

**Oneida County Sewer District
Sewer Abatement and Permit Compliance Project**

Steering Committee Meeting
January 31, 2008
New York Mills Senior Community Center

Committee Members in Attendance

Village of Clayville

Nancy Sheppard – Chief Elected Official
Delegate to be announced

Town of Deerfield

Scott Mahardy – Chief Elected Official
Delegate to be announced

Village of Holland Patent

Peter Gaike – Community Delegate
David Wilcox –Designee

Town of Marcy

Carson Sorrell – Community Delegate

Town of New Hartford

Roger Cleveland – Designee
Christine Krupa – Alternate Community Delegate

Village of New Hartford

Donald Ryan – Chief Elected Official
Terence Coughlin – Community Delegate

Village of New York Mills

Robert Maciol – Chief Elected Official
Michael Bailey – Community Delegate
Joseph Urban – Designee

Village of Oriskany

Donald Rothdiener –Chief Elected Official

Town of Paris

Felix Cardillo – Chief Elected Official
Delegate to be announced

Town of Schuyler

Ken Dodge – Chief Elected Official
Delegate to be announced

City of Utica

Michael Mahoney – Designee
Deb Day – Designee
Delegate to be determined

Village of Whitesboro

Richard Pugh – Chief Elected Official
Joseph Lazenby – Community Delegate

Town of Whitestown

Charles Gibbs – Chief Elected Official
Bill Schmitt – Community Delegate

Village of Yorkville

Anthony Leone, Jr. – Designee
Delegate to be determined

Oneida County

Harvey Yando – At-large community delegate

Oneida County Sewer District Project Team in Attendance

Steven P. Devan, P.E.,
Commissioner, Oneida County Dept. of Water Quality and Water Pollution Control

Karl E. Schrantz, P.E.,
Managing Engineer
Shumaker Consulting Engineering and Land Surveying, P.C.

Nancy Pattarini, CEO
Paige Marketing Communications Group

Richard Barrett, Director of Public Relations
Paige Marketing Communications Group

Introduction

Facilitator Pattarini welcomed new and returning Steering Committee members. In her opening remarks, she reiterated the role and responsibility of the committee, which is to provide strategic oversight and advise on reports and information developed by the Oneida County Sewer District and project consulting team. Also discussed structure and composition in terms of responsibilities for maintaining meeting attendance. An elected

official or designee from each member municipality plus that municipality's community delegate will be expected to attend each meeting.

The two at-large delegates appointed by the County Executive were introduced.

Pattarini added that the project is different in comparison to other projects because it is being executed under the auspices of a Consent Order, which has specific legal requirements.

Due to the number and complexity of issues, the Steering Committee's assistance is critical in keeping project moving forward. Members will need to be liaisons to the community in addition to providing project oversight.

Project Status Update/Summary

In the past six months, the county has been diligently working on the 12 major tasks in the Consent Order. Everything that had a deadline within the first six months of the Consent Order's issuance has been submitted to the New York State Department of Environmental Conservation (DEC) on time. DEC has acknowledged receipt of submittals, which appear to be acceptable, and is pleased they were submitted according to established deadlines. Commissioner Devan feels the County is in good shape in terms of the documents meeting with the DEC's approval.

Devan continued with an update on the Environmentally Beneficial Project (EBP) that was undertaken as an option under the penalty portion of the Consent Order, which reduced the monetary fine imposed on the County by \$30,000. It is a cooperative effort involving the Town of Whitestown, Town of New Hartford, BOCES, NYSDOT, and DEC. The project involves creating a new parking area for the Rayhill Trail Head. The purpose of the project is to provide a safe and sufficient parking facility for recreational users. The target completion date is the summer of 2008, which Devan is confident can be met.

- The I/I Offset Plan was submitted in early January and is under DEC review.
- The Flow Management Plan, Wet Weather Operating Plan, and Wastewater Treatment Plant Capacity Assessment were submitted in early December.
- The Inter-municipal Sewer Overflow Response Plan (SORP) was submitted in October and the County has just received comments back from the DEC, which Devan said were not substantial.
- The Interim Remedial Measures Study and Interim I/I Reduction Plan were submitted in early January.
- Inter-municipal agreements and legal instruments are still a work in progress. There will be some minor modifications and/or clarifications to the county sewer use ordinance regarding the County's authority to take necessary actions with regard to Consent Order compliance. A proposal has been submitted by Oneida County to DEC and comments have been exchanged back and forth. When DEC

is satisfied, the County will undertake procedures to amend the sewer use ordinance.

Devan said proposed changes to the county sewer ordinance are more of a clarification than a modification; the ordinance always gave the County the authority to do what was needed under this project. This revised ordinance will make clear the County's responsibilities and authorities.

The DEC is issuing a letter extending the date of completion of this task by 150 days. Devan said this is recognition of mandatory time frames associated with sewer ordinance modifications.

The process of amending the County sewer use ordinance will include the opportunity for public comment as well as a mandatory 45-day EPA review period.

- A Draft Flow Monitoring Plan has been submitted to DEC as part of the overall Plan of Study. The Flow Monitoring Plan is the next big piece of work that will be undertaken and will begin with the installation of flow monitors in the interceptor system in mid-February. The reason for the timing is to have monitoring equipment in place in time for wet weather and snow melt in order to capture reliable data on how the system will react to excess infiltration and inflow (I/I). This data will go into the three-year plan of study, which is due July 11, 2010.

The ultimate Consent Order compliance date for elimination of the wet weather overflows from the Sauquoit Creek Pumping Station is October 31, 2014.

Questions and Comments from Steering Committee

Flow Monitoring

Richard Pugh asked what the county is doing to ensure that its interceptor sewer system is tight and leak proof. Commissioner Devan explained that a flow monitoring program will be initiated shortly that will include the installation of flow meters at strategic locations on both the municipal and sewer district sewers. He said he anticipates two rounds of flow monitoring: one to provide data that will tell them where the flows are coming from and another to target areas of high flow that have been identified by the first round of metering to pinpoint specific problems that require attention. Weather can be a factor and it is hoped that temperatures remain fairly normal for this time of year so that workable data can be obtained.

Devan mentioned that he believes DEC has recognized the magnitude of this problem and that it is not unique to Oneida County. A new bureau of Clean and Safe Water Infrastructure Funding Initiative has been created by Gov. Spitzer and long-time Division of Water director Sandy Allen will head up that bureau.

Rough estimates of infrastructure improvement costs range from \$60 and \$80 billion over the next 10-15 years in New York State alone. DEC realizes that the federal government is backing away from funding these infrastructure repairs, forcing our communities to bear the burden of these costs. DEC realizes it has to become a partner in these efforts.

Karl Schrantz added that it is critical to get the Flow Monitoring Plan moving as quickly as possible. It will involve the installation of 50 flow meters in various locations within the system. He emphasized that although the Consent Order targets the Sauquoit Creek Pumping Station area, the sewer issues are not limited to that area alone. He also noted the sanitary sewer issues that the local communities are facing are fairly common in aging systems.

The purpose of the monitoring is to get a good balance of the water that is hitting the Sauquoit Creek Pumping Station, the wastewater plant and Utica's major combined sewer overflows (CSOs). It is hard to track this whole program in a vacuum, which is why a more holistic view is needed with respect to what is happening system-wide with the flows.

Inspections

Schrantz added that physical inspections will also be conducted to complement the data collected by flow meters. Some of these inspections will be conducted at night since that is the time most people are sleeping and when sanitary sewage flow should be minimal. In areas where a large amount of clear flow is seen during these late night inspections, inspectors will then need to look further up into the system to further pinpoint problem areas. Residents will be notified of these inspections through announcements and materials produced and distributed by the public information team.

Steering Committee members were advised by Facilitator Pattarini that the Public Information team will prepare materials and the engineering consultants will be available to meet and work with a municipality's planning board and code enforcement officers early on in the inspection process. Committee members can facilitate that process by being a part of early discussions about these inspections. Commissioner Devan and Karl Schrantz are available to meet with planning boards and code officers, as well as highway superintendents and sewer operators, either in large or small groups, and asked that members pass that offer along to their elected officials, boards and other community groups.

Carson Sorrell asked how long the first round of monitoring will take, whether sampling to determine dilution or concentration will take place and whether there is historical data available for comparison to data that will be collected. Schrantz replied that the duration is six months, no sampling will be done and the historical data they have dates back to the 1980s.

Public Information

Pattarini distributed a draft article prepared for newsletters and web sites that explains the problem and discusses possible solutions. The article can be made available electronically or as a printed newsletter insert to any municipality upon request. A Public Information Needs Survey was also distributed to obtain members' preferences for receiving public information materials and identifying contacts. Small community forums and one-on-one meetings can also be arranged upon request.

Infiltration/Inflow Offset Plan

Karl Schrantz led discussion on the rollout of the Infiltration/Inflow Offset Plan, a summary of the actual plan that was submitted to the DEC and a first attempt at how the plan might be implemented. He explained that a strict moratorium on development within the Sauquoit Creek Pumping Station service area would have been disastrous to the local economy and that the terms of the Consent Order as negotiated by the County allow for some development to occur under an offset program that takes non-sanitary sewage flow out of the system. The DEC is not directly concerned about specifics of implementation as much as it is about ensuring a 5:1 offset that the County could administer. Implementation is being left up to the County in coordination with the affected communities.

Schrantz underscored the need for all communities to work together on the plan rollout strategy. One role of the Steering Committee is to provide feedback on how the plan will function within the members' respective communities. The front line will be planning boards and code enforcement officers because any new development that might take place in a municipality begins there.

Developers need to know about the program and will be required to participate. There are essentially three options within the program for developers to comply with the plan requirements:

- purchase available flow credits
- undertake an I/I removal project to generate flow credits
- fund a project that will remove I/I

Discussion followed on flow credits and under what circumstances they are required, how they might be obtained and utilized. A number of scenarios were presented and discussed, and the committee will be reviewing the plan's proposed methods and structure in future meetings.

Since the Consent Order mandates that no new connections can be made without offsets being in place, the consequences for non-compliance are significant. Members were again reminded of the importance of working together toward finding solutions that are feasible.

The County's role in this process will be limited to an administrative and advisory role, and it will not dictate how a community's planning process should function with respect to the review of development and I/I projects. The municipalities will control that and the county will provide technical assistance and guidance.

Flow credits will be needed by developers that want to build. It is important that these credits not become commodities that are traded and some protective language was included in the plan to prevent that from happening.

There was some misinterpretation of the language related to excess credits and where they would be banked. The project consulting team will review that language to determine if further clarification is needed. The intent is for excess credits generated by projects undertaken by developers to go into a County flow credit account.

Scott Mahardy raised a point about sign-offs on building permits and who has the final authority. Commissioner Devan stated that until the County reviews the application and ensures that necessary credits are established, no building can take place by the applicant or municipality. The county must be involved in the process from the beginning. There is a list of identified I/I removal projects that was submitted to DEC as part of the Interim I/I Reduction plan. However, the list won't be made available until review comments have been received from DEC so as to avoid starting projects that may be eliminated or disqualified.

The effective date of the offset program began when the Consent Order was issued last July, so these offset requirements are in effect right now.

The purchase price of credits was raised. A uniform price (adjusted as necessary) will be established by the County. There is currently no set value applied to a credit. Credits will not be available for use until an I/I removal project is completed. They can be identified so development projects can move ahead through planning boards.

Carson Sorrell asked who will make the determination on what flow credits should be available for a project that isn't identified and for which there is no data to substantiate, and who will verify that. Schrantz said it will have to be verified by an engineer beforehand, through an investigation or evaluation. If it is not part of the current Interim I/I Reduction Plan, the DEC would have to be consulted and sign off on a project.

Schrantz said the Interim I/I Reduction Plan and the Offset Plan will not eliminate the problem at Sauquoit Creek Pump Station, but is rather an interim measure to allow development to continue while the larger study of the sewer system is undertaken to identify capital projects that will be required to eliminate the overflows at the Sauquoit Creek Pumping Station.

A developer can earn credits with small private property projects that a municipality can't undertake. It was noted that in many older communities across the country, it is not uncommon for more than 50% of I/I to come from private property, which includes sump

pumps, foundation drains, roof leaders and faulty laterals. Developers may want to consider these types of projects in order to earn credits that will allow them to build their own projects.

The problem of illegal hookup is bigger than most people realize. Dealing with private property issues and inspections for illegal hookups will become a topic of further discussion at future meetings. The legalities will have to be explored by municipal legal counsel.

Sorrell said taxpayers need an alternative location to discharge sump pumps an roof leaders and mentioned that a storm sewer system might be an option. Commissioner Devan agreed that if the problem of illegal hookups is as big as everyone thinks, this may become as much of a storm sewer installation project as it is a sanitary sewer fix. The excess water needs some place to go.

Incentives for financing work on private property were mentioned, such as low interest loans, grants or including the cost on property tax bills that can be paid over a period of time. The committee will be asked to brainstorm on possible options.

The planning board review and State Environmental Quality Review (SEQR) process is the best place to start implementation of the Offset Plan requirements. The difficulty is with individual sewer connections that don't require planning board approvals.

Towns and villages should make the determination about which development projects should be undertaken, not the county. The language in the Offset Plan needs to be reviewed and a differentiation made between the County's and the municipalities' responsibilities. The county decides what the development projects will require in flow credits while the municipalities decide the merits of the development projects based on the amount of credits needed.

The possibility of treatment plant expansion was again raised and Commissioner Devan said it could be an option, although he doesn't view that as the best possible solution. Adding more diluted water to the treatment plant isn't the best option because it's hard to treat. The topic of treatment plant expansion will be discussed in future meetings.

Meeting Recap/Future Topics of Discussion

- Clarification of where excess credits go
- Legal issues regarding private property and authority
- Homeowners incentives and a funding initiative
- Distinction on who makes judgments on merits of a development project

Next meeting: 2/28/08 at 5:30 p.m. Location to be confirmed in a follow up mailing.

