

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

**TUESDAY, SEPTEMBER 19, 2023
2:00 P.M.**

PRESENT: Peter Tuohy, Chairman,
Katherine Bonelli, Michael Amo, Barry J. Cheney, Glenn Ehlers

ALSO

PRESENT: Betsy N. Abraham, Esq., Legislative Counsel
Richard B. Golden, County Attorney
Joseph F. Mahoney, Esq., Senior Assistant County Attorney
Erik Denega, Commissioner, Department of Public Works
Robert Gray, Deputy Commissioner, Department of Public Works/EF&S
Michael Torelli, Assistant to the County Executive
Dorey Houle, Ombudsman, Human Resources
Mary Beth Bianconi, Partner/Senior Project Manager, Delaware Engineering, D.P.C.
Tracey Ledder, Senior Environmental Scientist, Delaware Engineering, D.P.C.

Mr. Tuohy called the meeting to order at 2:08 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 Tautel who was absent.

Ms. Bianconi stated that after a long process to get the complete resubmission finished, they submitted to the D.E.C. a week ago. She stressed that it was a major hurdle. Ms. Ledder handed out the letter that was submitted to the D.E.C. (on file in Clerk, Legislative Office) and noted that the resubmission documents were just over 1,000 pages long. She advised the committee that if anyone was interested in looking at a copy of it, they can send downloadable files. There are different methods to achieve compliance and stated that physical construction of infrastructure to comply is very costly and damaging to the environment. The decision was made that the method of compliance would be to seek a variance from the water quality standards. In February of 2021 they submitted the variance application and at the time of submission they knew that they would probably receive notification that they would be considered incomplete. In New York State there is a pre-existing variance for mercury for all wastewater treatment plants statewide. To ask for a variance would be new ground to be covered by the D.E.C. and there is a process and law that they are following. They knew the D.E.C. would have questions and they did not want to guess what those questions would be.

Mr. Golden interjected by stating that the same problem we are having with complying with the SPDES permit is the same problem many other municipalities have or will have in complying. D.E.C. knows this and when they look at Orange County's request for a variance, that are not just looking at us, they are considering it in a larger context as in how it will impact other municipalities. It is a bigger issue that requires in-depth analysis.

Mr. Tuohy asked if this is such an issue throughout the state, did he think it would hold up the process.

Mr. Golden commented that it has held up the process because they are looking at it in more detail.

Ms. Bianconi stated that Ms. Ledder took over 300 water quality samples which took a long time. They prepared and submitted a response to the Notice of Incomplete Application which has been received. They set up a virtual meeting with them to walk through the documentation because it is over 1,000 pages long. She wanted to prepare everyone because they might want additional information.

Mr. Golden commented that the D.E.C. needs to answer to the Environmental Protection Agency (EPA).

Ms. Ledder explained what the response stated. She stated that all across northeastern United States chloride has been increasing due to development. People build roads, they build parking lots, sidewalks, water softeners and things that people do for landscape. Her data supports all of that. The only issue that the D.E.C. will have is that the TDS is not one element, it is a mixture of anything dissolved in the water quality sample that comes through a filter. Chloride is definitely a major component.

There was a brief discussion on the Reverse Osmosis System and how the impact would be substantial in terms of the economic impact and there would be probably 27 tanker trucks traveling to a disposal facility for the discharge for the water from that river, the carbon emissions and the cost of it overall will have a larger impact than it might be resolving.

Ms. Bianconi explained that it is about balancing, there is no perfect solution. When water is treated, it will be clean in the end, but they are using chemicals and putting a lot of equipment into play.

Ms. Ledder stated that there is a requirement to contact the Orange County and Rockland County Health Departments and find out what their concerns are, such as wells.

Ms. Bianconi mentioned that the D.E.C. is aware that this is a high growth area, and they are a home rule state. Local land use decisions are in the hands of local officials. The Orange County Sewer District has authority over the sewer pipes, but things like land use decisions that control the locations are not up to Orange County, it is in the towns, villages and cities.

Mr. Amo stated that they need to think of a plan B. It might be the Reverse Osmosis System option.

Mr. Cheney asked for more clarification on the role that the D.E.C. and the E.P.A. play in the process.

Ms. Bianconi explained that any SPDES permit is issued when they are dealing with over 1 million gallons. When the draft permit is prepared, it is sent to the E.P.A. A variance is not automatically issued, you are required to reduce the amount of T.D.S and chloride in your water. The E.P.A. has monthly meetings with each D.E.C. region to review all the issues in the regions. They are aware of the issues because it is a pre-existing condition.

Mr. Cheney asked Ms. Bianconi what she thought the response will be from the D.E.C. and she responded that they think it will be another Notice of Incomplete Application.

Ms. Bianconi addressed the Facility Plan noting that there was a conference call a few weeks ago with staff and they plan to work on the modifications.

Mr. Tuohy asked if they could develop a new timeline going forward into the next year. He thanked everyone for all their hard work and they had done a great job.

Mr. Golden mentioned that the next step for the Legislature is to make a low threshold determination that it is ready to be put out to the public. It is not making a decision on the D.E.I.S., it is ready for the public and other government agencies to look at.

Chairwoman Bonelli asked what this meant regarding the different funding that is available.

Ms. Bianconi stated at a previous meeting they discussed listing the project on Clean Water State Revolving Fund Intended Use Plan for financing for Federal fiscal year 2024. The Federal fiscal year 2024 starts on October 1st. The Intended Use Plan (IUP) is offered in every state and each state who receives the money must divulge what they intend to do with the money. Orange County's project is considered Category B, and the project is well positioned. The state suggested that they participate in recurring phone calls with the funding agency so they can track along with them.

Mr. Tuohy commented that there were other sources of funding.

Ms. Bianconi explained that when they apply for the Clean Water State Revolving Fund, they are also applying at the same time for Bipartisan Infrastructure Law which is up to \$25 million in grants. At the same time apply for the Water Infrastructure Improvement Act funding which is up to \$5 million. They will end up doing Quality Improvement funding and will do a bunch at one time. They need to get through the County Law 5A process before they apply for any funding.

On the motion of Mr. Amo, seconded by Mr. Cheney, the meeting adjourned at 2:54 p.m.