

**Meeting Summary
Long Island Sound Study
Citizens Advisory Committee
Monday, December 8, 2003
New York City**

The meeting was called to order at 10:10AM by New York co-chair Nancy Seligson. Seligson thanked CAC member Ed Breman of Pfizer for once again hosting the CAC in their New York World Headquarters. Seligson also recognized Ms. Frimi Frankel Mendelowitz of Pfizer for her help in making the meeting arrangements. After self-introductions of attendees, it was determined that 17 members were present, which did not constitute the required quorum of 19 under the current membership level of 37. Seligson noted that several members may arrive late, and after the membership subcommittee report and CAC action on new member applications, a quorum might be achieved. Seligson pointed out that the draft 2004 meeting schedule had been included in the meeting package, and she asked the members if there were any objections to the proposed schedule. As there were no objections, the CAC's 2004 meeting schedule was approved. Seligson then proceeded to the following agenda items.

Subcommittee Reports

Membership. Nancy Seligson reported that while the membership subcommittee addressed membership issues through email correspondence among the subcommittee members. Seligson indicated that there were three new membership applications that were included in the meeting package – the Regional Plan Association, to be represented by John Atkin; Save the River/Save the Hills, to be represented by Fred Grimsey; and the Bartlett Arboretum and Gardens, to be represented by Lars Cherichetti, all of whom were present at the meeting. Seligson noted that several members had arrived to the meeting since roll call, and that a quorum was now present. Seligson asked for a motion from the floor to accept the new members. David Miller so motioned, which was seconded by Mickey Weiss and Judy Preston. The motion passed by unanimous voice vote. Seligson welcomed the new members, and indicated that, including the several members who had arrived to the meeting after roll call, a quorum of 24 members was present. **[NB: Eve Kaplan and Donald Coyle left their respective organizations – the North Fork Environmental Council and the Village of Port Jefferson. As these organizations did not respond to letters requesting the appointment of new representatives within 30 days, they were removed from the CAC membership roll. Subsequent to the December 8 meeting, the Village of Port Jefferson named Alan MacIntyre, a Conservation Advisory Council member, as its replacement. The CAC membership currently stands at 39: 20 from Connecticut and 19 from New York.]**

Communications. As Carol DiPaolo was unable to attend the meeting, Seligson referred the membership to the written summary of the communications subcommittee conference call that was provided in the meeting package. Seligson asked if any subcommittee members present had anything to report. Robert Burg said that he had responded to a number of subcommittee comments on the new website, and that an organization chart is being added. Burg also urged

members to contact him regarding linking their organizations to the CAC page on the website. Burg said he hoped to have 100 percent participation of those CAC members' organizations that have a website.

Living Marine Resources. Jennifer Wilson-Pines announced that the Atlantic States Marine Fisheries Commission (ASMFC), which regulates fisheries within the 3-mile limit, will be holding its 62nd annual meeting at the Roosevelt Hotel in New York City from December 15-18, 2003.

[NB: Proceedings may be viewed at the ASMFC website: <http://www.asmfc.org/>]

Sediment/Dredge Management. Subcommittee chair Allen Berrien indicated that the subcommittee did not meet, but that members had attended the public hearings on the dredged material management Environmental Impact Statement process conducted by EPA and the Army Corps of Engineers.

Tracking & Monitoring. Chair David Miller indicated that there was no report at this time, but the subcommittee members present would meet to review the 2004 subcommittee work plan.

2004 Subcommittee Work Plan Revisions

Nancy Seligson introduced the notion of updating subcommittee work plans for 2004. Seligson reminded the members that they had spent many hours developing work plans in 2002 and 2003. It was difficult to define the role of the CAC in the work plan process, and consensus was not reached on whether the CAC was action-oriented, advisory or advocacy in nature. Seligson asked the subcommittees to continue with updating their work plans for 2004, and this would be a topic on the March meeting agenda. The subcommittee work plans should relate to the LISS 2004 request for proposals that will be released shortly.

Mark Tedesco announced that he had met with staff from the Lake Champlain program, which is similar to the LISS in size, scope and budget. Staff had discussed the Lake Champlain CAC, which includes separate CACs for New York, Vermont and Quebec, Canada. Tedesco asked if the members thought it would be helpful to ask Lake Champlain staff to come to the June 2004 CAC meeting to discuss their program. John Atkin indicated that Lake Champlain program staff had met with him a few years ago to help set up its program. There was general consensus to have the Lake Champlain staff come to the June meeting.

By Laws Work Group

The CAC discussed the potential need to revise the By Laws. Currently the By Laws require 30-45 days notice to the membership for resolutions establishing a CAC position on an issue. This was implemented to allow the CAC members sufficient time to go back to their respective organizations and review policy positions in order to vote the organization's position at the

meeting at which voting would take place. Several members felt that with the advent of email, proposed resolutions could be transmitted electronically instead of by hard copy. Dianne Selditch questioned whether members would have enough information on an issue or proposed resolution in order to be able to cast an informed vote – whoever proposes a resolution should provide information for an informed decision. Several members felt this would be impractical, as two or more sides of an issue need to be considered, and any proposed resolution might advocate a single position. It is not the obligation of the proposer to present all sides of an issue, this is better left for open discussion. David Miller cautioned that 30 days did not seem like a very long period of time to carefully consider an issue, and that the provision in the By Laws was a safeguard against unreasonably quick decisions. Miller asked staff to review all motions and resolutions proposed by the CAC over the last several years, and to keep a running log of such motions by meeting date. Mark Tedesco agreed to this proposal. John Atkin offered to chair a By Laws subcommittee to look into these issues, and asked anyone interested in participating to contact him.

New York City Nitrogen Control Program

Keith Mahoney of NYCDEP presented New York City's revised nitrogen management program to the CAC. Mahoney reported that: 1) there has been a general improvement in dissolved oxygen throughout LIS; 2) low-cost in-house nitrogen control actions by NYC have reduced nitrogen discharges in the Upper East River at a capital cost of \$60M; the cost to upgrade plants to full step Biological Nutrient Removal (BNR) has increased significantly; and 3) the efficacy of costly upgrades compared to improvements in water quality may result in diminishing returns. Under its revised program, NYC will achieve the ten year Total Maximum Daily Load (TMDL) goal under the Administrative Consent Order. NYCDEP will: 1) upgrade Hunts Point for full step feed BNR and evaluate performance; 2) retrofit Wards Island, Bowery Bay, and Tallman Island plants for basic step feed BNR; 3) implement separate centrate treatment at Wards Island and Bowery Bay using existing aeration tanks; 4) implement/evaluate new technologies such as SHARON (Single reactor High activity Ammonia Removal over Nitrite) that are capable of removing nitrogen from a de-watering facility's centrate; and 5) perform demonstration testing for SHARON and full step feed BNR to develop a nitrogen control plan to comply with the 15 year TMDL goal. Mahoney then presented a cost-comparison of the original nitrogen program versus the proposed revised program, which showed a net savings of \$1.4B. The total proposed upgrade budget for all plants over the next 10 years is approximately \$4.4B.

The CAC asked a number of questions concerning the presentation and NYC's upgrade plans. Principally, the CAC requested a separate break-out of the existing and proposed BNR upgrade plans from the overall upgrade costs. The CAC remained concerned with the unproven new technology of the SHARON process, questioning what would happen if the technology doesn't function in this climate. Overall, the CAC agreed that additional information on the costs and nitrogen reduction potential of alternate approaches would be needed to fully evaluate

NYCDEP's proposed revised program. David Miller proposed a motion to have the CAC send a letter to NYC stating to the effect that "without proof of the ability to reach the reduction targets in the April 2002 Consent Order, the CAC is opposed to changing the BNR program as reflected in the current Consent Order." Fred Grimsey seconded the motion, which passed by unanimous voice vote. The co-chairs will prepare a letter to the NYCDEP commissioner.

Updates

Management Committee Report. John Atkin reviewed the October 19 Management Committee meeting. The Committee approved the 2004 Small Grants projects; the CAC and Science and Technical Advisory Committee (STAC) reported on their activities. It was announced that Lisa Holst, the NYSDEC habitat restoration coordinator for the LISS had been promoted to the Albany office and will now oversee New York State habitat projects; it is very unlikely that her position will be backfilled any time soon due to the state's fiscal situation. The Committee also approved the 2004 proposed changes in the work plan and budget processes. Nancy Seligson reported that the Small Grants program RFP focused on exotics as a special project category, and that Kimberly Zimmer requested input on an area of special focus for the next round of small grants.

LIS EIS. Ann Rodney reported that the public comment period for the EIS had been extended to December 15. There will be another public hearing at Stony Brook University on December 10 starting at 4:00PM. To date more than 300 comments have been received on the EIS. After the public comment period ends, EPA will develop a Final Environmental Impact Statement (FEIS), which is anticipated to be published and available in late winter or early spring of 2004. There will be another comment period on the FEIS, and then EPA will issue the Record of Decision and the final rule. The final rule should be out by June/July 2004. Art Glowka commented that the EIS documents are a total encyclopedia of what has happened in the Sound in the western and central basins. Glowka complimented those involved in the EIS, indicating it was a "nice job." Allen Berrien advised the CAC that there is a bill under consideration to stop the disposal of dredged material in LIS by Rep. Bishop. Grant Westerson asked that when the eastern Sound EIS process begins, that Stamford and Port Jefferson not be considered as convenient meeting locations. Ann Rodney assured Westerson that public meeting locations would be arranged in eastern Connecticut and Long Island.

SWEM Workshop. Mark Tedesco reported that the System-Wide Eutrophication Model (SWEM) workshop was held at Stony Brook's Wang Center on October 23-24. The basis for the workshop was for HydroQual Inc., the SWEM contractor, to give detailed presentations to the LISS STAC. The program is moving ahead to reevaluate the TMDL targets in the first of the five-year assessments. Bill Evanzia questioned the accuracy of the model. Mickey Weiss indicated that he had attended the workshop and was impressed with the model's accuracy. For

physical oceanography, the model is pretty good; for biological processes, the model is less accurate.

SoundHealth 2003. Robert Burg reported that the update of SoundHealth was inserted into Sunday newspapers around the Sound on September 28. More than 460,000 copies were printed and distributed, and the LISS printed an additional 15,000 copies.

Floor Updates. Kay Eisenman reported that WAC 7 was conducting a nonpoint source pollution study, with the Army Corps of Engineers contributing \$2.0M and NYC contributing \$1.2M. Nancy Seligson announced that David Miller had agreed to act as liaison on state/federal legislation and funding issues for the LISS. Seligson also indicated that she would like to see the Connecticut and New York Attorneys General meet around a Long Island Sound event. Mark Tedesco reported that EPA Administrator Leavitt was being invited to participate in a potential LISS event in September 2004, which would mark the 10th anniversary of the signing of the CCMP, and that perhaps this may serve as an appropriate vehicle for a Governors' or Attorneys General meeting.

March 11 CAC Agenda Topics

- 1) New Member Applications
- 2) Subcommittee 2004 Work Plans/Reports
- 3) 2003 Tracking and Monitoring Report
- 4) 2004 LISS Budget Proposals
- 5) LIS Economic Report Update
- 6) Update on the New York City Consent Order
- 7) CT/NY Attorneys General Meeting

There being no further business brought before the CAC, Nancy Seligson adjourned the meeting at 12:30PM, advising the members to coordinate subcommittee meetings during the lunch break. The communications, sediment, and living marine resources subcommittees agreed to meet.
