



St. Lawrence County Environmental Management Council

48 Court Street

Phone: 315-379-2292

Canton, NY 13617-1169 Email: Planning@stlawco.gov

www.Stlawco.gov/Departments/Planning/AdvisoryBoards/EnvironmentalManagementCouncil

Meeting Minutes Wednesday, October 16, 2024 6:00 p.m.

Classroom A, One Stop Career Center, Human Services Center

80 State Highway 310, Canton, NY 13617

- I. Call to Order:** Chair called the meeting to order 6:04 p.m.
- A. Land Acknowledgment** S. Rau read a land acknowledgement provided by Tony David, Director of the Saint Regis Mohawk Tribe Environment Division, and used with his permission: “As we meet today, let us first give thanks and acknowledge that the land upon which we are gathered is part of the traditional indigenous territories, including the Rotinoshionni (Low-dee-no-SHOO-nee), the People of the Longhouse, also known as the Iroquois Confederacy; and the Kanienkehaka (Ga-nyun-geh-HA-gah), the People of the Land of Flint, also known as the Mohawk Nation.”
- B. Roll Call** 9 of the 13 members present. **Quorum was obtained**
1. Members Present: L. Bage; L. Hanss; M. Iversen ; A. Pearson (arrived 6:23 p.m.); S. Rau, *Chair*; L. Rudiger; N. Terminelli, *BOL Liaison*; B. Washburn, *Vice-Chair*; N. Woodworth, *Secretary*.
 2. Members Absent: H. Bullock; S. Hurlbut; M. Weaver.
 3. St. Lawrence County: S. Joseph, *Planner II*; E. Streiff, *Public Health Director*.
 4. NYS DEC: R. Young, *DEC Regional Director Region 6*; G. McCullough, *DEC Regional Engineer Environmental Quality Region 6*; M. Duffany, *Regional Water Engineer Region 6*; E. Fell, *DEC Eastern Great Lakes Watershed Coordinator*.
 5. Public: E. Harriman (EMC applicant); P. O'Brien (EMC applicant); R. Bick (arrived 6:45 p.m. EMC applicant);
- C. Acceptance of Order of Business**
1. **Items for Unfinished Business**
 2. **Items for New Business**
 - a. L. Bage wants to add: Mosquito and Fisheries. Chair suggests including in member update section
- D. Approval of Minutes** (September 18, 2024) (Woodworth/ Washburn) Passed unanimously
- E. Council Logistics**
1. New Applicants (review postponed because of many applicants present tonight and will discuss in executive session at a later point). Did round of introductions for all the guests and allowed the applicants to speak.
- F. Comments from the Public** Introductions of applicants
- II. Reports**
- A. Report of Board of Legislators**
1. Movement on 200 MW solar array Two Rivers in Brasher/Massena area
 2. Wants to address well contamination along McCarthy Road as brought up in recent Legislative meeting. Thirteen homes have tested their wells along McCarthy Rd and have identified contamination. Pollutants include E. Coli.
 3. Rudiger added the Fisheries Resolution passed the BOL. Massena citizens in newspaper celebrating the local fisheries. Next day New York State Smallmouth Bass record broken (9 lbs 0 oz.) in Ogdensburg from St. Lawrence River.
- B. Report of Staff** (chair skipped)
- C. Report of Department of Environmental Conservation**
1. GLAA Nov 15 Ogdensburg
 - a. Upcoming Great Lakes Action Agenda (GLAA) workgroups. GLAA organized into sub-basin work groups to support the coordinated implementation of the Agenda.

- b. Northeast Lake Ontario – St. Lawrence River subbasin workgroup Nov 15th Dobisky Center 100 Riverside Ave, Ogdensburg, NY 13669. Preregistration desired:
https://cornell.zoom.us/join/joinMeeting/register/tYocOGsrDlqHNJD_K3vnwrJUFhpALn-FLhA#/registration and any member updates please share ahead of time. Hybrid meeting remote options available.
- c. Six goals: addressing toxins, reducing nutrient loading, managing invasives, natural resource habitat conservation and management, promoting community resilience and ecosystem integrity, revitalize local communities through sustainable management
- d. Work group is an opportunity to learn about GLAA, network with partners, identify projects/ actions
- e. RFP out DEC Cornell Water Resource Institute Nov 22 due
- f. Developed Index of Partners through a survey with technical assistance need and what can be offered. Data in the shared google drive.
- g. Suggested someone from EMC should go work group
2. Hired an Aquatic Invasive Species (AIS) Coordinator for region 6 taskforce coordinator.
 - a. Brownville Office coordinate AIS control efforts for region 6 but a focus on St. Lawrence County especially targeting water chestnut near Heuvelton.
 - b. Question about terrestrial invasives. There is a forest health unit that includes invasive species. A reference to BOL request to develop an invasive species management plan for county with council suggestion of direct contact to groups already working on invasive species rather than EMC doing the immense task.
 - c. Brought up issue of spreading of terrestrial invasive species thru highway management with mowing. There is conflict because the public prefer mowed roads for safety, ticks, and walking access. DOT and highway departments have jurisdiction over this, not DEC.
3. Black Lake Management Plan
 - a. Plan developed by GEI consultants in conjunction with Northeast Aquatic Research (NEAR) in 2022 for Town of Oswegatchie, Black Lake Chamber of Commerce, and Black Lake Association. Questions on funding sources and follow up on recommendations.
 - b. DEC has been working on developing a Black Lake Total Daily Maximum Load (TDML) plan which would be regulatory and include all source of nutrients including residential septic systems, agriculture, and industry. Issues and complexities in developing the model have delayed this process. Need to enforce the rules and cannot be too restrictive that would unnecessarily harm residents financially.
 - c. There has been DEC support for parts of the management plan by GEI especially invasive species management with grants that were announced earlier this year to both St. Lawrence University and Town of Oswegatchie. A planned water chestnut pull was cancelled due to the dangerous river conditions with the flooding and high water.
 - d. Question on funding the management plan and if there is any review or requirement for follow through? If grant funded directly from DEC on project yes, but if funding another entity to do a study and development of a plan not necessarily. Often times grants fund the development of the plan and then different grants fund implementation of that plan. So if the plan is not implemented directly immediately per se does not mean it won't be in the future. Many components of the plan even those that do not require funding did not come to fruition. Will look into the grant funding structure. Staff will look in documents for a grant funding number. Possible American Recovery Reinvestment Act Funding that the Town of Oswegatchie received.
 - e. Suggestion of people who are receiving these grant maybe provide us with an update. Discussion on warming water temperatures in the area are increasing spread and difficulty in controlling invasives.
4. Wetland question
 - a. Question about Supreme Court deeming federal government does not have jurisdiction over wetlands unless they are directly connected hydrologically to navigable waters. Army Corp of Engineers does have jurisdiction over specific wetlands and it is suggested to contact the Army Corp of Engineers of doing anything that might impact wetlands. NYS has changed its wetland statute that will begin in January of 2025. Will regulates wetlands 7.4 acres in size, no longer dependent on mapped wetlands and

different classification of wetlands have different check zone areas. The Adirondack park wetlands are under jurisdiction of APA down to 1 acre.

5. PFAS

- a. EPA drinking water standards were 10 part per trillion (ppt) which were nonbinding health advisory. Now have changed to 4 ppt and is legally enforceable as of 2024 with 3 years for public water to sample and address the issue.
- b. 2016 water contamination around Albany area and the emergency install of water filtration systems kicked off the modern NYS PFAS regulations and concerns.
- c. Began monitoring:
 - (1) landfill leachate that then gets processed in waste water treatment plants;
 - (2) waste water treatment effluent discharge/ requested municipalities check
 - (3) waste water sludge that will be land applied
 - (4) Specific industrial uses, such as airports, firefighting training centers
- d. Legislators required sampling of inactive landfills (this probably impacts St. Lawrence County the most) 1988 regulations (<https://dec.ny.gov/regulatory/guidance-and-policy-documents/dee-8-closure-of-active-solid-waste-landfills-enforcement-policy>) on landfill closures changed and many of the local town landfills were not engineered closed but simple ceased to be used as a landfill. Part of the initiative is to sample at these sites and determine if these compounds were used at that time and if they are migrating into water source. Regulation is specifically looking for drinking water contamination as opposed to larger environmental contamination. Rank sites based on priority, known use, size, and hydrological conditions. Annually go sample a few of these sites on priority list. If PFAS high enough to potentially affect drinking water then nearby wells are sampled to determine if mitigation efforts are necessary. After short term mitigation efforts are in place then the site is assessed for environmental remediation. Sometimes it is impossible to remediate.
- e. 59 inactive landfills. Inactive Landfill Initiative (ILI) with only a dozen sampled. Is there a schedule to sample the remaining landfills? 2023 work plan included Colton, Oswegatchie, Heuvelton, Lawrence, Russell, Norwood, Helena. Half most likely summer 2025.
- f. Question regarding Potsdam Paper. Anywhere actual water contamination that has been identified was given/offered mitigation. Potsdam Paper will be moved from the ILI program into the Inactive Hazardous Waste Remediation Program. Any time sites are identified as causing actual drinking water contamination, it shifts to remediation efforts. ILI is meant to search for problems, once a problem is identified it then shifts to other programs / laws to address the issue.
- g. History of ILI. Created under Environmental Conservation Law Article 27 Title 12 done by Landfill Program under Division Materials Management (formerly known as Division of Solid Waste). Because these are former landfills it falls under their jurisdiction. They sample and search to identify if there are any issues, but they are not experts on remediation, and once an issue is found it switches to Division of Environmental Remediation (Title 13). Remediation includes monitoring wells and hydrology modeling. Short term remediation on the drinking water through filtration and then an exploration of longer term remediation, if possible.
- h. Question on where NYS Department of Health (DOH) role in all this. Main regulatory oversight on public or community drinking supplies. They require permitted users to sample, and if any issues found to be addressed. If they find a potential source they will reach out to DEC. The low numbers of concentrations makes hard to point to a source as these chemicals are ubiquitous throughout the environment.
- i. Many compounds in the per- and polyfluoroalkyl substances family. There are other chemicals that have similar affects. The NYS government acted very quickly to identify these issues and begin to have regulatory authority to sample and get funding. In order to not overreach in government regulation they did not include all the potential chemicals in the family, but the PFAS and PFOS are good indicator chemicals that often coexist with the other chemicals and so sampling for them give a good surrogate for all these chemicals.

- j. Question on products that contain these chemicals that we are still purchasing. Regulations address these chemicals in consumer products that have been effective. Some concerns for clothing that are produced overseas. These chemicals were already beginning to be phased out and so lower quantity before the DEC even began sampling. Question about new chemicals that replaces the PFAS that are also harmful. DEC needs to work within regulations and evidence and so are limited in what is possible regarding new emerging concerns with chemicals.
- 6. Well contamination along McCarthy Rd
 - a. Email about group of residents clustered on McCarthy Road in Stockholm with well contaminations such as E. Coli and coliform. DEC asked for the lab results but resident did not want to share the results. Another resident independently contacted the DEC Division of Water with similar concerns and shared the lab results. Drinking water and well water issues are regulated by the Department of Health. SLC Department of Public Health also has been involved. If the NYS DOH or SLC DPH identify a source of the contamination then that would fall to the DEC to investigate.
 - b. Well water needs to be tested regularly to establish baseline and monitor changes over time to identify potential contamination. Old wells are notorious for being shallow or connected to surface water. Septic systems are often the source of contamination.
 - c. A large dairy nearby is being accused of the source of contamination. The dairy is currently in compliance with CAFO permits and nutrient management plan and there is no evidence that the contamination is from that dairy.
- 7. Deer River Questions
 - a. Question of Rotating Integrated Basin Studies (RIBS) sampling has been done at the Deer River. It has been put off for much of the summer because of the high water levels, but has now been performed.
 - b. Sampling was performed 9/3 and 9/4 with the same suite of analytics as was performed in June. Additional sampling locations were added and Macroinvertebrates sampling was also conducted. The results are complex and the analysis is ongoing. During the sampling there was no indication of the presences of the sewage fungus. No new reports of it since the initial public hearing. EMC members asked contacts along the Deer River and supports that there does not appear to be any signs of the contamination.
 - c. If any community members with an observation regarding the Deer River pollution can report the issue to: <https://dec.ny.gov/environmental-protection/water/water-quality/monitoring/deer-river-investigation> or go to town offices and they can guide the reporting
 - d. The DEC does have a pending enforcement action against North Country Dairy with a compliance schedule to address the issue. They have substantively agreed to the compliance schedule but lawyers are negotiating the finer details of compliance. Once the legal negotiations are settled then the plant's engineers will work with the DEC water engineers and technical staff to develop a strategy to implement the new standards.
 - e. Question on if the changes to the production process needed to be reported or re-permitted. DEC staff state that industries have the ability to change their production processes without needing to report or re-permit the changes, as long as the waste out falls within agreed permitted parameters. The lagoons are very forgiving to changes because of their retention times, but it can also slow down results of corrections. They have invested in significant improvements to their waste management prior to DEC involvement.

III. Unfinished Business

A. 30x30

- 1. Brief discussion on the role of forest tax law 480 A on accomplishing goals of 30x30. The local communities with large forests suffer with loss tax revenue and so the Woodsworth's feedback to the State was to financially compensate the local communities for the 480A real property tax law and expand the availability to smaller land owners.

2. Discussion on easement versus tax incentives on the preservation of land and how long will the land be protected. Discussion on potential tax impacts to the County. Forest preserves do pay taxes and don't require a lot of municipal services and bring tourism.
3. Discussion on Family Forest Carbon Sequestration, a third party investment group where one enters into a contract. Do either selective logging or keep wild and get paid for 20 years of maintaining a forest on property. Other corporations that need carbon credits then pay the company for those credits. Questions and concerns regarding how it functions, and more research into it is required.

IV. New Business

A. ADK Master Plan

1. Amendments to management plan for state owned land within ADK. DEC is taking comments through December 2nd.

V. Announcements:

1. **Rich Road Survey (walking trail / community engagement)**
 - a. survey: <http://wdt.me/tqF8TV>
 - b. **Public Meeting Oct 22 Best Western need to RSVP** haylee.ferington@edf-re.com
2. **River Advisory Meetings Oct 31 9 am -1 pm**

VI. Adjourn: Washburn / Woodworth 8:08 p.m.