

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
BROOKLYN-QUEENS AQUIFER FEASIBILITY STUDY

CITIZENS ADVISORY COMMITTEE MEETING: February 5, 2004

MINUTES

The 18th meeting of the Brooklyn-Queens Aquifer (BQA) Feasibility Study Citizens Advisory Committee (CAC) was held on Thursday, February 5, 2004 at the Hillside Manor Comprehensive Care Center. (See Attachment A for Attendance List.)

Helen Neuhaus, Helen Neuhaus & Associates (HNA), opened the meeting by congratulating Debora Hunte on the birth of her first grandchild. Following adoption of the Minutes of the January 8, 2004 meeting without changes, Ms. Neuhaus facilitated a discussion of follow-up items from that meeting. These included the following:

- Copies of the PowerPoint presentation were mailed to the CAC, as requested.
- Bill Yulinsky, New York City Department of Environmental Protection (DEP), Nicole Brown, Malcolm Pirnie, Inc., and Ms. Neuhaus met with Community Board (CB) #13 on January 26th to discuss recent progress on the BQA Study and show the project video. Ms. Neuhaus thanked Richard Hellenbrecht and Peter Richards, adding that as a result of this meeting, the project team has been invited to make a presentation to a civic organization in the CB #13 area.
- Ms. Neuhaus reported that the final numbers on sewer capacity (as it relates to discharges from Stations 6 and 24) are not yet complete. She stated that this item will be placed on the long-term follow-up list and the information will be provided to the CAC as soon as it is available.

Old Business: Membership

Ms. Neuhaus opened a discussion regarding CAC membership (which was deferred from the January meeting) by referring to an attendance chart. She noted that there were two issues to be considered: adding new members and removing non-attendees. She reminded the CAC that the Operational Guidelines call for a committee of 25-30 people, a position that was re-affirmed at the April 2002 CAC meeting. In June 2002, a letter was sent to the seven members who had not regularly attended meetings; at that time six people were dropped from the Committee. Ms. Neuhaus noted that following procedures established by the CAC, Michael Turner became a member in September 2002. The CAC roster currently includes 19 people. She then opened the floor to discussion.

Tracey Bowes asked why the president of York College is listed as a member given that the college has never sent a representative to the CAC meetings. Ms. Neuhaus explained that the new president was invited and expressed interest but has still not attended any of the meetings or events. Ms. Bowes recommended that the CAC develop specific criteria for removing members,

adding that, in the meantime, a letter should be sent to non-attendees in order to determine their interest in serving.

After further discussion, it was agreed that a letter would be sent to those members who had not attended a CAC meeting in more than six months. Councilman Leroy Comrie cautioned against the removal of elected officials from the Committee, explaining that it is important that they be kept informed of the project. Adding that they should continue to receive mailings, he observed that most elected officials have only a few staff members and volunteers and cannot possibly attend the many meetings scheduled for each night. It was then agreed that elected officials would not receive the non-attendee letter.

During a discussion of new members, Manuel Caughman noted that the outreach program should include diverse communities. Ms. Neuhaus suggested that the CAC investigate whether there are civic organizations that might be affected by the project but are not yet represented on the Committee. Ms. Hazel indicated that churches might be considered. She further commented that membership might expand once the CAC starts to address Aquifer Storage and Recovery (ASR) issues. Mr. Yulinsky clarified that ASR is part of a larger DEP "Dependability Study" and will have its own, separate advisory committee. Noting that the issues surrounding the Station 6 project will require their attention for several years, he stated that the BQA Study's CAC will not be burdened with the ASR issue. Ms. Neuhaus added that new members might be identified through meetings with residents living near the Station 6 Demonstration Plant.

Old Business: Scientific Review Panel (SRP) Research

Ms. Neuhaus reported that Dr. Alan Rabideau, State University of New York-Buffalo, has asked if the CAC and DEP would consider his inclusion of BQA wells in a research grant proposal on groundwater optimization modeling a conflict of interest with his role on the SRP. Working with students and the United States Geological Survey, he is proposing to investigate such issues as how to develop a water supply that would prevent flooding, salt water intrusion and the pumping of contaminated water. Ms. Neuhaus stated that Dr. Rabideau has indicated that his first loyalty is to the CAC; if it, or DEP, decides that this research would present a conflict of interest, he would not include the BQA wells in his research. She further noted that Dr. Rabideau believes that his research would provide an opportunity for an academic partnership with the Committee, adding that although it does not think that a conflict exists, DEP would review a summary of his proposal.

Remarking that other SRP members may also wish to conduct research on groundwater issues, Ms. Neuhaus encouraged the CAC to consider Dr. Rabideau's request "generically." Jeff Diggs stated that this would almost certainly be the case and that such research would be a positive development for the CAC. In response to a request from Ms. Hazel for a description of the parameters of the study, and a request from Ms. Bowes for a copy of the proposal, Ms. Neuhaus said that she would ask Dr. Rabideau for a summary of his proposal. She noted that proposals are generally not circulated. After a further brief discussion, CAC members agreed that Ms. Neuhaus should advise Dr. Rabideau to move ahead with preparing his grant proposal.

In a related issue, Ms. Neuhaus reported that a memorandum has been sent to all SRP members stating that materials and information generated from this project are the property of DEP, which

must grant permission for their use. Mr. Diggs expressed his opinion that the CAC and SRP members are well known to each other at this point and that everyone understands their “ethical boundaries.” Dr. Dhanonjoy Saha remarked that the project materials are public information and could be used for teaching purposes, assuming there is no financial gain involved. Ms. Neuhaus answered that some of the information is proprietary and should not be used under any circumstances. Ms. Brown added that this is more of an ethical than a legal issue. Observing that City Council members are required to complete annual ethical disclosure forms, Councilman Comrie suggested that the SRP do the same. Reiterating his sense that the SRP members are “good people” who inspire a certain level of confidence, Mr. Diggs warned against being overly restrictive. Mr. Caughman asked if Intermediate School 59 would receive the same level of scrutiny if it applies for an environmental grant. Ms. Brown and Ms. Neuhaus replied that that is a somewhat different situation, since DEP initiated the action. However, Mr. Yulinsky reiterated that DEP would like to review any grant proposals before they are submitted.

Project Update

Don Cohen, Malcolm Pirnie, Inc., reported that the permitting issues related to pH and perchloroethylene discharge limits at West Side Corporation/Station 24 have been resolved. However, the New York State Department of Environmental Conservation (DEC) has expressed concern over the levels of copper and nickel, which are naturally occurring in groundwater. Mr. Cohen stated that although DEC recognizes that these metals are not contaminants, the level in groundwater exceeds the discharge limits set for surface water, and there is no regulatory mechanism for dealing with the additional load. The BQA project team is working with DEC to resolve this last outstanding issue.

Mr. Cohen further reported that a meeting was held with DEP’s wastewater treatment staff regarding discharge from Station 6 to the Jamaica Bay wastewater treatment plant. It has been determined that the plant does have the capacity to handle the additional flow. He noted that analysis is currently being done regarding the most efficient route from Station 6 to the plant and that a new sewer line will be constructed. The wastewater will go through the sanitary sewer system rather than through the storm sewers.

Mr. Cohen announced that the first of two legal agreements for the clean-up of the West Side Corporation site have been fully executed. DEC and DEP’s attorneys are working on the second agreement. Mr. Cohen remarked that various permits and approvals must still be received from the New York City Board of Standards and Appeals, Department of City Planning (DCP) and Department of Buildings.

He then showed the first draft of the application map for the demapping of streets adjacent to Station 24. Mr. Cohen explained that city maps show 177th and 178th Streets and 109th Avenue going through the site when in fact they dead end at the property’s edge. The application map, which was prepared under extremely strict DCP requirements, shows the streets that will be demapped. The next step will be preparation of the final alteration map, which will be less detailed. Mr. Cohen noted that the demapping application must go through the City’s Uniform Land Use Review Procedure, which will take approximately 9-12 months and which involves Community Board review.

Referring to the homes that were recently built near Station 24, Ms. Hazel expressed concern regarding emergency access. Mr. Cohen stated that the project team must consult with the New York City Police and Fire Departments as well as the Department of Sanitation regarding access to these and other homes on the dead end streets. In response to Irving Hicks' request for a copy of the map, Mr. Cohen answered that this could be provided after initial review by DCP.

Other Business

Dr. Saha announced that he has recently accepted a position with the New York City Department of Health, raising the issue of whether this would present a conflict of interest with his role as an SRP member.

Mr. Caughman noted that DEP Commissioner Christopher Ward appeared on the "Today Show" this morning and spoke about the City's water tunnels. He asked if the project team could obtain a copy of the tape. In a related matter, Ms. Hazel asked if copies of the project video are available for community organizations. Ms. Neuhaus answered that any interested group should contact her office for a copy.

New Business

In response to a question from Mr. Caughman, Ms. Neuhaus indicated that the project team would make a presentation, including a screening of the project video, to Community Board #12 on February 18th.

Noting that she was speaking on behalf of DEP Deputy Commissioner Doug Greeley, Ms. Neuhaus asked if the CAC would be interested in receiving a report on the status of the well reconstruction program at its March meeting. She emphasized that there are no plans to activate these wells; this agenda item would be for informational purposes only. The CAC expressed its interest in receiving an update.

Ms. Neuhaus suggested that a tour of either the Hillview Reservoir and Van Cortlandt Valve Chamber or DEP's air stripping facility be scheduled for April.

The next CAC meeting is scheduled for **Thursday, March 4, 2004 at 7 p.m.** at the Hillside Manor Comprehensive Care Center, 188-11 Hillside Avenue, Jamaica Estates.

Follow-up Items

1. Send letter to CAC non-attendees to determine their interest in remaining on the Committee. Responsibility: HNA.
2. Present project update at February meeting of Community Board #12 (February 18th). Responsibility: DEP, Malcolm Pirnie, HNA.
3. Request summary of grant proposal from Dr. Alan Rabideau. Responsibility: HNA.
4. Provide small-scale version of Station 24 demapping application map to Irving Hicks when finalized. Responsibility: Malcolm Pirnie.
5. Discuss potential conflict of interest regarding Dr. Saha's participation on the SRP following his announcement that he recently accepted a position with the New York City Department of Health. Responsibility: DEP, Malcolm Pirnie, HNA.
6. Obtain tape of Commissioner Ward's February 5th appearance on the "Today Show," where he discussed water supply issues. Responsibility: DEP.

7. Provide a presentation on the status of the Well Reactivation Program at the March CAC meeting. Responsibility: DEP, Malcolm Pirnie, HNA.
8. Consider Councilman Comrie's suggestion to have the SRP file an annual ethical disclosure form, similar to that filed by Councilmembers. Responsibility: DEP, Malcolm Pirnie, HNA.

Brooklyn-Queens Aquifer Feasibility Study
Citizens Advisory Committee
Thursday, February 5, 2004

Attendance List

CAC Members/Alternates

Dr. Dhanonjoy C. Saha
Resident

Tracey Bowes
Community Board #12

Media

Linda Caleb Hazel
A Better Day Inc./St. Benedict The Moor/
St. Bonaventure

Courtney Deutch
Jamaica Times

Manuel Caughman
Community Board #12/Brinkerhoff Action
Association

Project Team

Nicole Brown
Malcolm Pirnie, Inc.

The Honorable Leroy Comrie
New York City Council

Don Cohen
Malcolm Pirnie, Inc.

Jeff Diggs
Councilman Leroy Comrie

Lillie Farrell
New York City Department of
Environmental Protection

Kenneth Gill
Addisleigh Park Civic Association

Natasha Harper
New York City Department of
Environmental Protection

Irving Hicks
Brinkerhoff Action Association

Helen Neuhaus
Helen Neuhaus & Associates Inc.

Debora Hunte
Brinkerhoff Action Association

Denise Woodin
Helen Neuhaus & Associates Inc.

Peter Richards
Community Board #13

Anita Wright
Helen Neuhaus & Associates Inc.

Guests

Sarah Hicks
Resident

Bill Yulinsky
New York City Department of
Environmental Protection