


April 12, 2023

TO: Hon. Catherine Borgia, Chair  
Hon. Nancy Barr, Vice Chair  
Hon. Christopher Johnson, Majority Leader  
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer   
Westchester County Executive

RE: **Message Requesting Immediate Consideration: CBA & Bond Act –  
SBB14 – Blind Brook Bio-Solids Handling.**

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This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 17, 2023 Agenda.

Transmitted herewith for your review and approval is an Act which, if adopted, would authorize the County of Westchester (“County”) to amend its current year Capital Budget (the “Capital Budget Amendment”), as well as adopt a related bond act (“Bond Act”) to finance the following capital project: SBB14.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 17, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer  
County Executive

April 12, 2023

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year Capital Budget (the "Capital Budget Amendment"), as well as adopt a related bond act ("Bond Act") to finance the following capital project:

**SBB14 – Blind Brook Bio-Solids Handling ("SBB14").**

The proposed Capital Budget Amendment will amend the County's current year capital budget to increase the County share for this project by \$11,400,000.

The Bond Act, in the amount of \$12,000,000, would finance the cost of design, construction management, and construction associated with lining the 8" sludge force main, repairing the air release valves on the 8" sludge force main, and setting up temporary sludge handling facilities at the Blind Brook treatment plant while the force main is out of service during the construction phase. The design will also include the evaluation of several long term solutions for handling bio-solids at the Blind Brook plant, including the installation of a second redundant force main and options for processing, handling, and disposing of the bio-solids at the Blind Brook plant in lieu of pumping the bio-solids to the Port Chester plant.

The Department of Environmental Facilities has advised that the 8-inch sludge force main experienced two breaks on January 11 and 12th, 2023, which prompted the New York State Department of Environmental Conservation to issue a notice of violation. Therefore, immediate corrective action is necessary.

Upon approval of bonding authorization, design will be scheduled and will take approximately twelve (12) months to complete and will be performed using outside consultants. It is estimated that construction will take twelve (12) months to complete and will begin after award and execution of the construction contracts.

Office of the County Executive

Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601

Telephone: (914) 995-2900 E-mail: [ceo@westchestergov.com](mailto:ceo@westchestergov.com)

The Planning Department has advised that based on its review, the above-referenced capital project has been classified as a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the required Planning Board report is herewith attached.

Based on the importance of this project to the County, your Honorable Board's favorable action on the proposed Capital Budget Amendment and Bond Act is most respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer  
County Executive

GL/VK/CG/jpg  
Attachment

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmission from the County Executive recommending approval of an Act amending the County of Westchester's (the "County") current-year Capital Budget (the "Capital Budget Amendment"), as well as adoption of a related bond act (the "Bond Act") which, if approved, would authorize the County to issue \$12,000,000 in bonds to finance capital project SBB14 – Blind Brook Bio-Solids Handling ("SBB14").

The proposed Capital Budget Amendment will amend the County's current year capital budget to increase the County share for this project by \$11,400,000.

The Bond Act, in the amount of \$12,000,000, which was prepared by the law firm of Norton Rose Fulbright US, LLP, would finance the cost of design, construction management, and construction associated with lining the 8" sludge force main, repairing the air release valves on the 8" sludge force main, and setting up temporary sludge handling facilities at the Blind Brook treatment plant while the force main is out of service during the construction phase. The design will also include the evaluation of several long term solutions for handling bio-solids at the Blind Brook plant, including the installation of a second redundant force main and options for processing, handling, and disposing of the bio-solids at the Blind Brook plant in lieu of pumping the bio-solids to the Port Chester plant.

The Department of Environmental Facilities has advised that the 8-inch sludge force main experienced two breaks on January 11 and 12th, 2023, which prompted the New York State Department of Environmental Conservation to issue a notice of violation. Therefore, immediate corrective action is necessary.

Your Committee is advised that upon approval of bonding authorization, design will be scheduled and will take approximately twelve (12) months to complete and will be performed using outside consultants. It is estimated that construction will take twelve (12) months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project has been classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part

617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

In addition, Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project be accompanied to the Board of Legislators by a report of the Westchester County Planning Board (the "Planning Board") with respect to the physical planning aspects of the project. Accordingly, the required Planning Board report is herewith attached.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to amend the County's Capital Budget, as well as to adopt the related Bond Act.

Your Committee has carefully considered the proposed Capital Budget Amendment as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Capital Budget Amendment.

Dated: \_\_\_\_\_, 2023  
White Plains, New York

**COMMITTEE ON**

# FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: SBB14

NO FISCAL IMPACT PROJECTED

## SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

## SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 12,000,000 PPU 30 Anticipated Interest Rate 3.25%

Anticipated Annual Cost (Principal and Interest): \$ 610,944

Total Debt Service (Annual Cost x Term): \$ 18,328,320

Finance Department: Interest rates from April 4, 2023 Bond Buyer - ASBA

## SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

\_\_\_\_\_  
\_\_\_\_\_

## SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 130

## SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Joe Brown

Title: Capital Program Coordinator

Department: DEF


Date: 4/6/23

Reviewed By: 

DN 4/11/23 Budget Director

Date: 4/11/23

TO: Michelle Greenbaum, Senior Assistant County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM   
Assistant Commissioner

DATE: March 6, 2023

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:  
SBB14 BLIND BROOK BIO-SOLIDS HANDLING**

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**PROJECT/ACTION:** Per Capital Project Fact Sheet as approved by the Planning Department on  
02-13-2023 (Unique ID: 2161)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- **617.5(c)(6):** street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
- **617.5(c)(21):** minor temporary uses of land having negligible or no permanent impact on the environment;
- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.


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**COMMENTS:** The last category applies to the long-term solution for handling the Blind Brook bio-solids, which will require further environmental review following evaluation and design.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Lawrence Soule, Budget Director  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Dianne Vanadia, Senior Budget Analyst  
Christopher Gelardo, Associate Engineer, Dept. of Environmental Facilities  
Joseph Brown, Capital Program Coordinator, Dept. of Environmental Facilities  
Kelly Sheehan, Assistant Commissioner  
William Brady, Chief Planner  
Michael Lipkin, Associate Planner  
Claudia Maxwell, Associate Environmental Planner

TO: Honorable George Latimer, County Executive  
Lawrence Soule, Budget Director

FROM: Norma V. Drummond   
Commissioner

DATE: March 22, 2023

SUBJECT: **Capital Budget Amendment – SBB4 Blind Brook Bio-Solids Handling**

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Enclosed is a resolution adopted by the County Planning Board at its March 7, 2023 meeting, supporting a capital budget amendment for design, construction and construction management for the lining of an 8" bio-solids force main, the repair of air release valves on the 8" bio-solids force main, a temporary sludge handling facilities at the Blind Brook plant while the force main is out of service while the work is being performed and an evaluation of several long-term options for handling the Blind Brook bio-solids. The project is classified as Capital Project **SBB4 Blind Brook Bio-Solids Handling**.

NVD/dsk

Encl.

cc: Ken Jenkins, Deputy County Executive  
Paula Friedman, County Executive's Office  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Jeffrey Goldman, Senior Assistant County Attorney  
Michelle Greenbaum, Assistant County Attorney  
Dianne Vanadia, Associate Budget Director  
Kelly Sheehan, Assistant Commissioner of Planning  
Bill Brady, Chief Planner  
Claudia Maxwell, Associate Environmental Planner  
Michael Lipkin, Secretary, Capital Projects Committee



RESOLUTION 23-04

**WESTCHESTER COUNTY PLANNING BOARD**

Amendment of Planning Board Report on 2023 Capital Project Requests

**SBB14 - Blind Brook Bio-Solids Handling**

**WHEREAS**, the County Executive will submit legislation to the County Board of Legislators which would authorize amending the capital project **SBB14 – Blind Brook Bio-Solids Handling** by adding funds to 2023 in the amount of \$11,400,000 for design, construction and construction management for the lining of an 8” bio-solids force main, the repair of air release valves on the 8” bio-solids force main, set up temporary sludge handling facilities at the Blind Brook plant while the force main is out of service while the work is being performed and an evaluation of several long-term options for handling the Blind Brook bio-solids, including a permanent sludge handling facility at the Blind Brook site eliminating the need to pipe the bio-solids to the Port Chester site, and

**WHEREAS**, the Department of Environmental Facilities is advising this design, construction and construction management funding is needed for the rehabilitation of the Blind Brook bio-solids force main and study of long term options of the handling of the Blind Brook bio-solids, and

**WHEREAS**, the project is generally consistent with *Westchester 2025 – Policies to Guide County Planning*, as adopted by the Planning Board on May 6, 2008 and amended on January 5, 2010 by maintaining utility infrastructure; now therefore, be it

**RESOLVED**, that the County Planning Board recommends amending the 2023 Capital Projects Requests to include the use of funds for **SBB14 – Blind Brook Bio-Solids Handling** in the amount of \$11,400,000 for design, construction and construction management for the lining of critical portions of, or if determined appropriate after studies, the entire approximately three mile length of the 8” bio-solids force main, the repair of air release valves on the 8” bio-solids force main, set up temporary sludge handling facilities at the Blind Brook plant while the force main is out of service while the work is being performed and an evaluation of several long-term options for handling the Blind Brook bio-solids, including a permanent sludge handling facility at the Blind Brook site eliminating the need to pipe the bio-solids to the Port Chester site.

Adopted this 7<sup>th</sup> day of March, 2023.

  
Richard Hyman, Chair

## SBB14 Blind Brook Bio-Solids Handling

### FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Approp- riated	2023	2024	2025	2026	2027	Under Review
Gross Non-County Share	32,000		600		5,000		15,000	11,400
County Share	32,000		600		5,000		15,000	11,400

### Project Description

This project will evaluate and upgrade the bio-solids handling systems at the Blind Brook Water Resource Recovery Facility (WRRF).

A Capital Budget Amendment is requested in 2023 for \$11,400,000 for the lining of an 8" sludge force main which recently had a break. The work will also include repair of air release valves on the 8" sludge force main and set up temporary sludge handling facilities at the Blind Brook plant while the force main is out of service while the work is being performed. The design will also include the evaluation of several long-term options for handling the Blind Brook bio-solids.

The 2023 request of \$600,000 will also fund the study to evaluate and compare potential options for providing bio-solids handling and processing equipment at the Blind Brook WRRF versus relining and/or replacement of the existing sludge force main. The design and construction will be based on the results of the study. The study will include, but not be limited to:

- Evaluation of the condition and options for the rehabilitation or replacement of the existing force main between the Blind Brook and Port Chester WRRFs, including cleaning and inspection of the existing force main
- Evaluation of alternative processes equipment to thicken and dewater bio-solids at the Blind Brook WRRF
- Alternative disposal options, such as barging
- Conceptual cost estimates for the options evaluated, including additional required operational expenses and construction costs, including for design, permitting, and construction management

### Appropriation Requests

2023: \$600,000 for study of options for bio-solids handling and processing equipment at Blind Brook WRRF

2023: \$11,400,000, shown in Under Review, requested CBA for design, construction and construction management of lining of force main, repair of air release valves on the force main, and temporary handling facilities at Blind Brook plant

2025: Design of bio-solids handling systems

2027: Construction and Construction Management of bio-solids handling systems

### Justification

The Blind Brook WRRF is not equipped with bio-solids processing facilities. The bio-solids removed by the plant processes are pumped through an 8-inch diameter force main to the Port Chester WRRF for processing. The Blind Brook/Port Chester Sludge Force Main has experienced a number of failures causing

bio-solids (waste activated sludge) to be released to the environment. The most recent event occurring in January 2023. To provide a long-term solution and prevent future discharges, the force main must be repaired/replaced, an alternative disposal method must be used, or the bio-solids must be processed at Blind Brook to eliminate the need for pumping the bio-solids to the Port Chester WRRF. The study will help the Department make a determination as to which option is in the best long-term interest of the County.

### **Consistency with Programs or Plans**

The project is consistent with the policies of "*Westchester 2025*", the County's long-range land use policies, in that it will maintain safe and environmentally sound systems and policies for waste removal, collection, and treatment.

### **Planning Board Analysis**

**PL2:** The Planning Board acknowledges the importance of maintaining DEF facilities in good condition and supports the Department's efforts. The Board supports the lining of critical portions of critical portions, or if determined after studies, the entire approximately three mile length of the form main, repair of air release valves on the force main, set up of temporary sludge handling facilities at the Blind Brook plant while the force main is out of service while the work is being performed and an evaluation of several long-term options for handling the Blind Brook bio-solids, including a permanent sludge handling facility at the Blind Brook site eliminating the need to pipe the bio-solids to the Port Chester site.

Plans should be coordinated with Planning Department staff to ensure that impacts to the site and its vicinity, especially Long Island Sound, are kept to a minimum during the proposed work. The Planning Board recommends that the project design also include the option of rail transport for disposal options.

An Act amending the 2023 County  
 Capital Budget Appropriations for  
 Capital Project SBB14 Blind Brook Bio-  
 Solids Handling

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The Capital section of the 2023 County Budget is hereby amended as follows:

	Previous 2023 Appropriation	Change	Revised 2023 Appropriation
I. Appropriation	\$600,000	\$11,400,000	\$12,000,000

Section 2. The estimated method of financing in the Capital Section of the 2022 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

Bonds and/or Notes	\$600,000	\$11,400,000	\$12,000,000
Non County Shares	\$0		\$0
Cash	\$0		\$0
Total	<u>\$600,000</u>	<u>\$11,400,000</u>	<u>\$12,000,000</u>

Section 3. The ACT shall take effect immediately.