

Peconic Estuary Protection Committee
Meeting Summary – November 1, 2017

Cornell Cooperative Extension
423 Griffing Avenue, Riverhead, NY
10:00am- 12:00pm

ATTENDEES

Committee Member Representatives

Town of Brookhaven | Veronica King (Committee Vice-Chair)
Town of East Hampton | Mark Abramson
Town of Riverhead | Drew Dillingham (Committee Chair)
Town of Shelter Island | Laury Dowd
Town of Southampton | Christine Fetten
Town of Southold | Michael Collins
Village of Sag Harbor | John Shaka (for Robert Stein)
Suffolk County | Frank Castelli, Elyse Jay, Sara Schaefer

Additional Participants

Peconic Estuary Protection Committee Coordinator | Rachel Gruzen
NYS Department of Environmental Conservation & Peconic Estuary Program | Elizabeth Hornstein

Committee Member Representatives Not Present^[SEP]

Village of Greenport | George Hubbard, Paul Pallas
Village of North Haven | Dianne Skilbred
New York State Department of Transportation | Gregg Williams

I. Discussion and Approval of August 2nd and September 6th Meeting Summaries

The Committee approved the August and September Meeting Summaries after reviewing the completed Action Items with the Committee.

II. New Director, Peconic Estuary Program

Alison Branco has retired from the position of Director, Peconic Estuary Program (PEP), and is now Coastal Director Long Island at The Nature Conservancy. Sarah Schaefer is currently Acting Director of PEP and she welcomed the Committee to approach her with any questions or requests.

III. Data Solicitation for the 2018 CWA Section 303(d) List

The New York Department of Environmental Conservation (NYSDEC) closed its data solicitation period on September 29th for the 2018 Section 303(d) List of Impaired Waters. Several Committee members submitted new data and/or comments to inform modifications to the List. The NYSDEC will review the water quality data and information provided and develop a Draft 2018 Section 303(d) List for public comment. There will be a public notice and comment period in mid January through February. The United States Environmental Protection Agency-approved final List is expected to be released in June 2018. More information can be found at: <http://www.dec.ny.gov/chemical/110222.html>.

ACTION ITEM:

- **Coordinator to track the release of the Draft 2018 CWA Section 303(d) List by the NYSDEC in early January.**

IV. Semi-Annual Reporting to NYSDEC on the General Permit for MS4s

The Coordinator presented the semi-annual reporting forms, *Progress Report for Part IX.C Pathogen-Impaired Watershed Improvement Strategy Areas*; and *Progress Report for Part IX.D: Nitrogen-Impaired Waterbodies*, required by NYSDEC for compliance with the General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s). The reporting forms are specific to the watershed improvement strategy areas in the General Permit Part IX. <http://www.dec.ny.gov/chemical/43150.html> The semi-annual reports should be submitted no later than December 1st, 2017 for activities conducted March 10 - September 9, 2017. For more information see page 22 of the General Permit: http://www.dec.ny.gov/docs/water_pdf/ms4permit.pdf.

The Coordinator presented the Committee document, *Report on the Education and Outreach Program Plan: March 10-September 9, 2017*, developed for use in semi-annual reporting and distributed to members via email in mid October. The format of each section is designed for insertion into the Progress Report forms. Frank Castelli of Suffolk County reported that the County has produced its draft semi-annual report. Regarding the question on Progress Report for Part IX.C, "How are behavior changes being measured", members agreed that sign-in sheets for events or training sessions, documentation of audiences reached, or surveys can qualify.

ACTION ITEM:

- **Committee members to use, as relevant, the *Report on the Education and Outreach Program Plan: March 10-September 9, 2017* to complete semi-annual reports IX.C and IX.D by December 1st.**

V. "Quality Assurance Project Plan Services for a Supplemental Water Quality Sediment Data Collection Project"

The consulting firm TetraTech has been selected to provide "Quality Assurance Project Plan (QAPP) Services for a Supplemental Water Quality Sediment Data Collection Project" for the Committee. A Suffolk County Review Committee evaluated the contractor proposals and selected Tetra-Tech on August 30th based on its experience producing hundreds of QAPPs. The contract development process is now under way and is expected to be fully executed by spring 2018. The project timeline with the contractor was estimated at 18-24 months, therefore the water quality monitoring program would likely commence upon QAPP approval in late 2019 or early 2020. Southold, Brookhaven and Riverhead expressed interest in participating in a QAPP Technical Advisory Sub-Committee (TAC). The Coordinator estimated that the time commitment for participation on the TAC could vary from 2-12 hours per month. Hours will likely be greater in the early months of the

contract when the consultant convenes scoping meetings with an advisory committee of NYSDEC bureaus/divisions and TAC members to define the QAPP testing parameters. The Request for Proposals also states that the "PEPC manager" will give approval on drafts. The TAC will identify a point person to facilitate progress and approvals.

VI. Water Quality Sampling in Conditional Waterbodies with the NYSDEC

The Coordinator is in communication with Bill Hastback and Lisa Tettelbach at the NYSDEC Bureau of Shellfisheries regarding water quality sampling for the Conditional Shellfish Program. The Committee has agreed at previous meetings that collaborating with NYSDEC to collect water quality data under the Conditional program builds needed baseline data on water quality and enhances the relationship with NYSDEC as the Committee develops its water quality sampling program under the QAPP.

The Bureau explained that waters currently at Uncertified status can be re-opened to shellfishing on a Conditional basis if 15 samples taken within the last five years at >0.25-inch rainfall between November and April demonstrate compliance with NYSDEC pathogen limits. The NYSDEC allows the Trustees or municipal staff of a town to collect the samples after receiving NYSDEC training. The NYSDEC will test the samples in their East Setauket laboratory. Southold, Shelter Island and Brookhaven are already working with NYSDEC on sampling for a Conditional Program; Riverhead's waters are administratively closed due to the Wastewater Treatment Plant therefore there is no opportunity for a Conditional program there; and East Hampton and Southampton have historically had a Conditional program which could be brought back now that NYSDEC has staff and laboratory capacity to process samples.

The Coordinator is currently facilitating communications between NYSDEC, the East Hampton Trustees and the East Hampton Department of Natural Resources to pool resources to collect water quality samples in closed areas in either Accabonac Harbor or Northwest Creek. After consulting with Tettelbach on the historical water quality results for those waterbodies, and the Trustees and the East Hampton baymen, it appears that Northwest Creek could have high enough water quality and a sufficient shellfish stock to make the water quality sampling program a good return on investment of time and resources. The Coordinator is working with Chris Fetten to have similar discussions with the Southampton Trustees who are also advancing on a Conditional Program. Southold's Michael Collins is already in communication with NYSDEC and requested sampling in Mud Creek, Spring Pond, Mattituck Inlet (Long Island Sound) and Goldsmith Inlet (Long Island Sound).

The largest time commitment is driving water quality samples to the NYSDEC laboratory in East Setauket on the same day as they are collected. This is an opportunity for intermunicipal cooperation. East Hampton and Southampton could share transport and possibly Shelter Island and Southold with a meeting point in Riverhead, assuming municipalities have similar >0.25-inch rainfall events and are sampling at the same time.

In sum, what would be involved for members to participate in the Conditional Program:

1. Trustees and municipal staff working together to collect 15 samples during the period Nov - April after rain events >0.25 inches and driving samples to East Setauket.
2. Trustees and municipal staff to conduct the work must participate in a 4-8 hour training session with NYSDEC on protocols. Volunteers cannot qualify. 1-2 persons per town is ideal. The NYSDEC individual biologists for the region then work with Trustees/municipal staff to determine the number of sampling runs needed to evaluate the area and review rainfall range, sampling stations and tide charts.
3. Procuring a boat for water quality sampling activities and a cooler for holding samples.

4. Agreeing upon one waterbody area that meets the following criteria:
 - Currently year-round closed to shellfishing;
 - Where quantitative or qualitative data are showing that water quality likely would be high enough to re-open the areas to shellfishing on a Conditional basis; and
 - Baymen and others are interested in seeing the area re-opened to shellfishing.

The Bureau of Shellfisheries will host the fall meeting of the New York State Shellfish Advisory Committee in late November in East Setauket. This is an opportunity for representatives from baymen's organizations and the Towns' trustees or natural resources departments to gather. Conditional programs will be on the agenda. The Coordinator will attend and distribute notification of the event to the Committee.

Post-Meeting Update: NYSDEC's Bill Hastback and Debra Barnes have authorized the Coordinator, as a consultant to the municipalities, to collect water quality sampling upon completion of the NYSDEC training course, assuming other permissions and insurances are in place. The Committee can discuss the value of the Coordinator assisting select members this year on this initiative. By assisting select members to restart its Conditional Shellfish Program, we are collectively advancing collaboration with NYSDEC in the Peconic Estuary watershed, and working toward increasing the baseline data for our harbors, particularly our pathogen-impaired waterbodies. This could be a good use of Committee resources and beneficial to near-term actions in the development of the QAPP and the Committee's Water Quality Monitoring Program.

Fetten commented in the meeting that there are several potential opportunities in restarting Conditional Programs. It is important to collect data that demonstrates that many pathogen-impaired waterbodies have high water quality and also that the pollutant of concern on the 303(d) List may be revised after new data collection. It was suggested that the general public and baymen may be pleased if the Committee demonstrates it is moving forward on reopening previously closed shellfish beds. It was suggested that the shellfish industry may wish to be more involved in advocating for the accurate representation of waterbodies on the 303(d) List.

ACTION ITEMS:

- **Coordinator to continue to facilitate between Towns, Trustees and the NYSDEC on development of water quality sampling activities under the Conditional Shellfish Program.**
- **Coordinator to survey Committee members on interest in giving Coordinator hours to assist in transportation of water quality samples to the NYSDEC Shellfisheries laboratory in East Setauket.**
- **Coordinator to disseminate information on the NYSDEC Bureau of Shellfisheries State Shellfish Advisory Committee meeting in late November in East Setauket.**

VII. NYSDEC Updates

Elizabeth Hornstein reported that the NYSDEC is designing a new 25,000 square foot Marine Resources Headquarters in Nissequogue River State Park. Preliminary plans were shared with the public on November 2nd. The public comment period is open until November 30th. The facility will serve as the headquarters for NYSDEC Division of Marine Resources, and will house a Marine Enforcement Unit and the FDA certified shellfish laboratory. The design and construction process will take several years. For further information and to submit comments, go to: <http://www.dec.ny.gov/press/111754.html>. Hornstein also reported that the NYSDEC is currently hiring two new Biologists in the Shellfish Unit.

Collins reported that Koon Tang has assumed Angus Eaton's position as Director, Bureau of Water Resource Management, Division of Water, in Albany. Eaton retired in 2017 as did Jeff Myers. Collins has been in regular communication with Tang expressing concern over the 303(d) List, shortfalls in data availability and likely inaccuracies in pathogen source listings. Supposedly NYSDEC is convening a working group in Albany to address these concerns.

Collins added that its important to review the Waterbody Inventory/Priority Waterbodies List (WI/PWL) assessment reports when doing a 303(d) review, as they can have different analyses on water quality from the 303(d) list. For more information on WI/PWL assessments go to:

<http://www.dec.ny.gov/chemical/36730.html> and <http://www.dec.ny.gov/chemical/36748.html>.

ACTION ITEMS:

- **Members to review the Waterbody Inventory/Priority Waterbodies List (WI/PWL) assessment reports as well as the 303(d) List of Impaired Waters when reviewing water quality reports for a waterbody.**

VIII. Education and Outreach: Activities

The Coordinator provided an update on education and outreach activities to the general public and kids including pamphlet distribution at *Stop Throwing Out Pollutants Days* at recycling centers, teaching kids on stormwater and estuarine processes at the *Day in the Life of the Peconic Estuary* school program, participating in an East Hampton middle school field trip to the Shinnecock Canal, and conducting activities with the Suffolk County 4H Club and Cub Scouts group.

Christine Fetten of Southampton shared on Southampton's experience with education and outreach activities that integrate the lawncare industry. She spoke on Southampton's efforts to partner with the non-profit organization *Quiet Communities*, and the *American Green Zone Alliance (AGZA)*, to promote sustainable landscape maintenance including upgrading industrial outdoor maintenance equipment to "low noise, zero emissions electric battery-powered equipment and manual tools." The Village of Quogue was recently certified as the first *AGZA Green Zone Park* in the eastern United States.

Atmospheric deposition is estimated to account for approximately 25% of nitrogen discharges into the Peconic Estuary. Fetten reminded the Committee that reducing hydrocarbons emissions is a best management practice for improving water quality. *AGZA Green Zones* also have less vulnerability of hydrocarbons spilling, deferred maintenance on lawncare units and health benefits to the operators. Fetten also recommended the Coordinator connect to the *Long Island Green Homes* program, which offers seminars on reducing energy consumption in the home, which in turn reduces atmospheric deposition of nitrogen and improves water quality. Fetten provided the Committee with the following links and contacts:

- <https://www.quietcommunities.org/southampton-leads-agza-green-zone-park/>
- <https://www.quietcommunities.org/>
- <http://www.longislandgreenhomes.org/>
- Jamie Banks, Quiet Communities: jamie@quietcommunities.org
- Dan Mabe, AGZA djmabe@agza.net
- Dr. Bonnie Sager, Huntington Citizens Appeal for Leafblower Moderation: bsagerod@hotmail.com

The Committee agreed that the landscape industry, including designers, maintenance companies and property managers should be the next priority audience for education and outreach activities. This is consistent with the Committee's Education and Outreach (E&O) Program Plan. The Coordinator agreed to build an E&O network and educational materials for the lawncare industry and property managers. Fetten suggested additional outreach to institutions that have significant lawn coverage and are within a two-year groundwater-to-surfacewater watershed. Fetten added that education on mitigating pesticide and fertilizer usage should be coupled with messaging on the benefits of compost use, mulching, and Integrated

Pest Management. Brookhaven's Veronica King recommended the Coordinator identify information quantifying the cost savings of implementing the best management practices over business-as-usual.

Fetten reminded the group of the plastic bag bans in certain municipalities. E&O materials should note these bans, which keep plastics out of the harbors and bays, and that in areas where there is no ban in effect, supermarket chains are required to accept thin-film plastics such as bread bags and zip lock bags. Members suggested the Coordinator conduct outreach in tandem with non-profit and community groups involved in local water quality monitoring such as Concerned Citizens of Montauk, Surfrider Foundation and Ducks Unlimited.

ACTION ITEMS:

- **Coordinator and Committee to prioritize education and outreach to the lawncare designers, maintenance providers, property managers and homeowners on best management practices that:**
 - **Address nitrogen from fertilizer as well as atmospheric deposition from hydrocarbon emissions;**
 - **Link water quality and atmospheric deposition of nitrogen to energy efficiency in homes and home/property maintenance equipment use;**
 - **Are informed by Southampton's experiences collaborating with AGZA and Quiet Communities to upgrade industrial outdoor maintenance equipment to "low noise, zero emissions electric battery-powered equipment and manual tools";**
 - **Couple education on mitigation of pesticide and fertilizer use with messaging on the benefits of compost use, mulching and Integrated Pest Management; and**
 - **Spread awareness on plastic bag recycling programs and thin-film drop off locations.**

IX. Education and Outreach: Website

The Coordinator presented the now-live website and its subpages, easily found at the web address: www.PeconicProtection.info. The url links to webpages hosted by the PEP on its website. The design and content were developed by the Coordinator and the webpage programming conducted in-house by Schaefer. Hosting and programming assistance by the PEP has saved the Committee \$500-1000 in design and annual website hosting expenses. Schaefer will eventually train the Coordinator in Word Press to manage the site. The Vice-Chair reminded the Coordinator that face-shot photographs of children cannot be used on the website. Members noted that the Members-Only Portal is an excellent way to launch the online training videos for municipal staff under MCM 6: General Housekeeping. The Coordinator will continue to refine the webpages and load content to the public pages and the Member Portal.

ACTION ITEMS:

- **Coordinator to continue to advance the website, paring the text and loading materials.**

X. Education and Outreach: Press

The Coordinator will write an article for The Independent to be published in the Thanksgiving week edition. The newspaper has distribution on the North and South Forks. The article will include an introduction to water quality concerns, best management practices for home and community, and local project "success stories" that are shifting behavior changes in children and adults.

XI. Brochures and Materials

The Coordinator presented design concepts for improving the E&O booth at next summer's street festivals and community events. She also presented the format of a new brochure under development that includes the Estuary Land Use Map and BMPs.

XII. Septic Improvement Programs

Governor Cuomo announced in mid October the New York State Septic System Replacement Fund. Funding comes from the New York State Environmental Facilities Corporation and goes to County Septic Improvement Programs, which fund up to 50% or \$10,000 of upgrades to innovative/alternative onsite wastewater treatment systems (I/A OWTS).

The Suffolk County Septic Improvement Program is currently receiving and approving grant applications. Drew Dillingham of Riverhead announced that it has presented to Suffolk County Department of Health a system design for an I/A OWTS installation at Reeves Beach (Long Island Sound) to replace the existing system. Dillingham stated that the process with the County was efficient. The Committee agreed there needs to be constant pressure on the County to develop the commercial/industrial standards in a timely fashion as it is the industrial/commercial properties where the wastewater loads are highest.

East Hampton reported that its septic improvement program has received several dozen applicants since the program commenced September 1st. Shelter Island is developing a program to use Community Preservation Fund (CPF) monies to finance septic upgrades. Fetten reported that Southampton has passed legislation to establish an I/A OWTS rebate program and require I/A OWTS installation on new construction. Southampton has selected four of its members to its CPF water quality project review committee and is working on finalizing three more members.

According to Fetten, the Southampton review committee is strategizing on the methodologies and matrices for reviewing incoming proposals. The Southampton review committee is also discussing the benefit of stormwater projects, and is investigating whether or not portions of CPF-acquired parcels can be modified for stormwater abatement installations. Fetten elaborated that there are several waterfront CPF-acquired properties that have natural drainage channels and could be modified to serve as biofilters. Historically these types of stormwater controls have been disallowed on CPF properties. Committee members agreed on the benefits of biofiltration and the importance of reducing stormwater inflow to harbors and bays as the first line of defense.

Southampton reported that it is implementing a \$900k grant-funded improvement project in Reeves Bay using a 50-50 grant with the County. The Town acquired 16 of the New York Rising properties on the south side of Reeves Bay, and is re-bulkheading five of them where sediment is flowing out between the timbers, as well as forming shallow retention areas. There are three contiguous parcels south of the Bay sited for a permeable reactive barrier (PRB) installation. Southampton is also kicking off a \$600,000 grant project to install a PRB along Iron Point Park.

John Shaka of the Village of Sag Harbor Harbor Committee reported on a presentation last week to the East Hampton CPF water quality technical advisory committee. The Village presented 10 stormwater management projects in the Havens Beach sewershed and Bay Street downtown area. An additional 16 projects will be presented to the Southampton CPF water quality committee. The Coordinator also spoke at the East Hampton water quality TAC meeting on the significance of addressing stormwater management to protect water quality in the Estuary. She provided a primer on MS4 sewersheds and the NYSDEC requirements to mitigate pathogen discharges. Shaka distributed location plans and conceptual images

produced by Nelson Pope and Voorhis as well as a table of dollar cost per pound nitrogen removed per year for each project.

Southern Pine Beetle

On a terrestrial natural resource management note, Mark Abramson reported that the East Hampton Supervisor declared a Town state of emergency on the infestation of the Southern Pine Beetle. At a minimum beetles have infested 15 acres of trees on a CPF-acquired property in Northwest Woods off Swamp Road. The town has hired a contractor to take down over 1800 trees. It was suggested that East Hampton maintain communications with the Pine Barrens Commission on this item.

XIII. Coordinator Contract

The Coordinator contract ends on December 31st and has been extended the maximum two times beyond the original contract. The position has been reposted and an evaluation sub-Committee will make a hiring recommendation to the Committee and the Committee will vote on candidates. The objective is to have the next Coordinator contract issued before January 1st. The evaluation subcommittee is made up of King (Committee Vice-Chair), Collins, Dillingham (Committee Chair) and Schaefer.

Current Coordinator Rachel Gruzen has applied and expressed interest in being rehired for the Coordinator position. Given this would be the last Committee meeting before the end of her contract, she presented the current Scope of Work and noted that all tasks have been addressed. The Coordinator also presented three Progress Reports that capture all Committee/Coordinator deliverables and accomplishments since the start of the first contract through to present. The Coordinator will redistribute the following and finalize this year's Draft Progress Report in December:

1. Progress Report: April 2015 – December 2016
2. Progress Report: January – March 2017
3. DRAFT Progress Report: April – December 2017
4. Report on the Education and Outreach Program Plan: March 9 - September 9, 2017.

Fetten and King pointed out that the Intermunicipal Agreement (IMA) may have an expiration date at the end of the year that should be addressed. The Coordinator reported post-meeting that the IMA states, "The term of this Agreement shall be in effect upon execution by all of the Members and shall continue in effect as long as at least two Members desire to see the Committee continue." Vice-Chair King confirmed post-meeting that the IMA does not have an expiration date and the Committee may continue as it has in the past.

ACTION ITEM:

- **Coordinator to distribute the Draft Progress Report: April – December 2017.**
- **Fetten and King to address any IMA-related renewal requirements. It was confirmed post-meeting that the IMA does not have an expiration date, therefore the committee may continue as it has in the past.**

XIV. Schedule

The next Committee meeting is scheduled for January 3rd, 2018. Meetings will continue bi-monthly in 2018. The Coordinator can reach out in December to confirm the schedule for the January meeting or discuss whether it should be postponed a week due to the holidays.

ACTION ITEM:

- **Tentative next Committee meeting: Wednesday, January 3rd, 2018.**