

LONG ISLAND  
**SOUTH SHORE ESTUARY RESERVE OFFICE**  
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**Final Minutes**  
**January 12, 2010**

L.I. Maritime Museum, West Sayville, NY  
Chair: Maureen Dolan Murphy  
Vice Chair: Pam Burford

**CAC Members Present:**

Maureen Dolan Murphy (CAC Chair, Citizens Campaign for the Environment)  
Pam Burford (CAC Vice Chair, Fire Island Association)  
Jim Brown (South Shore Audubon Society)  
Linda Freilich (Sierra Club, L.I. Chapter)  
Joe Kayal (Independent)  
Larry Merryman (Great South Bay Audubon Society)  
Dave Schaper (NY Seafood Council)  
Florence Sharkey (Brookhaven Bayman's Association)  
Ben Sohm (South Shore Bay House Owners Association & South Shore Waterfowlers)  
Dr. John Tanacredi (Dowling College, Earth & Marine Sciences, CEECOM)  
George Costa (Trout Unlimited, Art Flick Chapter)  
Robert Wilson (Pattersquash Creek Civic Association)  
Robert DeBona (Mastic Beach Property Owners Association)  
Dr. Arthur Kopelman (CRESLI)  
Gil Kelley (Association of Marine Industries)  
Judi Bird (Brookhaven League of Women Voters)  
Lesley Kane (Islip Town Leaseholders)  
Rob Weltner (Operation SPLASH)  
Don Harris (Captain Don's Nautical Adventures)

**Guests Present:**

Ed Hubbard (Town of Brookhaven)  
Nancy Kearney (Town of Oyster Bay)  
Marge Wilson (Pattersquash Creek Civic Assoc.)  
Mark DeAngelis (West Sayville Boat Basin)  
Jeff Fullmer (Local Resident)

**South Shore Estuary Reserve Office Staff Present:**

Sherry Forgash (Program Implementation Specialist)

**CAC Members Absent:**

Bellport Students for Environmental Quality  
Peconic Baykeeper  
South Bay Cruising Club  
Suffolk Alliance of Sportsmen  
South Shore Waterfowlers Association

**1. Called to Order / Introductions**

The meeting was called to order at 7:05 p.m. by Maureen Dolan Murphy, Chair. Introductions were made. Maureen added an item to the agenda regarding the hard clam situation in Great South Bay.

**2. Approval of November 10, 2009 CAC draft minutes**

Motion by Ben Sohm to approve the November 10, 2009 CAC minutes, seconded by Larry Merryman; unanimously approved.

**Note:** On December 21, 2009, Maureen Dolan Murphy emailed to all CAC members, a letter from Jeff Fullmer to the CAC, informing the CAC of his resignation as director of the South Shore Estuary Reserve Office, effective December 31, 2009.

### **3. SSER Office Report**

With the resignation of Jeff Fullmer as director of the SSER Office, the SSER Office report was given by Sherry Forgash.

1. Town of Oyster Bay grant, CMP Implementation –
  - South Oyster Bay Hard Clam Population Study has been DOS approved.
  - Massapequa Creek Watershed Management & Corridor Restoration Plan has been DOS approved.
  - 3 more tasks to be DOS approved by end of month:
    - Waterfront Development Plan
    - Open Space Preservation Plan
    - Estuary Public Use and Tourism Plan
2. Great Cove Watershed Management Plan, Town of Islip – no news to report; waiting on scoping meeting to be scheduled; consultant is Nelson, Pope and Voorhis.
3. DMMP meeting will be tomorrow; public meetings will be scheduled within the next 2 months to present the draft plan, which will be completed in March.
4. NYS Marine Educators Association received a renewal on the grant for the sSELF program; NYSMEA is working with Sierra Club on the sSELF program.
5. NYSCRIP update - Meetings are scheduled this month with several communities; Babylon, Islip, Patchogue, East Rockaway projects are moving forward.
6. Following the resignation of Jeff Fullmer as director of SSER -  
DOS "intends to replace him as soon as possible – but at the moment there are significant obstacles with hiring anyone in the state, which we are trying to work through. In the meantime, Nancy Kunz from DOS is supervising office operations and Fred Anders will continue to work with the SSER Council."

At this point, M. Dolan Murphy requested that S. Forgash of SSER Office discuss, at the request of the Department of State, the responsibilities of the SSER office to the CAC. S. Forgash explained that the Department of State is requesting that the duty of recording the CAC minutes be performed by the CAC; that due to the NYS budget situation, the SSER office is restricted in travel, and because the time spent by SSER office staff in performing these duties is taking time away from regularly assigned SSER project work. The request of asking the CAC to record the minutes would be temporary until the NYS budget situation improves, and funds are available to hire a new SSER Program Administration Manager, who would resume the responsibilities of these duties.

M. Dolan Murphy stressed the importance of the SSER office continuing their attendance at the CAC meetings. She then asked if there was anyone on the CAC who would volunteer to record the minutes at future meetings. No one responded. At this point, D. Schaper asked why there was a problem with having the SSER record the minutes. S. Forgash reiterated the reasons described above. J. Fullmer also concurred about the NYS fiscal situation and travel restrictions on SSER staff. S. Forgash restated that DOS wants to have the SSER office continue to participate in the CAC.

Dr. Tanacredi stressed that the CAC must address this issue of recording the minutes and producing draft and final versions. J. Kayal stated a primary function of the CAC is to provide information from the public to the Council; as outlined in the bylaws (Charters, Policies and Procedures); and to provide input from the public to the Council. His suggestion was to send a letter to DOS and cc' the Council, requesting that the Council provide administrative assistance to the CAC—which includes the recording of minutes. There was wide agreement among the CAC members. The CAC expressed concern that should the CAC take on the duty of recording the minutes, this would become a permanent duty of the CAC, even if a new SSER Program Administration Manager were hired. The CAC questioned the level of commitment that DOS has to the CAC and expressed concerns that the Council has not convened in over a year.

It was agreed, that on behalf of the CAC, Maureen Dolan Murphy, Chair, will draft a letter to the DOS & the Council, stating the importance of the SSER involvement in the CAC and requesting that the SSER Office continue their past administrative support.

### **4. Presentation: Brookhaven Landfill** – Ed Hubbard, Chief Deputy Commissioner, Town of Brookhaven-Dept. Waste Management.

E. Hubbard presented a PowerPoint presentation on the Town of Brookhaven landfill which summarized the issues/problems occurring at the landfill site.

The landfill has 6 cells, of which cells 1-4 are closed (capped). Cells 5 and 6 are in operation. The landfill began operation in 1974. It is approximately 260 feet high. The liner design in 1974 was much different than it is at present. When the landfill was first constructed, the liner was only 20 millimeters in thickness; there was no testing of the liner and it was "hand-glued" together. Today, the liners are 60 millimeters in thickness and they are engineered much better. It is the older cells that are leaking. Cells 5 and 6 began operation in 1996 and 2003, respectively. Cells 1, 2, and 3 were formally closed and capped by 1993 to reduce leachate generation. Cell 4 was capped in 1997. The liner system is designed to collect waste and prevent it

from entering the groundwater system. Cells 1-4 were used for municipal solid waste (household trash). No household garbage is landfilled on Long Island today. The capped cells have been revegetated.

The leachate is flowing in the same direction as the groundwater flow; to the southeast; toward the Carmans River and Beaver Dam Creek. It has the potential to discharge to surface waters, as it is to Beaver Dam Creek.

The Town, through their surface water program, has been monitoring the water quality in Beaver Dam Creek since the 1980s. Samples are taken both up gradient and down gradient from the landfill. This is a NYSDEC requirement. Samples of the leachate are also taken. There are 27 monitoring wells, most of which are down gradient from the landfill. A model was created to project the direction of the plume. Monitoring is also conducted at the Forge River. The samples taken up gradient from landfill are compared to down gradient samples. The Town has determined that cells 1 and 2 and possibly cell 3 have impacted groundwater. Elevated levels of leachate indicators (ammonia, benzene) were found in samples. E. Hubbard referred to the report, "Beaver Dam Creek, Brookhaven, NY, Status and Trends in Water Quality", Suffolk County Department of Health Services, July 2008.

L. Freilich asked about pH levels. E. Hubbard will send her pH data.

E. Hubbard explained that by capping the cells, it then takes longer for the landfill to dry out. Leachate quantities and contaminants have decreased over time, but the plume takes approximately 13 years to reach Beaver Dam Creek, therefore, any improvements made will take that long to have an effect.

The overall remediation goals have been achieved, and the local groundwater quality has been improving. Also, in NYS, there has been no leakage from any new landfill design.

E. Hubbard then showed a graph of trends in ammonia concentration which is a definite indicator of leachate contamination. It has been decreasing over time. He also showed graphs of chlorobenzene in the perimeter wells. Forge River has not been impacted by the landfill plume. Geoprobos have been installed by the Town and a workplan has been developed. The Geoprobos are to monitor the wells. Presently, the Town is able to assess water quality more accurately than in prior years. The water quality is slowly improving. SUNY Stony Brook is developing a computerized 3-D model imaging of the groundwater. The Town has also increased the frequency of the Beaver Dam Creek water sampling and did a survey of the existing monitoring wells. The Town has installed geoprobos to take additional samples in the area and to delineate the edges of the plume. E. Hubbard showed a graphic of map that identifies wells that have been rehabilitated. It shows the direction of the landfill leachate plume. The Town determined that the plume will eventually affect the Carmans River. L. Merryman asked if there were any private wells in the area. E. Hubbard said there were, and that the Town provided public water supply to anyone in the path of the projected plume.

J. Fullmer asked if the plume had impacted the deeper groundwater system. E. Hubbard replied it is not; the Magothy aquifer has not been affected. J. Fullmer also asked if the plume is projected to reach Great South Bay. E. Hubbard said it would, eventually, but by the time it (plume) did reach the Bay, the contamination would be very dilute. Dr. Tanacredi asked if the Town had performed any in-stream sediment sampling. The Town has not, but possibly will in the future. Dr. Tanacredi commented that sediments are repositories for fine particulates. He also asked about organics, particularly benzene. E. Hubbard said the advisory report will look into this aspect and a report will be made to the public. Ammonia levels were initially reported to be very high. However, the ammonia levels were first reported incorrectly. (Ammonia levels are dependent on pH). The Town realized they were calculating and reporting the ammonia levels incorrectly and the ammonia levels were actually much lower than originally reported. The NYSDEC found robust fish population levels during one of their surveys which would support the most recent recalculated lower levels of ammonia.

Water quality in Beaver Dam Creek is continually improving; the Town continues to monitor; any remediation effort of the plume would involve sizeable funding, and a treatment facility would need to be developed to treat the contaminants. The water would then have to be discharged back into the watershed.

F. Sharkey commented that she has noticed an outlet pipe at Fireplace Creek. E. Hubbard was not familiar with this outlet pipe, and will ask for Town to investigate. J. Bird stated that that the landfill not only contains waste from Town of Brookhaven, but contains waste from outside sources as well.

The Town has taken many precautions to ensure that groundwater is not impacted from new cells; to ensure that new cells are operating correctly. The NYSDEC requires a landfill cell test before its use. It is an electrostatic test that is very sensitive and can detect minute breaks in the liner system. E. Hubbard requires this test for the liners used at the Brookhaven landfill.

L. Freilich described the water quality monitoring performed through the sSELF program. E. Hubbard would like to compare that data to data collected by Town. E. Hubbard asked who performs the monitoring at Beaver Dam Creek. One group through

the sSELF program is the Bellport High School SEQ (Students for Environmental Quality). L. Freilich will send the Sierra Club water quality monitoring link to E. Hubbard. This link will also be sent to CAC members.

It was also asked if there were any plans for monitoring at the Bay (when plume eventually reaches that point), and how that data would be shared. E. Hubbard ensured that any data acquired from the intersection of the plume with the Bay, will be made available to the public.

The Town has also identified the edges of the leachate plume.

### **5. Hard Clam Update -**

M. Dolan Murphy gave an update on the hard clam situation in Great South Bay. She reiterated that 2008 had the worst brown tide in history. In 2008 Senator Schumer put in a formal request to the Secretary of Commerce for a "commercial fisheries failure for hard clams in the Great South Bay". If granted, the designation has the potential to open up federal funding for the restoration of the hard clam population. Letters were previously sent by CAC supporting such a designation. Staff from Sen. Schumer's office spoke at a CAC meeting in 2008. NOAA and the Secretary of Commerce requested additional data from NY, which was submitted in the fall of 2009. The Secretary of Commerce is expected to make a decision within the next 2 months.

M. Dolan Murphy asked the CAC if they wished to write a letter to the Secretary of Commerce requesting a commercial fishery failure for hard clams in Great South Bay. She will distribute a sample letter and CAC members can then send her comments. J. Kayal suggested asking the Reserve Council to send the letter. He also asked when the Council would reconvene. Discussion ensued on why the Council hasn't met and if they would be meeting anytime soon. D. Schaper suggested writing a letter to the Council to clarify their plans.

M. Dolan Murphy agreed that the CAC will send a letter to the Secretary of Commerce regarding the commercial fisheries failure designation in Great South Bay. She also said that the CAC will request the Council to send a request letter to the Secretary of Commerce (for designation of commercial fisheries failure in Great South Bay). M. Dolan Murphy will send a letter to the Council from CAC, asking the Council for their future meeting schedule and goals.

Dr. Tanacredi stated that the brown tide is a relatively recent arrival, and he asked that the brown tide issue and its impacts on the Great South Bay ecosystem be stressed in this letter. He feels the CAC needs to be more proactive. M. Dolan Murphy will send a draft letter to the CAC and Dr. Tanacredi will include his scientific edits to the letter. (Letter to Secretary of Commerce requesting a commercial fishery failure for hard clams in Great South Bay).

### **6. Public Portion/Announcements**

- Dr. Kopelman has scheduled, for CRESLI, seal walks for the season. He asked the CAC to speak to their partners about kayaks approaching seals. Seals will leave if they feel threatened. People should not approach seals in kayaks at low tides. This violates the Marine Mammal Protection Act. This is the first time in history that the area has seen harbor and fur seals giving birth.
- L. Kane reported that the Islip Town Environmental Council will be hiring a summer intern; a college student. Call L. Kane for more information.
- L. Freilich, LI Chapter of Sierra Club, is planning a celebration for Rob Weltner in recognition of his environmental award.
- G. Costa reported that the Art Flick Chapter of Trout Unlimited will have a booth at the Suffolk County Sportsmen's Show, February 26-28, 2010, to be held at Suffolk County Community College, Brentwood Campus; Dave Thompson's band will play there also. The Chapter banquet and fundraiser will be Friday, March 12 at the Patchogue Manor. The Long Island Decoy Collectors Association Show will be Saturday, February 27, at the Patchogue Manor.
- N. Kearney, Town of Oyster Bay, reported that the annual dune planting at TOBAY Beach will be March 20 at 10:00 a.m.

### **7. Adjournment**

Motion by Pam Burford to adjourn the meeting at 8:47 p.m., seconded by Maureen Dolan Murphy; unanimously approved.