

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

Committee was called to order at 3:40pm.

In attendance:

Committee Members:

Subcommittee Chair, Hon. Peter Harckham,  
Hon. Michael Kaplowitz, Hon. John Nonna  
Gina D'Agrosa, Water Master, Westchester County  
Susan Gerry, Westchester County Executive's Office  
Leonard Meyerson, Westchester County Department of Health  
Hon. Dan Welsh, Board member, Town of Lewisboro  
Hon. Richard Lyman, Board member, Town of Pound Ridge  
Ed Delaney, Bibbo Associates  
Roberta Wiernik, LWV Environment Committee

Guests

William C. Harding, NYS Department of State- Exec. Dir.: Watershed Protection  
and Partnership Council,  
Ed Barnett, Putnam County Watershed Information Coordinator; Administrator,  
Putnam County Septic Repair Program,  
John Tully, Deputy County Executive, Putnam County  
Andrew Neuman, Westchester County Executive's Office

BOL Staff: Chris Crane, Wendy Wild

Chairman Harckham welcomed the group and asked that past minutes be reviewed early in the meeting, as well as setting a date for the next meeting in September, rather than August taking into account subcommittee members vacation plans.

The minutes of the April 17 meeting were approved following a motion by Ed Delaney and a second by Sue Gerry. The minutes of the June 12 meeting were approved following a motion by Dan Welsh and a second by Ed Delaney.

Peter Harckham announced that the County Health Department is holding a third hearing in response to earlier public comments to the proposed revisions to the Sanitary Code, this one to be held in the northern part of the County at Northern Westchester Hospital on July 28th. The electronic link to the hearing information will be sent to all members following the subcommittee meeting. Len Meyerson, indicated that the Department's proposed revisions are trying to be sensitive to

business concerns about reasonable requirements for change of use and are considering metered flows for existing facilities to aid in the process.

Gina D'Agrosa asked if the subcommittee could add Mike Meyer, from New York City DEP, as a member and all agreed this would be a good idea. It was noted that Bill Harding, NY Department of State was present at the meeting as a guest.

Peter Harckham opened discussion on the progress of the Septic Database, which, when complete, will become a resource which will allow for expanded comprehensive efforts. He reviewed the status of the Board budget item for \$60,000 dollars set aside in this year's budget for an educational mailing on Septics. As the procedures for the mailing were discussed in the group's initial meeting, it became clear that the first step needed to be development of a countywide septic data base for this and other uses. The Board's allocated funds for this program can be transferred to offset some of the cost of developing this essential data base when a proposal is ready for review. Harckham discussed that there is an internal procedure which can allow for this, and this will be discussed at a future meeting. Once such a data base becomes available, the targeted educational mailing proposed by the Board can be initiated.

Sue Gerry, who has been working on developing this proposal, continued discussion of the topic. She noted that since the enactment of the Hauler Licensing Law there is now a growing pool of data from reporting forms, which help to pinpoint problems. When the data are put into a more user friendly format as planned, the information will have much broader applicability and usefulness.

Since a large number of the County's roughly 40,000 septic systems are located in NWWC area and MS4 compliance will soon require implementation of a septic inspection program in these areas, the county will begin here with the ultimate goal to identify septic systems and generate a mailing list for educational programs and other uses.

In response to a question raised by Richard Lyman about whether the septic data base is limited to watershed communities, it was noted that the effort will cover an area larger than the watershed.

When discussing access to the data, Sue Gerry said information will not be on line for general access, but will be for defined users such as municipalities. Len Meyerson pointed out that historical septic data also includes well data and the DEP, and NYS DEC all share an interest in water quality so it is useful in a variety of ways.

Discussion followed about the time remaining to meet deadlines and comply with MS4 requirements. Bill Harding noted that municipalities have until the end of 2009 to implement a Septic Inspection program but noted that issues of enforcement and funding remain to be explored. Gina D'Agrosa mentioned that there are many contingencies in determining exact deadlines, and they are trying to clarify these.

Deputy County Executive for Putnam County, John Tully explained to the subcommittee that Putnam already has a county wide real property tax parcel database, so they can identify septic locations. The information in their database comes from voluntary inspections. Putnam County likes Westchester County's approach. In response to a question, Gina D'Agrosa noted that a tax parcel ID is a unique identifier and these will be part of Westchester County's coordinated data collection.

Peter Harckham noted that Ken Kosinki (NYS DEC) wants to see progress as opposed to reaching specific results at this time and the County BOI and Administration are committed to working with the towns in a timely way. He added that at the last meeting, the State DEC said that the County Health Department reporting protocol would satisfy the new MS4 requirement providing all systems were included. (See minutes of April 17)

In reference to the County Health Department's reporting program, it was explained that if the Health Department and industry work together there is no additional cost for staffing and the data base will show who did or did not have an inspection and that the haulers can do the job (versus a county staff that would take away business from the private sector and add to the tax levy).

Peter Harckham asked about the most cost effective way to administer the inspection program, and noted that regardless of what party conducts inspections questions of liability, definition of compliance, and enforcement still remain to be addressed.

Bill Harding said the State wants to ask those best equipped to deal with it as opposed to a top down solution. The State is looking to continue this dialogue to come up with the best plan without placing an undue burden on municipalities and taxpayers. He is looking for solutions that are both practical and cost effective, including considering what can reasonably be expected from a once in three year inspection.

Peter Harckham raised the concern about absentee Landlords and the difficulty of follow up and enforcement.

In reference to concerns about liability and enforcement as well as regional efforts to approach this task, Bill Harding reminded everyone that each municipality is its own MS4 and is thus responsible for compliance. An option for third party compliance activity is being developed in response to municipalities, and more information will become available as the subcommittee progresses.

Len Meyerson noted the need for development of a standard. Sue Gerry expressed interest in the county being part of a model ordinance so all municipalities are doing the same thing. Len noted that since the State is looking for a model to follow state wide, perhaps Westchester could provide that model.

Gina mentioned that a Regional Stormwater subcommittee of the NWWC applied for funding from the Department of State for a two phase project to look at MS4 requirements and determine which ones might best be done on a regional basis.

Peter Harckham said the committee looks forward to the results of this effort, which will include exploration of septic issues within its scope. He added that the participation of Somers Supervisor and NWWC Chair Mary Beth Murphy will be important in coordinating the effort. Somers will be the lead municipality as funding can only go to a single government entity.

Discussion followed regarding methods to deliver financing for remediation efforts, and legislator John Nonna asked whether these might include an IMA, public benefit corporation or public authority.

Peter referred to a study that had been done by another regional group, the Long Island Sound Watershed Intermunicipal Council (LISWIC), exploring questions similar to those of this subcommittee. Wendy was asked to send the internet link for this information to the group <http://www.liswic.org>.

Ed Barnett discussed his experience as part of the Catskill Watershed, which received money from the NYC DEC.

Since funding is a key consideration in any effort perhaps an approach might be region wide (i.e. larger than the county) including NYC, Westchester Putnam and Dutchess as all have ties to the NYC Water supply.

The NYC DEC is looking at this and must take care of the most troublesome water areas. Ed Barnett suggested that perhaps a Regional Stormwater Entity like the Catskills have might yield a regional compliance.

Bill Harding encourages a regional approach but the State does not lay out the method to accomplish this. Perhaps it will require legislation at a state or local level to do this-a consortium approach or an IMA would allow for a lead

municipality. For example, the NWWC revised its draft IMA language to have the town of Somers as the government entity to be the lead, and receive funding for this effort which benefits all members.

Peter Harckham raised the important issue of developing a finance package for homeowners who face repairs. This might apply to homeowners on fixed or low incomes, or a broader group. He raised possibilities such as floating a bond for low interest financing, and stressed that the availability of financial aid is critical because homeowner will be hesitant to inspect due to fear of finding an enormously expensive problem.

Sue Gerry pointed out that non dedicated East of Hudson money would not support sufficiently a septic repair initiative, so it is wise to look at setting up a regional entity to self fund, and for example, offer a low interest loan program. Putnam County is discussing this as well, and suggested that a vehicle for regionally funded efforts may involve depositing funds in a local bank where it is managed by them in accordance with guidelines to be determined. Ed Barnett emphasized that the goal of all of these efforts is to correct situations in need of remediation, so a source of money for repairs is important. It is critical that programs permit application for such funds by individual homeowners.

The discussion of local MS4 mandates versus a county responsibility is not clear-cut; there are many players, boundaries and legal responsibilities which complicate the ability for a simple septic inspection solution.

Dan Welsh asked whether NYSERDA's mission to support energy conservation might be a model for an effort to inspire private sector effort in the area of septics.

Bill Harding said he plans to come to the subcommittee's next meeting and appreciates the partnership it represents. Peter Harckham remarked that this cooperative undertaking is working and is a fruitful effort toward resolving this complex set of issues before us.

Peter Harckham asked if there were any comments prior to adjourning the meeting. Roberta Wiernik noted that the past minutes did not include discussion of the Board of Legislators budget item set aside for a septic education program. She requested that they be modified to reflect the group's support for possibly allocating the Boards Septic Education funding toward development of the septic data base project, beginning to take shape in the CEO after which it will be possible to do targeted educational mailings

Peter noted that the next meeting would include a discussion of the proposed data base project, and how this can assist towns in compliance, as well as the related issue of financing.

The next meeting will be September 18, 2008 at 3:30pm.

Adjourned at 4:30PM

Respectfully submitted by Wendy Wild