am the  
7     President of the Irrigation Association of New York  
8     and I believe I am here to represent the hundreds  
9     of irrigation contractors and suppliers on Long  
10    Island, the thousands of their employees and the  
11    hundreds of thousands of property owners who rely  
12    on our services.

13                  We are all concerned with protecting our  
14    aquifers and if it came between drinking water and  
15    irrigation, obviously we would choose drinking  
16    water, but we believe that irrigation systems are  
17    vital in preserving our suburban way of life.

18                  Aside from the aesthetic value of the  
19    green spaces, suburban landscaping helps cool the  
20    environment, to remove carbon dioxide and to  
21    produce oxygen.   A properly installed irrigation  
22    system helps maintain a healthy lawn and reduce the  
23    number of pesticides, fungicides and herbicides  
24    that pollute our groundwaters.

25                  Our association promotes the efficient

1 use of our precious resource. There are many  
2 products and procedures that can be used to  
3 maintain a healthy landscape without wasting water.  
4 We recommend products such as rain sensors and  
5 moisture sensors that are used to rope the water  
6 after adequate rainfall. For irrigation systems  
7 that get to the roots of the water without wasting  
8 it on runoff and small irrigation controllers that  
9 can adjust the water in schedules, baed upon the  
10 weather.

11 Our association has been working with  
12 state planners and the DEC to try to enact  
13 legislation to require that irrigation contractors  
14 be certified to service and install their systems,  
15 and to adhere to standards set forth in the EPA's  
16 WaterSense program and the National Irrigation  
17 Association. We believe that such certification  
18 will protect the consumer by setting standards of  
19 installations, where now there are none; protect  
20 the safety of the water supply with the proper use  
21 of back-flow devices; and we believe that we can  
22 conserve water by utilizing best-management  
23 procedures to irrigate wisely.

24 The Irrigation Association stands ready  
25 to work with this Commission, the public water

1 purveyors and the DEC to develop regulations to  
2 promote conservation.

3 Thank you very much.

4 CHAIRMAN SZABO: Thank you very much,  
5 Mr. Tracey.

6 I would like to ask John Budnick to come  
7 up, to approach the podium.

8 MR. BUDNICK: Good evening. John  
9 Joseph Budnick from 122 Farmingwood Street in  
10 Massapequa Park.

11 I am here to address two particulars  
12 issues: Number one is the question of New York  
13 City, evacuation of the aquifer in Long Island. I  
14 don't believe that there has been a proper study  
15 done nor any environmental impact assessment of the  
16 situation. Particularly, I don't believe there has  
17 been proper notice to the people of Nassau County.

18 We will also have two problems that play  
19 into this: The one up in the Great Neck Peninsula  
20 and the one in the Five Towns of salt water  
21 intrusion, according to my review of the records at  
22 the U.S. Geological, and they're potentially  
23 serious problems.

24 Before any consent -- I don't know if  
25 your consent will be required for New York City to

1 commence doing this or not -- I believe that you  
2 must ask that there be complete evaluation before  
3 any action is taken.

4 Secondly, is the issue of the southeast  
5 area of Nassau County, which is being threatened by  
6 Grumman Navy Plumes, which contain hazardous  
7 materials that go back perhaps as far as World War  
8 II, when the Navy told Grumman literally to throw  
9 everything out the window and get us a plane in a  
10 year.

11 Grumman did that, and we were able to  
12 defeat the Japanese in that war because we had a  
13 plane from Grumman that shot down over 20 Japanese  
14 aircraft for every American aircraft that was lost,  
15 but based on what I have read from Grumman and  
16 other records, they would use venting various toxic  
17 wastes into drywells on the premises. This  
18 material is now on its way to the South Shore of  
19 Long Island. It's gotten down as far as about the  
20 Southern State Parkway, from what I've been given  
21 to understand.

22 Recently there was a bill passed in the  
23 New York State Assembly, A99492S7432, sponsored by  
24 Messrs. Saladino and Hand, to request and seek that  
25 the New York State DEC be required to try to



1 evaluate having that -- actually those plumes of  
2 toxic waste, hydraulically removed from the  
3 aquifers, purified and retransmitted up radiant.

4 This is a thing that has been done at  
5 least two other times here in Nassau County that  
6 I'm aware of, because I was involved in them when I  
7 was Special Assistant to the County Board of  
8 Supervisors. One is over in Mitchell Field, it's  
9 called the Purex site, and the second is at Old  
10 Bethpage Village Restoration, the Nassau County  
11 Firemen's Training Center site and, indeed, it is  
12 my understanding that the long-term effective use  
13 of this modality of treatment has been successful  
14 and it just about completely cleared the stains  
15 that were within the aquifers underneath Nassau  
16 County.

17 There is another generic problem, we  
18 have a large number of additional problems in our  
19 aquifer here in Nassau County, everything from  
20 industrial sites like Hooker Chemical to trucks,  
21 such as one that was parked in Cantiague Park, also  
22 in Hicksville, that it just somehow dropped it's  
23 entire load of chemicals into a storm drain there  
24 and, generically, all of those plumes of chemicals  
25 are heading south towards the South Shore of Long

1 Island where I live and it's very discomfoting. I  
2 would note, from approximately 1919 until the  
3 beginning of the 21st Century, we had a polluted  
4 Massapequa Preserve, wherein there were postings  
5 not to eat more than one fish per year taken out of  
6 the waters there, because it was so dangerous  
7 chemically, and I think we don't want that type of  
8 thing happening to the South Shore of Long Island  
9 because the plumes are coming south and they are  
10 going to be endangering the Massapequa Preserve  
11 again, but also the Tackapausha Mill Pond Preserve  
12 area and about half a dozen local municipal parks  
13 down there, but perhaps even the more dangerous  
14 thing will be when those plumes begin to enter the  
15 South Bay between Tobay, Jones Beach and the quote,  
16 unquote "mainland of Long Island."

17 There must be an evaluation done and  
18 conceptualization and the location of resources to  
19 be able to ameliorate these difficulties before  
20 they endanger human beings, as well as the ecology  
21 and the environment of our area.

22 Thank you very much for your trouble.  
23 Have a very nice evening.

24 CHAIRMAN SZABO: Thank you, Mr.  
25 Budnick.

1                   Is Gerald Otapanu here, from the Point  
2 Lookout Civic Association?

3                   Sir, I have a card from you.

4                   MR. OTAPANU: I have a general question  
5 for the board: I don't know the status update of  
6 Nassau County's partnership with the USGS, whether  
7 it's been reestablished or not? I was wondering if  
8 anybody on the board can answer that question? As  
9 of, I think, a month ago the check had not gotten  
10 to USGS. So, I guess, the point is without USGS  
11 monitoring Nassau County, how can you get a full  
12 and complete picture of the groundwater problems  
13 and issues that exist?

14                   It's been three-and-a-half to four  
15 years, and since Hurricane Sandy we haven't had  
16 monitoring, so we don't know the full impact of  
17 what Sandy has done with respect to the aquifers.  
18 I hope the board can answer that question.

19                   MR. SCHNEIDER: That contract was  
20 eventually approved. The funds are encumbered and  
21 a certified contract went back to Reston, Virginia  
22 and the USGS is initiating their commencement of  
23 monitoring work.

24                   MR. OTAPANU: The story is the contract  
25 has been signed, sealed and delivered?

1 MR. SCHNEIDER: That's correct. The  
2 certified copy was sent to Reston, Virginia, which  
3 is the headquarters of the USGS, and also to Steve  
4 Terriziano in Coram.

5 CHAIRMAN SZABO: Thank you, very much.

6 Mr. Chauvin, were there any additional  
7 cards, speakers that wish to speak to the  
8 Commission?

9 MS. JACOBS: There is just thing I  
10 would like to add.

11 CHAIRMAN SZABO: Sure.

12 MS. JACOBS: One thing that I forgot to  
13 say. We are starting, obviously the budget is due  
14 in probably both counties within the next week, and  
15 I think it would incumbent upon all of you to be  
16 certain that there is a line there, even if it's  
17 just a line, to make sure that there is some  
18 funding for the work that I am sure you are very  
19 capable of doing, but I know to do that requires  
20 money and up until now, I have not seen this type  
21 of line exist.

22 I am just putting that out to you  
23 because it is something to consider because I know  
24 to do a report properly and to be on top of it, you  
25 need a staff of some type that is devoted to doing

1 what you are requesting of them, and I think it's  
2 something to look into in both counties if we are  
3 going to be real about it, and let's be real with  
4 the amount of people that can give us the expertise  
5 to move forward. Thank you.

6 CHAIRMAN SZABO: Thank you very much.

7 I am going to defer to counsel:

8 Mr. Milazzo, there are no additional  
9 cards at this point, do we recess, close the public  
10 hearing?

11 MR. MILAZZO: It's up to the board.  
12 You can close the hearing. We noticed it for 6:00  
13 p.m. It was advertised in Newsday for 6:00 p.m.  
14 and, obviously, the message was received because we  
15 did get some public comment. If you would like,  
16 you can close it, and there will be another one  
17 next week or you can recess for 15, 20 minutes or  
18 half an hour, open it again at 7:00, and ask then  
19 if there are any comments, receive them and close  
20 it at that time.

21 CHAIRMAN SZABO: I think it's entirely  
22 appropriate if we recess for 15 minutes, come back  
23 at 6:45 and at that point, if there are no more  
24 speakers, we will close the hearing.

25 Before we do that, I would ask if there

1 are any permanent members of the Commission who  
2 would wish to have opening comments or closing  
3 comments?

4 MR. WHITE: I would just like to say, I  
5 think it's important that we have these public  
6 hearings. People have come out to speak. I would  
7 also be aware that this is not the only time we are  
8 going to be listening. There is going to be  
9 another hearing in Suffolk, but certainly the  
10 Commission is available. We can receive  
11 information and I hope that the word gets out that  
12 we are interested in hearing from the public as  
13 well as electeds in all the communities and water  
14 purveyors on the Commission.

15 MR. OSTUNI: One thing I might recommend  
16 is keeping the record open for any comments people  
17 might have.

18 CHAIRMAN SZABO: I would suggest that  
19 written comments be submitted to my attention at  
20 the Suffolk County Water Authority, 4060 Sunrise  
21 Highway, Oakdale, New York 11769. Any comments  
22 that are elicited will be disseminated amongst the  
23 Commission members.

24 Let's recess until 6:45.

25 Thank you.

1 (Whereupon, a recess was taken.)

2 Off the record.

3 (Whereupon, there was a recess, after  
4 which time the following transpired:)

5 CHAIRMAN SZABO: Let me have  
6 everybody's attention, please. It's about 6:46.  
7 Coming back from that brief recess there are no  
8 additional cards of individuals wishing to address  
9 the Commission, so with that I would close the  
10 hearing.

11 Again, I would mention that written  
12 comments can be submitted to the Suffolk County  
13 Water Authority, 4060 Sunrise Highway, Oakdale, New  
14 York 11769. We will be holding a public hearing at  
15 the Suffolk County Legislature, at the William  
16 Rogers Building, located in the North County  
17 Complex in Hauppauge, next Monday evening from 6:00  
18 to 9:00 p.m., to elicit comments from the public.

19 We are in the process of collecting  
20 information and beginning our work. We will be  
21 back here at a later date to show you how much  
22 progress we have made. Those dates are not set as  
23 of yet. We will return.

24 I would like to also thank the  
25 Commission members for their time here this

1 evening. Thank you very much and we will see you  
2 next week in Suffolk County.

3 Good evening.

4 (Time Noted: 6:50 p.m.)  
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C E R T I F I C A T I O N

I, MONIQUE CABRERA, a Shorthand Reporter and Notary Public, within and for the State of New York, do hereby certify that I reported the proceedings in the within-entitled matter, on September 15, 2014, at 1555 Franklin Avenue, Mineola, New York 11501, and that this is an accurate transcription of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of September, 2014.

*Monique Cabrera*

MONIQUE CABRERA, Reporter