

LICAP Meeting - June 2023 Minutes

Hosted by SCWA

Jun 21, 2023 at 10:00 AM EDT

@ 260 Motor Parkway, Hauppauge

Meeting was opened at 10:01am by Mr. Szabo, in the absence of Chairman Belle. Roll call was taken; five members were present at the start of the meeting, with Angela Pettinelli joining the meeting at 10:10am. A quorum was present.

Mr. Szabo led the attendees in the pledge of allegiance.

The minutes of the meeting held on March 8, 2023 were presented for approval. On a motion made by Mr. White, duly seconded by Mr. Dawydiak, with Mr. Dale abstaining, the minutes were unanimously approved.

Mr. Szabo asked Chief Legal Officer, Tim Hopkins to give an update on the proposed new regulations of PFAS and the potential impact on Long Island, sharing the handout information below.

Regulation of Per- and Polyfluoroalkyl Substances (PFAS) in Drinking Water in New York

I. Legislative and Regulatory Framework for PFAS Laws

- A. Safe Drinking Water Act - authorizes US Environmental Protection Agency to promulgate National Primary Drinking Water Regulations
 - 1. Authorizes US EPA to establish National Primary Drinking Water Standards (NPDWS) and requires Maximum Contaminant Level Goals (MCLGs) and Maximum Contaminant Levels (MCLs)
 - 2. Requires states to adopt drinking water regulations that are no less stringent than NPDWS
 - 3. Unregulated Contaminants Monitoring Rule - requires monitoring for up to 30 new contaminants every five years
 - 4. Proposed Per- and Polyfluoroalkyl Substances National Primary Drinking Water Regulation
- B. New York Public Health Law Article 11 (Sections 1100 to 1114-a)
 - 1. Public Health Law Section 1112 - Emerging Contaminants Identified
 - 2. Public Health Law Section 1113 - Drinking Water Quality Council to propose MCLs and Notification Levels
 - 3. New York State Sanitary Code - 10 NYCRR Subpart 5-1
 - a. Unspecified Organic Contaminants (UOC)
 - b. Specific Organic Chemical MCLs for PFOA and PFOS
 - c. Proposed MCLs for additional specified PFAS
 - d. Notification Levels for certain PFAS

II. Brief Chronology of PFAS Legislation and Regulations New York

- A. 2012 - UCMR 3 - Required monitoring for six PFAS contaminants including PFOA and PFOS between 2013 and 2015. In or about 2015 PFAS contamination of Village of Hoosick Falls public and private water supplies was made public.
- B. April 20, 2017 New York Public Health Law Sections 1112 and 1113 became law.
 - 1. PAL 1112 required the promulgation of regulations for certain emerging contaminants, including PFOA and PFOS.
 - 2. PAL 1113 created the Drinking Water Quality Council and required it to make recommendations for emerging contaminants to the New York Department of Health
- C. August 2020, NYS Sanitary Code established MCLs for PFOA and PFOS of 10 parts per trillion.
- D. December 2021 - UCMR 5 requires monitoring for 29 PFAS contaminants including PFOA and PFOS between January 2023 and December 2025.
- E. December 2021 and 2022 - NY PAL Section 1112 is amended to require 23 additional PFAS contaminants be listed as emerging contaminants.

F. October 2022 - NYS Sanitary Code proposes new MCLs for four additional PFAS contaminants (PFHxS, PFHpA, PFNA and PFDA) of 10 ppt each and a combined MCL for these four PFAS plus PFOA and PFOS of 30 ppt. It also proposes notification levels for an additional 19 PFAS contaminants.

G. March 2023 - EPA proposes a National Primary Drinking Water Regulation for six PFAS contaminants including PFOA, PFOS as individual contaminants and PFHxS, PFNA, GenX Chemicals, and PFBS as a PFAS mixture

1. Proposed MCL for PFOA is 4 ppt with an MCLG of zero
2. Proposed MCL for PFOS is 4 ppt with and MCLG of zero
3. Proposed MCL and MCLG for the four PFAS is based upon an health index of the four contaminants combined

H. Finalized EPA regulation will require New York to promulgate revised MCLs for these six PFAS contaminants.

Mr. Fuller explained the selection process for the RFP for communications for conservation. Michael Conn and Maria Montanez from Zimmerman Edelson, the selected bidder, explained their messaging plan. Ms. Montanez explained they would like to update the website, utilize online advertisements, and potentially streaming service advertisements, with the intent to saturate Long Island with the intended message. All messaging content would be shared with the RFP committee members.

On a motion by Mr. Granger, duly seconded by Mr. Dale, it was unanimously carried to award the RFP for communications to Zimmerman Edelson.

Ms. Meyland suggested having a specific metric, such as 10 or 15% of water use reduction be added the line of messaging. Ms. Pettinelli also suggested doing a comparison for the amount of money customers could potentially save if they utilize specific methods of conservation.

Mr. Fuller advised the current balance in the account is \$104,300.28.

On April 21, 2023 LICAP received fifty thousand dollars from Nassau County.

Mr. Marafino provided an update on SCWA conservation updates. Regarding the pressure sprinkler policy, effective July 1, all devices sold in New York must have a pressure regulator. In 2020, about 800 devices were sold.

For the East End, additional outreach is being achieved by the creation of the Water Conservation Network, with stakeholders from the East End receiving a weekly email on how the system is responding to the demand. This network was established to keep the lines of communication open, and creating a strong base of individuals to help spread the message of awareness.

A collaborative effort will be needed this year to draft the State of the Aquifer Report, and topics of focus need to be determined. A committee was established for the SOTA, to include: Mr. Fuller, Mr. Malik, Mr. Granger, Mr. Schneider, Mr. Dale, Mr. White, Mr. Belle and Mr. Szabo with Mr. Motz helping to frame the report.

Mr. Aponte shared an update on the two interns, Mia and Anthony, are doing a great job creating a calendar of events to attend and share the message of Our Water Our Lives. Ms. Beedenbender added a significant amount of merchandise for these events has been ordered, including frisbees, rubber ducks, crayons and cell phone wallets, with a limited supply of beach towels for giveaway raffles.

Mr. Malik is in the process of updating Chapter 9 and Chapter 10 with comments provided by the committee. Mr. Szabo suggested a deadline for the changes.

Mr. Fuller circulated a handout with the following information regarding an update on the potential hazardous site identification program.

Term: October, 20 2023 - December 31, 2024
Work Plan

Introduction and Background

The LICAP potential hazardous disposal site identification program will assess potential threats to groundwater by conducting a detailed aerial photo analysis of “dump-site” land cover classes within the Suffolk County and select Nassau County SWAP sites. The information gathered through this analysis has the potential to be used for regulatory monitoring and detection of illegal storage of drums or other chemical containers. In addition, the developed methodology can be used as part of continuing monitoring program by regulatory agencies.

The study area used for the 2024 inventory will be the SWAP sites within Suffolk County and select Nassau County locations as identified in an ArcGIS shape file (WGS84) acquired from SCWA. This workplan and associated documents refer to potential hazardous disposal sites as one of eight classes identified in the original study performed by CLEARs in 1989 including: Dump, Mined Land, Barrel/Drums, Pit, Landfill, Disturbed Land, Lagoon, Above Ground Tanks. The objectives in performing this inventory are: 1. Determine the degree to which existing digital remotely sensed data can be used to locate any sites exhibiting visual evidence indicating that toxic or hazardous materials could have been released or buried there, 2. Develop an ArcGIS shape file (dataset) that identifies and documents potential disposal sites, 3. Create a database that can be compared to the original database and 4. Create a mapping methodology that could be used as part of continuing monitoring program by regulatory agencies.

Task A. Meet with Long Island stakeholders to discuss datasets, protocol, and classification scheme.

Task B. Conduct an in-depth inventory of publicly available high resolution aerial photographs of Suffolk County and select Nassau County SWAP sites.

Task C. Conduct a pilot project within 10% of the SWAP sites where the original eight land cover classes are interpreted from the photographs collected in **Task B**.

Task D. Implement the protocol developed in **Task C**. on the remainder of the Suffolk County SWAP sites.

TASKS AND ANNUAL WORKPLAN DELIVERABLES

TASK A. Meet with Long Island stakeholders. (2 months)

IRIS team members will travel to Long Island to meet with LICAP and other stakeholders. LICAP will provide IRIS with all secondary datasets that locate old dump sites and will aide IRIS in understanding ground conditions within the SWAP sites. For accurate interpretation of community types in the SWAP sites, knowledge of the neighborhoods and street conditions are essential. In this regard, prior to mapping, the classification system will be reviewed, characteristics of the streets within the SWAP sites will be researched and products from previous mapping efforts and secondary data sets will be reviewed.

Task A - Schedule & Deliverables

By December 31, 2023, complete the following:

LICAP will deliver all secondary datasets to IRIS. IRIS will develop and deliver a classification scheme to LICAP for approval.

TASK B. Conduct an in-depth inventory of publicly available high resolution aerial photographs of Suffolk County SWAP sites. (3 months)

A comprehensive review of publicly available remotely sensed data flown between 2018-2022 for the Suffolk County and select Nassau County SWAP sites will be conducted by IRIS staff. This will include an analysis of the quality of existing high resolution digital imagery. LICAP and IRIS will jointly identify potential sources of publicly available data.

The project calls for the acquisition of “leaf-off” digital true color aerial photographs. Leaf-off imagery, acquired in early Spring, prior to leaf bud, is essential for ground visibility. Additionally, because of the nature of the classification scheme, IRIS staff will be identifying publicly available imagery with high spatial resolution.

Task B - Schedule & Deliverables
By March 31, 2024, complete the following:

IRIS will develop and deliver a spreadsheet listing potential true color photographs that could be used for land cover interpretation for each of the SWAP sites. The spread sheet will provide, photographic ID, SWAP ID, dataset type and resolution, dataset projection and datum, collection date and year and will prioritize the dataset according to usefulness.

TASK C. Conduct a pilot project on a stratified sample containing 10% of the SWAP sites where the original CLEARs land cover classes are interpreted from the photographs collected in Task A. (3 months)

Aerial Photographic Analysis

On-screen digitization of digital aerial photographs will be used to map potential hazardous dump sites. Two image analysts will interpret the digital photography and map dump sites directly on-screen by creating shape files within ArcGIS. The analysts will use field reconnaissance collected in Fall 2023 and summer 2024 and consultations with LICAP staff to train the interpretation process and address mapping questions.

Interpretation of aerial photographs uses a standard process of identifying objects in the photographs by their spectral and spatial characteristics, categorizing them based upon a predetermined classification system, and defining the spatial extent of the objects by delineating their boundaries.

When possible, this project will utilize the visual vocabulary of dump site cover types and the methodology for boundary determination developed during the earlier mapping efforts. The vocabulary is described in terms of key indicators, including color, texture, pattern, shadow, size, shape, and landscape location. In the interpretation process, the analyst makes correlations between aerial photographic signatures and ground conditions through viewing photographs, visiting known locations, and consulting with project collaborators. The classification of objects into one of the eight land cover types is based upon their dominant visual characteristics. When there is a distinct change in color, texture or another key indicator, the edge was delineated by tracing. When there is a gradual transition, the delineation will be made where the two types appear in equal quantity.

All efforts will be made to work within the original protocol, however, since the original classification scheme and vocabulary were developed for use with hand drawn lines on mylar attached to paper aerial photographs, IRIS staff will make any necessary adjustments to the classification scheme and protocol. If the original classification scheme is greatly modified, IRIS will provide a table which crosswalks the two classification schemes.

Quantitative field sampling data from summer 2024 will be collected when interpretation of a site is ambiguous.

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Task C - Schedule & Deliverables
By June 30, 2024, complete the following:

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1. LICAP and IRIS staff will select the imagery that will be used for analysis of the SWAP sites within the pilot study.
2. An on-screen digital photo interpretation protocol will be used to distinguish the eight original land cover types (Dump, Mined land, Barrel/Drums, Pit, Landfill, Disturbed Land, Lagoon, Above ground Tanks) within the pilot study SWAP sites.
3. Determine the efficacy of the original CLEARs classification scheme.
4. IRIS and LICAP will adjust the classification scheme as needed. The new classification scheme and protocol will be documented and delivered to LICAP.
5. The new classification scheme and protocol will be used to interpret potential hazardous disposal sites in 10% of the SWAP sites.
6. A final ArcGIS shapefile georeferenced to WGS84 will be created and delivered to LICAP.

TASK D. Examine and interpret land cover types on the aerial photographs for the rest of the Suffolk County and select Nassau County SWAP sites. (6 months)

Aerial photographs will be systematically examined for potentially hazardous waste disposal sites within SWAP sites. Sites will be categorized using the classification scheme and protocol developed during the pilot project. Any observed item of special interest will be noted.

The method used for delineating the potential dump sites will be a manual on-screen trace. To accurately capture the details in all the sites, a maximum digitizing scale of 1:500 for the creation of polygons will be used. The smallest feature that can reliably be drawn using this system is a polygon with an area of 5-10 m². Even though, polygons as small as 5 m² can be created, the minimum mapping unit will be 60m² polygons. Maps will be displayed at a scale of 1:24,000.

Each digitized polygon will be assigned one of the final "TYPE" classifications. Once interpretation is complete and a final map product is produced, a review process will verify all polygon boundaries and classifications.

Data developed for this project will be delivered in digital format. Digital data will be developed as feature classes in a **WGS 84 projection. The ArcGIS dataset will also include all data associated with the interpretation and map development.**

Task D Annual Schedule & Deliverables

By December 31, 2024, complete the following:

1. LICAP and IRIS staff will select the imagery that will be used for analysis of the SWAP sites.
2. Use the on-screen digital photo interpretation protocol developed in Task B to distinguish the final land cover types within the rest of the SWAP sites.
3. The rest of the Suffolk County and select Nassau County SWAP sites will be interpreted for potential hazardous disposal sites.
4. An ArcGIS coverage georeferenced to WGS84 will be created and delivered.

Mr. Milazzo and Ms. Simson explained that two attempts to receive bids for the financial audit were unsuccessful. It was determined Ms. Simson could perform the audit while tracking her time for potential reimbursement to SCWA. This determination will be made at a later date. Mr. Milazzo added if the LICAP is renewed for another term, the language in the legislation should be changed to allow the corporation dispensing the funds to perform the audit. On a motion by Mr. White, duly seconded by Mr. Dale, and unanimously approved to allow Ms. Simson of the SCWA perform the audit.

Mr. Fuller shared information regarding the Sustainable Landscape Webinar being coordinated by Elizabeth Hornstein. Representatives to participate from Nassau will be Mr. Granger, and from Suffolk Mr. Fuller, Mr. Marafino, and Mr. White.

Mr. Szabo suggested a potential half day drinking water meeting to include all water district stakeholders, potentially in panel discussion format, to discuss regulations and conservation, while also coinciding with the reauthorization.

Ms. Meyland asked to invite the DEC to update the committee on the progress of the Water Conservation program. Ms. Beedenbender will reach out to Mr. Engelhardt to invite to the next meeting.

On a motion by Mr. Dale, duly seconded by Mr. White, it was unanimously carried to adjourn the meeting at 11:36am.