

Westchester County Board Of Legislators  
Committee on Environment & Energy  
Septic Subcommittee  
Meeting Minutes, September 10., 2009

In attendance:

Committee Members:

Subcommittee Chair: Hon. Peter B. Harckham; Hon. John Nonna

Ed Barnett,

Ed Delaney, Bibbo Associates

Gina D'Agrosa, Water Master, Westchester County

Sue Gerry, Office of the County Executive

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

Roberta Wiernik, League of Women Voters Environment Committee

Guests & Visitors:

Vincent Giorgio, NYCDEP

Jeff Osterman, Town of Bedford

Bruce Thompson, Building Inspector, Town of North Salem

BOL Staff: Chris Crane, Wendy Wild

Chair Peter Harckham called the meeting to order at 3:37 P.M., and minutes for the July 9<sup>th</sup> meeting were approved.

Sue Gerry provided an update on the Septic Database project. An RFP has been issued for the scanning work, which is anticipated in early 2010, and town mapping is almost complete, with numbers being reconciled for consistency. In addition the Planning Department has submitted a request for a shared services grant from the NYS Department of State, using the County as the required matching contribution, and through the use of these two grants (if recent application is successful) the septic data base project will be funded at a level needed to continue. The BOL is expected to pass a resolution in support of the grant application, and many towns have already done so. (note on 9/21/09 the following resolution was passed: *RESOLUTION 165-2009: Resolution supporting an application be made by the County of Westchester, acting by and through its Department of Health, for a General Efficiency Planning Grant provided through the State of New York Department of State's Local Government Efficiency Program for funds in an amount not to exceed \$400,000 to finance the costs of developing a County-wide septic system database*).

In response to the discussion about shared services approaches to the NWWC MS-4 Stormwater study, subcommittee chair Peter Harckham informed the members that the process for facilitating the NWWC shared services grant, managed for the towns by the Town of Somers, had been approved- with the Board approving use of the East of Hudson money as a loan to the Town of Somers, with repayment when the state grant funds were received upon completion of the project.

The next agenda item discussed was the MS4 Model Septic Ordinance Narrative, a written addition proposed to aid municipalities in the application process. A draft# 1 of the MS-4 Septic Requirement Shared Services Approach (intended for inclusion in the SPDES Permit reporting) was distributed for review and comment.

Mike Meyer suggested that our guidance document include a copy of the County Inspection Form.

A question was raised about the narrative language regarding the inspection time cycle since the current permit has a three year period and the next permit is expected to have a 5 year period. The draft narrative will reflect that. Many suggestions were made for helpful information to be included in a comprehensive model packet including a cover letter, a guidance resource with contact information, a historical summary of the state and county actions, and the process of cooperative development of this document, to aid municipalities in this task.

At the next meeting, a draft reflecting today's discussion will be reviewed by the group.

With regard to concern about flexibility, Peter reiterated that DEC has said no waivers will be permitted but adjustments in time are possible.

The group discussed how this draft publication might be presented to member towns and it was agreed that the model ordinance will be presented as having the approval of NYS DEC, to aid the towns in understanding this and the narrative will go with the model law along with a cover letter, essentially presenting the subcommittee's work as a resource to the towns. Towns will need to understand that the model document language meets the DEC requirements, and that any contemplated deviations need review by legal counsel and DEC to be certain compliance is not compromised.

Discussion followed about ongoing concern that there was need for flexibility on the part of DEC with regard to circumstances where sewers were anticipated in the near term.

Peter Harckham asked that the departments working together on the data base project meet with the towns as part of the process of developing data fields, to get feedback

The final agenda item, regarding standards for septic parcels and sewer districts was addressed by Len Myerson, who gave an overview of the County Public Health perspective in that it is standard public health policy that sewers are the preferred option for residential waste treatment as a protection for the public health and environment.

In the county there are small areas that are in sewer districts, but still use septic systems and the Department set standards for the process of leaving a sewer district in this case.

The County Department of Health determined that properties within 100 feet of the sewer district, or on parcels of less than an acre (40,000 square feet or less) were to be encouraged to hook up to the available sewer system, with those outside these standards, able to remain on septic and apply to leave the district. This prompted questions regarding the benefits to homeowners on septics, required to pay district sewer taxes, and the county health perspective is that small parcels on sewers place less of a burden on the land, and that sewers improve resale value. Chair Peter Harckham said the subcommittee would look at the issue of septics in sewer districts going forward. This issue is under review now by the County Department of Health. Sue Gerry noted that the County priority is "sewering" and the County needs to consider the feasibility of requests to leave sewer districts.

Len Myerson will send a copy of the sewer district modification process.

The next meeting will be on Wednesday, October 14th, at 3:30 P.M.

The meeting adjourned at 4:55 P.M.

Respectfully submitted by Wendy Wild