

Westchester County Board Of Legislators
Committee on Environment & Energy
Septic Subcommittee
Meeting Minutes, July 9 2009

In attendance:

Committee Members:

Subcommittee Chair: Hon. Peter B. Harckham

Ed Barnett, Putnam County Watershed Information Coordinator; Administrator, Putnam County Ed Barnett

Gina D'Agrosa, Water Master, Westchester County

Ed Delaney, Bibbo Associates

William Harding, NYS Department of State: Executive Director, Watershed Protection and Partnership Council

Michael Meyer, Bureau of Water Supply NYCDEP

Leonard Meyerson, Westchester County Department of Health

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

Hon. Dan Welsh, Board Member, Town of Lewisboro

Guests & Visitors:

Natalia Baage, Bedford Record Review

Bob Eichinger, Green Septic Solutions, Amenia, NY

Maureen Eckman, Building Department, Town of North Salem

Jerry Faiella, Administrator, Town of New Castle

Guy Gagne, Town of Somers, Engineer

Vincent Giorgio, NYCDEP

BOL Staff: Chris Crane, Wendy Wild

Chair Peter Harckham called the meeting to order at 3:40 P.M. Legislator John Nonna joined the meeting by conference call, and minutes for the May 28th meeting were approved.

The agenda item: Shared Services Grant was addressed by Bill Harding who indicated that funding will be available for Shared Services and Local Government Efficiency Grants from the NYS Department of State, and he will get the information to members shortly.

Peter Harckham brought up the Septic Database/NYSDEC grant application, and said he had contacted Ken Kosinski for an update, and also noted that Sue Gerry, who has been coordinating this process, is expected at the next meeting following her maternity leave.

Chairman Harckham then moved to agenda item "Revolving Loan Fund". Ed Barnett said that he is waiting for an update. In response to a question about the fund and NYS EFC (Environmental Facilities Corp.), it was explained that it will work with local banks and governments to allow citizens or organizations to apply for funds related to water quality projects. It was noted that DEC is continuing to accept Water Quality Grant applications. Safe Drinking Water funding applies to municipalities within the East of Hudson and Croton Watershed areas. In response to a question about these funds it was clarified that these are grants (not loans) which require a match and matches can be in-kind, for example, County staff.

New Business: Revision of Requirements to Leave a Sewer District. This item was added as a result of a discussion between County Health Commissioner, Dr Lipsman and County Legislator Martin Rogowsky, regarding a constituent request to leave a sewer district. Restrictions on this process are unclear and confusing to DOH staff and to homeowners. Chair Harckham agreed to consider this as part of the Septic subcommittee's work.

Legislator Nonna, who also has constituents with this challenge (they pay taxes to their sewer district and therefore are eligible to apply for pump out reimbursement under the new County program), explained that there is a process to request removal from a sewer district. Such homeowner makes application to the town, and if approved, the Town then passes a resolution, which goes to the Board of Legislators, (Government

Operations Committee), then to the Administration and on to the County Department of Health which makes the final determination. There are 2 key criteria, either proximity to a sewer hook up or size of the parcel. The subcommittee can look at this process, and the criteria, with the understanding that the DOH believes that a sewer hook up is usually the preferred public health option.

Len Meyerson said that the department is currently reviewing the criteria. Peter Harckham said this would be discussed at the next meeting

The meeting then focused on the main agenda item, discussion of the most recent draft of the proposed model septic legislation, as Peter Harckham had received feedback from the DEC, DOS and some town attorneys.

Bill Harding spoke on behalf of the State and recapped that The DEC has said that a waiver is not acceptable for this first round, and DEC realizes that there are many reasons for need of relief. Some center on the time allowed for an inspection to comply with the local law, including pending plans to offer sewer hookup or a physical constraint i.e. locating the system (a new homeowner may not know where the septic is located on the property. or may have difficulty getting to it) and there may be a need to give them more time to comply.

It will be up to each municipality to decide who will be the appeal authority for this process. Discussion followed about the criteria to grant variances, and Peter Harckham reminded everyone that each town would have to get DEC sign-off on their criteria as part of their MS-4 submission. Whether to grant a time extension, for example not to exceed 30 or 45 days, would probably be acceptable to DEC. The main issue is that DEC does not want anyone to escape the required pumpout, found in the MS-4 so that all systems are pumped/inspected and that a baseline of data can be collected.

In response to this discussion, Peter said that the group had already decided to develop a model narrative to aid in preparation and that it can include this subject. Additionally, an appendix of relevant statutes or references will be attached.

Once a complete proposed package is assembled, it will need to be presented to all supervisors, managers and administrators.

Draft #7 of the proposed local law was approved by the Subcommittee.

The revisions resulting from discussion among committee members will be circulated following the meeting.

Chairman Harckham thanked everyone for the collaborative, productive efforts, and noted that the past 18 months have produced a lot of good work.

The next meeting will be on Thursday, September 10th, at 3:30 P.M.

The meeting adjourned at 4:45pm.

Respectfully submitted by Wendy Wild