



Save the Sound®

July 27, 2018

Westchester County Committee on Shared Services

Via Email: [sharedservices@westchestergov.com](mailto:sharedservices@westchestergov.com)

**Re: Save the Sound Comments on the Westchester County-Wide Shared Services**

Dear Committee Members,

On behalf of Save the Sound, a 501(c)(3) non-profit corporation dedicated to protecting and restoring Long Island Sound, please accept these comments on Westchester County-Wide Shared Services Proposal.

**Background**

Westchester County municipalities have been ignoring local water pollution problems for decades while the cost of delayed repairs have steadily climbed. The sewage collection systems that our communities are responsible for consist of thousands of miles of old sewer lines and pumps designed to deliver wastewater from each community into the County-owned and maintained main sewer lines and onto the County-owned and operated wastewater treatment plants. Unfortunately, the sewer collection system run by Westchester's municipalities has been neglected and now loses sewage along the way to the plants, polluting our waterways, streets and homes.

Many are Westchester communities now face a crisis situation where multiple legal actions and public outcry are demanding repairs, but they lack the capital and the staff expertise to effectively and efficiently address their backlog of repairs and come into compliance with the Clean Water Act. They are forced to spend hundreds of thousands of dollars on independent engineering firms to come in and make the repairs, and unknown thousands on legal representation and fees to bail them out of trouble.

Mount Vernon is one such community. Over the past decade they have ignored enforcement actions from New York State Department of Environmental Conservation (NYSDEC) and U.S. Environmental Protection Agency (EPA). Mount Vernon currently faces a punitive federal lawsuit brought by the Department of Justice, yet they remain unable to bring the financial, personnel and planning resources to bare to avoid hundreds of thousands, possibly millions, of dollars in fines.



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There are ten other municipalities in Westchester in the process of addressing a lawsuit brought by Save the Sound aimed to address the same issues—ongoing water pollution from leaky sewage collection systems that violates the Clean Water Act. Of the ten defendants in that case, all but one have been under a Consent Order from the DEC and/or the EPA in the past ten years, and several are under one now. Still they have not sufficiently addressed the source of the problem—collapsed and leaking sewer lines that dump raw sewage onto our streets and into our waterways, creating a public health hazard and degrading our natural environment and quality of life.

### **Cost of the Problem**

Due to the holes in our sewage collection system, Westchester County's waterways suffer from fecal bacterial pollution. Every time it rains, the majority of our public beaches are automatically closed for 1-2 days because the County Department of Health knows that the beach water will be unsafe for swimming due to elevated fecal bacteria levels. In many municipalities, rain sends raw sewage onto our streets from overflowing manholes. From there it flows into the stormwater system and ultimately into our rivers, streams, creeks and Long Island Sound.

The rain also gets into the sewer lines through the same cracks, inundating our wastewater treatment plants which have to use extra chemicals and electricity to clean rain water, a waste of money and resources. When the volume of rain delivered from the sewer lines is too much to treat, plants resort to partial treatment or our bypass sewage directly into the waterways untreated. Untreated bypasses are a typical wet weather occurrence at the largest Westchester treatment plant in Yonkers.

In addition to the direct environmental and public health harm caused by the current state of our sewage collection system, there is economic harm as well. On Long Island Sound we are flanked by communities that have thriving commercial shell fishing industries, in Greenwich, Norwalk and Hempstead Harbor. Due to high fecal bacteria levels, Westchester waters are currently closed to shell fishing. Cleaner water in our coastal communities on the Sound and the Hudson will bring new economic opportunities including potential jobs in the tourism and fishing industries.

### **Solution: Consolidation of Sewage Collection Under County Authority**

If history is a guide, Westchester communities will again defer the capital investment required to maintain a tight sewage collection system, investing instead in teachers, road projects, and other activities that are more visible to voters. In order to avoid returning to the same state of disrepair down the road, we need to change our approach to addressing this problem.



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Save the Sound urges Westchester County to consolidate the maintenance of the municipal sewer pipes and pumps that feed the County trunk lines and treatment plants. We recognize that a rigorous process of assessing the differing capital needs in each community will be required and that an equitable cost sharing plan will need to be developed for the plan to be successful. As a result of the legal actions taken by DEC, EPA and Save the Sound, close to 25% of the municipalities in the County are currently involved in a comprehensive assessment of the state of their sewage collection system and its capital needs. This provides a unique opportunity to assess a consolidation for this segment of the County—the Sound shore sewershed—if not the entire County.

A consolidated sewer collection system maintained and operated by the County will deliver cost savings to each municipality as well as to the County. The County will have the ability to plan for capital investments in the system that will pre-empt costly repairs when sewer lines and pumps fail. The increased scale of the system will allow for more competitive bidding and the use of leading edge technologies that smaller municipalities cannot take advantage of. And our waterways and shorelines will be cleaner, supporting growth in local tourism and the possibility of commercial shell fishing returning to our shorelines.

### **Solution: Public Private Partnership**

Another strategy for achieving a cleaner, greener and less costly sewage collection system is entering into a Public Private Partnership (P3) to outsource the operations and maintenance of the County sewer system. A P3 could help Westchester address our backlog of repairs and maintenance needs, estimated at \$600 million in a recent report by the Construction Advancement Institute and the Construction Industry Council.

A private operator is incentivized to invest in the infrastructure to achieve operational efficiencies which also provide environmental benefits such as lower energy use when plants are treating less rain water, cleaner treated effluent, and fewer sewage overflows (both SSOs and CSOs). They can address the financing needs, reducing the burden of long term financing on municipalities and the County.

Nassau County entered into a P3 with United Water in 2014 and are on track to save the County approximately \$158 million over the course of their 20 year contract. One important key to this and other successful P3s is transparency, public oversight, and mutually agreed upon performance metrics. We encourage the County to fully explore this possibility.

Finally, we urge the Shared Services Committee to review the authority that our County government has to support and enable smart, sustainable planning in our communities. Without a strong integrated vision for the future, and a deep understanding and enforcement of the laws and regulations that govern growth in our communities, we will not be able to become the clean, green and sustainable Westchester County that we can and should be.



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We thank you for the opportunity to submit these comments on behalf of Save the Sound and our members.

Respectfully submitted,

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