

**Community Advisory Council  
September 8, 2011  
Action Items/Notes**

*Final*

These notes are in the following order:

1. Attendance
2. Correspondence and Handouts
3. Administrative Items
4. Update on Freon-11 Groundwater Contamination
5. Peconic River Update and Cleanup Summary
6. Community Comment
7. Agenda Setting
8. CAC Charter discussion

**1. Attendance**

Members/Alternates Present: See Attached Sheets.

Others Present: S. Aronson, S. Bogart, J. Carter, J. D'Ascoli, N. Detweiler, B. Dorsch, L. Garber, K. Geiger, D. Gibbs, G. Goode, M. Holland, M. Israel, S. Johnson, T. Kneitel, R. Lee, M. Lynch, L. Lyons, R. McKay, S. Medeiros, D. Paquette, V. Racaniello, A. Rapiejko, G. Stokes

**2. Correspondence and Handouts**

Items numbered one and two were mailed to Members with a cover letter dated September 2, 2011. Items numbered three through six were available in the Members folders and item number seven was available as a handout at the meeting.

1. Draft agenda for September 8, 2011
2. Draft notes for June 9, 2011
3. Revised Draft Agenda
4. Copy of presentation – Update on Freon-11 Groundwater Contamination
5. Copy of presentation – Peconic River Update and Cleanup Summary
6. Invitation to Memorial Service for John Marburger, SUNY Stony Brook, September 16, 2011
7. Copy of draft CAC Charter from Subcommittee Meeting

**3. Administrative Items**

The meeting began at 6:35 p.m. Reed Hodgkin, facilitator, reviewed the ground rules and the agenda. Those in attendance introduced themselves.

Hodgkin noted that 13 years ago the CAC held its very first official meeting. He named several of the members who were at that meeting and were also still on the CAC. Hodgkin also said that as the CAC had observed a moment of silence in 2001, he suggested that they do so again to remember those who had died on 9-11 ten years ago.

He next told the CAC that they had been invited to a memorial service planned for past Laboratory Director, Jack Marburger, on Friday, September 16 at 3 p.m. at the Staller Center, Stony Brook University.

Member Talbot thanked Community Relations for the email about the lecture on energy earlier in the afternoon. He said he attended and found it very interesting.

#### Approval of Minutes:

Hodgin asked for corrections, additions, or deletions to the June 9, 2011 draft notes. Member Giacomaro said that on page 9, his comment should say, people of "East" Yaphank, rather than, people of Yaphank. Member Jordan-Sweet said that on page 7, her comment should say, "decent and" affordable housing, rather than affordable housing. The notes were approved as amended with none opposed and two abstentions.

#### **4. Update on Freon-11, Doug Paquette, Groundwater Protection Group**

Doug Paquette reported that the characterization of the Freon-11 plume was completed over the summer. Forty-two temporary wells were installed and 350 samples were analyzed. The maximum concentration was 36,000 micrograms per liter (ug/L). The plume is located near Bldg. 452 and is 300 feet wide, 600 feet long and extends from the water table to 20 feet below. The exact location of the release has not been identified. Based on the extent of the plume and groundwater flow, we estimate it occurred two to three years ago. The estimated amount of Freon-11 in the groundwater is 15 to 25 gallons.

The next step is to develop a groundwater treatment system. We used the BNL groundwater model to help determine the best location for extraction. The model simulations indicate one new extraction well is needed. The existing Bldg. 96 well RTW-1 will help capture the bulk of the plume. We will install 12 new monitoring wells and the treatment system will use an air stripping system that will be installed in a new shed. As part of the evaluation process we did look at what the air emissions would be. We looked at the worst-case scenario and will still fall within the air emission regulatory guidelines.

Member Giacomaro asked if air stripping will disperse the Freon-11.

Paquette said it will go into an air stripping apparatus where air will be blown through it and remove the Freon from the water.

Member Giacomaro asked if this is done during the hot weather, could that be used as a method as well.

Paquette said since it is dissolved within the groundwater, it will go through a cascading effect and where the air will blow past it, the Freon will come out of the water and go into the air. The air temperature outside will not make a difference; we will run this year round.

We also have to look at what is left in the soil at the source area so we will characterize the area around Bldg. 452. We are working with agencies to determine the best way to document the remedial actions that we will be taking.

As for corrective actions, in order that this doesn't happen again we have come up with some ways to improve the storage, management, and transportation of the material. Corrective actions include moving the remaining Freon-11 out of Bldg. 452 trailer into the Chilled Water Plant. Since Freon is used at this facility, this will eliminate the transportation step. The building is secure, has concrete floors and is manned 24 hours a day. The remaining refrigerant gasses will be moved into a designed chemical storage container. A team has been formed to look into improving the management of our inventory of refrigerant gasses from time of delivery to their use in equipment.

Member Peskin asked what percentage of Freon-11 is 20 gallons and how much is typically stored in the Lab's inventory.

Paquette said a 100-pound drum is about 15 gallons. Our inventory varies, but we have about three drums at this time.

Our goal is to identify any significant loss of refrigerants while in storage or transport. We will go out and meet with the A/C mechanics. They are trained and EPA certified, but we need to tell them that just because it's a Freon doesn't mean it goes into the air. We need to increase their understanding of the consequences that refrigerant releases may have on the environment and to emphasize that it is their responsibility to make the required notifications in the case of a spill. If there is an accident and it's caught early we can remediate the material before it impacts groundwater.

Member Jordan-Sweet said this is not remediation. You are removing it from the ground and putting it into the air. It seems that it will be worse in the air because of its effect on global warming.

Paquette said that Freon-11 does not break down in water over time. It will continue to migrate and the plume will get larger, so we have to remove it. There is the possibility that it could move offsite in concentrations above the standards. We do want to protect the aquifer and remediating it is the best way to do that. We are looking into remediating the air discharge. From the preliminary estimates, it appears to be extremely expensive to do that.

Member Heil asked for an explanation of the term Freon-11 and if there are additives in it.

Paquette said Freon-11 is a Dupont registered trade name. It now goes by the name of R-11. It is trichlorofluoromethane, I don't believe there are any additives.

Member Henagan said Freon-11 and Freon-12 refer to the length of the molecular chains. Freon-11 has a longer chain than 12. The eleven is because it was the eleventh formulation that they came up with.

Member Kaplan said if the A/C mechanics are EPA certified, there is a lesson to be learned by the Lab. All the training and certification has not helped. You need a better system. Is there any accountability here? You know who was in charge three years ago. You should have some idea of the people involved. Is there an investigation ongoing to try to find out who is responsible? Are these people still available? Are they still practicing the handling of this material that is not in the Lab's interest or the community's interest?

Paquette said determining who, when, and how it occurred is difficult. When we are meeting with the technicians, we inform them of the consequences. One of the mechanics asked us why we were worrying about this because Freon goes into the air. In most cases it does, but with Freon-11, because the boiling point is 75 degrees, it can be a liquid also and have an impact on groundwater and soils. Most of the A/C technicians know the potential risks. What may have happened is that there was an accident and someone thought there was not going to be an environmental consequence and therefore did not report it. We do have processes in place that spills are supposed to be reported.

Member Kaplan asked if this was a one-time event.

Paquette said because the plume is so wide that might indicate there may have been several spills. We originally thought the release came from the storage trailer, but then it would be a narrow plume. What narrows it down to the 2 to 3-year timeframe is the Bldg. 96 treatment system south of this area and all the characterization work that was done on that program. Freon-11 was not detected there at the time that work was done. The geology in the area is very complicated. There is a lot of near surface clay and silt and it's possible that once the Freon-11 was below the asphalt, it could have spread out laterally. We are going to try to narrow it down by doing additional soil sampling.

Member Kaplan said, he would like to recommend the Lab make this a case example for all employees. This is the kind of thing that can cause the Laboratory a lot of problems with its neighbors. It doesn't bode well.

George Goode, Assistant Laboratory Director for Environment, Safety and Health, said he wanted to clarify that the mechanic's EPA certification is to recover Freon so there is not a release to the air. The big focus of all the technicians is the air release problem. The lesson to be learned here is that there is also the risk of groundwater contamination.

Paquette said inventory control is very important, so if it is lost in storage, we will know about it.

Member Kaplan suggested putting each container on a scale.

Paquette said part of the inventory process is to weigh the material when it comes in and each time it is used to keep track of how much is being used. Also, by moving it to the facility where it is used eliminates potential transportation accidents.

Member Giacomaro asked if there is a method to recapture it from the air once it is removed from the groundwater.

Paquette said there are two ways being looked at. One is to treat the groundwater with activated carbon, but our preliminary analysis indicated that we would go through a lot of carbon and it would be extremely expensive. The other option is to use the air stripping method and direct the effluent into a treatment train to remove the Freon from the air.

Member Giacomaro asked if there is already a process in place to do that.

Paquette said it is used in other places.

Member Garber said Freon-11 is banned world-wide to keep it out of the atmosphere because of global warming. You are taking it from the groundwater where it is basically a non-toxic agent and putting it up into the atmosphere. If you look at the net environmental damage, leaving it alone seems like it could be a very good option. Leaving it alone, the Freon in the aquifer evaporates at a good rate, it would be a lot cheaper. Is putting it up in the atmosphere the best option? I understand that the politically correct option would be to remove it. Maybe this group could say leaving it alone is the best alternative.

Member Chaudhry asked what the rationale is for the locations of the wells. (His question was prompted by GP-31 being out of the transect).

Paquette said to characterize the plume, a series of east-west transects were done. We tried to go upgradient of the potential source, and all the way downgradient. These transects show a three dimensional picture of the plume. The Freon levels are low or non-detect in some of the transects which helps us to determine that the plume is not migrating to that point. He explained that well GP31 was located near the existing extraction well to see what the distribution of Freon was at depth compared to what was being seen in the extraction well.

Member Murdocco asked what other treatment options were considered.

Paquette said the treatment option for removal from the groundwater is to pump it out and then treat it once it comes to the well surface. The treatment options we looked at were running it through activated carbon, apparently it doesn't absorb very well to the carbon. The best treatment option was using an air stripper.

Member Peskin asked what the consequence of ingesting Freon is.

Paquette said this plume in its current position is not going to be intercepted by any of our onsite drinking water supply wells. The standard that has been established by New York State is 5 parts per billion (ppb).

Member Kaplan asked if there are regulatory agencies involved and who are they?

Paquette said we have been keeping Suffolk County Department of Health Services, the EPA, and New York State informed since we discovered this plume. Now that we have finished the characterization and have plans for remediation, we are in contact with them through conference calls to discuss a whole range of restoration activities. Recently, we have been discussing with the state and EPA about the regulatory framework for this plume and whether it will be added to the CERCLA program and become a new Area of Concern. And if it does, how will we document these remedial actions.

Member Hulme asked if the air stripping continues into the colder weather, is that a problem.

Paquette said the groundwater temperature is constant. As you get further from the source it's deeper in the groundwater and is not subject to seasonal variations. Once it goes through the air stripper it will go into the vapor phase and be discharged into the atmosphere.

Hodgin said the question is if the temperature is below the boiling point, what happens to the vapor.

Paquette said that only a small fraction of what is in the groundwater will be disburbed at a time.

Member Henagan said Freon has a high vapor pressure. If you're air stripping at a lower temperature, it is not going to re-condense and drop out. As for toxicology, it's fairly benign. If you can avoid putting it into the atmosphere, that's great, but it's not really going to have that much of an impact on the ozone layer.

Hodgin said the CAC has raised three issues in their questioning to take away: One is to examine how the event occurred and does the Lab need to do more than increase training and awareness? Number two is that it's probably not a good example to set to release this material to the atmosphere if you can avoid doing that once you take it out of the groundwater because it might mean greater net damage to the environment than the remediation itself. Also, what is the best approach to protect the environment? Is taking it out or leaving it in place something that should be considered. He asked Paquette when the Lab will make the decision about what remediation approach it is going to use?

Paquette said we are working on it now. We are working on the design and leaning toward using the air stripping methodology, but we are still looking at the feasibility of doing some treatment of the air. There are costs associated with everything we do and the preliminary numbers are looking expensive to treat the air effluent.

Hodgin asked if as a group they said enough for them take back at this point or do you want to pick-up the topic for further discussion and recommendation again. Do you think Doug can take the comments forward to the folks doing the design or do you want to talk about it one more time?

The CAC indicated they were good. Member Talbot did say that he would like an update in several months to see if the source has been found.

Member Giacomaro asked if additional money was available to scrub the air through the Superfund.

Paquette said this was an operational release that occurred, so the cleanup would come out of our operating budget, not from Environmental Management money.

##### **5. Peconic River Update and Cleanup Summary, Robert Howe, Groundwater Protection Group**

Bob Howe reminded the CAC that Bill Dorsch had given them a presentation on the groundwater portion of the Five-Year Review a few months ago. Tonight, he was going to talk about the Peconic River 2010 monitoring program, the Five-Year recommendations and where we go from here. He explained that he was giving the presentation because, although Skip was present tonight he is just observing because he hasn't been feeling well over the past few days. Howe said that the Lab had conducted an extensive cleanup of nearly 20 acres of the river in 2004 and 2005 and they have been monitoring the river over the past five years. Over 1,700 samples of fish, sediment, and surface water have been collected. Three small areas with elevated mercury in the sediment were identified during those five years and the Lab went back last year and did limited excavation and then did confirmatory sampling.

We are at the point now, where as a result of the extensive cleanups, and the monitoring of five to six years, that we do not believe that there are any significant areas of contamination remaining in the river. We believe that it is time to start scaling back on some of the monitoring. We will be starting to incorporate some of the monitoring into the ongoing Natural Resource Monitoring program under Tim Green. That information is reported in the annual Site Environmental Report. Howe said he would be talking about the sediment, water column, and fish. He will review the data from the past five years, talk about the 2010 data, and then the recommended changes.

Howe explained the 2006 – 2010 annual average sediment data for both on- and offsite. The pre-cleanup data was compared to where the mercury levels are now. He said that there has been a reduction over the last several years.

Member Garber asked why the onsite concentrations fluctuate.

Howe said they go back to the same location each year, but they won't get the same numbers each year. Once in a while we do get a sample that's elevated.

Hodgin asked if the bouncing up and down of the sediment average from 2006 to 2010 was a trend.

Howe said they are normal variations.

Howe explained the 2010 sediment results from the 30 monitoring stations. He talked about the pre-cleanup and post cleanup averages and the ROD goals. He said of the 30 samples there was one that was high at 4.7 milligrams per kilogram. Supplement sampling was completed at that location (PR-SS-33). The supplemental sampling and the data from previous years showed that no further follow-up was needed.

Member Giacomaro asked if they attributed the high concentration to weather.

Howe said it was difficult to tell. There were low concentrations there for four years, it's a small spot that didn't show up again in the supplemental sampling.

Member Chaudhry asked what happened to get such a high reading.

Howe said it may just be the variation.

Member Henagan commented that the detection limit and technique should be consistent. He asked about the analytical technique and the instrumentation and commented that there may have been something wrong with the mercury analysis technique that was used.

Member Jordan-Sweet asked if there were other samples that you had done in May 2010 that were high or just that one.

Howe said he would have to check the report.

**ACTION ITEM:** Check report to see if the other samples from 2010 are higher overall, or if it was just the sample at PR-SS-33 that was high.

Howe reported that going forward they are recommending to continue sampling sediment at the three areas recently remediated – PR-SS-15, PR-WC-06, and the sediment trap – from 2012 through 2014, and eliminating sampling at the remaining locations.

Member Kaplan asked if sampling protocol would be changed so that each sample is not completely analyzed so if you get a high value you can go back and retest the same sample.

Howe said it depends on the holding time, but it may be possible to re-analyze the same sample.

Hodgin asked if the samples can be split and is there enough of a sample left from 2010 to re-analyze?

Howe said it is probably past the holding time for 2010 samples.

Currently, there are 22 sampling stations for surface water that are monitored twice a year for total mercury/methylmercury and total suspended solids. Howe went over the data from 2006 through 2010 on two charts. Data shows low levels of mercury upstream of the Sewage Treatment Plant, the levels are higher at the STP outfall, and then they trend downward the further downstream you go. There have been three high data points that he said are not typical of what they've seen overall. He explained that at one of the sampling locations with higher points in 2006 and 2008, PR-WC-06, they went back and sampled the sediment. That was one of the areas where additional cleanup was done last year.

Member Talbot asked about the outliers and if protocol allows you to go back the next day to repeat the sample?

Howe explained that it takes 30 days to get the data back.

Member Garber asked if the outliers were in shallow parts of the river.

Skip Medeiros, Groundwater Protection Group, responded that the samples are taken a month apart. There has been no indication where the second round has been as elevated as the previous round, they are always much lower. As for the depth of the water, if the water is shallow it is highly likely the suspended solids will be elevated. WC-06 was elevated for two years and the TSS levels led us to believe that it was important to remediate that area.

Member Giacomaro asked if the high readings are historically at the same spots and if they are, could you take consecutive samples.

Howe said the high readings are not always in the same area.

Howe explained the surface water data for just 2010. He said some work was done at the STP. The digester was cleaned and some sand was scraped off the filters. The recommendations for surface water are to continue with the 15 sampling stations before Schultz Road, the STP, and the Connetquot River reference site.

Member Talbot expressed some difficulty understanding the location where the sampling starts on the charts. It looks like the recommendation is to reduce the frequency of sampling and also reduce the number of locations. Are there any locations of significant size that will not ever be sampled again?

Howe again explained the areas on the chart that would be eliminated. Donahue's Pond is sampled annually by the environmental surveillance program under Tim Green.

Member Talbot said he would be more comfortable continuing to sample them less frequently, but not eliminating it altogether, in case something changes.

Member Giacomaro asked if there are any tributaries that come into the river at Schultz Rd. and east.

Medeiros said half a mile upstream of Schultz Rd. there is a tributary that joins the main branch of the river. That's a non-impacted area and would not affect the data.

Member Esposito asked if Donohue's pond is sampled for mercury.

Howe said yes, it is sampled for mercury.

Member Esposito said it would be prudent to have at least a little sampling for a few more years. Perhaps pick two or three spots to continue to monitor. I'd be happier with a dramatically reduced number of sample sites rather than a total elimination of them all.

Howe reported on the fish data from 2006 through 2010. He said presently, fish are monitored at six locations. He said the pre-cleanup level is .58 mg/kg based on samples from 1996 and 2001. The EPA mercury criterion is .3mg/kg. The average for the five years, for the most part is just below that criterion. The next chart showed the 2010 fish samples sorted by species, age, and the area the fish was caught in. He said the data is typical of what's been seen over the past five years.

Member Kaplan said he was having problems with all the data. He wanted to know about the location, and if there is any correspondence, although clearly fish migrate, with the values found that were very high or very low, with the same general locations for the water or sediment?

Howe responded that from the data over the past five years, it looks like the higher averages of the fish are in Area A which is the furthest upstream. But you do see elevated points in Area B, you see fish in Donahue's Pond that are elevated. There doesn't seem to be a good correlation, but in general the levels are going down as you move further away from the site.

Member Kaplan asked how the chart showed that.

Howe said it didn't.

Member Kaplan said it is not clear from the chart and was concerned about the fish because people might be using them as a food source. You can say you have remediated the sediment and the water, but no one is drinking the water. The public is concerned with the fish. I would like to have a better understanding of whether or not all the efforts the Laboratory has made to remediate the Peconic have made a difference. The question is, does it show up in the

concentrations of edible fish in the various species. That's what we need to know. You haven't shown that you have made some kind of dent in that and now you want to decrease the number of monitoring stations. We have to make a credible argument that all the effort made is paying off. In my estimation, it is the fish data that will do it, but I can't tell from this.

Howe said there are detailed tables and figures available throughout the reports, in the Five-Year Review, and in each one of the individual annual reports, which are on the website. That gives more data, but as a summary, you can see that the average concentrations are significantly below the pre-cleanup concentrations. I feel there has been a significant change. I don't know any other way to demonstrate that. You can go through each individual year, but we don't have time for that tonight.

Member Kaplan asked what year the values that are much higher than average were in. I can't understand it. Can you give me an idea where these fish are located?

Howe said this is all 2010 data. This chart is sorted by species, so I can't tell you the location of that fish, but it's in the report.

Member Esposito asked what value the chart has if it does not tell us what we need to know.

Howe said this can be sorted by area; we can sort it a different way if needed.

Member Esposito said you reported that the fish in the upper regions are showing higher levels than the fish in the lower regions, but we can't see that from this chart. We'd like to see the data that illustrates that statement.

Hodgin asked for an explanation as to how the chart was organized.

Howe said it is sorted differently in the report. It can be sorted in other ways.

Medeiros said this was sorted two ways in the Annual Report, by species and by area and he explained them. He said there was very little difference.

There was further discussion on the sorting of the information.

Hodgin said this is a representation of the raw data without any particular meaning from left from right. It is just to look at the raw data.

Member Kaplan said let's play devil's advocate. I'm an indigent person who uses the fish as a food source. Is there anything in the data that the Lab can use to say, after all the work we have done, we can show you that the fish are now at or below regulatory limits that have been set.

Howe said if you compare the pre-cleanup limits to the average for this year, you can see they are significantly lower on the average. There are some individual fish that are above and below, but the average is less than pre-cleanup.

Member Kaplan said if you look at the error bars, on the other chart, some of the numbers are much higher. A person eating the fish he caught might say, "What's the probability of me catching a fish that I should not be eating." The Lab should be able to say, the probability is very small or does not exist based on our data because we have done an incredible job of cleaning up the sediment and the water. It would be nice if we could show that.

Hodgin said it sounds like you want the Lab to find a way to do an effective job of representing the bottom line so it is clear to the community.

Member Hulme said the chart is very hard to read.

Hodgin said maybe the Lab can bring this back in a clearer way. Have several charts representing each type of relationship.

Howe said we have that information in the report, so we can do that.

Member Esposito said all the information does not add up. Before we decide to discontinue testing sediment and the surface water downriver, we need to see a correlation between mercury levels in fish and their location. Then we can make a more informed decision about whether or not testing should be eliminated or decreased. Based on the information provided, I feel it is not a good idea. I'd like more information.

Howe said it has been presented in more detail over the years. This is more like an overall summary.

Hodgin said the CAC members would like to see the data presented in a way that they can answer the question, "have we reached a point, from looking at impacts to the fish, where we can back off on monitoring." The information provided needs to support that action.

Howe said that they are recommending sampling fish at four locations instead of six, and that sampling be reduced to every other year. The next year fish samples would be taken is in 2013.

Member Jordan-Sweet asked how you can tell if where the fish are caught is where they have spent most of their time.

Howe said you can't, they move around.

Member Kaplan suggested discontinuing monitoring the fish onsite and just monitor them at some offsite location. The bottom line is the fish concentration where people are fishing. People are not fishing onsite. You can reduce the amount of fish sampling, but do it in a critical place where the Lab can make a case.

Member Sprintzen asked if it is possible to specify which fish species have higher concentrations and recommend not eating those types.

Howe said we send all the data to the regulators and New York State Dept. of Health does an evaluation on an annual basis to see whether or not the levels are high enough to warrant additional concern. They haven't placed any additional warnings on the Peconic River.

Hodgin said the request from the CAC is to bring the information back in a way that allows them to draw their own conclusions and offer recommendations. Could you return with that information?

Howe said yes, we can.

There was additional discussion on the fish data in the presentation.

Member Talbot said the information is all there in the presentation.

Someone: the standard advisory is one fish meal (one-half pound) per week from the state's freshwaters.

Member Guthy asked if the older fish have more contamination than the younger ones, or does it depend on their location.

Howe said it really varies. That's why we looked at age, but we've found young fish with high levels.

Howe summarized the 2010/2011 cleanup of .39 acres and the restoration of the area. He said that 1,134 tons, or 11 railcars, of sediment were removed and disposed of at the Niagara Falls landfill.

## **6. Community Comment**

There was no community comment.

## **7. Agenda Setting**

Nora Detweiler, liaison to the CAC, said there will be an update on the BGRR in October, as well as a presentation on Energy Employees Occupational Illness Compensation Program Act by Dr. Joe Falco, and a continuation of the Peconic River presentation. In November, there will be an update on BNL's solar research agenda and further discussion on the Charter.

Member Esposito asked if the CAC could have a tour of the Solar Farm.

Detweiler said the final commissioning is scheduled for October; so it may be possible to have a tour in late November. She will check into it.

Member Esposito asked if the tour could be open for community members.

Member Henagan suggested incorporating a visit to the Solar Farm into the Summer Sundays program.

## **8. CAC Charter Discussion**

Hodgin asked if the CAC wanted to work on the Charter this evening.

Member Peskin said he would like to at least find out what changes were made.

Member Garber said there are two items to discuss. The first is a definition of the CAC culture, so new members will know what we do. The other is this constitution, bylaws and governance document, which spells out what we can or cannot do in the future. I feel that we have been doing well in our hang loose mode. However, this document could be utilized by a new member who wants to know what we have done in the past and what our thinking has been, but the parts of this that are binding should be more like a U.S. Constitution rather than a N.Y. State Constitution.

Member Sprintzen said he is uncomfortable with this idea. There is no need to adopt any detailed guidelines. We have done well over the last 13 years without it. I don't see the purpose of this. What is wrong with the way we are operating? We have worked through our problems and we are functioning quite well. I am not sure what this will add and I am concerned about what it might detract.

Hodgin said the Charter will codify how the CAC operates so new members can have a better understanding and work from that position.

Member Esposito said this is a document not for this CAC, but for the next CAC members. There was a lot of conflict and turmoil in the beginning and we had to refer to guidelines and rules which were helpful. This is needed to show how we work things out. This can be used as a strength, not necessarily as a binding document. If there is an issue, we can refer to this document to help us. We have worked hard to craft it so we are not doing things differently, but rather to help us in time of need.

Member Murdocco thought it was important to standardize what the CAC does for the next generation. This is not a binding document, but rather a legacy document. If it's not done, then five or ten years down the road, this model won't exist anymore and then you will have to start all over again. This builds off the hard work everyone has done over the last 13 years and preserves the legacy moving forward.

Member Feinman said once it is in writing, it becomes concrete. The organization will no longer be flexible.

Member Esposito said this is what we have been doing anyway.

Member Sprintzen asked what the term of membership is. What is the Emeritus position. That has not been done before.

Member Esposito said that is one of the new items open for discussion. This is a draft. The concept is good. This CAC advises a national laboratory, we should have a set of guidelines that we operate on that are meaningful to us. All CACs have guidelines and processes outlining how they work.

Member Feinman said if that is the case, it should say guidelines, rather than rules and regulations.

Member Henagan said the first line does say these are guidelines.

Member Rehbein said rules are important. You need structure. For instance, it says there are 33 designated member positions. If you don't have rules to that effect, you could have 100 people here. It is written out what voices will be heard. Without the section about removal for non-attendance, you could have someone that never shows up, but is taking up a seat. Every organization should have some sort of ground rules. A certain foundation is needed.

Member Esposito said an important thing the CAC does is offer consensus agreement to the Laboratory on controversial issues. There have been some very tense, serious conversations over the years. She named the BGRR, the Peconic River, the HFBR, and the tritium plume as very serious discussions. We needed a format detailing how we get to consensus, what that means, and what do we do if we can't reach consensus. If we have a topic like that in the future, we need this. It is necessary. We have a job to do here and that is to provide consultation and advice and guidance. In order to do that, you have to have some foundation.

Member Henagan said we need this. Perhaps we could change the wording to recommended guidelines. This system works because we do have a Charter, even though it isn't written. What really makes this function is Reed Hodgkin, he keeps this running, he has it all in his head. It is important to have a facilitator, God forbid if we have to replace him.

Member Guthy agreed. This would be of great use to any new facilitator. We don't know what will happen in the future. Can this be changed in the future if needed?

Hodgin said yes, that is in there. He suggested taking 15 minutes to go through the sections and have the committee explain the changes that have been made since May. He recommended not wordsmithing this, just dealing with the important items right now.

Member Kaplan said we have been operating under a set of by-laws. How is this different from what we have?

Hodgin said we have a draft Charter from 1998. This document is based on that. We can look at the similarities. This document is much more of a reflection of the evolution of the group in the last 13 years than it is changes that have been made to the original document. We can do that comparison.

Member Kaplan said the CAC has been operating under written by-laws not a draft Charter.

Member Esposito said not true. We have been using the draft Charter as if it was adopted. However, it was never adopted.

Hodgin said the Charter was never adopted. We are now trying to write down what we do and fill in the holes, so those that come after us will be able to work as well. He then asked the CAC to review Section 2 of the Charter where the sub-committee made changes to see if anything was out of line. If you see something that's different, point that out. The next portion to review is Section 3, which is the Purpose and Mission. He then asked the Members to look at Section 4, Commitment and Accountability. This is an important section that talks about how the CAC and the Laboratory operate together.

Member Esposito said very little change was made; the only change was the word safe was changed to secure.

Member Kaplan questioned the use of the word "available" information. It seems redundant. If it's not available, you can't provide it. Why was the word available used? Also, why say "reasonable" administrative and logistics support.

Member Esposito said this was written 13 years ago and, at that time, there was a lot of question whether the Lab had information available or that couldn't be found. We can take out the word available now. Ninety percent of this document is 13 years old.

Hodgin said maybe the word reasonable should be taken out also.

Member Kaplan said the Laboratory has always provided administrative support and I don't think the Lab has withheld any information that we have requested.

Member Henagan said without the word reasonable, someone could interpret that to mean the Lab will provide administrative support to members and ask them to take notes for them.

Hodgin said we will leave the word in. It may be redundant, but it's not damaging.

Unknown member said there could be classified materials that are unavailable.

Member Jordan-Sweet said this body serves at the request of the Director. Is that in there?

Hodgin said this group exists because the Director says it can exist. If the Director says it can't exist anymore, it can't. That's implicit. Do you think we need to put that in the Charter?

Member Jordan-Sweet said yes. This says we can keep meeting as a body as long as we want, no matter what the Director says. I think it's important to have it in there.

Hodgin said, it will say, the CAC is chartered by the Laboratory (first sentence under Section 2). I think that's enough to cover it. The CAC commitment explains what you promise to do by signing up to be a member.

Member Talbot said the first item in 4.2 says to attend full CAC meetings or ensure that their designated alternate attends. At times we don't have quorum after the break.

Member Jordan-Sweet said the second bullet repeats what the first one says.

Hodgin removed the first bullet. He then said the distribution of categories for membership will stay the same and be discussed at another time because it deserves a lot of attention. He said the Emeritus category is established.

Member Jordan-Sweet asked if you can ever remove someone in an Emeritus position.

Hodgin said yes, Emeritus is a position that does not have to fit any of the categories or have an organization. There are people that have been here long enough to have institutional knowledge about the Lab and the CAC that we don't want to lose just because their organization goes away. This was created to keep those people. Any position can be removed through the removal process.

Member Jordan-Sweet asked if the Emeritus position could be Ex-officio.

Hodgin said he considered taking the vote away from the Emeritus position, but felt that would be detrimental to the success of the group.

Member Esposito said they probably would not stay if they didn't have any say.

Member Talbot said the Charter says there will be five Emeritus positions. We don't have any right now, where did the number five come from.

Hodgin said five is just a suggested number. We can change the number, it was just a suggestion. We have eight people right now that would be eligible.

Member Guthy asked if we have to keep the same categories. Why do we have to stick with these?

Hodgin said that can all be changed when the group has that discussion. He recommended that the CAC pick this topic up after review of the rest of the Charter is completed. He said he will not be here for the October meeting, so he would like to defer discussion, after tonight, until November.

Member Chaudhry asked for an explanation of an Emeritus position. How will we retain those people that have been here for a long time if they want to leave?

Member Henagan said if an organization dissolves, and the representative still wants to attend meetings, they would have to be limited to participating only during the community comment portion of the meeting. You'll lose that members' contributions.

Hodgin said we can pick up this discussion in November. The idea is not to lose the institutional knowledge. The version of the Charter that you have in your possession has the changes from the sub-committee in it. We'd like you to consider it and we will discuss it in November.

Member Kaplan asked for help in understanding the differences between the original draft Charter and this one. He asked for an electronic version that shows the differences so we can easily see them.

Hodgin said we went from a three or four page document to this one that is 20 pages long, so it is too large to show track changes. We can get both copies to you. We can send you an electronic version of the original to compare to the copy you received tonight.

**ACTION ITEM:** Send copy of original draft Charter to CAC.

Member Henagan said with the Emeritus position, you can stay as long as you like. The rest all have a five-year term. Why is that different?

Hodgin said the Emeritus position would help retain knowledge that is gained over the years. We don't want to lose that knowledge. We would like to retain that as long as possible. If it ends up being inappropriate to use, we can change it. The five-year term for everyone else is the normal length of term.

Member Guthy said the Charter says the Emeritus member makes the same commitment to attend. Could they just show up occasionally?

Hodgin said everyone has the same obligations. If an Emeritus member stops attending, they would be removed automatically.

The meeting adjourned at 9:34 p.m.

Agenda Topics  
February 10, 2011 Poll

Homeland Security – 9  
Nanotechnology ~~Developments & Standards~~ – 7 (3/10/2011 - E. Mendez)  
Science & Politics – 7  
Overview of BNL Land Use Plan – 6  
Sustainability – 6  
~~Photovoltaics~~ – 6 (3/10/2011 - E. Mendez and R. Lofaro)  
PET/MRI Research – 6  
LISF Tour Prior to Completion – 6  
~~Business/Lab Integration of New Technologies~~ – 6 (4/14/11 – Walter Copan)  
Nano Patterning – 5  
Natural Resources Management Plan – 5  
Nuclear Non Proliferation – 4  
Nuclear Safety – 4  
Catalysis & Super Conducting Magnets – 3  
Cosmology – 3  
Accelerate Long Island as information becomes available - 3  
Safety Progress – 2  
CRADAS – 2  
Radio Isotopes – 2  
Nuclear Stewardship - 1  
~~Technology Transfer~~ – 0 (4/14/11 – W. Copan)

<b>P = Present</b>	<b>2011</b>	<b>Affiliation</b>		First Name	Last Name	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
		ABCO (Garber added on 4/10/02)	Member	Don	Garber			P	P	P	P			P			
		ABCO (Madigan added 10/10)	Alternate	Michael	Madigan	P	P		P								
		American Physical Society	Member	Margaret	Malloy		P	P	P		P			P			
		Brookhaven Retired Employees Association (Peskin replaced Campbell 09/09)	Member	Arnie	Peskin		P	P	P	P				P			
		Brookhaven Retired Employees Association (Franz 12/09)	Alternate	Eena-Mai	Franz	P	P			P	P			P			
		CHEC (Community Health & Environment Coalition (added 10/04)	Member	Sarah	Anker												
		(added 12/08) (R. Andrejkovics removed 9/09)	Alternate														
		Citizens Campaign for the Environment	Member	Adrienne	Esposito	P			P	P	P			P			
		Citizens Campaign for the Environment (K. Jacobs off 1/08)	Alternate														
		Colonial Woods Whispering Pines (added 06/09)	Member	Christine	Birben	P	P	P	P	P	P			P			
		Colonial Woods Whispering Pines (added 09/09)(Rehbein added 11/10)	Alternate	Eric	Rehbein	P	P		P	P	P			P			
		E. Yaphank Civic Association	Member	Michael	Giacomaro		P	P	P	P	P			P			
		E. Yaphank Civic Association (J. Minasi new alternate as of 3/99) (M. Triber 11/05) (Munson 6/06) (Feinman 2/09)	Alternate	Bob	Feinman	P		P	P	P				P			
		Educator (changed 7/2006)(Bush member 5/10)	Member	Greg	Bush		P	P	P	P	P			P			
		Educator (B. Martin - 9/01)	Alternate	Bruce	Martin												
		Educator ((Bush 5/09)	Alternate	Adam	Martin												
		Fire Rescue and Emergency Services (J. Williams removed 3/11) (F R & E services resigned 2/2011)	Member														
		Fire Rescue and Emergency Services (D. Lynch removed 3/11)	Alternate														
		Fire Rescue and Emergency Services (J. McLoughlin removed 3/11)	Alternate														
		Friends of Brookhaven (E. Kaplan changed to become member 7/1/01)	Member	Ed	Kaplan		P	P						P			
		Friends of Brookhaven (Schwartz added 11/18/02)	Alternate	Steve	Schwartz				P								
		Health Care	Member	Jane	Corrarino	P		P	P		P						
		Health Care	Alternate														
		Huntington Breast Cancer Coalition	Member	Mary Joan	Shea	P	P	P	P		P						
		Huntington Breast Cancer Coalition	Alternate	Scott	Carlin			P									

<b>P = Present</b>	<b>2011</b>	<b>Affiliation</b>	<b>First Name</b>	<b>Last Name</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
		Intl. Brotherhood of Electrical Workers/Local 2230 (S. Krsnak replaced M. Walker 1/11/07)	Member	Scott	Krsnak			P	P		P		P			
		IBEW/Local 2230 (off mailing list 8/2009)	Alternate	Philip	Pizzo											
		L.I. Pine Barrens Society	Member	Richard	Amper											
		L.I. Pine Barrens Society (Motschenbacher 6/09)	Alternate	Beth	Motschenbacher	P	P	P	P							
		L.I. Pine Barrens Society (Murdocco 4/11)	Alternate	Richard	Murdocco				P	P			P			
		L.I. Progressive Coalition	Member	David	Sprintzen	P	P		P	P	P		P			
		L.I. Progressive Coalition	Alternate	None	None											
		Lake Panamoka Civic Association (Biss as of 4/02)	Member	Rita	Biss	P	P	P	P	P	P					
		Lake Panamoka Civic Association (Gibbons off 1/10)(Grandal added 10/10)	Alternate	Bonita	Grandal	P			P	P	P		P			
		Long Island Association (Groneman replace 10/05)	Member													
		Long Island Association (LIA resigned Evanzia removed 2/11)	Alternate													
		Longwood Alliance	Member	Tom	Talbot		P	P		P			P			
		Longwood Alliance	Alternate	Kevin	Crowley											
		Longwood Central School Dist. (switched 11/02)(Castro replaced Henigin 6/09)	Member	Maria	Castro	P	P	P	P				P			
		Longwood Central School Dist.	Alternate	Allan	Gerstenlauer											
		NEAR	Member	Jean	Mannhaupt			P								
		NEAR (prospect taken off ¾) (Blumer added 10/04)	Alternate	Karen	Blumer		P		P		P					
		NSLS User	Member	Jean	Jordan-Sweet		P	P	P	P	P		P			
		NSLS User (P. Stephens removed after contact regarding new address failed mail returned 5/2010) (Ravel added 2/11)	Alternate	Bruce	Ravel			P	P	P	P		P			
		Ridge Civic Association	Member	Pat	Henagan		P	P		P	P		P			
		Science & Technology (added 1/1/05)	Member	Iqbal	Chaudhry		P	P		P	P		P			
		Town of Brookhaven (Graves made member 6/06)	Member	Anthony	Graves	P										
		Town of Brookhaven (Ormond 9/10)	Alternate													
		Town of Brookhaven, Senior Citizens	Member	James	Heil	P	P	P	P	P	P		P			
		Town of Brookhaven, Senior Citizens (open slot as of 4/99)	Alternate													
		Town of Riverhead (Conklin until 12/09)(added 4/11)	Member	Isidore	Doroski					P						
		Town of Riverhead (added 4/11)	Alternate	Suzanne	Hulme				P				P			
		Wading River Civic Association	Member	Helga	Guthy		P	P	P	P	P		P			
		Wading River Civic Association	Alternate	Sid	Bail											