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1. Attendance

Members/Alternates Present:

See Attached Sheets.

Others Present:

C. Adey, J. Carter, A. Carsten, Dr. Chaudhari, J. Clodius, T. Daniels, J. D'Ascoli, K. Grigoletto, L. Hill, R. Hodgins, M. Holland, S. Johnson, A. Juchatz, S. Kumar, J. Lister, M. Logan (via teleconference), M. Lynch, S. Medeiros, A. Rapiejko, S. Robbins, T. Sheridan, K. White

2. Correspondence and Handouts

Items 1 - 3 were mailed with a cover letter dated July 2, 2003, items 4 and 5 were placed in the members' folders, and items 6, 7, and 8 were available at the meeting as handouts.

1. Draft agenda for July.
2. Draft notes for June.
3. Final notes for May
4. Letter dated July 2, 2003 from Dr. Chaudhari to Michael Holland transmitting CAC input on cleanup and the End State Vision.
5. Action Item 99-57, Figures 3 through 11 of the Magothy Aquifer Characterization Report depicting plume distribution and associated cross sections.
6. Peconic River Cleanup presentation by Skip Medeiros
7. Peconic River Habitat Assessment Study
8. Estimation of Potential Water Levels in the Peconic River Study

3. Administrative

The meeting began at 6:42 p.m. CAC members and those in attendance introduced themselves. Reed went over the ground rules and the draft agenda.

Dr. Chaudhari welcomed the CAC members and the regulators and said that he hoped the discussions would be fruitful.

The notes from the June 12, 2003 meeting were approved with no additions, changes, or corrections. Four CAC members abstained.

Jeanne D'Ascoli reported that Jane Corrarino has been ill and as soon as she's feeling better she will return to the meetings. She reminded the CAC about the Summer Sunday program, asked them to plan to come to the September CAC meeting a bit earlier as a fifth anniversary celebration was being planned, and gave an update on the P2 conference. Jean Mannhaupt shared with the CAC that Bob Conklin was in Alaska working on a comparison study between black bears and white sharks.

Michael Holland gave an update on the Core Team process with the regulators. He said that they have agreed to a path forward on the Peconic River. There are still some steps such as looking at the cost and ensuring that it satisfies the CERCLA process, however, he was encouraged by the progress that has been made. He reported that the next meeting was scheduled for the week of July 14th in Albany.

Action Item: Jean Mannhaupt requested a copy of the tapes from the June 2003 meeting.

4. Peconic River Presentation on Alternatives, Skip Medeiros, Peconic River Group

Skip Medeiros discussed the proposed remedial action plan for the Peconic River. He said that the reason for the cleanup is that the sediment in the upstream parts of the river has elevated levels of mercury and co-located contaminants that could present a potential human health risk. The remedial action objectives that come out of this are based on the collection of lots of information that has been gathered over many years. This gives the Lab the sense that reduction of the contaminants in fish, which is the pathway to both human and ecological risk, reduction of the contamination in the sediment, and reduction of migration of contaminants off the Lab property is necessary. The considerations in developing the proposed remedy were to protect human health and the ecosystem, satisfy CERCLA, ensure the cleanup measures were appropriate, and restore the river. The pilot study results, reports and investigations were taken into consi

deration and additional sampling was done this past spring between Schultz Road and Wading River Manorville Road. Skip said that those results are available if anyone wants them.

Skip reminded the CAC that this was a draft cleanup proposal and said that the supporting document, the proposed plan, was in the process of being prepared. The regulators still need to approve it and the baseline must be accepted by the Department of Energy (DOE). Skip mentioned additional studies including the Estimation of Potential Water Levels in the Peconic River and the Peconic River Habitat Assessment and Fish Biomass Prediction studies which were available to the CAC members as additional handouts.

Skip explained each of the first four alternatives. He told the CAC how much acreage would be impacted, how much mercury and PCB's is expected to be removed, and what the estimated cost would be. Skip said that Alternative Three had originally been proposed in 2000 and that Alternative Four was the performance-based alternative that had previously been discussed.

The proposed alternative that best met the objectives of the regulators was Alternative Five. Areas of Concern D, E, and P would be cleaned up to a concentration of .75 ppm mercury or less. This alternative would cleanup 95% of the mercury and 88% of the PCBs. The cost would be \$13.4 million. He explained that low-impact earth-moving equipment would be used and that there would be limited use of the vacuum guzzler. Six to 12 inches of sediment is expected to be removed. The wetlands would be restored and the contaminated sediment would be disposed of offsite at a licensed facility.

Skip went through some comparisons of the alternatives and talked about how Alternative Five compared with CERCLA criteria. He said that work on the onsite portion of the Peconic is projected for November of 2003. An Action Memorandum is expected to be authorized by the DOE and a Record of Decision (ROD) will be issued in Spring of 2004.

Member Biss asked about the differences in the areas to be remediated, nine acres to 16 acres and approximate linear feet from 7,000 to 16,000. Is it because you are going deeper to take out more of the contaminants or is the area wider? Skip said that a wider area was being cleaned. As you go down, you have to go further upland and perhaps also further up and down the river. She also asked if that would take out some of the grass that the deer have been eating. Skip explained that the grass the deer had been eating was not an issue, an extensive survey of contamination in the vegetation was done and found that very little contamination was taken up by it.

Member Walker asked about the four acres that don't get addressed under Alternative Five and if there would be areas in the four acres that will exceed 2 ppm? Skip said that there may be. He said that they are doing additional sampling that will better help design the cleanup. If those areas exceed the cleanup goals than Alternative Five will have to be modified.

Member Garber asked about methyl mercury and if the cleanup goals lowered the level in the Peconic to below what might be in the Carman's River. He asked if they knew if the Carman's River would be higher? Skip said that he didn't know what the impact would be relative to the Peconic. He did say that they are in the process of collecting methyl mercury information from the surface water of the Peconic. They have taken two rounds of sampling from the Peconic and one from the Connetquot River. They wanted to get a sense of the difference.

Action Item: Jean Mannhaupt asked for the 2003 data for Schultz Road.

Member Talbot asked if Area D will remain as it is now, or will it have to be redone? According to Skip, it's within the objectives and should not have to be redone.

Member Graves asked about the standards that would be used to restore the wetlands and river corridor. Skip said that would be addressed in the design process. He said that a survey would be undertaken before any work was done and the objective would be to improve the vegetation.

Member Proios asked how much of the material inside the areas where the sediment was to be removed was actually contaminated and how much was fill in between the sites? Again, Skip said that he would have more information on that from the sampling for the design phase.

Member Shea asked about the mercury levels, mercury levels in the fish, and how the target levels were obtained. How did you come up with the numbers, are they based on studies? Can we have the data on the studies? Skip said there are lots of studies, but that is not how the numbers were derived. The numbers were derived from a group of people coming together with experience on health-related issues and saying this is the best way to meet the objectives of all the organizations. Les Hill reported that a series of options had been looked at and they focused on mass removal. They wanted a cleanup that removed a substantial quantity of the mercury. He said they were confident that the contamination in the fish would be reduced by the amount of mercury being removed.

Member Shea clarified her question and wanted to know how they know that the level being used is the correct level? Skip said that by removing upwards of 90% of the contamination we know that we'll be improving the health substantially.

Mary Joan said you're improving the health, but you're still not sure about the risk. Skip said the risk will be determined by sampling the fish, the sediment, and surface water on a routine basis for the next five years. As the data is collected, if it appears that we haven't been successful, we'll revisit the cleanup. We believe that this is the "do it once, do it well" effort that the CAC asked for that will achieve satisfactory levels of mercury.

Reed asked if the 2 ppm level is set on the basis of risk or health impacts, or was that set on the basis of a level that would get a certain amount of the contamination cleaned up? It was decided that this question would be given to the regulators during the panel discussion.

Member Timmins asked about co-located contaminants. Skip said they are contaminants that are out there in the river that would be treated the same way as the mercury. They are silver, copper, PCBs, and cesium.

Member Giacomaro asked what the cost difference in Alternative Five would be if the standard for removal were 1 ppm throughout all the areas.

Action Item: Get numbers on the cost difference for Member Giacomaro. (Reed)

Member Garber questioned the length and necessity of the access roads and about the restoration plans for them. Skip said that the roads would be addressed in the design phase. He pointed out that after the pilot studies they were allowed to re-vegetate naturally.

Member Mannhaupt felt that everything should be spelled out upfront in the 5-year review under Alternative Five. She also asked what contingencies would be available to use between now and the 5-year review to get as good as possible a 5-year review?

Member Schwartz asked about the controls used in the target setting for objectives. Reed clarified the question, to what extent has information on other rivers been used to set standards for cleanup of the Peconic. Skip said he's not sure because the regulatory agencies have a great deal of experience with other sites that they are responsible for and suggested that this also is a question for the panel.

Member Talbot asked if there have been any re-checks of the levels in Area D since the pilot study? Skip reported that no samples have been taken yet. Part of the closeout of the Operable Unit will be to go back and do confirmatory sampling following completion of the cleanup.

5. Community Comments

There were no comments.

Member Mannhaupt shared the response from the Department of Energy Brookhaven Area Office to a letter that she had sent on her group's position that any competitive contract bid should include the Community Involvement Plan as part of the RFP. The response stated that the Department would see to it that the significant role played by the community continues in the event that an outside remediation contractor is sought. (A copy of the full response will be included in the next CAC mailing.)

6. Panel Discussion with EPA, NYSDEC, and SCDHS.

Panel members in attendance included Jim Lister of the New York State Department of Environmental Conservation and Andy Rapiejko of the Suffolk County Department of Health Services. Mary Logan of the U.S. Environmental Protection Agency joined the panel via teleconference call.

An attempt was made to capture most of the discussion verbatim.

Note - there are gaps in the questions and responses where the tapes were indecipherable.

The first discussion centered on the **Peconic River alternatives**. CAC member Esposito asked each member of the panel to discuss where the action levels came from and if they are protective of benthic organisms as well protective for humans and other wildlife. And if there are areas that are to be left that have high mercury concentrations, how they felt about that?

Jim Lister began by stating that the 9.8 level which was the original cleanup level in the proposed plan from three or four years ago was the number arrived at from toxicity testing of benthic organisms that were removed from the river in places where the concentrations of the mercury were known. The impacts of the vitality of those benthic communities were assessed. One sample where 9.8 was taken was used as the cutoff number. There were significant impacts above that, below 9.8 not nearly as significant. The number has maintained itself as a level for environmental concern.

Member Esposito:
In one sample?

Lister:
No, there was a series of samples taken. A whole range of mercury levels and the vitality of the benthic organisms was assessed for those different samples.

Member Esposito:
1.06 was another one. Where did 1.06 and 2 ppm come from?

Lister:
The 1.06 came from a consensus-based alternative. There was a literature search done prior to the pilot studies where they looked at a number of studies. Again it's the benthic protection number. What these other studies found is that 1.06 is actually the upper level; above that there most likely would be effects. There were also lower numbers in the study but Brookhaven choose to use the 1.06 as a guideline in the pilot studies and that comes out in this literature report.

Member Esposito:
And the 2 ppm?

Lister:
2 ppm. EPA and DEC have a number for mercury for the protection of groundwater and that is a cleanup goal of 2 ppm.

It's also important to understand that the 2 ppm was established so that we'd be assured that there weren't any pockets of high levels left. Even though the average may still meet either 1 ppm onsite or .75 ppm offsite, we didn't want a small area of heavily contaminated material left.

Member Esposito:
So you feel that a level of 2 ppm would prevent pockets of high concentrations being left?

Lister:
Not at 100% surety, I can't give you that. But it certainly minimizes the chance that there would be any significant amounts of mercury left. One of the problems that you have with sediments is the way they're deposited. It's not like a spill occurred across the surface of the ground. There's a lot more mechanics involved. There's stream flow, there's grain size, there's obstructions in the stream. When you pick a sample from one spot it may be significantly different than the level six inches away. That's one of the problems that we dealt with in trying to determine how much would be cleaned up. You can sample areas and adjacent to them you could have significantly different numbers.

Reed:

Second part of the question: What do you as regulators think about the possibility that some areas, especially areas outside the cleanup areas, may exceed the 2 ppm level and what does that mean to you in terms of being protective of human health and the environment?

Rapiejko:

I just want to take this time to state what the Suffolk County Health Department's position is on the proposal and on what BNL and DOE are proposing for the cleanup. The County would like to see the most cleanup possible done that would still be protective of the environment - that won't leave any lasting impact to the environment. The County's position is they'd prefer to see Alternative Two, which is the most extensive cleanup that was proposed. If, because of funding constraints or other constraints, because in the feasibility study that was done, Alternative Two was feasible and there was no long lasting impact to the environment. The environment would rebound, there would be a short impact just like in Alternative Five. As it's presented Alternative Two fits that criteria, that there wouldn't be a long-term detrimental impact to the environment. So the County's position is that we would prefer to see Alternative Two. If however, due to funding constraints or whatever and Alternative Two is not going to be implemented, then the County would not object to Alternative Five. The big concern that we have is about the levels of mercury not being cleaned up. Skip had mentioned in his presentation that there is no number out there that you can say with any scientific certainty - if you get to this level of mercury, it's not going to have the bioaccumulation impact to the environment. You could possibly eventually find out what that number is, but it would probably cost billions of dollars and take many, many years. There are some really long-term studies being done around the country to figure out what those numbers are. The question is how can we as the County Health Department agree to contamination that's being left if there's no certainty that we can say "Yeah, whatever's left isn't going to bio-accumulate up the food chain and eventually some child can eat and be exposed to it." This is the basis for why we would prefer as much as feasible of the contamination be removed. However, we wouldn't object to Alternative Five, and it's a big part of what the County's buy into Alternative Five, is the long-term monitoring part of it. We still feel that Alternative Five is going to be addressing all of the contaminants. Some of the contaminants are being addressed by being removed. And the other contaminants that aren't being addressed are being addressed by this monitoring and we're looking for long-term methyl monitoring in the water column because the methyl mercury is really what bio-accumulates up the food chain and is really what the concern is. So the County would want to see whatever's left has this long-term intensive monitoring where in the five-year period you'd hope that you'd get all the cycles of the river. It's a very complex river, it's much more complex than the typical complex river, like the Hudson is a complex river, but the Hudson has water in it most of the time. This area dries out, it gets wet. The water levels are different and whatnot. So we felt that if we get good data, that after five years we'd be able to look at the information and say well hey, yeah we have all this data on methyl mercury and really whatever's left isn't a problem. However, if it's still showing that there's a problem, then we would want that addressed. We feel that all the mercury contamination is being addressed in Alternative Five, however, it's being addressed differently and we wouldn't object to Alternative Five.

Logan:

I think Andy was very articulate, I get the concern about the long-term monitoring and I appreciate that. I'd like to point out to the community, because the EPA operates under the same Federal law that the DOE operates under, our program is a risk-based program, or risk-reduction program so that mass removal for the sake of mass removal is not one of the goals of our program. Obviously, we all recognize the contaminants in the environment are not preferred, but there are some differences in our approach. If they can be monitored and show not to cause a ... then there are contaminants that may under our program be left in the environment with continued monitoring to ensure their safety....

Member Graves said that his concern is with the post sediment removal, the restoration. I'm curious among the regulators what sort of stream ecologist expertise or restoration expertise is

being brought to the area, both with respect to the existing conditions and also with respect to conditions that will be left after the cleanup.

Lister:

As part of the pilot studies, our agency played an integral part in working with the Laboratory to determine what types of vegetation were going to be used for the restoration project and what types would not be allowed - those that weren't from the local area. Also, there was a big effort during the pilot studies to try and minimize phragmites that were growing and to remove them. I think that will also be part of the plan, at least that's what we would like to see done. There will be a fair amount of involvement by our agency. There was in the past, I don't see any reason why we shouldn't continue.

Member Graves also expressed concern about the stream channel. Is there any consideration for restoring it to a historic stream channel?

Lister:

The topic really hasn't been brought up at this point. I'm not quite sure what that would involve. I don't know if the historic channel is now underneath someone's home or not. I'm not sure what that would accomplish.

Member Garber expressed concern about methyl mercury. He asked if the regulatory groups are interested in comparing the Peconic River to other local rivers, like the Carman's, or the Connetquot, serving as controls. There's mercury in the environment, shouldn't the cleanup of the Peconic be to the levels of the Carman's River for instance? He said that there are studies going on to benchmark concentrations in a couple of places in these other rivers. He said the greater the concentration that you're going to clean up to, the more potential damage you have to the wetland, and the more dredging of the bottom of the Peconic River you're going to do. Therefore, when you replant plants you could change the course of the river.

Reed clarified the question and combined it with an earlier question. To what extent did you consider cleanup programs for other rivers in setting the standards or the objectives for this river and how does the level of cleanup that you expect to get here compare to the levels that you're going to achieve in other rivers?

Logan:

One of the things that EPA has spent a lot of energy on in the last several years is sediment remediation, sediment cleanup from the constituent...percentage stipulated, it's relatively new remediation.....we have said at our HQ's level, which is located in Washington DC, a fair amount of resources, time to develop policies on how to cleanup....and several of those are availableavailable in draft form. But the assessment of many years of looking at different projects....mercury projects have led our agency to conclude that because of the variability in the environmental conditions thatare the most complex media wedealing with. I think Jim's talk earlier about the variability.....sampling is a fact that thereand obviously these play into account. We are not looking to set sediment standards because ...it's a very site specific determination.Now I did a scan on, comment as far as I knowthe Carman's will be cleaner because it is a relatively uncontaminated river. But again, our goal is risk reduction and getting out the spots that are causing the problem in the river. There have been a variety of different cleanup levels that have been set at mercury cleanup sites across the country ranging from less than a part per million at some of the sites.....down at Oak Ridge one of the rivers was set at 25 and 50 ppm based on what was going on there. So there's a whole broad range and it has to reflect the site circumstances.

Lister:

On the issue of making sure we don't clean up more than background. While we don't have background numbers for sediments throughout this part of the country, there is some generally accepted levels of background levels in soils for various constituents and for mercury that's .1

ppm in the eastern US. So that's one tenth of the level that we're cleaning up to onsite and a little different ratio offsite. Generally speaking naturally occurring mercury is at a much lower level.

Member Shea:

When you were talking about the standards that were set for mercury levels based on studies, were any of those studies combination studies of various contaminants, not just mercury....did any of these studies involve pregnant women or young children?

Logan:

That's a two-part question. The first one in terms of complex or combined contaminants. Off the top of my head: I imagine some of these sites had other contaminants but the ones I recollect looking at myself, mercury was identified as the primary contaminant of concern. I'd have to go back and scan the sites to see if there were other contaminants, but generally, at industrial sites there's usually a couple of other things thrown in. In terms of the second part of the question, which is pregnant women or other sensitive populations - in EPA's program in setting a toxicity standard which is independent oftoxicity databases, there areavailable from reliable studies the agency will consider sensitive subpopulations. I'm working with a very good toxicologist.data for mercury but it is something if we had data we would consider.

Member Shea:

We're trying to decide between various scenarios here and under the Fifth cleanup scenario we would have 12% of the PCB's still left, which would have been cleaned up under plan Two. That's why I was concerned about the combination effect. Do you have any comment on that or does anyone else on the panel want to comment?

Logan:

Let me ask a follow up question? You're saying that under the alternative there's 12% more PCB's did you say? The PCB level is, and I don't know if somebody from Brookhaven is there but under the proposed cleanup the PCB levels are expected to be, even if they'rehigher, they're expected to be very, very low. So I know that a toxicologist that I'm working with hasexperience with PCB's and with polymers.... It's difficult about the synergistic effect but our expectations with the leftover the residual PCBis that they will be very low.

Rapiejko:

Is it the fact that there's going to be 12%, left what you're getting at? The PCB's were located on the BNL property. I think the numbers off BNL property were extremely low, if detected at all. The PCB's are mainly on Lab property. So there isn't access. There aren't children playing on the site today. The concern with the PCB's and mercury is the eating of the fish. The fish are part of this monitoring program. The fish will be monitored for mercury and PCB's and that's really the pathway to humans. The idea is that enough is taken out that we won't see the bioaccumulation of the PCB's and that pathway will be cut.

Lister:

One of the difficulties with trying to do a human health risk assessment starting with sediments is that there's no clear cut way to determine how much of the sediments will be uptaken by the fish, how much will be accumulated in the fish's body so on and so forth. You can't come up with a specific number and say we know that this is protective of human health. We're reducing the levels significantly. But there's no way to say that at this level we won't have a problem or we will have a problem. But we feel very assured that the levels that we're cleaning up to will provide the level of protection that everyone's looking for and, as has been pointed out, and as Andy has emphasized, there will be continued monitoring afterwards.

Rapiejko:

And if the monitoring shows that that 12% is still causing a problem in the fish, then it will have to be addressed. In the five-year review process we will ask if it took care of the problem or not.

If it didn't, you have to look at that and address it.

Member Mannhaupt:

The post monitoring plan is very important to the community also. I know Andy made a comment before that I want to address with the rest of the regulators. Even though the County supports Alternative Five and that it is proactive, you would rather see Two?

Rapiejko:

What I said exactly is that the County prefers Alternative Two, but because of other issues, if the DOE isn't able to perform Alternative Two, we would not object to Alternative Five being implemented.

Member Mannhaupt:

And EPA, DEC, and DOH, as well as DOE are all on Alternative Five because Alternative Two completely excavates the Peconic from the sewage treatment plant to Schultz Road. From what I remember that was one of the reasons the original ROD was split and the pilot studies were done because the Lab was going to go forward with complete excavation and we didn't want that done, as a community. I'm happy that you're looking at Alternative Five. Five seems to be a reasonable compromise and for the short, mid, and long-term, as Mary Logan has said, there is flexibility. As long as those flexibility footprints are built into it, I find it a good compromise.

Rapiejko:

I just want to correct you on one thing. The 9.8 proposal in 2000 did not include excavating the whole river. That was area A, B, C, D, and E and that didn't include excavation all the way to Schultz Road.

Member Mannhaupt:

Ok, well this does. That's the problem. I find that a problem excavating the entire Peconic. Then we would really need a serious address of the wetlands and what we're doing, if that was to go forward. It bothers me that the County would support that. That's all I'm saying. I'm glad that there's a compromise in Alternative Five.

The final question that I have, realizing that you don't have community input (this is a lot for the community to look at), I know Mary Logan has to go back to her management, Andy, by all means you have to go back to management, and DEC, but if you could make the decision tonight that Alternative Five was a go ahead, would you each do it?

Lister:

Yes, I would support this proposal and I would support it up through management. This proposal addresses a number of concerns that weren't addressed in the original plan that was out in the public venue that we as regulators really didn't recognize, unfortunately, until we got to the proposed plan stage and we saw the comments. I think it still maintains an exceptional level of protection not only to human health but to the environment. And, it also takes out a lot of uncertainties. One of the issues that we dealt with was this issue - we have a hit over here of 12.9 and we have a sample over there of 4.3, and we have another sample over here of 27.2, so where do we draw the line. Well, from my perspective you draw the line completely around everything even though you have that one low hit. You don't know really what the levels of sediments are, you have to look at the general area. That's why I think we ultimately compromised on the concept of looking at those areas. The only area we have to define now, and this will be done during the design stage, is where Area A begins and ends. That's going to be pretty straightforward.

Member Mannhaupt:

What about the County?

Rapiejko:

I think I'm going to revert to what I said before. Is Alternative Two off the table? If that can't be done and DOE says

Member Mannhaupt:

It was a hypothesis I was asking. That's what I was asking, if you had to make the decision tonight what would you decide?

Rapiejko:

Then we would not object to Alternative Five.

Member Mannhaupt:

Mary?

Logan:

I think that we've struggled with people bringing different values and different willingness to live with uncertainties into the mix and I think that from my point of view this is an alternative that I can strongly recommend to management as meeting the needs of multiple stakeholders that had opposing positions. I feel with a fair amount of certainty that I can recommend.it will meet compromises...implement cleanup....I plan to recommend this for my management to sign off on unless we can ...comments...information. Based on what I know I am behind this for now.

Member Mannhaupt:

What about Mike Holland?

Holland:

I don't think there's a whole lot that I can add to what Mary, Jim, and Andy have already said about Alternative Five from the standpoint of how we feel. The Department feels this is protective of human health and the environment and is a reasonable consensus given all that we had to deal with. I will recommend to my management that this is the alternative that we believe is the best alternative for the river and the community and Brookhaven National Laboratory. But you have to understand too, that there's one difference between the DOE and the other regulators and organizations who are here tonight and that is that the DOE is in fact paying for this cleanup and they are not. So I have one more hoop I have to jump through and that is that I have to make sure that the baseline for the overall cleanup project has enough funding to cover this alternative. We have confidence that we can do that, but we have a process we have to move through over the next few weeks, month or so, to get that baseline in place.

Member Mannhaupt:

With clear indicators of flexibility of long-term monitoring that we talked about tonight?

Holland:

Absolutely.

Member Heil:

Has the long-term monitoring program been formally established, with types of sampling, frequency, constituents, etc.?

Lister:

No, we've just talked conceptually about the fact that there will be a need for long-term monitoring. It will include surface water, sediments, fish flesh, but the details of it, no, we're still trying to get the remedy finalized.

Member Heil:

Follow up question. (Can't make out, something about when this would occur in the process...)

Lister:

There should be some general outline in the Record of Decision of this as far as the types of media that would be sampled and frequency and things of that nature. The actual locations would probably be worked out during the design phase.

Logan:

Can I add something, we've talked about the water, fish, and sediment...mercury things like that. Also I'm sure that the workadditional work....and that will help to guide some of themonitoring because we're going to want to look at the data and use that to help build the back pages of the.....

Member Graves:

Question regarding the fish we're monitoring. It seems like we're counting on them to indicate the methylated mercury and if I remember correctly there were stretches of the river where two issues existed. One was there wasn't enough fish biomass to really do very good sampling and ...(tape switched sides – lost some comments)

Logan:

I'll take a turn at that. One way we're moving towards in addition to fish is looking at the actual water column itself so even in the absence of fish, we can look at what's in the water and what's coming off the sediment. It will give us an indication of whether an area is contributing to a long-term problem.

Member Graves:

I'm curious about the endangered species issues.

Lister:

Obviously that will have to be considered in any long-term monitoring plan. We don't want to kill off the endangered species to evaluate the effectiveness of the remedy.

Member Proios:

As you know from our previous meetings the big concern a lot of people had with some of these alternatives was that the risk was based on a lot of theories and suppositions. Here in Suffolk and Long Island we don't have a very good history of how we've treated our wetlands. In fact the State pretty much used Long Island as a model for first passing the Tidal Wetlands Act and the Freshwater Wetlands Act and photograph to see how most of our wetlands have been destroyed over the last 75 years. So we still have a problem now in terms of how this area is going to be restored. It's still a big unknown. When we get to the point where most of the material has been excavated and we've used the two pilot projects as an example, there's a lot of disagreement as to what materials should be used to fill in the wetlands and what materials to use. We had experts from Cornell, we had Chris Pickerell, we had Chris Smith come in with some recommendations and other people, too. And basically one individual at the DEC kind of blackmailed us by saying you do it this way or you don't get a permit for doing the restoration.

Lister protests.

Member Proios continues...

We don't have a plan yet. We all agree that in this process we all sit down together. Can we do the same thing in terms of what the river's going to look like so we can have a uniform approach in terms of everybody having input into what material will be used, what species will be used, so we can pretty much have a plan laid out (which we didn't have in the pilot projects) as to how the river is going to be restored? I think that's the other half of the equation. We want to remove the sediment, but we want to know what is it going to look like. Is it going to go back to

its natural state? We haven't given that a great deal of attention, so at least since we have all the parties here, can we agree that this process that got us to this point will also be used to bring the river back to its pristine state?

Reed:

So will the Core Team, the regulators, and DOE, participate jointly in developing the restoration plan?

Lister:

Our big difference is how you characterize the process in the past because I've sat through meetings where I actually heard various people offering suggestions on how the pilot studies would be done. So I think there was a process of obtaining comments from individuals, from the community in running those pilot studies. Obviously we'll still be open, if there were problems associated with what was done during the pilot studies, or if there are new concepts that have to be evaluated. We're certainly going to be open to listening to anything of that nature.

Reed:

Other comments from the panel about the approach forward on developing the restoration methodology?

Rapiejko:

I'll second what Jim said. I sat in on many of those meetings also. I think it's possible to have a restored wetland. I think it could be better than what you have with the phragmites and there's enough expertise out there. You have the experience with the pilot studies, and also as Skip explained, the program is being setup where the initial removal and wetland restoration will be done onsite first and then you can use the lessons learned before going offsite.

Reed:

Mary, do you have anything to add?

Logan:

I think that because the river is such a resource of concern for the community, it's a very good suggestion to make sure that we have a continued dialogue on how it's restored. I think as it's been said, the focus has been on what can we do to clean it up, but I think that we can get some great ideas if we continue to use the forums that are available to us to get input on some ideas, creative ideas that people have, how they would like to see it restored. So I'm open to the experts in the community as to what they would like to see post construction.

Member Talbot:

Long-term monitoring has been mentioned here several times this evening but then we discover that we really don't have a very specific plan worked out yet. I'm hopeful that that will happen. But I think it would be absolutely incumbent that not only the Core Team, but certainly for the CAC to insist that the long-term plan be very, very specifically defined because it will form the basis of everything. It will validate what we vote on, whether it's anywhere from No Action all the way up to Alternate Five. I would think that's something that must be addressed by the regulators and by the CAC.

Rapiejko:

I would wholeheartedly agree with that. As I stated earlier, that monitoring plan is a big part of the County's non-obstruction to Alternative Five, if that needs to be implemented. I made that very clear at the meetings. I am going to be looking at that very, very carefully. We're very interested in that because that is the County's parkland. It's been the County's parkland for quite a long time - as you go past Schultz Road - as you go past Manor Road. It's the County's property and one of the reasons why the County would like to see the most stringent, the most cleanup that could possibly be done, is because it is our property. If this was private property and a private person owned that river and if you owned it, if that was your property and you lived

next to Brookhaven Lab and their contamination had come onto your property and was in your river and now you had some kind of concern or fear about taking fish or whatever you brought that property for now has had some impact you would be looking for "Well they put it there, they should take it out" and as long as the whole thing is caveated with it has to be that you're not going to totally destroy the wetlands and from our understanding that was one of the reasons why we prefer Alternative Two because it says in there that there wouldn't be a long-term impact to the environment, that it could be restored. If someone had said we can do this but you're totally going to destroy the wetlands and it'll never be back, we wouldn't go along with that. The County is looking at that. One of the big projects is the County had purchased land, purchased land very sensitive parkland as the buffer around a river. We did a study on the Carman's River, which I believe I presented that study to this group. And remember the river is relatively pristine and one of the reason's that was is because Southaven Park buffers that. There's a lot of undeveloped land around the Carman's and we look at that as in the future we're going to be spending a lot of money purchasing property in the County to protect the river and protect those lands. So we're looking at it as we've spent County money, County resources, taxpayers dollars to buy this land. If it's contaminated, why shouldn't we ask for the most cleanup that's feasibly possible and environmentally possible because it is a resource to us, to the taxpayers. You have to think about that too, there is no private entity that owns the property where this contamination is. If it was maybe that private person would be sitting up here and you'd be saying "Boy that guy, that's his property, if it was me"...that's kind of what the role is the County has here. We have a dual role. We're the property owner and also a regulator. It's a different position than we're normally in and it's a very unique position.

Logan:

I want to add something about the monitoring. I just want to emphasize that we all agree that the long-term monitoring is important and I think that what I've heard tonight is that you as a group are wanting to hear more details about what that will include. But from a point of view of a decision document like a Record of Decision versus other plans, we need to build in flexibility.ultimately in year one what they're doing in year five because you also need to be flexible enough to change to reflect the changes that you have. So we can provide some details, I'm sure that we as a Core Group can work out aplan but we also want you to understand that as we learn more, we're going to change some of the details. But we appreciate input from you on what you would like to see monitored and what kind of

Member Esposito:

I think that at least for my organization, it will not only be what is removed but also what is left behind. I hate to sound redundant but it will be very beneficial once you get the additional round of testing that will help delineate even further what will be left behind in Alternative Two and/or Alternative Five. And it would be extremely beneficial for myself, and probably others, to have that information as soon as possible so that we can really fully evaluate the various alternatives and what we think of them. Any idea when that would be available?

Medeiros:

It will be over the next couple of months, I think....not in the next month for sure.

There were no further questions so the topic was switched to DOE's End State Vision.

Reed said that another issue that the CAC had invited the regulators to give some input on is the Dept of Energy's call for an Integrated Accelerated Cleanup at the site involving the development of an **End State Vision**. The CAC asked to find out from the regulating community what their perspective is on that.

Logan:

Is the bottom line what does EPA think of DOE's End State Vision process? Again, at a national level there are many DOE facilities like Brookhaven, some as big as Hanford and INEL and all

these bigsites and little sites like Brookhaven and Lawrence Livermore Laboratories and our Headquarters recognizes that the current administration, the current government is very concerned with reporting to Congress about how effectively they're spending cleanup dollars, whether it's EPA spending those dollars, DOE, or the Dept. of Defense. Whoever's spending federal cleanup dollars, Congress wants to know we're doing it well. So in the broad sense we support the Dept. of Energy's attempt to spend its cleanup dollars wisely and well. It's "get the best bang for the buck,"cheaper...as long as they can cleanup with the same degree of effectiveness. We have made national comments to DOE that some of the criteria that they put forth in their draft guidance documents does not consider things under CERCLA. For example, they tie a lot of decisions about cleanup to risk reduction which is a very important performer under CERCLA but there are other components of CERCLA that are things like community input, state acceptance,reduction of toxicity, mobility, and volume. From that point of view I think that thebetter and more effective cleanup we would support. Now in terms of specifically Brookhaven and the End State Vision, I think that we're coming to recognize that probably there will not be enough money in the federal budget to clean every molecule of contamination at Brookhaven. So what we're trying to do is to work with all of the parties to say where can we manage safely any residual contamination that's left onsite and what mechanisms do we need to put in place to make sure that's done? And a big part of the question is how long they will hang around and how much assurance do we have that if they hang around for a long time, that there's going to be a mechanism in place whether it's the federal government or somebody else taking care of the problem. I think that from our perspective we are willing at EPA to recognize that the federal government may be able to manage some contamination onsite if we establish the right set of constraints, requirements, and monitoring and tracking and contingencies of what they should do if conditions change.

Lister:

Before I came to the meeting several days ago I got Mike Holland to fax me a copy of a list of concerns that the members of the CAC had offered during the last session on the End State Vision. And I would say that the State's perspective just about exactly mirrors what your concerns are. We're very concerned that this effort is one that would possibly lead to remedies that we would not support. We're very concerned that in a period of three months we are being asked to come up with End State Visions for two nuclear reactors, one of which we have no source data on. In addition to that, we have our own regulations, Part 375 which requires us to go through a certain a process and a remedial investigation, feasibility study, risk assessment leading to a Record of Decision. By law, we're required to follow that process. There are some exceptions with landfills, things of that nature and there's guidance that gives us the authority to deviate from that process. We're also concerned that the End State Vision as put forth by DOE is risk-based. New York State's program is not risk-based. Risk is obviously a significant issue that we look at but if you were to look at Part 375, the purpose of our involvement in the clean up of hazardous waste is to return a site to pre-release conditions where feasible. It does not mention human risk. Further on in dealing with how we evaluate remedies, the need for remedies, things of that nature. But we also don't want to back away from the table so to speak and not play a role so we will continue to take part in the meetings that are being conducted. We will provide our input, but by no means will the State attach itself to any remedy for sites that we feel are being gone to remedy prematurely. We will assist, we will stay involved with any negotiations, any guidance, any discussion on which way the Department of Energy should be going in evaluating various problems at sites and if the process moves along in accordance with the way we are used to doing business, then we have no problem with that. We are looking at two sites that while they are of significant concern, they don't seem to pose significant human health risks at the present moment. So we're not exactly sure that the schedule that's been set up is one that the State has to agree to. The need to get to an End State Vision by August is not something that we've joined into. And we just feel that that type of movement is a bit premature. But again, we don't want to back away from the table, we are involved with the discussions and we'd like to lead it along as we would with any of the other contamination issues at the site.

Rapiejko:

Jim basically summed up the County's feelings and position to a tee. I looked at the CAC's comments and they could have been the discussions that we've had in our office in the last month or two regarding the concerns about this process. The County, like the State, has Article 12 that we use to enforce industrial cleanups around the County. There are other contaminated sites in Suffolk County besides Brookhaven Lab. We don't use risk-based scenarios. We have a metal plating place that has been dumping metals into their septic system. We have them dig it out, we have them open it up and dig out until we're satisfied that the contamination isn't there. We don't do a risk assessment for a cesspool. The County, as everyone knows here, has a sole source aquifer. The County Health Dept. and the County Legislature and the government over the years take that very, very seriously. You have a very active County Health Department. We have our own environmental testing lab. There aren't many counties in the country that have their own testing lab. We take these things very serious. I don't want to repeat what Jim said, but like the State we'll participate, we'll go to the meetings, we'll listen, but we're not going to be compromised on our decisions. We want to be consistent. We have a whole office that goes out and does industrial inspections and cleanups. And we're holding these people to a certain standard of cleanup when we have these inspectors go out. We're not going to compromise that with Brookhaven because time is a factor, because we have to get this done. We're going to hold them to the same standard. It's something in a regulator enforcement position that makes you be able to sleep at night, it's the same with the cop on the street. You want to be consistent with what you do. You have leeway and power but as long as you're consistent you can go home and sleep at night. We're going to be consistent. This End State Vision isn't going to change the County's perspective or lessen our standards, or anything like that. Everything else that Jim's says applies.

Logan:

I just want to say that I don't think it's the federal government's intent to use End State Vision to lessen standards or weakencleanups then we would have. I thinkthat there's people who don't share the same vision.... might use that as a tool to try to accomplish that. But I do want to make it clear that I really don't think that this was a devious attempt on the part of the federal government to try to get cruddier cleanups.I would say that we have a lot of tools that under the law, that ultimately the way that CERCLA is written is that ifwe get to pick the cleanup. I think that really the... speed things up and make it more efficient with the safely net of having regulatory oversight.

Member Mannhaupt:

Mary, DEC makes it point blank clear that they don't like being rushed, that they're willing to work within a compromising block, but they're not going to give the farm away. And the County has also stated the same thing. So does that mean that if DOE comes up with a plan, am I to understand that EPA can decide on whether or not to use a plan if that comes about?

Logan:

There is a provision, Section 120 of CERCLA that says that....cleanup decision if the DOE and EPA disagree on what the cleanup will be then EPA ultimately, through the dispute resolution process, has the ultimate say so. And traditionally a big factor in deciding EPA's position will be the position of the other stakeholders, such as the DEC and the County. So if push comes to shove, for Superfund cleanup decisions, EPA gets to make them if there's a disagreement which is why we work very hard to make sure that there is not a disagreement.

Member Sprintzen:

The remark about the intention, that it is not the intention of the government to short-circuit the process is not the same thing as saying that that might not be the obvious consequence.

Logan:

I would say what we need to look at is the outcome of what Brookhaven and DOE are proposing to do because we were spending a lot of time talking about the End State Vision as a process

thing, but we're still going to have to come to you guys in the community and everybody else with individual proposals for each cleanup action. And I think it's far better for me to scrutinize an individual proposal like we've had during this discussion on the Peconic than to have a theoretical 50,000 feet view. I guess I would say you will still have the ability to give us feedback and input on any specific decision before an issue comes down the pipeline way before that decision is made. And hopefully that would give everybody the ability to keep each other honest, in terms of is somebody using this to quote unquote get away with something. I would not say that anybody has felt like you haven't been attentive and I think that if you ask DOE they'd feel like the regulators have been attentive too, they're making sure that they meet the standards and that will not change

Member Garber: Thanked the panel.

Reed invited the panel to make final comments.

Rapiejko:

Thanks. I had a great time.

Lister:

I appreciate the opportunity to interact with you. I've been to a number of the meetings and a number of Working Groups. I know that you work really hard at this. I know that what you're seeing being presented to you isn't exactly what you wanted. This isn't maybe exactly what I wanted either, and you know it isn't what the County wanted exactly. But maybe you have somewhat of an appreciation from the fact that you've been involved with this project so much that you have an understanding of some of the complexities of it, of why it may have taken so long to get to this conceptual agreement.

Logan:

I regret that I was not there in person and thanks for the ability to participate.office putting your time in individual effort. I have heard that you guys are the ones that get all the white chunk macadamia cookies. If this is true, I need to get one shipped to me.

7. CAC Discussion on the Peconic River

The CAC agreed to take up the questions, including those on the Peconic at the August meeting.

10. Agenda Setting

August

Questions on land use, groundwater and soils projects, and the Peconic.

It was suggested that the September meeting be moved because it fell on the anniversary of 9/11. The CAC debated the issue and voted 12 to 3 with 2 abstentions to leave the meeting and 5th Anniversary celebration on the original date of September 11 with the significance of the date being recognized in some fashion.

The meeting was adjourned at 10:02 p.m.

2003	Affiliation		First Name	Last Name	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Chart Key X = Present O = Absent																
ABCO (Garber added on 4/10/02)	Member	Don	Garber		X	X	X	X	X	X	X					
ABCO	Alternate	Richard	Johannesen		O	O	O	O	O	O	O					
Brookhaven Retired Employees Association	Member	Graham	Campbell		X	X	O	X	X	X	O					
Brookhaven Retired Employees Association (L. Jacobson new alternate as of 4/99)	Alternate	Lou	Jacobson		O	O	O	O	O	O	O					
Citizens Campaign for the Environment	Member	Adrienne	Esposito		X	X	X	O	X	X	X					
Citizens Campaign for the Environment (Ottney added 4/02)	Alternate	Jessica	Ottney		O	O	O	O	O	O	O					
E. Yaphank Civic Association	Member	Michael	Giacomaro		X	O	X	X	O	X	X					
E. Yaphank Civic Association (J. Minasi new alternate as of 3/99)	Alternate	Jerry	Minasi		O	X	X	O	O	O	O					
Educator	Member	Audrey	Capozzi		O	O	O	O	X	X	X					
Educator (began as alternate in 3/99) (A. Martin new alternate 2/00) (Adam to college 8/01)(Bruce 9/01)	Alternate	Bruce	Martin		X	X	O	O	O	X	O					
Environmental Economic Roundtable (Berger resigned,Proios became member 1/01)	Member	George	Proios		X	O	X	O	X	X	X					
Environmental Economic Roundtable (3/99, L. Snead changed to be alternate for EDF)	Alternate	None	None													
Fire Rescue and Emergency Services	Member	David	Fischler		O	O	O	O	O	O	O					
Fire Rescue and Emergency Services	Alternate	James	McLoughlin		X	X	X	O	X	X	X					
Friends of Brookhaven (E.Kaplan changed to become member 7/1/01)	Member	Ed	Kaplan		X	X	X	X	O	X	O					
Friends of Brookhaven (E.Kaplan changed to become member 7/1/01)(schwartz added 11/18/02)	Alternate	Steve	Schwartz		O	O	O	O	O	O	X					
Health Care	Member	Jane	Corrarino		O	X	O	O	O	O	O					
Health Care (as of 10/02 per JD)	Alternate	Mina	Barrett		O	O	O	O	O	O	O					
Huntington Breast Cancer Coalition	Member	Mary Joan	Shea		X	X	X	O	X	X	X					
Huntington Breast Cancer Coalition	Alternate	Scott	Carlin		O	O	O	O	O	O	O					
Intl. Brotherhood of Electrical Workers/Local 2230	Member	Mark	Walker		X	X	X	O	X	O	X					
IBEW/Local 2230	Alternate	Philip	Pizzo		O	O	O	O	O	O	O					
L.I. Pine Barrens Society	Member	Richard	Amper		O	O	O	O	X	X	O					
L.I. Pine Barrens Society	Alternate	Katherine	Timmins		X	X	O	O	X	O	X					
L.I. Progressive Coalition	Member	David	Sprintzen		X	X	O	O	X	X	X					
L.I. Progressive Coalition	Alternate	None	None													

2003	Affiliation		First Name	Last Name	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	Lake Panamoka Civic Association (Biss as of 4/02)	Member	Rita	Biss	X	X	X	X	X	X	X					
	Lake Panamoka Civic Association (Rita Biss new alternate as of 3/99)	Alternate	Joe	Gibbons	O	O	O	O	O	O	O					
	Long Island Association	Member	Marion	Cohn	O	O	O	O	O	O	O					
	Long Island Association	Alternate	William	Evanzia	O	O	O	OO	X	O	O					
	Longwood Alliance	Member	Tom	Talbot	O	X	O	X	X	X	X					
	Longwood Alliance	Alternate	Kevin	Crowley	O	O	O	O	O	O	O					
	Longwood Central School Dist. (switched 11/02)	Member	Barbara	Henigin	X	O	X	X	O	X	X					
	Longwood Central School Dist.	Alternate	Candee	Swenson	O	O	O	O	O	O	O					
	NEAR	Member	Jean	Mannhaupt	O	O	X	O	O	X	X					
	NEAR	Alternate	Wayne	Prospect	O	O	O	O	O	O	O					
	NSLS User	Member	Jean	Jordan-Sweet	O	X	X	X	O	O	O					
	NSLS User	Alternate	Peter	Stephens	O	O	O	O	O	O	X					
	PACE Union	Member	Allen	Jones	O	O	O	O	O	O	O					
	PACE Union	Alternate	Philip	Plunkett	O	O	O	O	O	O	O					
	Ridge Civic Association	Member	Ron	Clipperton	X	X	O	O	X	X	X					
	Ridge Civic Association	Alternate	None	None												
	STAR (disbanded April 2003)	Member	Scott	Cullen	O	X	O	O	O	-	-					
	STAR	Alternate	Terry	Guglielmo	O	O	O	O	O	-	-					
	Town of Brookhaven	Member	Jeffrey	Kassner	O	O	O	O	O	O	O					
	Town of Brookhaven	Alternate	Anthony	Graves	X	X	X	X	X	X	X					
	Town of Brookhaven, Senior Citizens	Member	James	Heil	X	X	X	X	X	O	X					
	Town of Brookhaven, Senior Citizens (open slot as of 4/99)	Alternate	None	None												
	Town of Riverhead	Member	Robert	Conklin	X	X	X	X	X	O	O					
	Town of Riverhead (K. Skinner alternate as of 4/99)	Alternate	Kim	Skinner	O	O	O	O	O	O	O					
	Wading River Civic Association	Member	Helga	Guthy	X	X	O	X	X	X	X					
	Wading River Civic Association	Alternate	Sid	Bail	O	O	O	O	O	O	O					
	Yaphank Taxpayers & Civic Association	Member	Nanette	Essel	O	O	O	O	O	O	O					
	Yaphank Taxpayers & Civic Association	Alternate	None	None												