

Robert P. Astorino  
County Executive

Department of Environmental Facilities

Thomas J. Lauro, P.E.  
Commissioner

**48158**

**TO:** Board of Acquisition and Contract

**FROM:** Thomas J. Lauro, P.E.  
Commissioner of Environmental Facilities

**DATE:** August 19, 2015

**SUBJECT:** Resolution authorizing the County of Westchester to enter into intermunicipal agreements with the municipalities discharging wastewater to the New Rochelle Wastewater Treatment Plant (“WWTP”) including the City of New Rochelle, the Village of Larchmont, the Town of Mamaroneck and the Village of Pelham Manor pursuant to an Order on Consent in connection with alleged violations of the State Pollutant Discharge Elimination Systems Permit at the WWTP

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Transmitted herewith for your Honorable Board’s consideration is a resolution which, if adopted, would authorize the County of Westchester (the “County”) to enter into intermunicipal agreements (“IMAs”) with the municipalities discharging wastewater to the New Rochelle Wastewater Treatment Plant (“WWTP”) including the City of New Rochelle, the Village of Larchmont, the Town of Mamaroneck and the Village of Pelham Manor ( the “Participating Municipalities”), pursuant to an Order on Consent in connection with alleged violations of the State Pollutant Discharge Elimination System (“SPDES”) Permit at the WWTP.

The Order on Consent is to settle administrative claims of the New York State Department of Environmental Conservation (“DEC”) concerning alleged violations (DEC Case No.: R3-20140918-139) of the SPDES Permit No. NY 0026697 (the “Permit”), for the WWTP. The Permit, in relevant part, required the County to eliminate discharges from Overflow

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Retention Facilities (“ORFs”) at or around the intersection of Flint Avenue and Cherry Avenue, Larchmont, New York and at Whitewood Avenue, New Rochelle, New York, or to comply with the effluent limitation specified in 40 CFR Part 133 by August 1, 2014. The DEC alleges that, from August 1, 2014 to date, the County did not eliminate discharges from the ORFs, nor did it comply with the effluent limitation, in violation of the Permit.

As a result of extensive negotiations with the DEC, an agreement was reached that, among other things, sets forth a specific Compliance Schedule in the proposed Order on Consent. The Compliance Schedule requires, among other things, that the County enter into enforceable stipulations or agreements (“IMAs”) with the Participating Municipalities to develop and implement plans to eliminate the need for the ORFs. Additionally, the Compliance Schedule requires the County to forward copies of the fully executed IMAs immediately upon the effective date of the Order on Consent.

Representative of the Participating Municipalities participated in the negotiations of the Order on Consent and in the drafting of the IMAs and their respective governing bodies have approved and authorized the execution of the IMAs.

The County Board of Legislators authorized the County to enter into the Order on Consent by Act No. 142-2015 and to enter into the IMAs by Act No. 141-2015, both adopted on August 10, 2015.

The objective and purpose of the attached resolution is in the best interests of the County to effectuate the County’s compliance with the Order on Consent. Therefore, your Honorable Board’s approval of the resolution is hereby respectfully requested.

TJL/lac  
Attachment

## RESOLUTION

Upon a communication from the Commissioner of the Department of Environmental Facilities, be it

**RESOLVED**, that the County of Westchester (the "County") is authorized to enter into intermunicipal agreements with the municipalities discharging wastewater to the New Rochelle Wastewater Treatment Plant ("WWTP") including the City of New Rochelle, the Village of Larchmont, the Town of Mamaroneck and the Village of Pelham Manor which comprise the New Rochelle Sewer District, pursuant to an Order on Consent to settle administrative claims of the New York State Department of Environmental Conservation concerning alleged violations of the State Pollutant Discharge Elimination System Permit for the WWTP; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/Credited:

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
					N/A

Budget Funding Year(s): 2015 Start Date: End Date:

Funding Source

**\$** N/A  
(must match resolution)

Tax Dollars:

State Aid \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
Other \_\_\_\_\_