

**I.** Nassau County's plan to pipe Bay Park's effluent to Cedar Creek and flush it to the ocean is environmentally unsound and will be a waste of taxpayer money. The integrity of the 100-year old pipe expected to transport the wastewater is irrelevant. What is relevant, and needs to be scrutinized, are the merits and prudence of the County's parent plan to discharge well over 110 million gallons of inadequately treated effluent to the ocean every day, in effect proposing 1980s off-shore dumping all over again; only this time it will be much too close to be called off-shore, as two and a-half miles out isn't far enough for such a massive and burdensome load.

To be clear, I am absolutely in favor of removing nitrogen contamination from the Western Bays. I fully support this objective. However, the plan's merits end abruptly here. Let's get it straight, assailing the ocean to save the Bays is neither a prudent nor environmentally sound strategy, as there are several other contaminants – some regulated, many unregulated, and all quite harmful – to consider. Like nitrogen, these too have been destroying the Bays for decades. But unlike nitrogen, pathogens, for example, will not be treated to higher standards; and unregulated toxins, trace heavy metals and pharmaceuticals won't even be monitored because being unregulated essentially means being non-existent and totally ignored as well. The bitter irony in all this is those entrusted with protecting the environment – including its so-called advocates – are, in their expediency, without the least bit of hesitation or remorse, willing to condone doubling the contaminant load to the ocean. Simply, the antidote they are prescribing for the Bays doesn't neutralize these poisons. It merely displaces them to a bigger "sink."

**1<sup>st</sup> Bottom Line:** The solution to Bay pollution isn't ocean dilution, and certainly not in a densely populated urban area such as Nassau County. The day Bay Park's load goes to the ocean is the day I stop swimming in that ocean. And every other local stakeholder – especially state park and barrier island officials, beach-goers, residents and business owners – had better start assessing the potential damages of massive ocean-dumping and the repercussions of their beaches being correspondingly fouled again.

**II.** Nassau County canNOT and must NOT install a plan of this magnitude without taking into account that its aquifer system has not been recharging adequately for several years; and astute residents are becoming more and more concerned their drinking water supply will become collateral damage in a potential "water war" with NY City, which continues to escalate. And, if you think American Water prices are high now, just wait until Long Island's so-called "infinite supply" starts running out.

Nassau County can't have it both ways. If the County is going to stave off its water crises, then it must address them at their sources, NOT bury them out at sea. It canNOT discharge over 110 million gallons of freshwater to the ocean every day and expect to sustain its drinking water supply much longer. Without purifying a sizable portion of its wastewater so it can be recharged back to the aquifer system invites ruinous depletion, in particular saltwater intrusion, along the County's western borders and coastal communities.

**2<sup>nd</sup> Bottom Line:** Anything short of purifying wastewater adequately enough to recharge the aquifer system is kicking the over-pumpage "can" down the road to ruin, which is quickly coming to its end. Yet, the County's plan fully ignores this impending crisis.

**Interim Conclusion:** Certainly this plan does not provide the holistic foresight required to manage or protect the County's water resources now, or sustain them for long-term future use. At best it provides a shortsighted solution for the Bays at the expense of the ocean, while totally overlooking the vital importance of aquifer recharge. Any plan of this magnitude that does not rectify these gross deficiencies is setting the stage for future surface and groundwater failure.

**III.** And those willing to accept the engineering and technology necessary to rectify these deficiencies, in particular installing tertiary treatment, is too expensive are condoning and, even worse, legitimizing the State and County’s implicit claim that it canNOT afford to protect the health, safety and welfare of their constituencies or that of the environment anymore. Sorry, but readily availing local government a free-pass to abandon these paramount fiduciary responsibilities is totally unacceptable. And, if this plan is the best local government can avail Nassau County – one of the highest taxed counties in the nation – then we have already lost the battle; and it is indeed time to leave this third-world county. However, the engineering and technology needed to reverse Nassau’s water crises exists, is affordable; and it works in California. In fact, Israel – a desert country – purifies enough water to sustain itself and sell a surplus to Palestine. This is how NY State and the County should be spending their water infrastructure monies; not on refitting 100-year old plumbing to flush their deficiencies and sins of omission out to sea.

**Regulation, Monitoring, Compliance and Enforcement:** And, who will inspect and regulate the quantity and quality of the augmented Cedar Creek load? Advocates of the plan point to NYS DEC; but, given Region One’s monitoring and enforcement history of the Western Bays, and its current anemic budget and paucity of staff, it is fatuous to believe the Department either can or will. For two decades, Region One ignored the dilapidation of the Nassau’s STPs, their egregious SPDES violations, and the woeful degradation of the Bays that followed. DEC’s record during this fateful time is dismal at best. Felonious crimes were perpetrated against these waters while a totally feckless – more accurately, negligent – Region One sat torpid and ignored their enforcement responsibilities, effectively aiding and abetting an eco-terrorist.

**Key Questions That Must Be Asked:** NYS DEC completely failed in its charge to protect the Western Bays for two decades; so, why should we expect it to, all of sudden, “find religion,” and proactively protect the welfare of the ocean now? DEC putting on its “compliance hat” now is one thing; but there is no guarantee it will vigilantly inspect Cedar Creek while donning any of its other “regulation, monitoring or enforcement hats” consistently in the future. And this begs the salient question: How long will it be before out of sight becomes out of mind, and plan proponents, in particular Region One, conveniently abandon the ocean?

**IV.** There is no scientific study right now evincing that the ocean can tolerate a double effluent-load from Cedar Creek. On February 28<sup>th</sup>, at Wantagh High School, DEC provided a description of the study the Department intends to perform in order to assess the impact the proposed County plan will have on the ocean. What the Department described was neither a TMDL nor Environmental Impact Study. DEC’s study needs to be at least as thorough and stringent as these other two; and, in addition to nitrogen, it must fully assess the prospective impacts of all other regulated contaminants, and of unregulated contaminants as well.

Lastly, those who really want to assess this plan objectively need to contact local ocean fishermen for their candid valuations. I can assure you, many will provide an unpleasant earful that will condemn it.

**Six Reasons why Dr. Gobler's two-year Estimate for Realizing an Improved W-Bays Water Quality may be Overly Optimistic:**

- I believe Dr. Gobler's assessment assumes no new nitrogen will be added to the ecosystem. Even if both STP effluent loads are discharge to the ocean, fertilizer rich storm water runoff will still find its way to the Bays.
- Continually degrading groundwater, much of it including nitrogen compounds and other contaminants, will continue to discharge to the Bays.
- Four decades of residual and particulate effluent has accumulated on the Bay bottom. Described as possessing a mayonnaise-like consistency, containing God knows what contaminants, is five feet deep in some places.
- Massive amounts of decomposing seaweed – best described as carpets – still exist along the Bay bottom; and are still discharging hydrogen sulfide gas, and only God knows what else.
- Massive amounts of sand have accreted on the Bay bottom, which is very much a contributing factor to water stagnating, or sloshing around, in the northernmost Bays, and neither flush nor exchange readily with the ocean tides.
- The Barrett plant cooling system can withdraw as much as 294 mgd from Barnum's Channel. The system discharges warm water back to the Channel that promotes unnatural algae growth, particularly during the cold, dark winter months; and the discharge volume, similar to the accreted sand just noted, is interrupting the natural flow patterns and trapping water where it would otherwise flush and exchange more readily with the ocean.

So, to facilitate a status reversal, any plan to remediate the ecosystem, will have to include addressing the above first.