

DATE January 25, 2010

TO: Board of Acquisition and Contract

FROM: Thomas J. Lauro, P.E.
Commissioner

SUBJECT: Resolution Authorizing the County of Westchester to Apply for and Enter into a Water Quality Improvement Project Grant (“WQIP”) Agreement with the New York State Department of Environmental Conservation in an Amount Not to Exceed \$1,920,000, including the County Match to Provide Funding for Modification of the Aeration Tanks at the Blind Brook Wastewater Treatment Plant (“WWTP”).

The attached resolution authorizes the County of Westchester, acting by and through the Department of Environmental Facilities (the “Department”) to apply for and enter into a grant agreement (the “Grant”) with the New York State Department of Environmental Conservation (“DEC”) through DEC’s Water Quality Improvement Project (“WQIP”) grant program in an amount not to exceed \$1,920,000, including grant funds in the approximate amount of \$1,470,000 and a County match in the total amount of \$450,000. The Grant will fund modification of the aeration tanks at the Blind Brook Wastewater Treatment Plant (“WWTP”) anticipated to reduce nitrogen emissions into the Long Island Sound. The Grant will reimburse the County for construction costs incurred through September 30, 2010.

It should be noted that the Westchester County Board of Legislators approved funding the County’s share of the project pursuant to Bond Act No. 194-2009. The Department has advised that there are no federal or other stimulus funds available for this project. It should be noted that time is of the essence because the Grant will only cover construction costs incurred through September 30, 2010.

Although this project is not required pursuant to the Order-on-Consent between the County and DEC dated December 30, 2008, the Grant will serve the public purpose of reducing nitrogen emissions into the Long Island Sound (“LIS”) from the Blind Brook WWTP in the range of 70-90 pounds/day. Therefore the Grant will aid in achieving compliance with the state and federally mandated nitrogen removal standards imposed on the four Long Island Sound sanitary sewer districts (“SSDs”), namely: (1) the New Rochelle SSD; (2) the Mamaroneck Valley SSD; (3) the Blind Brook SSD; and (4) the Port Chester SSD.

The goal and objective of the Grant is to fund the costs of the construction or modification of the aeration tanks at the Blind Brook WWTP. The improvements will include but not be limited to installation of nitrate recycle pumps and associated piping, as well as storage tanks, pumps and all associated electrical and control work, which together will increase the plant's nitrogen removal capabilities.

Entering into the Grant is fiscally responsible as it provides an extremely cost effective means of permanently removing nitrogen from the Long Island Sound. Moreover, to the extent that the work undertaken in connection with the project results in the County removing more nitrogen than required under the Consent Order, the County would then have a commodity, in the form of extra pounds of nitrogen to trade with other jurisdictions as a source of revenue, as well as a source of advanced nitrogen removal in the event of future State or federal mandates. Therefore, the County cost of \$450,000 associated with this project is far more economical than other means of achieving additional nitrogen removal, provides a permanent solution at a County facility, and vests permanent ownership of the nitrogen pounds with the County. Accordingly, it has been determined that use of the grant funds to implement the proposed improvements to the Blind Brook WWTP makes sense fiscally, as well as environmentally.

Moreover, should the Grant not be approved the County risks having to purchase nitrogen credits from another jurisdiction, the cost of which would be in the range of \$150,000 per year in perpetuity.

The Department will continuously monitor the work being performed at the WWTP and its outcome for adherence to the terms of the grant agreement.

The proposed Grant is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)(iii).

I recommend approval of this Agreement.

TJL/kr
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 2-11-2010 JOMAR VILIBRADO SECRETARY

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF ENVIRONMENTAL FACILITIES, BE IT HEREBY

RESOLVED: that the County of Westchester is hereby authorized to apply for and enter into a grant agreement (the "Grant") with the New York State Department of Environmental Conservation ("DEC") through DEC's Water Quality Improvement Project ("WQIP") grant program in an amount not to exceed \$1,920,000, including grant funds in the approximate amount of \$1,470,000 and a County match in the total amount of \$450,000 (funded pursuant to Bond Act No. 194-2009) for the purpose of providing funding to construct certain modifications of the aeration tanks at the Blind Brook Wastewater Treatment Plant ("WWTP"), and be it further

RESOLVED: that the Grant will reimburse the County for construction costs incurred through September 30, 2010, and be it further

RESOLVED: that the County Executive or his authorized designee, including without limitation, the Commissioner of Environmental Facilities, be and hereby is authorized to execute any and all documents necessary and appropriate to effectuate purposes hereof, and be it further

RESOLVED: that this resolution take effect immediately.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/	Trust	
Fund	Dept	Or Unit	Sub Object	Account	Dollars
322	60	SLI03	TBD – State Grant Revenue		\$1,470,000
322	60	SLI03	TBD – Bond Revenue		\$ 450,000

Budget Funding Year(s) 2010 Start Date 1/1/2010 End Date 9/30/2010
 (must match resolution)

Funding Source Tax Dollars \$ 450,000
 State Aid \$1,470,000
 Federal Aid _____
 Other _____

\$1,920,000
 (must match resolution)