

Westchester County Board Of Legislators
Septic Sub Committee
Meeting Minutes, April 17, 2008

Committee was called to order at 3:35pm.

In attendance:

Committee Members:

Subcommittee Chair, Hon. Peter Harckham, Hon. John Nonna, Hon. Michael Kaplowitz
Susan Gerry, Office of the County Executive

Gina D'Agrosa, Water Master, Westchester County

Leonard Meyerson, Westchester County Department of Health

Hon. Mary Beth Murphy, Supervisor, Town of Somers

Hon. Dan Welsh, Board member, Town of Lewisboro

Hon. Richard Lyman, Board member, Town of Pound Ridge

Roberta Wiernik, League of Women Voters Environment Committee

Ed Delaney, Bibbo Associates

BOL Staff: Chris Crane, Wendy Wild

Guests:

Rachel Neuhaus, Builders Association of the Hudson Valley

Ed Lashins,

Albert Annunziata, Building and Realty Institute, Westchester and Mid Hudson Region

Chairman Peter Harckham introduced the members of the newly formed committee and gave each an opportunity to describe their role and expectations.

Legislator John Nonna represents the 3rd District which has both septic and sewers.

Gina D'Agrosa, Westchester County Water Master, sees waste water and septic management as a great concern and seeks ways to constructively and cooperatively look at these complex issues.

Dan Welsh, Town Board, Lewisboro, expressed concern for water resources and protection for the town's many lakes and how to address septic issues utilizing emerging technologies.

Roberta Wiernik, Chair of the LWV Environment Committee, has participated in studies on sewage disposal and stormwater, and seeks to educate the BOL E&E Committee and advocate for the Board to implement proper county wide management.

Ed Delaney, Bibbo Associates, has been in the business of septic systems for over thirty five years, expressed concern that our region is behind in technology to address failures and sees the need to incorporate successful approaches to similar problems from the available “best practices”.

Legislator Michael Kaplowitz, District 4, urged cooperation and use of the best science available to address the range of issues.

Richard Lyman, Town Board, Pound Ridge, noted that Pound Ridge has taken many environmental initiatives as it protects its local water resources as they have no municipal water supply, relying on single site wells and septic systems.

Len Meyerson, Director for Environmental Health for the Westchester County Department of Health, urged consideration of alternative technology where practical, and also expressed concerned about the huge expense to correct any septic failures with the burden falling on the homeowner, and felt that NYS already had high standards in this area. He also discussed the current revision to the County Sanitary Code. A discussion about the “change of use provision” followed, noting that if a property changed hands, an engineer will evaluate the change of use to see if the flow increases, and if the septic system can handle any anticipated increase. If the current system is found suitable there is no need for any action.

Visitor Ed Lashins commented on the hardship posed by this change of use provision to commercial real estate, small rentals, and tenants.

The new language drafted by the Department of Health – in response to public comments of hardship - will be the subject of a Public hearing May 15th in Somers, New York. Chairman Harckham indicated that all committee members would receive an email with details about the hearing.

Gina D’Agrosa discussed the MS4 requirements and gave a history of Croton Watershed studies noting that there are currently 31 “Focus Areas” where concerns exist for potential waste water problems in the near future. She also discussed the difficulty of collecting reliable data about individual septic systems, to which Len Meyerson added the start of the new Septage collection reporting requirement.

Mary Beth Murphy, Town Supervisor, Somers and also chair of the Northern Westchester Watershed Committee, joined the meeting.

Ms D’Agrosa encouraged education as well as balanced approach which is fair to the homeowner. She also brought up the huge cost of sewerage and cited the example of Peach Lake which was granted 10 million from EOH (East of Hudson) money to handle only 500 homes. The annual cost to each homeowner, when all aid is added in, will still be roughly \$1200 annually. She stressed the need to look for alternatives.

When discussing the possibility of a voluntary septic inspection program, she raised the concerns of data gathering, reliability of reporting as well as enforcement, and the fact that this stage was only data collection as opposed to actual remediation.

Discussion followed about the feasibility of Westchester County being able to afford to subsidize repair costs in Westchester, and how could the County help those who are not included in the EOH region.

John Nonna mentioned that there is a proposed program for those already within a sewer district to get a maximum of \$300 reimbursement for a pump out. These are residents who pay a sewer tax as part of a sewer district but who do not have connection to the sewer and use septic systems. He also mentioned that this reimbursement provision has a 6 year sunset provision

Ed Delaney asked about looking at the “focus areas” to see if there are any alternate options, i.e., sewers or alternate treatment. He also noted that there is a real concern on the part of homeowners that they are reluctant to allow inspections which might result in huge cost to them due to mandated repairs.

Michael Kaplowitz inquired about the possibility of setting up a septic district for areas outside of sewer districts, including the requisite districting taxes and management. However, he cautioned that before considering any such idea, we need to know the benefits and costs to homeowners of such an approach. He stressed the need to define the problem carefully, and to consider the status of those “focus areas”, as well as those not in the targeted group.

Others discussed that here is a great deal of ground work to be laid to justify any proposed approach and Mary Beth Murphy stressed that we must take great care to include issues of private property.

Gina noted that the New MS4 regulations include septic inspection provisions- the formal name- Municipal Septic, Stormwater Sewer Systems. Pete Harckham noted that some town supervisors expressed a preference for a regional or County effort as opposed to a town by town approach, Gina D’Agrosa emphasized the growing understanding that many sources of water- unseen and seen are related. Richard Lyman raised the fact that Pound Ridge could not comply with MS4’s by virtue of the use of road sand.

Pete Harckham asked the group to think about what initiatives the Committee could undertake, what direction it can go beyond MS4. For example, he cited the hamlet of Katonah, facing a 30 million dollar cost to bring water filtration up to standards due to a lack of septic management.

Harckham emphasized that the purpose of this inaugural meeting was to define the task of the Committee and highlighted the importance of education, a holistic management approach, considerations of the technology options, the issue of funding, the use of

IMA's and what is the appropriate County role in all of this? How could BOL structure any proposed reimbursement to homeowners?

Discussion followed supporting a regional approach emphasizing the need for education and knowledge of practicable technological options available.

Michael Kaplowitz asked if an effort could be made to help the BOL learn about viable technologies or best practices, based on others experiences. Roberta Wiernik reiterated a real concern for public health if there is septic failure.

For the next meeting it was suggested that more information be presented about "best practices" and alternate technologies. The idea was mentioned about having a technology fair so all could learn about options for addressing these issues and a way of demonstrating to homeowners what is possible.

The group will meet again in May and an email will be sent to the members with information about the Board of Health Hearing on May 15th on Somers.

Wendy Wild