

**ANSWERS TO QUESTIONS RAISED AT THE PUBLIC HEARING HELD ON  
MAY 25, 2010 REGARDING THE CREATION OF EXTENSION NO. 1 TO  
ORANGE COUNTY SEWER DISTRICT NO. 1.**

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**Sandy Leonard**

1. For OCSD#1 rate payers, how is this going to affect us in regard to historic capital costs that the rest of us have paid since day one?

*Response - The owner(s) of the Camp LaGuardia property have been paying a capital charge for the cost of capital improvements to the Harriman STP for the debt service incurred by the Towns of Blooming Grove and Chester, as have properties located within OCSD#1 and all other properties located within the Moodna service area for debt service incurred by those municipal entities, respectively. Any cost incurred by OCSD #1 for new capital improvements will be assessed against the owner of the Camp LaGuardia properties, either on the same basis as other properties located in OCSD#1 or on a benefit basis for which zones of assessment may be established.*

2. Will the owner of the newly included property be required to pay back what the rest of us have paid for over the years and if not, why not?

*Response - See response to #1. above.*

**Mike Edelstein**

3. How can the County, first of all sign a settlement with KJ to promise something that doesn't exist, that's maybe water over the dam, but the issue before you now is how can you permit this action to go forward when in fact there is likely not capacity?

*Response - The capacity of the Harriman STP issue is addressed in Amended FEIS for Expansion of the Harriman STP to 6.0 MGD, as approved by the Orange County Legislature. A copy of the Amended FEIS is attached hereto, including projections that sufficient capacity presently exists to serve the needs of OCSD #1 for at least the next four years, even with 1.0 mgd allocated to the Moodna municipalities. When the Harriman STP reaches 85% of its capacity, then pursuant to the terms of the existing intermunicipal agreements, the County will initiate plans to expand the capacity at the Harriman STP.*

**Frank Fornario**

4. Is there an Environmental Assessment Form?

*Response – Yes. A copy of the EAF is on file with the Clerk of the Legislature.*

5. What is the public interest in extending the County sewer district as opposed to the benefit of the potential property developer?

*Response – The property is currently owned by the County of Orange. The public interest in extending OCSD#1 is set forth in the report and recommendation of the Acting Administrative Head of OCSD#1, a copy of which is attached. The public interest is served regardless of who ultimately owns or develops the property.*

6. If the county district is extended, how much treatment capacity will be provided to the property?

*Response - There are currently 120,000 gpd allocated to the property by the Towns of Blooming Grove and Chester. OCSD#1 and Blooming Grove and Chester may enter into an agreement pursuant to which the provision of this capacity would be assumed by OCSD#1 in exchange for adequate consideration, the details of which have not yet been determined. Under the current development proposal, up to an additional 149,000 gpd would be needed, which would be provided by OCSD#1. However, under the current development proposal, development and the need for sewer capacity is to be phased in over a period of up to five years. In the event the property is not developed as proposed, then the provision of capacity would be determined on the same basis as other properties located within OCSD#1.*

7. How many homes and square feet of businesses would that serve, and what effect would that have on the homes and businesses in the neighborhood in terms of traffic and other impacts?

*Response - Under the Orange County Sewer Law, one unit of capacity represents 400 gpd which, in turn represents one single family residence. The term “units of use” is defined in the Law to mean “the quantity of usage of the sewer system assigned to different classifications of real property in the district. One unit shall be equal to 400 gallons per day or other volume per unit of time as specified by the Administrative Head.” Units of capacity for retail, commercial, industrial and other non-residential units are calculated based on a formula established in the Orange County Sewer Law. For example, Business Offices and Commercial Establishments – each with five occupants or part = 1 unit; Retail and Wholesale Store establishment – every 4,000 square feet or part = 1 unit*

*Traffic and other impacts are the subject of a full environmental review being conducted by Mountco Development Corp., in conjunction with the Towns of Blooming Grove and Chester (with Chester acting as lead agency under SEQRA)*

8. If we're extending the County sewer district to include LaGuardia, can that be extended later to other properties?

*Response - State law provides that a property owner may petition the legislature to be included within OCSD #1. State law further allows the legislature to create additional extensions, following the same procedures and requirements that were followed with respect to this extension. In addition to creating extensions to OCSD#1, the legislature may also authorize the consolidation of other properties or other municipal sewer districts into OCSD#1. In fact, the County has approached the five contract municipal users of the Harriman STP with a proposal to consolidate the Moodna service with OCSD #1 into a single, consolidated entity.*

9. What is the true excess capacity at the Harriman Sewage Treatment Plant?

*Response – The Harriman STP has unused capacity of approximately 1.5 mgd. In addition, OCSD#1 leases the Village of Kiryas Joel STP, which has an additional .7 mgd of unused capacity, so that the total excess capacity for the Harriman STP service area is approximately 2.2 mgd. For more detail, see the Amended FEIS for Expansion of the Harriman STP to 6.0 MGD.*

10. If treatment capacity is given to the LaGuardia lands how much capacity would truly be left for properties in the Moodna communities, particularly commercial properties that would bring ratables to the local communities and to the County.

*Response - The Moodna communities each have a contractual allocation of capacity, as does OCSD#1. Therefore, the provision of capacity by OCSD#1 comes out of the OCSD allocation of capacity and will not have any impact on Moodna capacity at the Harriman STP. See Amended FEIS for Expansion of the Harriman STP to 6.0 MGD.*

**Sonia Ayala**

11. Through a State Environmental Quality Review, the County would have to look at alternatives to expanding the OCSD, which is clearly not going to do by declaring a neg dec and voting without consideration of this question. For example, why shouldn't the developer, who will benefit from the increased intensity of usage on the land, build his own sewer facility instead of burdening the users of the Harriman Plant?

*Response – There is no adverse environmental impact, and no burden on the users of the Harriman Plant occasioned by the provision of capacity by OCSD#1 to this property. The property is already located within the Harriman STP service area, and sufficient capacity exists to serve this property and the current and projected needs of OCSD #1, as detailed in the Amended FEIS and the negative declaration to the EAF.*

12. The SEQRA would require looking at what happens if this increased effluent cannot be handled at the Harriman plant.

What happens then?

Does another plant have to be built?

Where could another plant be built?

At what expense?

Who pays for another plant?

*Response – See no. 1 above. As noted above, at such time as the capacity of the plant exceeds 85% the County will begin preparations to expand the plant. It is anticipated that at least a 2.0 - 3.0 mgd expansion could be added to the existing Harriman STP. The cost of such expansion has not been determined at this time and will depend on the nature of the expansion and responses to a request for proposals. The cost of the expansion could be assessed against all OCSD properties or, alternatively, special zones of assessment may be created so that the cost will be borne by those properties that will benefit from the expansion.*

13. How can you make a decision on expanding this plant without knowing how it will affect the very people that you re suppose to represent?

*Response – Any future expansion of the sewage treatment capacity will require a full environmental review under SEQRA, a public hearing, approval by the Orange County Legislature and possibly approval at the state level, including the State Comptroller. .*

14. Has the County Attorney shown proof of his claim that there is capacity at the plant to handle this expansion?

*Response – See Amended FEIS for Expansion of the Harriman STP to 6.0 MGD.*

**Gary Dugan**

15. Where does this capacity for the sewer come from – from the County sewer district municipal users, the MOODNA sewer district municipal users, where does it come from?

*Response –See response to no. 6, above.*

16. How can the County expand a district into a municipality without the Home Rule Request? Is this legal?

***Response – Article 5-A of the New York State County Law specifically authorizes and provides a procedure for the extension of an existing county sewer district. No home rule request is required, because the action does not involve a local law for which state legislative approval would be required***

17. Does the County have the authority to force this district into one local municipality without their consent?

***Response - Under Section 266 of the New York County Law the consent of the host municipality is not required. The consent of the town sewer districts in which the extension is proposed is required only where the local district operates a sewer or wastewater treatment system furnishing a service similar to OCSD#1. Since neither town sewer district operates such a similar system, the law does not require their consent. Notwithstanding that consent is not required, the County has met with officials from Chester and Blooming Grove and their attorneys and asked both to present the question to their respective Boards for approval.***

18. How much sewer capacity will be allocated to Camp LaGuardia properties?

***Response – See response to #6 above.***

19. Who will pay for the upgrades to the sewer infrastructure in order to accommodate the additional sewer flows coming from this property?

***Response - The cost of any new infrastructure required to serve the property would be assessed against the owner of the property.***

20. Now that the County has dropped the lawsuit regarding the pipeline, how is that going to be addressed with the sewer issue?

***Response – The question is unclear. However, settlement of the Pipeline litigation was tied to the settlement of the sewer litigation which resulted in the Supreme Court vacating the injunction which prohibited the County and OCSD#1 from selling a proportionate share of the expansion capacity to the Moodna communities who require that capacity to meet sewer capacity demand.***

**Lorraine McNeill**

21. Is capacity available?

***Response - See Amended FEIS for Expansion of the Harriman STP to 6.0 MGD.***

22. It appears that the County is willing to expand the OCSD without even speaking to the municipalities about how this action will affect them. The County settled the KJ lawsuit without speaking to the affected municipalities, it is now expanding the sewer district in the same manner. Are these good management practices? Is this even legal? Don't the users of the plant that have been paying on the bonds for over 20 years have the right to be heard through their officials about how this will impact them?

***Response - Municipal and public input has never been restricted; participation via public hearings is encouraged (and legally required) such as the one held here, which allows everyone the opportunity to voice their concerns. The concept of expansion has also been vetted at several legislative committee meetings. The County has more recently met with Town officials and counsel and invited them to express any issues or concerns concerning this extension.***

23. Is this how you show respect to elected municipal officials? Neither the public nor these local officials have seen any proof of the County's statement that sufficient capacity exists at the plant. If the proof is not available, then how in good conscience can you vote to expand this sewer district?

***Response – The district issues quarterly flow reports to every community that receives service from the district. The Orange County Planning Department performed a capacity analysis using historical flow and growth data and projected that sufficient capacity exists at the Harriman STP to meet the need of OCSD#1 and the Moodna communities. That analysis is contained in the Amended FEIS. It is noted that 120,000 gpd of capacity was already allocated to the property by Chester and Blooming Grove.***

24. How can you even consider expanding the district without speaking personally to each of the municipalities affected by this decision?

***Response – The public hearing as well as other previous matters concerning the purchase of the camp LaGuardia property by the county has involved the municipalities. In addition, we have been meeting on a regular basis with every elected official over the past two years concerning the expansion of the district via consolidation. In fact each of the five Moodna communities passed a resolution supporting a grant request from NY State to fund the initial consolidation study. As noted above, the County has engaged both Towns in discussions concerning the proposed extension.***

**Robert Fromaget**

No questions

**Jonathan Swiller**

No questions

**Michele Murphy**

No questions

**Stephen Welle**

25. On the May 18<sup>th</sup> Physical Services committee agenda there were three items regarding replacement and repairs in the OCSD#1 totaling \$577,000.00. These items were removed from the agenda at the beginning of the meeting by Mr. Lee. Did their removal have anything to do with this Public Hearing and when will they resurface?

*Response –There is no connection; the dollar amount cited was offset by savings realized from the capital improvement project to restore the roofs.*

**Steve Neuhaus**

26. Two County Legislators, Amo and Depew, mentioned that if their communities wanted to expand, would they be able to? Is this going to be a big precedent setting thing by doing the expansion?

*Response: New York State County Law, Article 5-A, sets forth a procedure by which properties outside the sewer district may petition the County Legislature to create additional extensions. The procedure largely mirrors the procedures followed with respect to the current extension, except such additional extensions would be subject to a permissive referendum. The establishment of this extension does not necessarily operate as precedent for subsequent petitions for extensions. Each such petition would be considered on the merits unique to the property or area being considered for an extension. Each petition requires the filing of maps, plans, report and recommendation and an estimate of the cost of establishing the extension; a public hearing; and findings by the County Legislature that it is in the public interest to create the extension, the allocation of cost among zones of assessment, if any exist, included within the District.*

*The County has invited all Moodna communities, and the municipalities which make up OCSD#1, to work with the County and OCSD#1 in consolidating the existing district with the Moodna communities into a single consolidated district or other legal entity. This extension should not affect that proposed consolidation.*

27. What if the sewer requirements when this is eventually approved for whatever it is, ends up being half of what they're asking for here? What if it's less?

***Response – In the event less capacity is required, capacity could be provided out of the existing allocation dedicated to the property by Chester and Blooming Grove, or OCSD #1 could provide such lesser amount of capacity, or capacity could be provided jointly by the Towns and OCSD#1.***

28. Why isn't the most qualified person involved in this? Dave Church

***Response - Planning Commissioner David Church was intimately involved in the capacity analysis that formed the basis for the Amended FEIS for the Harriman STP expansion. Mr. Church and his staff prepared alternative growth and capacity scenarios to project capacity requirements for OCSD#1 and the Moodna communities for the next five years.***

**Ben Ostrer**

29. No questions, however, Mr. Ostrer raised issues concerning whether the consent of the host municipalities is required, and whether the property must be assessed a proportionate share of the capital cost of the facilities serving OCSD#1 which has been borne by existing ratepayers. With respect to the first issue, see response to No. 17 above. With respect to the second issue, see response to No. 3 above.

**Sheila Conroy**

A SEQRA review should examine the following:

30. Is there sufficient capacity at the current Harriman plant, without another expansion, to handle extending the district to accommodate Mountco's project?

***Response - There is sufficient capacity to handle flows from the development of this property. In fact, as noted above, the property is already allocated 120,000 gpd of capacity at the Harriman STP. See Amended FEIS for Expansion of the Harriman STP to 6.0 MGD and responses to Nos. 3 and 6 above.***

31. If not, where will Mountco's sewage go? How will it be handled and who will pay for it?

***Response – If Mountco proceeds with the development of the property as proposed, the sewage will go to the Harriman STP since sufficient capacity exists there. The property will be assessed capital charges and sewer rents payable to OCSD#1. If additional infrastructure is required to serve this development, it would be paid for by the owners or assessed against the property.***

32. What will be the impact on the Ramapo River from this increased effluent flow?

***Response – The Harriman STP is designed to treat 6.0 MGD; the current 12 month average flow is only 4.7 MGD. There will be no negative impact.***

33. How will this expansion of the sewer district affect the allocations of the existing users of the Harriman Plant? Who gives up allocation for Mountco?

***Response – It will not affect the current allocations. No one has to give up allocation.***

34. How will this increased discharge from the Harriman Plant affect the downstream communities, some of whom depend upon the Ramapo for drinking water or have wells near the Ramapo River?

***Response – The assimilative capacity of the Ramapo River anticipates at least 6.0 mgd of effluent from the Harriman STP. Treated effluent that meets water quality standards will not adversely impact the Ramapo or the drinking water. In fact, an increase in treated effluent that meets water quality standards established by the SPDES permit will help to recharge wells.***

35. How will giving this additional allocation affect those communities who are already a part of the Harriman plant but have been unable to permit connections to people who have been in the sewer district from the beginning: In the case of Woodbury, the pipes are in the streets, the homeowners have been paying for the bonds for over 20 years, and yet they cannot connect to the sewers due to lack of allocation. How is it fair to expand the district to accommodate new users ahead of these long term rate payers?

***Response – This expansion for Camp LaGuardia will not affect the current users of the facility either inside or outside the district. Woodbury has a contractual allocation of capacity that will not be impacted by this expansion. Woodbury also has been offered the opportunity to purchase additional capacity from the County in accordance with existing intermunicipal agreements, and has indicated that it will, in fact acquire such additional capacity. The extension will not affect this additional allocation.***

**Valerie Hetzel (Hebel)**

No questions

**John Burke**

36. Why was a deal made without pinning down who was going to actually provide the sewer and water?

*Response – Sewer and water was and is currently available.*

37. What happens when we reach 85%?

*Response – The county will begin the planning phase to increase treatment capacity for the service area.*

38. Where are we going to go with that plus?

*Response – Most probably at the Harriman STP site with discharge to the Ramapo River.*

39. Where are we going to develop it?

*Response – See answer to #3 above.*

40. How are we going to handle it?

*Response – The Harriman STP is designed to treat 6.0 MGD; anything beyond 6.0 MGD will require technological improvements to the facility's process systems to treat the effluent to a higher degree of pollutant removal to prevent any adverse effects to the Ramapo River.*

**Janet Howe**

41. How can the County fairly represent the current users of the Harriman Plant when it is marketing and selling this land and the only way the sale can occur is if the intensity of use is increased? This is a definite conflict of interest.

*Response – There is no conflict of interest. State law expressly vests in the County Legislature the sole authority to create extensions to existing county sewer districts. Also, as noted above, sufficient capacity exists to meet the needs of the property served by the extension and the entire service area. In the event plant capacity reaches 85% plans to expand the plant will commence.*

42. The County should perform a limited SEQRA environmental review of:

- How this enlargement of the district will affect the current plant
- Affect its capacity
- Affect its outflow
- Affect its current users and rate payers

Affect land within the district that has not been developed but is still billed for being in the sewer district

***Response –Impacts on capacity and current users are addressed above. A full environmental review is being conducted by the proposed developer of the property including impacts on water supply and sanitary sewage. Some of the issues identified in the SEQRA scoping document include:***

***1. Existing Conditions***

- a. Description of existing water and sewer lines on-site and within adjoining roadways and existing sewer and water districts servicing the project site***
- b. Description of water system and sewage treatment system capacities***
- c. Discussion of the existing supply potential for the underlying aquifer. Detailed results of water supply exploration performed in accordance with DEC permit number 3-3300-00003/ 00004 should be included.***

***2. Anticipated Impacts***

- a. Analysis of utilities for full development under the Conceptual Development, including description of proposed utility system***
- b. Estimates of projected water usage and sewage generation***
- c. Analysis of the ability of existing systems to accommodate projected domestic and fire flows.***
- d. Any discussion of available capacity, regardless of district, should take any pending or approved projects in the district into account. A table should be provided showing name of project, number of anticipated or approved units and anticipated***
- e. Discussion of impacts on piping, mains, pump stations and other infrastructure and the likelihood of the need to replace or supplement equipment.***

43. Where is the analysis to document the County Attorney’s statement that the plant can handle this additional flow?

***Response - See response to No. 3 above. See Amended FEIS for Expansion of the Harriman STP to 6.0 MGD.***

44. Since OCSD#1 has no allocations, and flow is based on whoever gets their projects approved first, where is the list of approved as well as pending projects in those municipalities?

***Response – OCSD#1 has an excess allocated flow which is distributed in accordance with the OCSD#1 Priority Plan.***

To the Legislators:

45. Do you have these numbers in front of you?

*Response – The Amended FEIS for Expansion of the Harriman STP to 6.0 MGD, which includes an analysis of current and projected flow and capacity, was submitted to and approved by the Legislature. Quarterly flow reports are submitted to Legislatures and elected officials from the user communities.*

46. Can each of you personally verify what the County Attorney has said about capacity?

*Response – See above response.*

**Sandra Kissam**

No questions

**Todd Diorio**

No questions

**Alex Kocot**

No questions.

**James Skoufis**

No questions