

**ORANGE COUNTY SEWER DISTRICT NO. 1 ADVISORY COMMITTEE  
MINUTES**

**WEDNESDAY, JANUARY 18, 2023  
1:30 P.M.**

PRESENT: Peter Tuohy, Chairman,  
Michael Amo, Katie Bonelli, Barry J. Cheney

ALSO

PRESENT: Betsy N. Abraham, Esq., Legislative Counsel  
Richard B. Golden, County Attorney  
Joseph F. Mahoney, Esq., Senior Assistant County Attorney  
Robert Gray, Deputy Commissioner, Department of Public Works/EF&S  
Anthony Griffin, Principal Sanitary Engineer, Department of Public Works  
Mary Beth Bianconi, Partner/Senior Project Manager, Delaware Engineering, D.P.C.  
Anthony Cardone, Supervisor, Town of Monroe  
Gedalye Szegedin, Village/Town Administrator, Village of Kiryas Joel/Town of Palm Tree  
Isaac Ekstein, Legislative Aide, Village of South Blooming Grove  
Joel Stern, Confidential Assistant, Village of South Blooming Grove

Mr. Tuohy called the meeting to order at 1:36 p.m. and asked everyone to stand for the Pledge of Allegiance to the Flag. All committee members were present with the exception of Legislators Ehlers and Tautel who were absent.

Ms. Bianconi updated the committee on the facility plan. They received comments from Environmental Facilities and Services (EF&S) and they are almost done reviewing. They plan to send back a draft counter response with some questions but with a lot of answers. Nothing in the comments will impact the recommendations. She advised the committee that the large book she had in her possession was the variance. She recapped that they requested a variance from water quality standards for total dissolved solids and chloride through the Department of Environmental Conservation regarding the SPEDES Permit that was issued on March 1, 2020. They submitted a variance application in early 2021 and they received a notice of incomplete application, which they expected to receive. The D.E.C. needed to provide some guidance as to the documentation they wanted to see in order to process the variance and they were provided that guidance. Something else that was noted on the incomplete application was to contact the local Health department and find out the potential increased risk to human health in the environment. After reaching out to the Rockland and Orange County Health Department and the results were that no known data on hydrologic connections between the Ramapo River and public wells were identified. The way that the D.E.C. will issue the variance will be in a new SPEDES Permit, whether it is a modification to the permit they have or the issuance of a new permit. The permit that was issued in 2020 is a five-year permit so it will end in 2025. Since they are already in 2023, they have options, either a modification or a new permit starting a new five-year time frame. They are not sure what the D.E.C. will select.

Mr. Amo asked if Ms. Bianconi had an idea as to when this will come to closure.

Ms. Bianconi stated that they need to finish the permit application, they submit a short Environmental Assessment Form, once D.E.C. has all of that and consider the application complete, they put out a draft permit for public review which is a minimum of 30 days. Someone could ask for additional time for review which is not unusual. It will be several months.

Mr. Tuohy asked when the public comment period will be held.

Ms. Bianconi explained that all SPEDES Permits have a public comment period. There will be a public comment period for the variance. If they can get the application in maybe next month, then it would probably be a similar timeline that would be embedded in the Environmental Impact Statement (EIS). It will be a few months out.

Mr. Golden added that once the Draft Environmental Impact Statement (DEIS) is complete, it is still far from done but it is about time to involve the public as Ms. Bianconi stated there will be public comment. It is formality of going through the steps of State Environmental Quality Review Act (SEQRA).

Chairwoman Bonelli asked if the Legislature holds the public hearing or do they announce that there is a comment period for 30 to 60 days.

Mr. Golden responded that legally they are able to announce the 30 day period and to please submit your comments. However, every DEIS that he knows of, the body that shepherds the process wants to have a public hearing. He would recommend to the Legislature, on behalf of the Executive Branch, to have an actual public hearing set for people to come in. During that time the public can also submit during that open period.

Mr. Amo asked when this would go before the Physical Services Committee.

Ms. Bianconi stated that once the variance is complete it needs to go to the D.E.C. because their process is a long process. They are still quite a few months out before they present to the Physical Services Committee.

Mr. Golden added that the most effective time for people to comment is on the DEIS. Although it is just a draft, the more important is the draft because that is when their voice will be most heard.

Mr. Tuohy asked when they should start looking into state money or grants.

Ms. Bianconi explained that once the SEQRA is concluded and the issuance of findings, there is a proceeding under county law, 5A, which needs to be done before a request for money can be made. The 5A process cannot be done until SEQRA is complete.

Chairwoman Bonelli asked if once the DEC decided to either extend the permit or issue a new one, whatever is decided upon, will they need to do another variance.

Ms. Bianconi responded yes, they do.

Supervisor Cardone asked about the handout and what non-point source meant.

Ms. Bianconi explained that a point source is when you can determine exactly what the problem is and what is causing it, such as, it is this pipe that is causing the problem. The total dissolved solids (TDS) and the chlorides they have come from two sources. The ground water has chloride and high TDS in it. Laundry soap, shampoo, water softeners in people's houses, all of those things have chloride in it. We cannot point to one place and say this is the source of the problem. There are a lot of contributors.

Supervisor Cardone mentioned the poultry plant and questioned if that has anything to do with the issue.

Ms. Bianconi responded that it does have something to do with it, but everyone is adding their own chunk, but it is a lot of little chunks. You cannot say, if only they got rid of the poultry plant, the problem would go away. According to the sampling, it shows that the poultry plant is part of the problem, but it is not the only problem.

Supervisor Cardone understood but stated that if the poultry plant was not there, those levels would not be where they are.

Ms. Bianconi responded that the drinking water is very high, and the poultry plant is a percent of the total contributors.

Mr. Szegedin commented on the poultry processing plant and as he has mentioned before, Kiryas Joel is still pursuing disconnecting the processing plant from the Kiryas Joel plant and building a separate plant, whether it be by reverse osmosis or another type of filtration to treat the chloride coming out from the plant. He has informed the county of this before, and it is still in the works. He asked if the DEC issues a variance, is it forever or only for a few years. He further asked what would happen if the DEC denied the issuance of the variance.

Ms. Bianconi responded that variances are embedded in the SPEDES permit and the SPEDES permits are for five years. Every three and a half years, you will receive a letter from the DEC asking for information so they can renew the permit. She added that the facility plan is enough documentation to list this project for financing. The actual application for financing stating that you want their money requires Article 5a process to be conducted.

Mr. Mahoney interjected that Article 5a process may require more time. Normally, under Article 5a you need to make an application to the Comptroller for the funds. It requires a specific figure which is done after preliminary design, so you have a more accurate figure.

Mr. Golden pointed out that it will never happen before this June.

Ms. Bianconi agreed that it will not happen by June. The Environmental Facilities Corporation (EFC) has multiple pieces, and they can list the project without making any commitments. All that would do is simply say they might do a project, they might be interested in their money and we would like to know how competitive we are for money. That process only requires an engineering report. That process they might be able to do by June. The actual application for financing takes more time because there is more involved.

Mr. Szegedin asked if the D.E.C. denied the variance, was there a "plan b".

Ms. Bianconi explained that the D.E.C. understands the situation they are in. There are no guarantees but the alternative, which is embedded in the SPEDES permit, is to build a reverse osmosis system. That would be the other alternative although it would be highly unlikely that would happen.

Mr. Gray updated the committee on the sewer meters and announced that it was out for bid. The questions are due February 1<sup>st</sup> for potential bidders and the bid opening on February 15<sup>th</sup>.

Mr. Ekstein and Mr. Stern advised the committee that they approved the new project and are finalizing the engineering. Al Fusco is the Village Engineer. The financing is allocated and hopefully they can start the project soon.

Mr. Tuohy asked if there was a timeline, and he was advised that they were waiting on bond counsel and some loose ends that need to be taken care of.

Mr. Tuohy set the next meeting for February 21<sup>st</sup> at 2:00 p.m.

On the motion of Mr. Amo, seconded by Mr. Cheney, the meeting adjourned at 2:59 p.m.