

60893

To: Board of Acquisition and Contract

From: Vincent F. Kopicki, P.E.  
Acting Commissioner of Environmental Facilities

Date: January 18, 2018

Re: Authority to enter into a Permit Agreement with the State University of New York, acting through Purchase College pursuant to which the College would be authorized to discharge sanitary wastewater into the Blind Brook Sanitary Sewer District System.

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On October 16, 2017 the Westchester County Board of Legislators adopted Act No. 185 -2017 which authorized the County to enter into a permit agreement with the State University of New York, acting by and through Purchase College (the "College") pursuant to which the College would be authorized to discharge sanitary wastewater into the Blind Brook sanitary Sewer District ("BBSSD") System the ("Permit"). The prior three-year permit agreement expired on March 15, 2017. The proposed Permit would be for the term March 16, 2017 through March 15, 2059 for an annual fee based on a portion of capital improvements made to the BBSSD System and the gallons of sewage discharged. The College requested this Permit with an extended term to facilitate their capital improvement and construction plans to be funded through the Westchester County Local Development Corporation.

Since 2008 the County has entered into three year permit with the College for the discharge of sanitary wastewater into the BBSSD System. Prior to that permit, in 1973, the County had entered into an agreement with the College that authorized the College to discharge sewage into the BBSSD System for a fee that included an annual sum to defray the College's share of the capital costs of the BBSSD facilities and a User fee equal to the total amount of water discharged into the BBSSD System by the College multiplied by the cost per gallon, plus adjustments based on biochemical oxygen demand discharged and total suspended solids discharged into the BBSSD System, with periodic adjustments based on wastewater contributions of all users.

The proposed forty-two (42) year Permit will require the College to pay an annual sum to defray its share of the capital costs of the District sanitary sewer facilities equal to 10 percent (10%) of the outstanding annual amortization and interest charge for that year of the District sewage treatment facilities, 16.4 percent (16.4%) of the outstanding annual amortization and interest charge for that year of the Blind Brook Sewer extension, 5 percent (5%) of the outstanding annual amortization and interest charge for that year of the District outfall sewer, 7.1 percent (7.1%) of the annual amortization and interest charge for that year of the mainline sewer and a User Charge System sum for operation and maintenance costs in accordance with the United States Clean Waters Act (33 U.S.C.A. §2151 et seq.) and regulations thereunder including 40 CFR part 35 et seq. which shall equal the Total Amount of Flow Discharged into the County Trunk Sewer System by the campus per year (GW) times cost per gallon (CPG) plus amount of biochemical oxygen demand discharged into the County trunk sewer system by the campus (#BOD) times cost per BOD (CPBOD) plus amount of Total Suspended Solids discharged into the County trunk sewer system by the campus per year (#TSS) times cost per TSS (CPTSS). Under the terms of the proposed Permit, the County shall review, not less often than every two years, the waste water contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and the approved user charge system, and the charges revised to, among other things, apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rates accordingly.

The College will be prohibited from discharging any hazardous, toxic or radioactive wastes or any other materials, substances or wastes prohibited by the County Environmental Facilities Sewer Act, as it now exists or may hereafter be amended.

This permit agreement is not a procurement, therefore the provisions of the Westchester County Procurement Policy do not apply.

The public purpose of the proposed agreement is to address to sewage discharged into the BBSSD by the College and to provide for reimbursement to the County. The County will monitor the usage on a regular basis and provide feedback to the College. The Westchester County Department of Environmental Facilities ("WCDEF") has reviewed this matter and has determined that there is adequate capacity in the BBSSD facilities to continue to provide service to the College. Accordingly, approval of the attached resolution authorizing a forty-two (42) year sewer permit agreement is respectfully requested.

VFK/DI  
Attachment

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester is authorized to enter into a permit agreement (“Permit”) with the State University of the State of New York, acting by and through Purchase College (“College”) pursuant to which the College shall be permitted to discharge into the Blind Brook Sanitary Sewer District (“BBSB”) System for the term commencing March 16, 2017 and terminating March 15, 2059. The College shall pay an annual sum to defray its share of the capital costs of the District sanitary sewer facilities equal to 10 percent (10%) of the outstanding annual amortization and interest charge for that year of the District sewage treatment facilities, 16.4 percent (16.4%) of the outstanding annual amortization and interest charge for that year of the Blind Brook Sewer extension, 5 percent (5%) of the outstanding annual amortization and interest charge for that year of the District outfall sewer, 7.1 percent (7.1%) of the annual amortization and interest charge for that year of the mainline sewer and a User Charge System sum for operation and maintenance costs in accordance with the United States Clean Waters Act (33 U.S.C.A. §2151 et seq.) and regulations thereunder including 40 CFR part 35 et seq. which shall equal the Total Amount of Flow Discharged into the County Trunk Sewer System by the campus per year (GW) times cost per gallon (CPG) plus amount of biochemical oxygen demand discharged into the County trunk sewer system by the campus (#BOD) times cost per BOD (CPBOD) plus amount of Total Suspended Solids discharged into the County trunk sewer system by the campus per year (#TSS) times cost per TSS (CPTSS). Under the terms of the proposed Permit, the County shall review, not less often than every two years, the waste water contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and the approved user charge system, and the charges revised to, among other things, apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rates accordingly; and be it further

**RESOLVED**, that the County Executive or his authorized designee is authorized and empowered to execute and deliver all instruments and take all actions 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
Operating - year 1 est.	221	60	0110	9221		\$150,000
Capital - year 1 est	223	60	0310	9221		\$225,000

Budget Funding Year(s) 2017-2059 Start Date 3/16/17 End Date 3/15/59  
 (must match resolution)  
 Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
 \$ est \$375,000 per year Federal Aid \_\_\_\_\_  
 (must match resolution) Other (revenue) \_\_\_\_\_