

MEETING – COMMITTEE OF THE WHOLE

**At the request of Chairman Brescia, the Clerk of the Legislature called a Meeting being a Committee of the Whole for the purpose of the following: I. Presentation by Delaware Engineering-Facility Plan to Increase Wastewater Capacity of Orange County Sewer District No. 1 and Harriman Wastewater Treatment Plant Evaluation and Upgrade Options; II.a. Executive Session pursuant to Open Meetings Law Section 105(1)(d) Discussion and Update on Harriman Treatment Plant SPDES Permit Litigation; II.b. Attorney-Client Session for purposes of discussing legal issues concerning Orange County Sewer District No. 1.**

The Committee was called to order by Chairman Brescia at 2:00 p.m. with a moment of silence and the Pledge of Allegiance to the Flag.

On roll call, the following 14 Legislators were present: Bonelli, Paduch, Amo, Benton, Cheney, Faggione, Hines, Kulisek, O'Donnell, Sassi, Sierra, Tautel, Tuohy and Brescia; Other Legislators arrived at the following times; Stegenga and Vero at 2:06 p.m., Lujan and Ruskiewicz at 2:20 p.m., Anagnostakis, 3:10 p.m. and Minuta, 3:15 p.m.; Sutherland, absent.

The Clerk read the Notice of Meeting-Committee of the Whole of the Orange County Legislature. On motion the same was received and ordered placed on file.

Chairman Brescia turned the meeting over to Legislator Barry Cheney, Chairman of the Physical Services Committee.

Mr. Cheney stated that on September 23<sup>rd</sup>, the Physical Services Committee received a report from the Orange County Sewer District No. 1 (OCSD NO. 1) Advisory Committee, which was Chaired by Legislator Peter Tuohy. That has resulted in the meeting today so that all members of the Legislature can have the opportunity to understand the issues that are being faced with Orange County Sewer District No. 1. He asked Legislator Tuohy to explain the process.

Mr. Tuohy explained that the Orange County Sewer District No. 1 Advisory Committee was created by Resolution No. 61 of 2019 and tasked with making determinations relating to the increase and improvement of the Orange County Sewer District No. 1. Since March 2019 the committee and experts have met bi-monthly and reviewed the draft facility plan created by Delaware Engineering that contains an analysis and evaluation of several options for increasing the available capacity and improvements of the Harriman Wastewater Treatment Plant (WWTP). In addition to the regularly scheduled meetings, each municipality within the Harriman WWTP service area was notified when individual meetings took place in each community to update them on the committee's review and to understand the different methodology that is used when calculating the rate payer fees. The municipalities and committee were both appreciative of the outreach, however, it should not be taken as an endorsement at this time, as there is still very much to be considered as they move forward. The Harriman WWTP service area consists of the Villages of Harriman, Monroe, Kiryas Joel and portions of the Towns, Chester, Monroe, Woodbury and the Village of South Blooming Grove.

Mr. Cheney introduced Mary Beth Bianconi, Partner, Delaware Engineering. Ms. Bianconi worked closely with Orange County Sewer District No. 1 Advisory Committee and provided a power point presentation relative to the findings of the work (see original minutes).

Ms. Bianconi stated that Delaware Engineering was hired in 2014 by the county to evaluate increase and capacity of the Harriman WWTP from 6 million gallons per day (MGD) to 9 MGD. They worked on that for several years and suspended their work for a short time and now they are back looking at these issues again. The WWTP is in the Village of Harriman and owned by Orange County. It is a 6 MGD WWTP and she describes the water flow and the discharge into the Ramapo River. The WWTP is made up of three different facilities, two are aging rapidly and are passed their service life, the last one was built not that long ago and is in good condition. If the Harriman WWTP sustains service for a period of five, ten, twenty years, it requires investment to extend its useful life. Those investments include things like headworks, hydraulics, treatment efficiency, odor control, disinfection and computerized systems. There are some of the investments that must be considered if Harriman is going to stay in operation. The Harriman WWTP operates under a State Pollutant Discharge Elimination System (SPDES) permit. That is the governing document that describes how the water should be treated to discharge into the Ramapo River. The Ramapo River is a very small waterbody which began as a small pond in Monroe, travels through Harriman, through Tuxedo, Ramapo, Suffern and crosses into New Jersey. In the upper urban watershed, it is small which is important because the level of treatment that is required of a treatment plant is driven by the conditions in that waterbody and it is highly constrained. As a result, there is a draft SPDES permit that has been issued by the state that includes additional treatment parameters beyond those that exist in the existing permit. Those treatment parameters cannot be met by equipment that they have at the plant. In the last year, a study was done to evaluate what the cost would be to comply with these new standards. Two Major Factors to Consider - Regulatory; The standards that include treating Total Dissolved Solids (TDS) and chloride which is a group of things that come together in the water and are a drinking water consideration. This is a drinking water standard for the Ramapo River and if you go south of here you are in Rockland County and about 30% of Rockland County drinks water that is influenced by the Ramapo River. To treat the TDS and chloride, the capital cost would be around \$40 million for a 6 MGD plant and that is not too bad, but the operation and maintenance cost of the treatment would be \$16 million a year which is astounding. Capacity; The WWTP is a 6 MGD plant and with the population growth and economic activity happening in the county, it is creating additional sewer demands. During the wet years when we had a lot of rainfall, the wet weather influences the flow to the WWTP to the point where the plant periodically reaches 85% of its capacity and that triggers the need to plan for more capacity. There are many ways to add capacity to the WWTP. Numerous Options to Increase Sewer Treatment Capacity; They can upgrade the Harriman WWTP to add 3 MGD; they can maintain Harriman WWTP as a 6 MGD facility and divert a portion of existing flow to a new WWTP somewhere else. Somewhere else would be a waterbody that is in better shape than the Ramapo River. They see the Hudson River as an opportunity. They could abandon the Harriman WWTP and send it all to a treatment plant on the Hudson River. To maintain a facility at Harriman WWTP potentially with a lower flow and still send new flow to a new facility. There may be opportunities to cooperation with municipalities within the county. It is thirteen miles to the Hudson River so there are a lot of opportunity there. She reviewed the Capital and Operating Cost Estimates; The cost to conduct longevity improvements at 6 MGD at Harriman WWTP will be around \$25 million in capital cost. The chart (see original minutes) displays assumptions of borrowing and cost of operation, the annual cost to accomplish that is \$9.97 million. Costs to treat TDS at 6 MGD at Harriman WWTP is about \$40 million in capital cost and \$16 million in operation and maintenance which would be close to \$30 million per year and that is with no extra capacity. To expand the Harriman WWTP if TDS and chloride can be addressed in another manner, that is very cost effective. That would result in a 9 MGD plant with an annual cost of \$13.3 million. Costs to send and treat 5 MGD to a new WWTP on the Hudson River would be around \$145.9 million and there would be 5 MGD in annual cost of \$10.4 million. In the future, if they were to keep the Harriman WWTP at 6 MGD, take care of the improvements that are needed in order to do that and send 5 MGD to the Hudson River which would be a total of 11 MGD, the figure would be \$21.5 million a year for 11 MGD capacity, opposed to 6 MGD at Harriman WWTP and treating the chlorides at \$28.27 million a year. She addressed the importance of Timelines; Upgrades to the Harriman WWTP

can be broken down in a four-year timeline. The option to go to the Hudson River would take longer because there is thirteen miles of right-of-way and easements to consider, large amount of environmental impact, permits, land opposition which would make for an eight-year time line. She addressed the various Inputs to Decision-Making; Capacity, regulatory requirements, operating costs, timeline and capital costs all feed into achieving additional wastewater capacity. She reviewed the Findings to Date and the Next Steps. They need regulatory directives about treatment standards which will drive the costs and influence decision-making. They must engage with the NYSDEC and the USEPA and NYSDOH and others to determine regulatory status in order to be able to provide additional guidance regarding the most cost effective, sustainable method of achieving wastewater capacity for Orange County.

Mr. Sassi stated that with all the new growth and development in the area, whichever option we choose, will any of the cost be paid by those who connected to the OCSD NO. 1.

Ms. Bianconi explained that the county charges the users for the cost of treating the wastewater. There are additional costs in some of the communities to transport the wastewater to the treatment plant because those communities own the systems and there are costs associated with them. They need to address what is the fair share and distribution of these costs among all the users. She noted that the costs to treat the TDS at the Harriman WWTP is shocking.

Mr. Kulisek asked if the inflow and infiltration (I & I) has been taken into consideration.

Ms. Bianconi explained that the county has a very good approach and has been working on it for a period. Any solution going forward they will need to incorporate I & I controls. It's a long-term investment that brings great benefits.

Ms. Stegenga asked about the existing plan and if they were to increase it by 3 MGD, what is the capacity and can it handle all the future growth or is this going to be just a band-aid, rather than build something larger. There is a lot of development going on now but are we planning additional capacity.

Ms. Bianconi stated that the county is working on a metering project. This will give them a better understanding of I & I and where it is coming from. There were a few growth studies done and they used a target flow between 3 and 5 MGD a day as a twenty-year projection of additional capacity needed. The 3 million gallons would take them to a total of 9 million gallons for the county. That is the question, how much capacity and when because it becomes critical because what do you plan for but do not build and wait until the demand arrives.

Mr. O'Donnell questioned the figures that Ms. Bianconi mentioned earlier. To add 3 MGD our existing budget would stay the same at \$9.97 million, then how could they increase 50% under the same budget.

Ms. Bianconi explained that the capital cost to add 3 MGD to the Harriman WWTP is about \$52 million and that includes the longevity improvement.

Mr. O'Donnell asked specifically on the budget. He asked how the capacity can be increased by 50% and have the same budget figure.

Ms. Bianconi stated that the budget is \$13.31 million, and they took the \$3 million of annual debt, they added the new amount of \$0.34 million to the \$9.97 million to get \$13.31 million. That would be the new budget cost of operating the treatment plant.

Mr. O'Donnell confirmed that no additional personnel would be required.

Ms. Bianconi stated that was correct.

Mr. O'Donnell asked if they were to build a brand new 5 MGD facility, why did she not include the annual budget.

Ms. Bianconi explained that example presumes that the 5 MGD facility does not exist so there is no current annual budget for it. If you maintained 6 MGD at Harriman and you put together a 5 MGD plant you would add the \$11.1 million to the \$10.4 million which totals \$21.5 million dollars a year for 11 MGD of capacity.

Mr. O'Donnell asked how they could do 5 MDG for \$2 million, building new when it cost them almost \$10 million.

Ms. Bianconi explained that the cost that is built into the \$9.97 million includes operating and maintaining the collection system. The proposal for a new WWTP would have a trunk sewer which would require low maintenance. The \$2 million budget is to operate the 5 MGD WWTP which includes new people, new chemicals, power, etc.

Mr. O'Donnell asked if they looked at building new at Harriman and eliminating positions because there is a big difference between \$9.97 million and \$2 million.

Ms. Bianconi stated that if they were to eliminate the Harriman WWTP and build an 11 or 12 MGD facility on the Hudson River, they would carry the \$9.97 million over because someone still needs to operate and maintain the collection system, you need administration and equipment. The Hudson River cost does not include that because it would still exist in Harriman. The Hudson River option as a standalone with nothing associated with it, is not a future plan. You would have something with this facility, either in Harriman or you make that facility much larger.

Mr. O'Donnell did not think the numbers were right because the 3 MGD includes the \$9.97 million and that does not get put towards the 5 MGD.

Ms. Bianconi stated that they were make big assumptions and without regulatory guidance, they will not know the real costs.

Mr. Benton asked if they could build a new plant at Harriman. While something was being built, they could demolish part and phase in three sections.

Ms. Bianconi stated that one of the challenges in making an existing treatment plant, improving it or making it larger, you still need to maintain treatment on the site. There is a little bit of land where they can build new tanks but making it beyond a 9 MGD plant is very challenging.

Mr. Benton asked if she knew how wide the Kiryas Joel water pipelines right-of-way are and Ms. Bianconi responded she did not. Mr. Benton noted that he mentioned in the past that he thought that when they put the water line in to Kiryas Joel, they should put an adjacent pipeline out and up to Newburgh.

Mr. Sierra asked if there was a capacity of water that could be put into the Ramapo River now.

Ms. Bianconi responded that they are permitted to put 6 MG into the Ramapo now, when it rains a lot they put in more, when it does not rain too much, they are putting in less. One of the

issues with the Ramapo River, since it is so small, the way that it is regulated, it is considered a wastewater dominated watershed which means that the volume of water that is in the Ramapo is considered to be mostly wastewater. When the permit is put together there is no dilution factor considered so the water that comes out of the WWTP that discharges into the Ramapo River has to meet a drinking water standard and a standard to keep biology alive, like fish. That is the reason why the permit is so strict. If the imposition of TDS and chlorides at Harriman is so costly that the Orange County taxpayers cannot afford it, they need to look at an alternative. The alternative is to take the water and go to the Hudson River, but the question is, where does it leave the Ramapo. If the presumption is that the body of water at the Ramapo River is mostly from WWTPs and they remove a lot of that water, does that have negative affect on the watershed. That is a discussion to be had with the regulatory body.

Mr. Sierra commented that as long as they abide by the regulatory requisites for the SPDES permit, they can put as much water as they want in it.

Ms. Bianconi responded that they do not know, and they need to know that information.

On the motion of Mr. Tuohy, seconded by Mr. Vero, the Committee entered Executive Session at 2:40 p.m.

At 3:16 p.m. a motion to come out of Executive Session was made by Mr. Tuohy, seconded by Ms. Tautel. Motion Carried. All in favor.

Having no further business to entertain, Ms. Tautel made a motion to adjourn, seconded by Mr. Lujan. Motion carried. All in favor. The meeting adjourned at 3:16 p.m.