

Peconic Estuary Protection Committee
Meeting Summary – March 28, 2018

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 Riverhead | Drew Dillingham (Committee Chair)
Town of Southold | Jamie Richter
Suffolk County | Sara Schaefer

Additional Participants

Peconic Estuary Protection Committee Coordinator | Patricia Aitken
NYS Department of Environmental Conservation & Peconic Estuary Program | Elizabeth Hornstein
Suffolk County Legislator Al Krupski
Suffolk Soil and Water Conservation District | Corey Humphrey
NPV | Eileen Keenan

Committee Member Representatives Not Present ^{SEP}

Suffolk County
Town of Easthampton
Town of Shelter Island
Town of Southampton
Village of Greenport | George Hubbard, Paul Pallas
Village of North Haven | Dianne Skilbred
Village of Sag Harbor
New York State Department of Transportation | Gregg Williams

I. **GetPumpedLI!**

Adding Suffolk County information to the Get Pumped LI website (<http://www.getpumpedli.org/>) was discussed. This website was developed as a joint project by the three North Shore Protection Committees in Nassau County and Friends of the Bay as the culmination of an outreach and education effort regarding the impacts of septic systems on groundwater and the water in our harbors and embayments. It was designed to be a user-friendly tool for homeowners seeking information about their septic systems. Pat will reach out to Eric Swenson of the Hempstead Harbor Protection Committee and Rob Crafa of the Oyster Bay/Cold Spring Harbor Protection Committee to discuss this expansion and explore costs. The website would link to Reclaim our Water. This could be an example of the type of intermunicipal cooperation that the DEC will be looking for in the new permit.

II. Meeting Summary Approval

Due to lack of quorum at this meeting, the November 7, February 7 and March 28 meeting summaries will be submitted for approval at the June 6 meeting.

III. Peconic Estuary Solute Transport Model

Sarah discussed the model being developed by USGS to allow quantitative loading rates for nitrogen. It is envisioned that when the model is complete it will be in a computer-based model format which can be used by municipalities, nonprofits or citizens. It is anticipated that the project will take about three years to be completed. USGS is using research and data collection done by Suffolk County as part of the County's watershed management plans. A large portion of the data USGS doesn't have access to is the historical data. Sarah asked municipalities for land use data which could be provided to USGS to aid them in compiling historical land use data. Sarah asked the committee to send her any useful data, or to send it to Chris Schubert, Donald Walter, or Jack Monte in Massachusetts. Updates on the project will be provided at PEP Management Committee meetings and PEP TAC meetings. Jamie expressed concerns that if the source of the data is questionable it should not be used in the project.

Eileen asked how this project relates to TMDL. The USGS wants to look at historical data back to 1850 for land use and nitrogen loading, which may not be completely possible. The concept is to determine what the inputs were and what impact the loads are having through time on the watershed and to develop realistic ideas on how to improve water quality based on this data. Jamie expressed concern that when a farm is added to historic land use, the nitrogen impacts increase, resulting in a portrayal that is not always accurate. In response to an inquiry from Sarah if municipalities would meet with the USGS, Jamie said it would be beneficial and that it would probably be best to meet with each municipality individually rather than as part of a group meeting. Suffolk County has already worked out many of the parameters of the program, but, it was felt it would be useful to review those parameters with individual municipalities.

The funding for this project is coming from LINAP and is part of the LINAP effort.

IV. Water Quality Monitoring QAPP

Suffolk County is working on the contract. Sarah will follow up with the County.

Sen. Marcellino secured \$125,000 for the water quality monitoring programs in Nassau. Pat will reach out to him to see what colleague in Suffolk County to approach to see if this funding can be made available for the Peconic program. The cycle for the EPA equipment loan program may not work for PEP due to the timing of the application and awards. Corey said Cornell may have some equipment available which could be loaned to the PEP.

V. Joint Protection Committee Meeting

Joint Protection Committee meetings have been held between the Nassau Protection Committees once a year to discuss relevant issues. A date for the 2018 meeting is tentatively set for May 10, at a central location to be determined (most likely Old Bethpage Village).

VI. Grants

Pat reminded the Committee that the Tributary restoration grant is due March 18, and the Long Island Sound applications are due May 30. Information on available grants can be found in the member files at https://docs.google.com/spreadsheets/d/1Nk_hsKa8pSghJpiIMPPRq4fwlrB4Y_q7SGV3GUXhT_w/edit#gid=1942131432

VII. Outreach

Pat was scheduled to make a presentation to the Riverhead Rotary on Wednesday, March 21. The meeting was cancelled due to a snowstorm, and the presentation has been rescheduled to May 16. A new presentation focusing on nitrogen impacts from septic systems and wastewater, fertilizer, and animal waste was developed

and will be used at this meeting.

VIII. Committee Dues:

As of March 28, apart from NYSDOT, Suffolk County and East Hampton, all members have paid their dues.

IX. Member updates:

There were no member updates at this meeting.

X. Public Comments

There were no public comments at this meeting.

XI. MS4 Presentation by Eileen Keenan

Eileen discussed the status of the draft 2017 MS4 permit. The current permit expired April 2017 but has been extended until the next permit is adopted. Comments on the 2017 draft permit had to be submitted by February 2017, and the DEC received an unprecedented level of comments. The draft permit changed the regulations to an extraordinary extent and applied new burdensome requirements for reporting, etc. The reason for the additional requirements is that the EPA was required under the Remand Rule to ensure that states adopted MS4 programs that were measurable, quantifiable and could be tracked with regards to compliance. The EPA was required by the Remand Rule to require this level of specificity from the States.

Extensive new record keeping requirements were proposed under the 2017 draft MS4 permit. The DEC also proposed new forms, checklists, and inspection forms. The draft compliance schedule was very detailed.

The DEC has indicated they hope to issue the next draft MS4 permit by fall 2018. The DEC has been sensitive to all comments received. The DEC is reviewing what was proposed in the 2017 draft, with regards to mapping, street sweeping, and catch basin cleaning. Comments on the draft 2017 MS4 permit were submitted by the Peconic Inter-municipal Protection Committee, the other Long Island Protection Committees, and from all over the state.

Under the draft 2017 permit basic MCMs remain the same. The reporting, details, procedures and record keeping have changed significantly. Eileen anticipates that many, if not most, of the requirements outlined in the draft 2017 MS4 permit will remain in the next draft that is issued for public comment. Significant components of the draft relate to the 303(d) list, and the DEC is waiting for the 2018 303(d) list to be finalized before releasing the next draft MS4 permit for comment.

The 2017 draft MS4 permit contained major proposed changes which relate to waterbodies without an adopted TMDL. In the current permit, municipalities are required to ensure no net increase in their discharges of 303(d) pollutants. Under the 2017 draft permit, DEC proposed a very detailed list of requirements that municipalities will have to satisfy if they discharge to an impaired waterbody without a TMDL.

The DEC has indicated there are issues with the pathogen TMDLs and they are working with the EPA to revise requirements that relate to those TMDLs. Under the draft 2017 permit, pathogen TMDL waterbodies were made subject to the requirements pertaining to waterbodies that do not have TMDLs and municipalities may have to implement enhanced requirements if they discharge to those waterbodies.

Eileen stressed that municipalities are well advised to work together, and that it is very important for municipalities to comment on the next draft permit when it is issued for comments. Eileen advised that when the draft permit comes out, municipalities should review the permit and work with other protection committees on Long Island to submit written comments. Eileen recommended that municipalities begin to think about what they will need to do to comply with the next MS4 permit as it is possible that much of the 2017 draft language will remain in the 2018 draft MS4 permit

The question was raised concerning whether the DEC is increasing staff and lab times to accommodate water quality monitoring. It is unclear if the DEC is required to rely on water quality data before adopting MS4 regulations. Veronica indicated that the draft 2017 permit states that the State will collect data. The draft permit specifically

states on page 100 *“Ultimately, progress in meeting water quality standards will be verified by the Department’s ambient monitoring of the affected water body.”* Jamie said that when a Town or Village indicates that water quality in a waterbody is okay, the DEC says they don’t have the data to show that. The DEC requires municipalities to collect data and comply with requirements. Eileen indicated that water quality monitoring data has to be defensible, and if it is not collected using a QAPP, the data will not be accepted. Even with impeccable data, the regulations are unlikely to be changed quickly, and it could take years of data collection before a waterbody status is changed.

Veronica asked if a permit specific to Long Island would be issued. Eileen said she has not heard that the DEC is developing either a permit specific to Long Island or a watershed-based permit. Jamie said Southold has taken the position that if stormwater from construction sites of an acre or more does not reach surface waterbodies through its storm sewer system, Southold is not required to ensure compliance with DEC Construction General Permit requirements. Veronica stated that Brookhaven has a formalized program in place in which construction sites that do not discharge to surface water can receive a conditional release from the State’s permit.

The draft 2017 MS4 permit included requirement that municipalities prepare specific SWPPPs for certain types of facilities. If operating a facility (such as a landfill, airport, vehicle and fleet maintenance facility) that would otherwise be subject to the DEC General Permit for Stormwater Discharges from Industrial facilities (Multi-Sector General Permit /MSGP), the municipal facility will have to comply with MSGP requirements for that facility.

It will be important that municipalities understand which portions of their geographic area have the potential to discharge directly or indirectly to surface water through their storm sewer systems because only those facilities that discharge through the MS4 system to surface waterbodies are subject to MS4 requirements. Municipalities should be sure to delineate their drainage areas to be well prepared for the new requirements that will be included in the next MS4 permit.

Eileen said that Ethan Sullivan, the new NYSDEC MS4 coordinator in Albany is excellent and that he has expressed interest in conducting MS4 outreach specific to Long Island after the next draft MS4 permit is issued for comments. Veronica said the Town of Brookhaven would be willing to host a meeting.

Eileen recommended that municipalities strengthen efforts to fulfill MS4 requirements jointly. At the May 2018 joint protection committee meeting in Nassau, Eileen will discuss MS4 basics, and asked for input from this group regarding MS4 topics they would like covered. Veronica said it would be helpful to hear what resources will be required and to hear what specificity will be required. Will drains have to be checked twice a year? Street sweeping requirements? There is a tremendous amount of detailed mapping required, and there will be a special report form for each and every cleaning.

Eileen prepared a writeup of draft 2017 MS4 permit significant new requirements, which she will send to Pat to share with the group. (For example, the next draft MS4 permit is likely to include a SWPPP review checklist which does not currently exist.)

There are currently requirements that require municipalities that discharge to pathogen TMDL waterbodies to inspect septic systems if they have the potential to discharge to surface waters through the storm sewer system.

A question was raised about septic systems which are in close proximity to a waterbody with high groundwater but that do not discharge to a storm sewer. Such cases are not covered by the MS4 regulations.

Some municipalities already require IA systems on all new builds or upgrades to protect groundwater. As far as the MS4 regulations are concerned, septic systems only have to be dealt with if there is potential for an illicit discharge to a surface water-connected storm sewer system.

Eileen was told release of the 303d list was expected a few weeks ago and it has still not been issued. This may delay issuance of the next draft MS4 permit, as the DEC must wait for the 303d list to be finalized and for the pathogen TMDLs to be resolved.

Eileen suggested the committee identify priority areas in the permit that lend themselves to regional efforts, such as catch basin cleaning, IDDE efforts, facility upkeep, street sweeping. The upcoming MS4 requirements present a very compelling case for shared municipal services.

There are practical aspects regarding how to implement sharing of services. Reporting required under the permit could be done through GIS. GIS would be an excellent tracking and reporting platform for managing MS4 compliance. Municipalities that have robust GIS could potentially assist other municipalities that do not. The Villages need assistance with GIS tracking and reporting.

Coordination is needed to ensure that work has been performed and can be verified. There is a potential to have a uniform GIS reporting format for multiple municipalities or for a GIS coordinator responsible for multi-jurisdictional reporting.

There was a discussion of grants which could be used to purchase supplies and materials to fulfill MS4 permit requirements. The NYS WQIP will be out in May or June 2018, and it would be helpful to start thinking about what could be applied for. Suffolk County ¼% funds could also be applied for. Municipalities should look at what projects are needed, such as GIS system upgrades or equipment.

The Town of Brookhaven is building a commercial truck wash facility which has taken about three years to implement. The facility is part of a shared services plan. New tablets for use in the field to comply with mapping requirements could be purchased, perhaps as part of shared services agreement. Jamie mentioned Southold had looked at doing a comprehensive road survey by utilizing a GIS program that surveys all roads, which could be useful on a County wide basis.

Legislator Krupski provided contact information for Ed Moltzen, Director of Shared Services for Suffolk County. Pat will follow up with him and committee members to discuss opportunities for utilization of shared services.

Upcoming Meetings (all at 10:00, Cornell Cooperative Extension 423 N Griffing Avenue, Riverhead):

June 6

August 1

November 7