

Albany Pool Communities and Interested Parties

Meeting Regarding Phase I Long Term Control Plan (LTCP)
for Combined Sewer Overflows (CSO's).

Hosted by Capital District Regional Planning Commission
5 Computer Drive West, 2nd Floor
Albany, New York 12205
October 30, 2003

Synopsis

This meeting was called to discuss a preferred strategy for development of a LTCP for the Albany Pool Communities' CSO's. The NYS Environmental Protection Fund has set aside up to \$2 million from the previous year's fund for the development of a LTCP for the Hudson River Estuary. The Albany Pool communities are eligible to apply for these funds, which will require a local financial and in-kind match of 50% of the cost of the project. State and federal funds may not be used for the local matching funds and the deadline for responding to the RFP is December 31, 2003.

Rocco Ferraro, CDRPC Executive Director, welcomed the attendees and clarified that attending the meeting was not considered a commitment to the LTCP process. He went on to outline the three basic options facing the communities.

1- Do Nothing

However, the funding is currently available and may not be available in the future. Additionally, EPA's track record indicates that if communities do not address CSO issues on their own, enforcement actions do get applied.

2- Each Community replies to the RFP separately.

A feasible, though less cost effective alternative.

3- Regional response to the RFP.

The most cost-effective alternative. CDRPC is willing to play a role in both the application and LTCP processes. CDRPC commissioners have expressed support for the regional approach and CDRPC involvement.

Dan Lowenstein of Malcolm-Pirnie defined combined sewer systems (CSS's) as sewer systems that collect wastewater and stormwater into one system. CSO's are points where the combined system releases untreated water when the capacity of the pipe is exceeded during wet weather.

Mr. Lowenstein indicated that CSO's are currently being eliminated under EPA requirements due to contaminants impacting water quality, the environment, aesthetics, and human health. In 1994 the EPA adopted a CSO policy and communities began to move to mitigate CSO impacts. Until 2000, when the Clean Water Act (CWA) was

amended, the Albany Pool communities had no regulatory driver and did not address the issue other than applying Best Management Practices (BMP's). The 2000 amendment to the CWA makes all organizations with CSO's subject to third-party lawsuits under the CWA. The CSO regulations cover the following. They

- prohibit dry weather overflows,
- specify that impacts to the environment must be minimized,
- require the creation and implementation of a LTCP
- require public involvement in the process,
- and permit a phased approach to addressing CSO issues.

Mr. Lowenstein explained that DEC regulations require CSO organizations to follow BMP's. However, if water quality standards are not met using BMP's, additional control measures are required. Those additional control measures are defined in the LTCP.

Mr. Lowenstein gave a brief overview of the water quality of the Hudson River in the vicinity of the Albany Pool communities. He showed that the limited data available show that fecal coliform, overall coliform, and e-coli frequently and significantly exceed the acceptable limits for the Hudson's Class C classification. Additionally, in storm events, CSO wastewater can make up 4-30% of the river's volume.

Mr. Lowenstein covered alternative methods for distributing the costs associated with developing an inter-municipal LTCP.

- Apportionment based on the number of CSO locations.
 - However, different CSO's have different sizes and volumes.
- Based on the volume of wastewater from the CSO's
 - Unfortunately, this data will only be collected during the LTCP process.
 - Additionally, some smaller communities have larger catchment areas outside of their municipal boundaries.
- Based on the contaminant load of the wastewater.
 - Again, this data will only become available as part of the LTCP.
- Based on the population of the communities.
 - May not be a fair representation of who is contributing most to river contamination.

Essentially, there is no perfect way to apportion the costs and an agreement must be reached.

Dan Durfee of CDM gave an overview of the LTCP process. There are five elements.

- 1-Document the current BMP's.
- 2-Develop a Public Participation plan which must continue from 6 months into the process through the LTCP implementation.
- 3-Characterize the Combined Sewer System (CSS) by monitoring and modeling it.
- 4-Develop CSO control alternatives by identifying and costing-out the options.
- 5-Schedule the implementation of the LTCP with the cost laid out over a period that is both effective and affordable for the communities.

Rocco Ferraro addressed the next steps for the group. He made four points.

- CDRPC needs commitment from the communities in order for the Commission to participate.
- If the commitment is there, CDRPC will lead the Phase I program for the Albany Pool.
- The CSO's represent a problem that must be resolved.
- CDRPC is willing to coordinate the efforts to make the process as cost effective as possible. A regional effort has been identified as the most cost effective starting point.

Mr. Ferraro reiterated that attendance at the meeting did not constitute commitment to the process and opened the floor to questions and discussions.

The ensuing discussions clarified the cost of the local match and whether in-kind services could be used. The local match is 50% of the cost (up to \$2 million if the full grant is secured) and in-kind services may be used. However, there was an opinion presented that in-kind contributions will not likely make up a large share of the match. On the other hand, the consultants did say that municipal employees could be used for a significant portion of the monitoring legwork.

The discussions also clarified the definition of the Albany Pool communities. They are as follows:

- Albany City
- Rensselaer City
- Watervliet City
- Troy City
- Green Island Village/Town
- Cohoes City

In addition, there are the two county sewer districts.

There was further discussion of what role, if any, should be played by other communities. This was with particular attention to communities that contribute storm and wastewater to the CSS's in the Albany Pool but are not actually part of the Pool. No conclusion was made, although the onus is on the Pool communities because they have the permitted CSO's. However, the regulations do recognize the tributary contributions to the CSS's because they will have to be included in the characterization process.

Frustration was aired that the CSO policy has been known for years and yet the group is being asked to come to a decision within 1.5 months. It was agreed that there was a lack of information about the motivation for the RFP deadline. It was put forward that, in most, if not all cases, the project would probably not be part of next year's municipal budgets. It was also reiterated that participating in the RFP does not preclude the communities from refusing the grant if they found their position to be unfeasible. However, they will probably have to address the problem independently at some point.

It was put forward with no dissention that CDRPC was the appropriate agency to lead this inter-municipal effort and respond to the RFP. It was also proposed that the counties should play a larger role in the process and that additional funding should be sought.

The discussion turned to the cost of the application. Malcolm-Pirnie and CDM have agreed to prepare the application with the assistance of CDRPC and the contribution of information from the municipalities.

It was concluded that after the communities are awarded the grant, the contract to develop the LTCP would need to go through a RFP or RFQ process.

There was some concern about non-human fecal coliform counts adding to the contamination load through storm water. The consultants indicated that there is a DNA identification process that can separate human and animal fecal coliform.

It was agreed that the technical staff from the Albany Pool communities should meet with the consultants regarding the preparation of the application on November 6, 2003.

Attendee	Organization
Rocco Ferraro	CDRPC
Leif Engstrom	CDRPC
Fred Sievers	DEC Region 4
Cheryle Merkley	NYS DEC
John McDonald, Mayor	City of Cohoes
John Scavo	City of Cohoes
Sean Ward	Village of Green Island
Ellen McNulty-Ryan, Mayor	Village of Green Island
Jayne Regan Harris	CDRPC
Joe Pennisi	Albany County
William Simcoe	City of Albany
Henry LaBarba	City of Rensselaer
Jim Conroy	City of Troy
Neil Bonesteel	City of Troy
Nicholas Ostapovich	City of Watervliet
Paul Murphy	City of Watervliet
Jim Shaughnessy	CDRPC/Rensselaer County Sewer Board
Mark Pratt, Mayor	City of Rensselaer
Jennifer Krausnick	CEG
Gerry Moscinski	Rensselaer County Sewer District
Fred Wurtemberger	Rensselaer County Sewer District
Terry Warner	Rensselaer County Sewer District
Timothy Murphy	Albany County Sewer District
Dan Durfee	CDM
Dan Lowenstein	Malcolm-Pirnie