

The Legislature of Rockland County



HARRIET D. CORNELL

Legislator – District 10
Chair, Environmental Committee

MINUTES ENVIRONMENTAL COMMITTEE WEDNESDAY, May 11, 2016 6:30 PM

Members Present:

Leg. H. Cornell, Chair
Leg. A. Wolfe (left 7:30)
Leg. N. Low-Hogan (arr. 7:04)
Leg. L. Santulli (left 7:20)

Members Absent:

Leg. J. Hood, Jr.
Leg. T. Earl
Leg. C. Carey

Others Present:

Leg. M. Grant	Leg. P. Soskin	G. Lipton, Esq.
L. Incalcaterra	B. Madden	D. Rizzi
C. Graziano	D. Miller	S. Rulli
Dr. S. Chillrud	K. Cartnick	J. Moolick
K. Kosinski	J. Drechler	M. Gordon
S. Lee	B. Eichinger	H. Montal
I. Richardson	B. Auriemma	Dr. Auriemma
D. Schnittger	J. Shandling	G. Potanovic
C. Schepis	A. Englander	M. Turrin
K. Maher	S. Hellauer	R. Kirschkel
H. Hurley	J. Levine	C. Fish Fink
C. Herdman	E. Freifeld	I. Meyers
S. Borgna	B. Kelemen	S. Filgueras
I. Morgan	P. Kurtz	R. Tompkins
S. Ward-Bard	M. Stobsky	

CHAIR CORNELL CALLED THE MEETING TO ORDER AT 6:38 PM

ADOPTION OF MINUTES FOR 2/23/16 MEETING

NO QUORUM

1. REF. #7948 - DISCUSSION ITEM - REPORTING OF INCREASED LEVELS OF TRIHALOMETHANE CHEMICAL EXCEEDING FEDERAL DRINKING WATER STANDARDS BY SUEZ WATER IN THE PUBLIC WATER SUPPLY
(HONS. JAY HOOD, JR., HARRIET D. CORNELL, LEGISLATURE)

DISCUSSED

Chair Cornell stated that the panel was organized so that the public could hear experts discuss the THM (Trihalomethane) levels in the water supply and introduced the panel members:

"Good evening and welcome. Tonight's panel discussion was organized in order that elected officials and the public have an opportunity to hear from a range of experts to understand the regulatory environment, the process and procedures that help safeguard our drinking water and therefore public health and safety.

This grew out of a situation that came to public notice a couple of months ago when Suez Water NY notified residents of a contaminant in water known as Trihalomethane that exceeded the allowable limits. This notice caused concern in the community.

When we hear that notification of a violation was sent to residents, many people ask the question WHAT WENT WRONG? One could just as easily say, “thank goodness—we live in a state and county where the system of testing is working to ensure safe drinking water.”

This meeting is designed to enlighten us with clear information about the existing system of regulation by federal, state and local governments, about water testing, public notification and health implications. If there are newer, better ways to do things, we want to know that as well.

I have worked with the support of a number of public officials –especially County Executive Ed Day, the Chair of the Legislature Alden Wolfe and Legislator Jay Hood of Haverstraw whose constituents were extremely concerned about this issue. Unfortunately, Jay has a family situation that makes it unlikely he will be able to attend.

Tonight I have brought together a panel of state and local experts to hold a discussion—and we will all leave here with a far greater understanding of the process, the issues and the safety net to protect human health."

Chair Cornell posed the following questions/topics:

Please describe the Regulatory Overview: Disinfection rules, process, protocols.

Samuel Rulli, Senior Public Health Engineer and Section Chief for the Rockland County Department of Health, stated that the NYSDOH couldn't make the meeting, but the RCDOH works closely with them. THM are byproducts of the disinfection process, whereby chlorine is added. They are always in the water at some level and standards apply to keep high water quality at a high level. The most important thing is to make sure those bacteria it addresses are gotten rid of. Levels of byproducts fluctuate seasonally - more organics in the summer and warmer weather. This is the first time the standards were exceeded there is no health hazard. The standard requires that the public is made aware for transparency, but it is not action-based notification, just information-based. The RCDOH was notified immediately by Suez, who notified NYSDOH, who then provided the language for notification. It is not an emergency situation, but still alarming for residents.

What led to the Trihalomethane violation in drinking water?

Testing frequency; public notification.

Suez NY: Chris Graziano, Vice President/General Mgr., stated that Suez takes their water quality very seriously, taking over 4500 samples and over 80,000 analyses per year.

Suez NY: Keith Cartnick, Senior Director, Water Quality, stated that he is in charge of water quality for Suez for all of the U.S. There are strategically selected sites for sampling. They take the results and average them quarterly. Under more stringent rules, you have 13 sites, and if any of those sites go over the level, it must be reported.

Suez NY: John Moolick, P.E. Operations Manager, stated that the 2016 samples were collected in February, the results were in March, and the RCDOH was notified the next day. Suez started to implement field exercises and began to notify residents. The preliminary efforts at the sites are promising, regarding the next round of samples coming back in compliance.

What is/was the role of the Rockland County Department of Health in this and similar situations?

Dr. Daniel Miller, Water Supply Program Mgr., Rockland County Department of Health, stated that, upon notification from Suez, that two out of the thirteen sites sampled had high THM levels, RCDOH notified the state right away. Data was received from the state, though not required, which was incorporated into the notification. The language of the notification was to be crafted within 30 days. RCDOH's role is to be the local agent for the NYSDOH. We review the results that Suez presents to us and compare them to the standards. In this case, it did not meet the standard and measures were taken. The State chose to use different language in the notification than the EPA calls for, as they can be more stringent than the EPA and more detailed. The goal of the notice is to keep you informed about what is going on in your water supply. The RCDOH chose to require Suez to notify the whole customer base, not just the areas effected. We felt transparency was important. The regulations are all derived from the Federal U.S. Safe Water Drinking Act. S. Rulli said that one of their many roles is to keep an eye on contaminants.

What factors could be impacting the elevated levels of natural organic matter in our waters? What is the public role in protection of watersheds?

Ken Kosinski, P.E. Watershed Implementation, NYS Department of Environmental Conservation , , his job is to deal with watershed protection and Rockland County's watershed is pretty well developed. There is a process for identifying water bodies, which is a high priority for the NYSDEC. Public interest is important. We work with people who want to work with us for solutions. Source water is better, because the water company needs to treat the water less and there are less byproducts, like phosphorous.

What does scientific research tell us about these contaminants in drinking water? What should Rockland residents take away from tonight's discussion?

Dr. Steven Chillrud, Research Professor, Lamont Doherty Earth Observatory, stated that risks have to be balanced. He agreed that the notification had a lot of information, so much so, that it was hard to catch the subtleties. Regarding the violation of annual standards, the standard looks at chronic exposure risk, not acute exposure risk. Chronic is long-term. Acute is an immediate risk. The standards balance health risks versus other risks, like not having water that isn't disinfected. Standards are guidelines that are rounded up. He said that he believed that Suez was responding. There are a lot of kinds of disinfection byproducts. Some compounds are very volatile, like chloroform, which is why opening windows in the bathroom was suggested in the notification. Drinking water and skin absorption are also forms of exposure. Regarding the health effects, we are surrounded by a complex mixture of chemicals and it is complicated studying them all, because we may not have human data. There are measures people can take. People don't normally shower with the door open, but that is one way, or use a fan to reduce exposure. Long-term, it is best to improve our drinking water. We drink ground and surface water, which both have risks. We can control our own actions by reducing the use of pesticides and fertilizers and having a more balanced approach to the chemicals we use.

K. Cartnick: Protecting source water is critical. New Jersey has phosphorous limits. Road salting affects THM levels, but will we stop salting roads?

K. Kosinski: NYS has phosphorous rules.

K. Cartnick: It is difficult to buy fertilizer with phosphorous in it.

K. Kosinski: He recently did outreach with home centers regarding phosphorous-free lawns. Phosphorous-free fertilizer and laundry detergent laws were passed years ago.

D. Miller: Some residents think they have the right to cut trees on Suez property by Lake Deforest and put in lawns.

K. Kosinski: Close to 90% of Rockland County's watershed is developed.

K. Cartnick: A lot of times, the fertilizer is applied in the spring, when there are heavy rains, and it runs into storm drains. That could be something to educate the public about.

Chair Cornell: We have a Water Task Force and these suggestions will be included.

Leg. Soskin: He stated that he represents 130,000 people and knows that the agencies set up standards. He said he received a letter stating there was a problem, but never received anything since. There is still a chlorine taste in the water and he is concerned for his constituents. Collecting samples every three months doesn't seem often enough. He asked if Suez should be checking more? Water belongs to the public. Maybe the standards aren't right. We want action.

S. Rulli: People wonder why the water isn't sampled more. For the integrity of the rule, you need to space out the samples, which vary due to weather fluctuations. That's how the rule is constructed. It is based on a cumulative average. We are waiting for results this week. We can speculate that higher water temperatures, because of higher winter temperatures, is why it happened this year.

C. Graziano: Suez takes violations and water quality very seriously and have been trying to redistribute the water in the system to bring it back to the standard. It must be done at a slow pace, so as not to create another problem. Disinfection has wiped out serious diseases, like cholera. The EPA couldn't find out any causal link. Suez is confident there will be full compliance when we get the next samples back.

D. Miller: The EPA notice was much clearer - "What do I need to do? Nothing." It didn't say why. The NYS wording gave a lot more information, but wasn't as clear on what to do.

K. Cartnick: Higher water temperatures increase the reaction with organics and chlorine. We are seeing an increase in organics and bromide from road salt. That is partly the cause. A water aging system is also a factor. Water further away from a site has longer to react with chlorine. We chose sample sites with the highest water age. Less water usage also results in more aged water.

B. Kelemen, Haverstraw: He said he's observing a lot of things with water wells closing, recycling freon, runoff from highways, and the river being brown and contaminated. He'd like Suez to go back to the source, like maybe mismanagement. We don't have a smoking gun and that's what we want to see. He asked what the ratio is of chlorine and evaporation?

K. Cartnick: A certain level of chlorine has to be maintained. There is a limit and a minimum level, which is balanced.

D. Schnittger, Ramapo: Asked to classify what THM are and to distinguish byproduct from chemicals.

D. Miller: The reaction of chlorine with organics creates THM, but they are all chemicals. Organics are dissolved, so they can't be filtered out. The primary source of water causing this is surface water.

D. Schnittger, Ramapo: Stated a closed system is the responsibility of Suez. It feels remiss to only do testing every six months. It took 26 days for her to get the notice in the days of social media.

Chair Cornell: The delayed notification issue occurred, because the State was reviewing the data and wanted their own letter to go out.

C. Graziano: Described the various kinds of testing that is done daily for bacteria, to reach a monthly amount. Some is done quarterly, some annually, which depends on the EPA standards. The taste of chlorine doesn't have to do with parameters. Some people have more of a sensitivity to the taste.

S. Filgueras, SPACE - Stony Point Action Committee for the Environment: The notification letter took 28-30 days to get to the residents. Said that she frequently sees on Twitter, people discussing that their water is brown on Willow Grove Rd.

C. Graziano: There is always some form of sediment and sometimes water pressure is disturbed by street sweepers or opening hydrants, which can change the water velocity. The remedy is to do a controlled flush to stabilize the water velocity.

S. Filgueras: Asked if there is a place on the Suez web-site posting about brown water in North Rockland?

C. Graziano: It is usually on the Suez Facebook page and web-site. If we know in advance, we'll post it there. If someone sees anybody using a hydrant, call us or 911.

S. Filgueras: Haverstraw says they have a lot of brown water. why is there so much there? She suggested a place on the home page of the Suez site to provide brown water information and in inserts.

J. Moolick: There is nothing statistically available to say why there is brown water. It often happens more this time of year. Companies help themselves to the hydrants to fill pools or do landscaping.

J. Drechler, Valley Cottage: Said she didn't get a notice and happened to see it in the newspaper. Asked how more people could be reached and said the public should be informed better by the RCDOH and Suez.

G. Potanovic, SPACE, Water Coalition, Water Task Force: Asked how we could better protect our source water? Spoke about steep slope development that had occurred in the past in stony Point, and the runoff went into the last trout stream in Rockland County. People stood up for better erosion development. the water company wasn't involved back then. Municipalities and planning boards all have to do a better job of protecting water resources. Climate change and warmer water will affect this happening more. Asked what Suez could do to be better advocates to protect water quality?

C. Graziano: Suez takes any and all means to protect the watershed.

G. Potanovic: Suez has to deal with poor planning by communities, which is not their fault, but what can Suez do differently to be better advocates?

Chair Cornell: Said that she had an answer, that Suez could come back and join the Water Task Force again and they were always welcome.

K. Cartnick: Said that Suez has had workshops on reducing rock salt usage and that alternative chemicals also have issues.

Dr. Auriemma, Chemist: Asked if it was primarily a surface water issue by Lake Deforest and how far above the 80% threshold was it?

S. Rulli: Said the taps tested were in the West Haverstraw area.

C. Graziano: One site was at 80.6% and the other was at 84.2%, which was very low above the threshold.

I. Morgan, Palisades: Watershed protection is key. Lake Tappan development removed all trees. When applicants go before the planning and zoning boards, they are asked if there is sufficient water. Nothing tells the builders they can't use phosphates. You need to enforce what they think is needed to protect our water. asked if Suez is willing to take on the responsibility to make local boards know they can't use contaminants?

P. Kurtz, Water Coalition, Water Task Force: Asked what can we do to reduce the sources of the problem; and if fertilizer is a major source, we need to educate the public of that.

K. Kosinski: The fertilizer law was passed, but we are still having problems, as they have some lasting effects. Urban stormwater is a concern. Nearby water bodies are impaired. He said he could work with Rockland County on outreach.

R. Tompkins: Asked if municipal land use codes were involved?

K. Kosinski: Said that not all phosphorous is created equal. NYSDEC tries to figure out a plan of attack and much of it is in outreach and needing to incentivize people. Each municipality needs to have stormwater plans and how they manage properties.

- C. Schepis, Haverstraw: Said that water quality went down in 1989, as soon as Lake Deforest was connected and the water is brown. She said she had someone from Suez come to the house and asked them to drink the water, but they said they weren't thirsty. Asked why is chlorine used, because it's cheap? Why not use UV lighting?
- C. Graziano: There is a requirement to use chlorine. UV lighting is a secondary method.
- C. Schepis: Asked why the water pipes are almost at the end of life?
- C. Graziano: Said the average age of water pipes in Rockland County is 49 and it is not an older system.
- B. Eichinger, Nanuet: Asked if the May sampling would get averaged in with the other three? Asked if the water isn't in compliance, would there be another notice? If there is no notice, does that mean everything is okay?
- S. Rulli: Said they would be working on that.
- B. Eichinger: Asked if the water with higher THM in Haverstraw would be sent to other areas?
- C. Graziano: Said it is more about balancing it through a reduction of use.
- S. Ward-Bard: Isn't 80% level of THM compliance one of the highest in the country?
- D. Miller: 80% is a federal level. States could have more stringent rules.
- S. Rulli: It used to be 100% and was dropped to 80%.
- K. Cartnick: the original rule of 100% was in 1980. Europe still is at 100%
- S. Ward-Bard: /asked if there is a trend in increasing THM levels?
- C. Graziano: Said that they don't see a trend, but this was a warm summer following a cold winter and now we had a warmer winter. We take locational averages.
- D. Miller: Said it is consistent with overall climate change.
- M. Stobsky, Spring Valley: Asked if water is moved around the county, how do I find out what's in it?
- C. Graziano: Said that Suez is testing for everything that is required and he or J. Moolik could be contacted for more information. There is an unregulated contaminant rule, with a list that the EPA puts out yearly to data collect, only to see if there is a need to address. Things that are not detected at all at zero levels are in a supplement water quality report.
- Chair Cornell: thanked everyone for their participation.

MEETING ADJOURNED 8:55 PM

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