Community Advisory Council
March 13, 2003
Action Items/Notes

These notes are in the following order:

1. Attendance
2. Correspondence and handouts
3. Quorum
4. Administrative including approving draft notes from February
5. Off-site Groundwater Treatment Systems Update, Bob Howe, Project Manager
6. Report from the Subcommittee on OU V Risk Assessment
7. Subcommittee Report on P2 Conference
8. Community Comment
9. Discussion on the formation of a steering committee
10. Discussion on the New York State Oversight Committee requested by George Proios
11. Agenda Setting

1. Attendance

See Attached Sheet

Others Present:
B. Acrne, L. Ambroszloevich, P. Bond, J. Carter, H. Carrrano, A. Carsten, D. Clarkson, J. Clodius, J. D'Ascoli, R. Eshmon, W. Fang, K. Geiger, G. Goode K. Grigoletto, R. Hodgin, M. Holland, B. Howe, A. Juchatz, T. Kneitel, S. Kumar, M. Lynch, E. B. Marr, S. Medeiros, S. Morris, L. Nelson, B. Nesser, V. Racaniello, A. Rapiejko, K. Scroope, T. Sheridan, K. White

2. Correspondence and Handouts

Items 1 - 3 were mailed with a cover letter dated March 10, 2003. Items 4 and 5 were available at the meeting as handouts.

1. Draft agenda for March.
2. Draft notes for February.
3. Final notes from January.
4. Copy of Off-site Groundwater Treatment Systems Update presentation by Bob Howe
5. CAC subcommittee report on the Review of the Peconic River Draft Risk Assessment.

3. Quorum

The meeting began at 6:35 p.m. A quorum was established when 55% of the 27 member organizations (15) were in attendance.

4. Administrative

Reed went over the ground rules and the draft agenda. The CAC agreed to move the discussion on the NYS Oversight Committee before the discussion on forming a steering

Final

committee. Tom Sheridan welcomed students from a Stony Brook University Environmental Risk Assessment course who were in the audience observing the meeting. Jeanne D'Ascoli gave an update on the request for a presentation on bioterrorism. She reported that the Suffolk County Public Health director and Gene Roe, Battelle-Columbus, would be willing to address the CAC and gave two websites for additional information: www.cdc.gov/nceh/radiation/db.htm and www.fema.gov/areyouready. Don Garber mentioned other speakers from Stony Brook. It was agreed that the CAC members would check the websites to see if they contained enough information. Jeanne Mannhaupt provided a table that provided information on recognizing and diagnosing health effects on chemical terrorism to be distributed to the CAC.

The notes for the February 13 meeting were approved with the modification that a comment stating the process used to gather the statements from the members on the OU V cleanup priorities be added. There were two abstentions.

5. Off-site Groundwater Treatment Systems Update, Bob Howe, Project Manager

Bob Howe reported on the upcoming construction projects for the groundwater remediation systems. He said that the objective of the groundwater cleanup program is to clean up the water to meet the drinking water standards and help prevent and minimize the further migration of the plumes. The systems will use an activated carbon system to clean the water. The Lab is in the process of approving access agreements with the property owners so that the projects can move forward. Five of the six treatment system designs are completed. Howe described each of the systems explaining where the wells and buildings would be located, where the water would be recharged, and that a local contractor was going to be used for the work. He said that the Town Highway Department had been contacted about the specifications for repaving Puritan Drive and other roads impacted and that when completed, the only difference should be in color. The residents will be kept informed before and during the construction and that contact would be maintained after startup and operation.

CAC members asked about receiving a copy of the plume overview map, the contractor for repaving the road, recharging the water where it was extracted, building security, if the piping would be removed, and about monitoring. It was suggested that a note from the CAC be sent to the property owners thanking them for their cooperation when access agreements have been completed.

Action Item: Provide copy of plume overview map showing the location of the plumes and their depths, locations of the wells and treatment systems, and a list of contaminants and levels according to plume.

6. Report from the Subcommittee on OU V Risk Assessment

Ed Kaplan first commented on the diversity of the subcommittee and interests represented and said that unanimous support was achieved for the nine points outlined in their report. The subcommittee found that the Risk Assessment (RA) contained many uncertainties and assumptions, the format was confusing, they questioned the data used in the risk calculations, concluded that the RA was of limited value, and questioned the necessity of the two studies BNL had commissioned. They felt if these studies were worth doing they should have be used in the RA. The subcommittee reported that they were confused about the purpose and utility of the RA and how it would ultimately affect cleanup.

The subcommittee's report was discussed. Member Mannhaupt asked for each of the subcommittee members to provide their points of view on the Risk Assessment in writing. She

also asked that the regulatory agencies provide the criteria and definitions that they will use to determine cleanup goals and said that information should be part of the RA.

Member Garber suggested that the next step be to determine if the entire CAC could achieve consensus on the recommendations that the subcommittee had presented. There was discussion on points seven, eight, and nine prior to moving toward the discussion on consensus. John Carter, DOE, pointed out that the agency representatives sitting on the BER were not the agency officials (particularly EPA and DEC) who would have input into the level and scope of the cleanup. Reed explained the process for gaining consensus and suggested that the CAC make their recommendations in the form of a request that BNL ask the regulatory decision-makers for this information and that it be brought back to them.

After discussion among the CAC members the following nine statements were agreed to by a vote of 14 in favor, one abstention.

1. The RA is a necessary component in understanding whether there are potential health risks due to exposure to contaminants that have been identified in areas of the Peconic River as a result of past operations at the USDOE's Brookhaven National Laboratory.

2. While the document paints a worst-case scenario using what is known, these scenarios are based on a large set of assumptions and uncertainties.

3. The document contains so many assumptions and uncertainties that it is difficult to draw conclusions. And, in particular, the format of the document is very confusing.

4. The CAC does not disagree with the various exposure pathways in the RA (though a few CAC members were skeptical whether some of them e.g. a future onsite resident, would ever be realized). Rather, the CAC's biggest question concerns the data used in risk calculations.

5. The CAC agrees that the RA was necessary. However, in view of the above considerations, the CAC concludes the RA document is of limited value in terms of reaching an understanding of any cleanup scenarios, given the uncertainties of available data, as well as the lack of relevant data.

6. With respect to the lack of data the CAC questions the necessity of the two studies that BNL has commissioned (i.e. water level variability and fish habitat characterization), particularly given the statement made by BNL personnel at the February CAC meeting that results from neither study would affect (i.e. be use in) the RA. The CAC's opinion is that if these studies are worth taking time, money, and resources, then their results should be used in the RA. If the results of these two studies are not used, a complete explanation should be provided.

7. The CAC could not understand why discussions of Cs137 contamination in deer meat were included in the RA, particularly given that no use was made of this information. The CAC is of the same opinion concerning mention of other contaminants such as arsenic and TCE. An explanation of the significance of these contaminants to the Peconic River Risk Assessment results should be provided.

8. The CAC believes the Laboratory could be clearer about its overall rationale (particularly with respect to item #7 above).

9. Given the questions raised above, the CAC is confused about how the RA integrates into the cleanup process. The CAC requests that BNL identify from each of the decision-making parties what that agency will use as criteria, and the weighting of those criteria, in determining the scope of the Peconic River cleanup. This should include the use and priority of the Risk Assessment in the cleanup decision.

The members of the subcommittee gave additional perspectives on their evaluation of the Risk Assessment.

Ed Kaplan said that the document was very reader unfriendly and he didn't see its relevance or its making the case to support its conclusions. The assumptions are not clearly spelled out, and he questions if the final numbers are significant. He took umbrage with the comment that the regulators are fully satisfied, and said that he didn't think the public would be happy with the document. Kaplan also felt strongly that the CAC should have had more involvement in the process.

Adrienne Esposito said that they spent a lot of time discussing the relevance of the RA. She thinks the RA is necessary and that it is the best tool available. She thinks it is important to explore the worse case scenario, an RA is supposed to ensure protection for members of the public and their health. She said that wasn't all the RA looked at, it also included central tendency and least frequent consumers and as the Health Department said, young children are still at risk if the central tendency is looked at. The worse case scenario is important to consider, as well as the studies on water level and fish biomass. She noted it doesn't matter how many people eat the fish, or for how many years. If there's mercury in the river and in the fish and adults and children are eating the fish, the number of them eating the fish is less important then the fact that the scenario exists. She feels the studies are irrelevant because they may only determine how many people are affected, not if people are affected.

Bob Conklin said that the RA is a tool that should be used as an indicator of what could be considered a worse case scenario. To give credence to this tool, the many underlying assumptions, in his mind, must be based on some realities. Deer picking up contaminating amounts of Cesium from Peconic River sediments, to him, is not reasonable. The numbers of fish necessary to supply a person with 25g/day of fish tissue simply do not exist in the upper 2.8 miles of the Peconic River. The mercury numbers indicated on the surveys are total mercury numbers (all forms), about 1% of these total numbers are in methylmercury, that which can be passed through the food chain. The upper Peconic fish mercury numbers are only slightly above the state's fresh water average numbers and do not hold a candle to the numbers accepted in swordfish and sharks. The N.Y.S. Health Dept. in Albany who publishes fish advisories, after reviewing the upper Peconic river fish samples, decided that the present advisories were sufficient to protect human health. Even though number crunching in the RA may be interpreted by some to call for a concentrated clean-up, the reality for this does not exist. Ultimately, the long-range effects on sediment dredging, destruction or, in the least, disruption of Tiger Salamanders and banded sunfish habitat, destruction of the planktonic base of the fresh water food chain, the addition of farm top soil to this delicate ecosystem may be more harmful than the supposed human health factor.

Adrienne said she doesn't think it's accurate to portray the mercury as only 1% of it being available. She said to keep in mind the data. The data is the fish studies. The mercury is in the fish, so whether that represents 1% or whatever, it doesn't change the quantity of mercury in the fish. The studies weren't done on how much mercury is available, the studies were done on how much mercury is in the fish and then how that affected the health of the human and wildlife population. She said there's a whole host of factors that we don't know. We have to deal with what we do know. It's in the fish, it's in the fish in large enough quantities to be in the food chain, it never breaks down, it bioaccumulates, and it will have health impacts.

Bob said that Albany has looked at the figures of mercury in the fish. The fish numbers are just slightly above the average levels of mercury found in fish throughout NYS. They were not willing to put a health advisory in place beyond what they already had in place. In the studies from the DEC there were four fish that he would consider edible. Once those fish were eaten, they were gone. Bob said that he couldn't be convinced otherwise unless other facts came into play.

Mary Joan Shea asked if Amy Juchatz could comment. Amy (Suffolk County Department of Health Services) said typically the larger the fish, the greater the mercury concentrations. The fact that there were smaller size fish is of concern because if the conditions of the river change and there is a larger pool of larger size fish, the mercury levels could climb. She thinks the fish collections that were done were a snapshot in time. She questioned if there would be greater flow from development onsite or nearby, if the picture of the river would be different, or if the population would be different? She is concerned that if the river isn't cleaned up right, the development or usage of the river may be limited. SCDHS is looking at a reasonable maximum exposed individual, which doesn't mean that there's a cut off on the number people; if there is a population, a household, then that's something that needs to be protected. There is nothing in CERCLA guidance that says it has to be a certain percentage of the population.

Ed asked Amy and Andy Rapiejko if the RA process is now complete and how it is going to help come up with reasonable cleanup. Amy said that it is acceptable, and that the important things that they wanted are included. She said the RA helps pinpoint where the greatest risk is.

Andy said he thought that it was important to remember that even the original RA said there was an ecological risk. That still exists. So even if the new RA isn't perfect, there is still the ecological risk and that is being lost in the debate. This is a County park that has a river running through it that has contaminated sediments. The County is in a unique position to enforce cleanups throughout the county. The County has laws they can enforce to make ensure the environment is clean. The situation here is unique in that the County is both a regulator and a property owner. They have to decide what is the best for the residents, for the County, and for the parkland.

Anthony Graves asked where the RA fell on the scale of risk assessments. Amy responded it is not unlike other RA's that are done, it's fairly typical in that there are the same uncertainties being dealt with. She thinks it was appropriately conservative, but said it was cumbersome because of the number of different scenarios that were included. She said no risk assessment ever claims to get the true picture of what is going on. They are used as a tool to identify what risks could be and are used for the path forward.

Tom Sheridan thanked the CAC and subcommittee for all their work. He said the comments will be considered when they work on the proposed remedy. He thought the questions that came out were really good. Tom said the Lab will be moving forward to get the document into the public record. He said he would give the CAC feedback on what happens to the questions at the next meeting.

7. Subcommittee Report on P2 Conference

This discussion was postponed until April.

8. Community Comment

Amy Juchatz from the Suffolk County Department of Health Services spoke about the discussions that her office has had regarding the Peconic River Risk Assessment. She made two points stating that what is evident from the Risk Assessment in terms of offsite exposure is that there are risks that are above levels of concern for an offsite population who was not even an avid sports angler. The level of concern is for a population of children who consume approximately 6.5 grams of fish per day. With this smaller population, only 6 years of exposure was looked at. The risks that were of concern were not cancer risks. The full 6 years of exposure is not needed to have an impact. So again that reflects back to the arguments or the information received about the river not being able to support a fish population for a 30-year exposure. Risks were identified at a much shorter duration of exposure and at a much smaller consumption rate than the worse case that was evaluated.

In response to a question about why arsenic was included Juchatz said the Risk Assessment is supposed to answer in general what the risk is to the population in that area. Natural contaminants are not easy to rule out, which is why arsenic was included. The regulators and BNL look at a treatment plan, what the source is, and if it can be remediated.

When asked if the arsenic, TCE, and cesium were imposed on the Lab as something that the regulators required them to include Juchatz responded that the Health Department did ask that deer be included. She wasn't sure if groundwater was ever an issue. It is a pathway that people can be exposed to through contaminants so any cleanup that would be done for the river had to look at the indirect pathways that the river could be contributing to.

Silva Kuma said that they went through a very rigorous process of submitting draft documents to the EPA, NYSDEC, NYSDOH, and the SCDHS. The comments from them were responded to and they had extensive discussions and meetings with some of the regulators and then finally issued a draft final document. There have not been any additional concerns identified and the regulatory agencies are fully satisfied with the Risk Assessment.

9. Discussion on the formation of a steering committee

This discussion was postponed until April.

10. Discussion on the New York State Oversight Committee requested by George Proios

George Proios said that approximately six years ago the state legislature passed a law creating a BNL oversight committee. The language of the law stated that the Lab Director would chair the committee. At the time Dr. Samios said that it didn't make sense to have someone from the Lab chairing a committee investigating the Lab so Senator LaValle asked George to chair it. Proios reported that the committee ceased meeting during its second year.

An amendment to the legislation was passed last fall by the state legislature and signed by the Governor. Proios said the goals of the bill were not changed and that creates a problem since it reflects things that were going on 6 or 7 years ago at the Lab, things that are now taken care of.

Proios reported that there are already six established committees so the suggestion that the state committee should be some sort of a combination of the BER and the CAC was discussed at the last BER meeting. He said that names could be submitted to the legislation sponsors for appointment from the current CAC membership and he described a scenario where a CAC meeting could adjourn at a certain time and then the state committee meeting could convene. The legislation calls for the committee to meet at least four times a year.

There was a great deal of discussion among the CAC members. The issues brought up concerned the intent of the legislation, the impact it will have on Laboratory resources, if a seat on the CAC could be given to a state representative, legal issues, whether or not the state can require the Lab to pay for the public notices of the meetings as stated in the bill, the pros and cons of submitting names and if they would actually be appointed, and it was pointed out that while the existing committees could be disbanded, the state committee could not.
The CAC agreed that the path forward would be to review the legislation prior to the next meeting and be prepared to discuss the issue further.

Action Item: Provide CAC members with a copy of the state legislation.

11. Agenda Setting

April
State Oversight committee
OU V continuing discussion – proposed plan if ready
Mercury Presentation – Terry Sullivan
Revisit Terrorism Education, Stony Brook
Meet the new Director
P2 Workshop Planning
Discussion on the steering committee
Groundwater monitoring
HFBR/BGRR (long term)

Note:
Ed Kaplan asked who would write to NYS, Albany, and EPA to express the feelings of the CAC?

Tom Sheridan said that the Laboratory would take the information to them.

The meeting was adjourned at 10:14 p.m.

2003 Affiliation		Fi	Last Name	J	F	M	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Chart Key X = Present O = Absent															
ABCO (Garber added on 4/10/02)	Member	D	Garber	x	x	x									
ABCO	Alternate	R	J	o	o	o									
Brookhaven Retired Employees Association	Member	Graham	Campbell	x	x	o									
Brookhaven Retired Employees Association (L. Jacobson new alternate as of 4/99)	Alternate	Lou	Jacobson	o	o	o									
Citizens Campaign for the Environment	Member	A	E	x	x	x									
Citizens Campaign for the Environment (Ottney added 4/02)	Alternate	J	O	o	o	o									
E. Yaphank Civic Association	Member	Michael	Giacomaro	x	o	x									
E. Yaphank Civic Association (J. Minasi new alternate as of 3/99)	Alternate	Jerry	Minasi	o	x	x									
Educator	Member	A	C	o	o	o									
Educator (began as alternate in 3/99) (A. Martin new alternate 2/00) (Adam to college 8/01)(Bruce 9/01)	Alternate	B	M	x	x	o									
Environmental Economic Roundtable (Berger resigned,Proios became member 1/01)	Member	George	Proios	x	o	x									
Environmental Economic Roundtable (3/99, L. Snead changed to be alternate for EDF)	Alternate	None	None												
Fire Rescue and Emergency Services	Member	D	Fi	o	o	o									
Fire Rescue and Emergency Services	Alternate	J	M	x	x	x									
Friends of Brookhaven (E.Kaplan changed to become member 7/1/01)	Member	Ed	Kaplan	x	x	x									
Friends of Brookhaven (E.Kaplan changed to become member 7/1/01)(schwartz added 11/18/02)	Alternate	Steve	Schwartz	o	o	o									
Health Care	Member	J	C	o	x	o									
Health Care (as of 10/02 per JD)	Alternate	M	B	o	o	o									
Huntington Breast Cancer Coalition	Member	Mary Joan	Shea	x	x	x									
Huntington Breast Cancer Coalition	Alternate	Scott	Carlin	o	o	o									
Intl. Brotherhood of Electrical Workers/Local 2230	Member	M	Walker	x	x	x									
IBEW/Local 2230	Alternate	P	P	o	o	o									
L.I. Pine Barrens Society	Member	Richard	Amper	o	o	o									
L.I. Pine Barrens Society	Alternate	Katherine	Timmins	x	x	o									
L.I. Progressive Coalition	Member	D	S	x	x	o									
L.I. Progressive Coalition	Alternate	N	N			o									

Lake Panamoka Civic Association (Biss as of 4/02)	Member	Rita	Biss	x	x	x									
Lake Panamoka Civic Association (Rita Biss new alternate as of 3/99)	Alternate	Joe	Gibbons	o	o	o									
Long Island Association	Member	M	C	o	o	o									
Long Island Association	Alternate	W	E	o	o	o									
Longwood Alliance	Member	Tom	Talbot	o	x	o									
Longwood Alliance	Alternate	Kevin	Crowley	o	o	o									
Longwood Central School Dist. (switched 11/02)	Member	B	H	x	o	x									
Longwood Central School Dist.	Alternate	C	S	o	o	o									
NEAR	Member	Jean	Mannhaupt	o	o	x									
NEAR	Alternate	Wayne	Prospect	o	o	o									
NSLS User	Member	J	J S	o	x	x									
NSLS User	Alternate	P	S	o	o	o									
PACE Union	Member	Allen	Jones	o	o	o									
PACE Union	Alternate	Philip	Plunkett	o	o	o									
Ridge Civic Association	Member	R	C	x	x	o									
Ridge Civic Association	Alternate	N	N												
STAR	Member	Scott	Cullen	o	x	o									
STAR	Alternate	Terry	Guglielmo	o	o	o									
Town of Brookhaven	Member	J	K	o	o	o									
Town of Brookhaven	Alternate	A	G	x	x	x									
Town of Brookhaven, Senior Citizens	Member	James	Heil	x	x	x									
Town of Brookhaven, Senior Citizens (open slot as of 4/99)	Alternate	None	None												
Town of Riverhead	Member	R	C	x	x	x									
Town of Riverhead (K. Skinner alternate as of 4/99)	Alternate	K	S	o	o	o									
Wading River Civic Association	Member	Helga	Guthy	x	x	o									
Wading River Civic Association	Alternate	Sid	Bail	o	o	o									
Yaphank Taxpayers & Civic Association	Member	N	E	o	o	o									
Yaphank Taxpayers & Civic Association	Alternate	None	N												