

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

**TUESDAY, SEPTEMBER 10, 2019
2:15 P.M.**

PRESENT: Peter Tuohy, Chairman,
Michael Amo, Katie Bonelli, Barry Cheney, Laurie Tautel, John Vero

ALSO

PRESENT: Antoinette Reed, Legislative Counsel
Joseph F. Mahoney, Senior Assistant County Attorney
Erik Denega, Commissioner, Department of Public Works
Robert Gray, Deputy Commissioner, EF&S
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
Stephen H. Welle, Mayor, Village of Harriman
Gedalye Szegedin, Administrator, Clerk, Village of Kiryas Joel/Town of Palm Tree
Richard McGoey, Municipal Engineer, McGoey, Hauser & Edsall
Michael W. Weeks, Director of Engineering, McGoey, Hauser & Edsall

Mr. Tuohy called the meeting to order at 2:15 p.m. and asked everyone to stand for the Pledge of Allegiance to the Flag. All committee members were present with the exception of Legislator Vero who arrived at 2:23 p.m.

Ms. Bianconi provided an updated Facility Plan Draft Executive Summary (see original minutes). She explained that they were asked to update the Draft Facility Plan from 2016. Back in 2013 and 2014, the 85% threshold was triggered, and an RFP was issued to add 3 MGD (million gallons per day) of treatment capacity to the Harriman Wastewater Treatment Plant (WWTP) and they were selected to prepare the facility plan. In 2016 they prepared a draft which included two different documents. One was a document that evaluated the Harriman WWTP, a 6 mgd facility, and looked at three different methods to increase the capacity to 9 mgd and also recommend that if they choose not to increase the capacity at the Harriman WWTP, but would continue to treat wastewater, it needed longevity improvements to extend its useful life. The other option was a regional approach that had to do with looking at the service area, growth areas, other communities, wastewater infrastructure that was available where there could be opportunities to cooperate. To shave off about 1 million gallons of capacity and send it to the Goshen WWTP where they just rebuilt their facility and were looking for customers. It did not give the 3 mgd but it did give an additional 1 million gallons of treatment capacity at Goshen. Since that document was published in 2016 to today, a few things took place which put them where they are right now. The county's ongoing effort to identify and understand better is the SPDES permit requirements at the Harriman WWTP which discharges into the Ramapo River has become very important. The growth in the service area has been about 80,000 gallons a year. Orange County recovered better than most counties from the 2008 economic crisis and has grown in population and in economic activity which has increased the demand for wastewater services. She displayed Book I and Book II with revisions and noted that are very large. They are the original documents with changes and costs are updated which is all in Book I. In Book II, although an approach to look at discharge to the Hudson River was included in the regional approach, it was not as favorable as looking at increasing capacity within the existing Harriman plant, mainly the cost

so it was never looked at in great detail. The need to treat for total dissolved solids (TDS) and chlorides at Harriman WWTP changes the perspective on that alternative. Within the Draft Executive Summary and in Book I there is a study and a memo that was prepared by Barton & Loguidice (B&L), an engineering firm that was working with the county regarding the SPDES permit. The TDS is a replacement for water quality for clarity of water. That is tied to chlorides and those two limits in a permit has a lot of meaning to find out what is necessary to treat the wastewater. When discussing the permit with the state, B&L prepared a memo where they looked at creating a side stream treatment at the Harriman WWTP to treat roughly half the flow which would be about 3 million gallons. The capital cost to treat half the flow to remove TDS and chloride was about \$40 million and the memo is from earlier this year, February 2019, so it is a current cost. That is just to build a separate treatment unit, it does not extend the useful life of Harriman facility, it does not give any more capacity, it just gets rid of the TDS and chlorides that are in the water. What makes this not a reasonable approach is the estimated \$16 million in annual operation and maintenance cost to maintain the system. The current budget for the entire system is just shy of \$10 million.

Mr. Cheney clarified that the \$40 million was to treat half the flow at Harriman and Ms. Bianconi confirmed he was correct.

Ms. Bianconi stated that they have been working on the longevity improvements at the Harriman WWTP which are about \$25 million. She pointed out that in Book I and all the options to increase the treatment plant to 9 MGD, the cost of longevity is included, would be \$52 million but the \$25 million in longevity is within that cost. The rate payer impact would be around \$25.00 to \$90.00 a year to a typical household to conduct the \$25 million improvement project. The Hudson River option costs were about \$150 million, half of that is getting there and half is for treating the water. That is for a 5 MGD plant. She noted that these were broad numbers. The cost to get to the Hudson River which is 13 miles or so, which includes two very large pump stations is very expensive. She did point out that it is expensive, but it is cheaper than treating chlorides. Their recommendation is they need to have a much better understanding from the D.E.C. regarding the implication of the chloride issue in the Ramapo. She mentioned it before but wanted to reiterate that the Ramapo River is a very small watershed. It begins in a small pond in Monroe, comes through Harriman headed south towards Tuxedo, eventually crosses the state boundary into New Jersey where it eventually ends up in a drinking water reservoir that services a population of about 300,000. The Ramapo is a highly constrained basin. Chlorides are an issue in the interbasin, they are an issue in Tuxedo in Orange County and there is a similar issue in Suffern in Rockland County. In order to make a decision for the existing users and for new users and expanded flow to support economic development, their recommendation is they need a better understanding from the D.E.C. and the Department of Health how they plan to regulate the issue and what the implications are. If the Harriman WWTP can remain a worthwhile treatment plant, meaning they are not treating chlorides and TDS at this high cost, then can the plant continue to function to treat 6 MGD and meet regulatory standards. If they get a regulatory determination that says they need to treat for TDS and chlorides, the story changes. If that is the case, they need to protect the viability of the wastewater treatment system in the county and support current users along with economic development, they might have to look at a new discharge location that is outside the Ramapo River basin. Some opportunities are the Wallkill River or the Hudson River which is the larger body of water. If it is determined that treating TDS and chlorides is a regulatory decision that is made, the recommendation will be to explore discharges to alternate locations and the most practical would be the Hudson River.

Mr. Tuohy asked if in the future would there be other municipalities that would discharge to the Hudson River to create a larger customer base.

Ms. Bianconi responded that potentially it could happen. She explained that there are different pathways taken with pipes to get to the river. She noted that the Town of New Windsor is making improvements at their wastewater treatment plant, so they met to discuss opportunities. The City and Town of Newburgh is looking at making a substantial investment which offers another opportunity.

Mr. Amo asked if there was a way to assign a probability based on historical data from other people who dealt with that.

Ms. Bianconi stated that they are coordinating a technical meeting with the County Attorney, the County Executive and the D.E.C. She does not know what the D.E.C. will say but it is their job to protect human health and the environment. Once these discussions begin the better off they will be with indications.

Mr. Amo mentioned that the only thing they need to do while they are waiting on the D.E.C. is to speed up their analysis for the Hudson River connection. If we are guessing that is the route they want them to take, they better be ready.

Ms. Bianconi addressed the timeline which she noted goes out very far, referring to the start up of a treatment plant on the Hudson River in 2027.

Ms. Bonelli asked what if the D.E.C. said they did not need to do the TDS or the chlorides but then five years down the road they change their mind.

Ms. Bianconi stated that the permits are five-year permits. The concern would be if they got a discharge permit that says for the next five years says you do not have to do this, and it was done in a vacuum with nothing else, there are a lot of risks. If they are fortunate enough and they do not need to treat TDS and chlorides at the Ramapo River, that cannot be done in a vacuum. There has to be a companion part.

Mr. Tuohy asked Mr. Mahoney if there were any updates on D.E.C. meetings.

Mr. Mahoney explained that the legal issue is if the D.E.C. imposes standards without reference with what will be achieved by those standards. They have heard nothing from the D.E.C. and there is no decision.

Mr. Amo asked what was included in the \$150 million to go to the Hudson River.

Ms. Bianconi explained that about half the cost was to get to the Hudson River and about \$75 million was to build a 5 MGD wastewater treatment plant. The problem doing this is duplicating many things because Harriman would still be online.

Mr. Amo asked if they were to increase the capacity at Harriman and pump it directly to the Hudson River, would that be less expensive.

Ms. Bianconi explained that would be anti-backsliding which means if you are conducting a regulated activity and you find a way to get to some other lower standard, you

cannot have that lower standard. If all the water at Harriman WWTP was treated and now you just want to move the discharge point over to the Hudson River, you would still need to treat for TDS and chlorides and anything else that was required at the Ramapo River. The reason the idea of a new treatment plant on the Hudson could work is because you would just be intercepting raw water, bringing it there, new SPDES, new everything, everything is new other than where the water came from.

Mr. Cheney asked if the interbasin transfers were predominately drinking water going to a different basin as opposed to sewage going to a different basin.

Ms. Bianconi explained that is the issue, it is always where did I take the drinking water from and where am I putting it back. A chunk of the water that goes to Harriman now comes from Moodna which goes to the Hudson, not the Ramapo so there is already an interbasin transfer.

Mr. Cheney asked if we needed to do anything special to have that permitted.

Ms. Bianconi replied that she did not think so. She added that what was challenging about this is that the Ramapo River has been subject to such intense urbanization over the years that even if there was no wastewater discharge to it, just the urbanization of its watershed, the runoff that goes into it changed it from the tiny stream that it was years ago. Now there are probably hundreds of stormwater pipes that discharge into the Ramapo River.

Mr. Cheney asked about the timeline relating to the Hudson River discharge and if it was assuming the 3 to 5 MGD or is that assuming 9 to 11 MGD.

Ms. Bianconi responded that it did not matter, the timeline would be the same. This is assuming nine months for SEQRA.

Mr. Cheney noted that the original report that was done was issued in August 2016 and was started in late 2014. It has been five years so why do we expect the D.E.C. to take any action in another five years.

Mr. Mahoney explained that the final draft permit was issued around December 2017 and our papers were submitted in 2018 and an adverse decision was issued in early 2019 and papers were again submitted.

Ms. Bianconi noted that they stopped working on this in August or September 2016.

Mr. Cheney he was concerned about getting the D.E.C. to do something.

Mr. Griffin pointed out that there is pressure being applied to the D.E.C. by the EPA. The permit has been extended since 2013, six years, they have to do something. He did not know when, but it is coming.

Ms. Bianconi added that there are other issues like the drinking water in the Ramapo basin which are being ramped up, the issues in Suffern also. It was just the Orange County Sewer District No. 1, but now it is a lot of people.

Mr. Cheney stated that given the impact that the Harriman discharge has on providing flow to the Ramapo, what is the D.E.C. going to say about sending the existing 6 million gallons to the Hudson.

Ms. Bianconi stated that is the direction that the discussion has to go. They need to have a viable path forward so if the Harriman discharge is really important to the Ramapo, then they need to work with us so we can keep the Harriman discharge at the Ramapo.

Mr. Griffin stated that the study shows that they plan to maintain Harriman at 6 MGD if they go to the Hudson River. It would be 5 MGD to the Hudson River and 6 MGD at Harriman.

Mr. Amo would like to think that Mr. Chapman and his attorneys would fight the battle of getting a clear path one way or the other before spending any money.

Mr. Mahoney stated that when they met with the D.E.C., one of the topics discussed was if a solution can be achieved there could be a path forward if the county can come up with a solution of disposing of waste, perhaps the Hudson. Then that would open the door to work with us. The path forward is unclear. Do they shut down Harriman WWTP, it might not be their decision.

Ms. Reed asked what steps the Legislature would take assuming they want to move forward on the Hudson River proposal. How do they engage with the D.E.C. and the EPA.

Ms. Bianconi stated that they can submit a Municipal 2A application to the D.E.C. for a discharge to the Hudson River which would be accompanied with an engineering report. They would need to take their preliminary documents and ramp it up a bit to be a legitimate application. They know that the D.E.C. will say they need a mixing zone analysis which can be done but past experience is that it takes months and costs a lot of money. The county can submit the facility plan for review by the D.E.C. and have them review and comment on the plan. The SPDES route is more aggressive. To do the SPDES permit application they would need to include an engineering report, SEQRA information, the long form. D.E.C. will send a letter saying that the application is incomplete because they need a mixing zone analysis of where they would like to put the water. They need to decide where the pipe is going to be because the mixing zone analysis is specific to the location in the river. The entire SPDES process is probably about \$75k to \$100k.

Ms. Reed stated that they need to know how to start the process and how much money do they need upfront. If they are serious about it and the local municipalities are serious about it also because it will impact their rate payers, they need to get a sense of what the process and costs will be. If they want to move forward, they can discuss it with the local municipalities and move forward with some money and an idea what the real next steps are.

Mr. Mahoney stated that is part of the first steps because the D.E.C. can come back and saying to go to the Hudson might not be a viable option.

Ms. Bianconi added that anyone can send the D.E.C. an application as long as you meet their criteria. They need to do some upfront planning and find a location because the permit would be written based on the mixing zone analysis.

Mr. Tuohy stated that it was clear a lot more work needs to be taken care of before anything can get done. They plan to report to the Physical Services Committee on September 23rd.

Ms. Bianconi stated that once the minor updates are made to the summary, she would work with Mr. Griffin and they will get it posted to the Orange County Sewer District website.

Mr. Cheney asked if there could be more clarification on the discussion about going to the Hudson River included in the updated summary and Ms. Bianconi responded that she would.

Ms. Bonelli asked that the dollar figures for the work be clearly stated because there were many different dollar amounts thrown around. She mentioned that this document will be seen for the first time by other Legislators at the Physical Services Committee meeting on the 23rd, so she wanted everything to be clear and simple as possible.

Ms. Tautel made a motion to accept the Draft Executive Summary with the changes discussed, seconded by Mr. Amo.

Motion carried. All in favor.

Mr. Tuohy thanked everyone for all their hard work and research. It is a testament to everyone's commitment that this is a huge matter of importance and they need to keep moving forward.

Mr. Tuohy updated the committee on the Moodna Commission meeting. Ms. Bianconi provided an update on all the discussions that they had. When they met with the municipalities to discuss the rate payers' impact, he thought everything went well and appreciated the support of other Legislators. He added that things are moving forward with the meters and the deadline for the bid is September 5th.

On the motion of Ms. Tautel, seconded by Mr. Amo, the meeting adjourned at 3:47 p.m.