

WESTCHESTER COUNTY BOARD OF LEGISLATORS

COMMITTEE ON ENVIRONMENT & ENERGY

MINUTES: November 17, 2008

MEMBERS (E&E): Chair: Abinanti; Legislators: Harckham, Kaplowitz, Maisano, Myers, Nonna, Oros, Rogowsky

IN ATTENDANCE: STAFF: C. Crane, L. Goldstein, R. Pezzullo; GUESTS: Dep. Co. Exec. L. Schwartz, A. Neuman, S. Gerry, B. Randolph (CEO); County Att'y. C. Indelicato, K. Ramos (Law); Comm'r. R. Butler (WCDPW); Comm'r. T. Lauro, R. Funicello (WCDEF); Hon. Amy Paulin (NYS Assembly); Ass't. Comm'r. J. Tierney, S. Crisafulli, C. Webber (NYSDEC); R. Mayer (F&J); F. Kincheloe, R. Srinivasaraghava (Savin); M. Wallach (CCE); Hon. B. Burton, K. Jenkins, V. Pinto (WCBOL)

The meeting was called to order at 3:18 pm.

Item(s) Discussed: **Long Island Sound Nitrogen Removal**

Chair Abinanti commenced discussion of legislation to authorize a consent order with NYSDEC concerning the Long Island Sound (LIS) Total Maximum Daily Load (TMDL) and to fund nitrogen removal projects at wastewater treatment plants (WWTPs). Deputy County Executive Larry Schwartz then described the Administration's review of WWTP technology upgrades to meet the proposed consent order (PowerPoint presentation).

Chair Abinanti invited NYSDEC representatives to describe the agency's perspective on the proposed consent order. Leg. Maisano expressed his belief that all of Westchester County benefits from the Long Island Sound resource and that the financing of the WWTP upgrades could therefore be spread across the County.

Chair Abinanti asked NYSDEC whether financing of the projects is required as part of the Consent Order or only a commitment to finance. Mr. Tierney stated that equitable allocation was a priority in developing the Consent Order. As well, the December 31, 2008 consent order approval by the County must remain. If another provision for equitable allocation could be structured, other than the proposed bond act,

then this might satisfy the intent of the Consent Order. Mr. Crisafulli reiterated that the Consent Order requires a commitment by the County to achieve the WWTP upgrades. Chair Abinanti asked whether the design and construction of the upgrades could be separately financed (or in stages). Mr. Mayer stated that General Municipal Law Section 99-d limits the allowable timeline for issuing bonds to construct after issuance of bonds for design. These limitations conflict with the timeline in the Consent Order. Mr. Schwartz stated the Administration will be cautious and careful in its sale of bonds for the upgrades.

Chair Abinanti thanked attendees and indicated additional committee meeting(s) to review this subject. Chair Abinanti adjourned the meeting at approximately 5:20 pm. [audio recording of the meeting is on file]