

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

**TUESDAY, MAY 14, 2019
2:15 P.M.**

PRESENT: Peter Tuohy, Chairman,
Michael Amo, Barry Cheney, John Vero

ALSO

PRESENT: L. Stephen Brescia, Chairman
Antoinette Reed, Legislative Counsel
Langdon Chapman, County Attorney
Joseph Mahoney, Senior Assistant County Attorney
Erik Denega, Commissioner, Department of Public Works
Anthony Griffin, Principal Sanitary Engineer, Department of Public Works
Mary Beth Bianconi, Partner/Senior Project Manager, Delaware Engineering, D.P.C.
Frank Palermo, Supervisor, Town of Woodbury
Anthony Cardone, Supervisor, Town of Monroe
Stephen H. Welle, Mayor, Village of Harriman
Louie F. Medina, Village Trustee, Village of Harriman
Gedalye Szegedin, Administrator, Clerk, Village of Kiryas Joel/Town of Palm Tree

Mr. Tuohy called the meeting to order at 2:18 p.m. and asked everyone to stand for the Pledge of Allegiance to the Flag. All committee members were present with the exception of Ms. Bonelli who was absent, Mr. Vero who arrived at 2:28 p.m. and Ms. Tautel who participated via teleconference.

Ms. Bianconi provided a Summary of Discussions March 19, 2019 – April 30, 2019 booklet to committee members (see original minutes) and she addressed the highlights within the summary. She noted that the committee requested a copy of the full draft facility plan rather than the executive summary and that was posted to the website.

Mr. Tuohy clarified that in order to move forward they need a longevity plan and a capital plan to take place before they can look at other options like the Hudson River or pumping to other facilities.

Ms. Bianconi explained that there is an existing facility that has aging equipment so it will need investment to extend its useful life. There are regulatory requirements which are mainly addressed through the longevity improvements, but some are not addressed because of the cost and because there are issues larger than the Orange County Sewer District, they are regional issues. There are several different opportunities to evaluate expansion and the work that would be done to the Harriman WWTP would not exclude any future expansion possibility. That discussion will take time to play out over several years and in the meantime they still need to utilize the facility.

Mr. Vero commented that it seems we get to a point where some of the solutions are cost prohibitive.

Ms. Bianconi stated that this is a funneling process and they do not exclude any reasonable solution for consideration. It is best to weigh cost versus benefits and there is a timeline of growth that needs to be thought about. She commended Orange County for planning and thinking about these things because the most expensive amount of money you spend is spent in an emergency.

Mr. Denega mentioned that part of the proceedings they had with the DEC regarding the draft SPDES permit and part of their argument has been the extreme cost of what they proposed. They have pushed back almost saying they are not looking at the cost and they do not care about the cost.

Mr. Amo asked for the breakdown as to how they drilldown to make a decision.

Ms. Bianconi stated that they need to determine how the county will accommodate the needs for additional flow for growth and for expansion. They will look at making the Harriman WWTP bigger or can they send water somewhere else with an existing waste water treatment plant. They need to identify and look at regulatory challenges and if there is space, a right-of-way issue if they need to build a pipeline. They will come up with criteria for the committee to review. Does it address regulatory concerns and into the future; is it sustainable; does it meet the needs of the communities, if so who, how, when and for how long.

Mr. Tuohy asked what are the negatives to longevity improvements.

Ms. Bianconi replied the longevity improvements do not meet all our needs. They do not give expansion capacity. The longevity improvements do not do anything about chlorides and total dissolved solids (TDS) but they are not intended to. They are not the one size fits all solution to every problem. Over the years you have built a complex system and complex problems require complex solutions. She added that they plan to look for low cost financing and grants to support this project.

Mr. Szegedin asked what the urgency was to do the longevity now. Is there a SPDES permit failure that we are not meeting which mandates the longevity now. He added that from what he heard, the longevity is not tied to other projects that need to get done so what is the benefit of separating longevity. He asked if there was going to be a final SPDES permit for those components without the TDS. It would help with lower cost in financing because of the other components because you have the longevity component in the mix. He did not understand what the benefit was in separating longevity from all of them.

Ms. Bianconi explained that the new SPDES permit has some changes with limits which are on the chart in the handout (see original minutes). It is all in the new permit and all of that is addressed in the longevity improvements, so they need to be addressed anyway. That will need to be addressed with the longevity.

Mr. Szegedin asked why we don't have a finalized permit and have everything addressed in the finalized permit.

Ms. Bianconi stated that the county looked at doing that and it was \$40 million to do it. There could be a change to the approach to TDS and chlorides that would avoid the need to spend the money. The longevity improvements do not exclude addressing the TDS and chlorides.

Mr. Szegedin stated that longevity on items such as existing equipment is necessary. Longevity on items which is a draft permit, he would not spend money on a draft permit on anything until its is signed by the D.E.C. It is a matter of a few months to have a signed SPDES permit and that is the time we should start investing real money.

Mr. Tuohy stated that based on earlier conversations and the various ramifications in Rockland County, New Jersey and beyond, by addressing the longevity would show a good faith effort to the D.E.C., to the state and to the EPA and show that they are serious.

Mr. Chapman stated that it never hurts to display to your regulators that you are serious in taking action. He believed that for the first time in a long time the D.E.C. knows we are serious. He stressed that nothing that the committee does will move fast. Mr. Mahoney and Ms. Bianconi worked together, and a timeline was laid out. He never wants to have to govern by crisis.

Mayor Welle asked what the issue was with the SPDES permit and how long is it good for.

Ms. Bianconi explained that the SPDES permit will break out the components and there will be a timetable. Once the permit is final an engineering report needs to be done. The permits are five-year permits. Some of these components will be addressed quickly and others will take much longer.

Mr. Chapman stated that if they do end up in court, they can at least prove to the judge that they are doing the right thing as fast and as reasonable as they can.

Mr. Mahoney handed out the "Proposed Timeline for the Prospective Longevity Improvements to the Harriman Wastewater Treatment Plant" (see original minutes). He added that there are assumptions made with regard to SEQRA and how long will it take. Will they be required to do an environmental impact statement. How long will the application to the Comptroller take. There are certain unknowns that can impact this proposed timeline.

Ms. Bianconi noted that most of the improvements will be bonding. The reality for the grants is they came from tax dollars, so we all paid for it.

Mr. Amo asked if there will be a way to work simultaneously with capacity and longevity.

Mr. Mahoney stated that when you talk about the increase in capacity, it becomes much more complicated. He believed it would be the year 2021 before they get approval from the Comptroller for capacity.

Mr. Amo asked what is the role of the Legislature.

Ms. Reed explained that this advisory committee is to make recommendations and move forward to the Physical Services Committee. The goal would be to do a presentation to the local municipalities and their leaders to get their feedback and what they think about the longevity improvements.

Mr. Cheney stated that as Chairman of the Physical Services Committee, he would think that the legislative request would come through the Department of Public Works but would carry more weight with the support of this advisory committee.

Ms. Bianconi advised the committee that the proposed timeline are the actions to be taken by the Legislature and it still needs D.E.C. approval. She pointed out that D.E.C.'s review has been taking a long time.

Mr. Amo stated that the reason they formed the committee is capacity. If they do not do something and a developer comes along and demands more capacity, there could be legal ramifications. They need to work together and this needs to run parallel although one will be more complicated to address.

Mr. Tuohy stated that it was his understanding that they cannot address capacity until longevity is underway.

Mr. Szegedin asked if longevity was divided into real longevity or is some of it trying to accommodate the SPDES permit.

Ms. Bianconi explained that it was all longevity. The limits for the permit are being addressed by this project addressing one thing which are the head works and flow amounts.

Mr. Szegedin mentioned that it was stated in rainy weather there is more capacity, and no one wants to treat rainwater, it is too expensive and there are no customers paying for it. The rain is not metered. If you spent a couple hundred thousand dollars to remove the rainwater, you could increase the capacity or reduce the deficit by reducing the rainwater.

Mr. Griffin explained that they are equipped with equipment, they do repairs to the sewer manholes at the sewer district. He noted that he can only speak for the Harriman WWTP, the municipalities outside the satellite communities have addressed some inflow and infiltration but there are still inflow and infiltration issues out there that should be addressed.

Mr. Szegedin asked if the satellite communities are paying based on a meter, so they are paying the county.

Mr. Griffin stated that everything that the Harriman WWTP is based on flow and they pay for that flow.

Mr. Szegedin asked if there was a way to incentivize them to do better with inflow and infiltration, so they do not need to treat rainwater.

Mr. Denega stated that in accordance with the EPA request they sent out a letter to municipalities recently in the last six or eight months, which addressed some of those issues. He added that one or two were over the limit and they are aware.

Mr. Szegedin agreed with Mr. Amo that it makes sense to do this parallel. There is also a political issue and how many bonds will the county have to issue for one project.

Mr. Denega stated that they do not want to have to go back to the Comptroller's office any more than they need to.

Mr. Cheney asked what role does the sewer district play in inspecting new construction.

Mr. Griffin responded that they are out there whenever a main line is being extended, they have inspectors out there watching.

Mr. Tuohy addressed meters and asked what is the status on the meters.

Mr. Mahoney explained that the RFB was completed by Environmental Facilities and Services, reviewed by General Services and by himself. They will need a second resolution which he is preparing today which will be sent to Commissioner Denega to go before the Physical Services Committee this month.

Mr. Cardone stated that there are municipalities that truck water in which is not metered and there are homes that are on wells.

Mr. Griffin stated that the Village of Kiryas Joel is 100% metered except when they are low on water, they truck in water.

Mr. Cardone further stated that if we are spending this kind of money to upgrade the system, he did not see why we could not put meters on municipalities, so they know where the flow is coming from.

Mr. Griffin explained that the RFB that was going out can measure the individual municipalities within the sewer district. There will be six meters that will be installed for measuring areas that are currently unmetered to get an idea what the municipal contributions are.

Mr. Welle stressed that they have heard about these meters for six years and he is very skeptical.

Mr. Tuohy acknowledged Mr. Welle's frustration and he too heard for years about the meters, but they are headed in that direction and that day is coming soon.

Mr. Palermo asked if the Village of Woodbury is on a meter.

Mr. Griffin stated that he gets reports from three meters in the Village of Woodbury.

Mr. Szegedin stated that originally Woodbury was part of the Moodna by its sewer district but now since the Village of Woodbury's existence, there is no more sewer district in Woodbury because now it is incorporated into the village. How do you define the territory.

Mr. Cardone explained that they were never part of the Moodna.

Mr. Szegedin stated that the county has a contract with Woodbury that these three sewer districts are going to be served by Harriman, but those three sewer districts have dissolved after the Village of Woodbury was formed.

Mr. Mahoney stated that because it is about a district, it is all flow control.

Mr. Szegedin stated that there is no district in the villages. A town can form a water district, sewer district and sanitation district. It is a different set of laws. The way the relationship used to be with Woodbury and the county was Woodbury formed three sewer districts and those three had an agreement with the County after the Village of Woodbury was formed. The Village of Woodbury automatically dissolved all the small districts within the Town of Woodbury. There is no clear district line.

Ms. Reed interjected and pointed out that was why they need to discuss that with their counsel about when they incorporated.

On the motion of Mr. Cheney, seconded by Mr. Vero, the meeting adjourned at 4:02 p.m.