Binghamton-Johnson City
JOINT SEWAGE BOARD

Eugene Hulbert, Sr.
Gary Holmes
Edward Crumb

Stephen Andrew
George Kolba, Jr.
Ron C. Davis

FINAL COPY

MINUTES OF A REGULAR MEETING OF THE BINGHAMTON - JOHNSON CITY JOINT SEWAGE BOARD [INCLUDING A PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS RELATING TO USE OF THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT]

Tuesday, April 14, 2015

Conference Room, Office Building, JSTP

Members Present: George Kolba, Jr., Chairman
Eugene Hulbert, Sr., Vice Chairman
Edward Crumb
Ronald Davis
Steve Andrew
Gary Holmes

Also Present: Cathy (Aingworth) Young, Superintendent
Charles Pearsall, Business Manager (arrived at 3:04 pm)
Bruce King, Village of Johnson City Trustee
Jerry Motsavage, City of Binghamton Councilman (arrived at 3:46 pm)
Michele Cuevas, Confidential Secretary
Ken DelBianco, P.E., City of Binghamton Contract Project Manager
John Perticone, Esq., Co-Counsel
Alfred Paniccia, Jr., Esq., Co-Counsel
Chuck Shager, City of Binghamton Comptroller
Laura Lee Perkins, Transcriptionist (exited @ 6:25 pm)

Guests: George Fowler, P.E., Woidt Engineering (exited at 3:30 PM)
Jason Greene, P.E., GHD (exited at 4:35 PM)
John LaGorga, P.E., GHD (exited at 4:35 PM)

Chairman George Kolba called the meeting to order at 3:01 PM. All Board Members and legal counsel were present. Sign-in sheet passed for signatures.

Catherine P. Young, Superintendent
Binghamton-Johnson City Joint Sewage Treatment Facilities
4480 Vestal Road, Vestal, New York 13850
Phone: 607-729-2975 Fax: 607-729-0110
Email: bjcwwtp@stny.rr.com

George Fowler, P.E. from Woidt Engineering gave presentation regarding the DEC WQIP grant; passed out meeting minutes from a meeting in March.

(Mr. Fowler exited the meeting)

Edward Crumb made a motion for the Board to approve the 3/10/15 Minutes with the changes as included in the Board folder.
Steve Andrew seconded the motion
Motion carried 6/0

Edward Crumb made a motion for the Board to approve the 3/19/15 Minutes with the changes as included in the Board folder.
Ronald Davis seconded the motion
Motion carried 6/0

Edward Crumb made a motion for the Board to approve the 3/26/15 Minutes with the changes as included in the Board folder.
Steve Andrew seconded the motion
Motion carried 6/0

Chuck Shager presented the Board Fiscal Officer's Report; he noted that his report needs correction; he will send out a corrected version tomorrow.

1/1/2015 Beginning balance			
Checking		$ 718,067.15	
Savings		$8,749,950.87	
	Total		$9,468,018.12
3/31/15 Revenue		$2,818,044.23	
3/31/15 Disbursements		($2,817,469.39)	
	BALANCE		**$9,468,592.96**

(Jerry Motsavage joined the meeting.)

Jason Greene, P.E. and John LaGorga, P.E. of GHD joined the meeting. Superintendent Young stated that she asked them to attend and speak in their role as the Board's IWWPP consultant regarding the part of the proposed amendments to the *Plant Use Rules and Regulations* that would prohibit discharge of medical and veterinary waste into the collection system tributary to the Plant. Jason Greene, P.E. stated he has concerns about regulating the hospitals given the NYS-DEC's broadened definition of "regulated medical waste" – including blood, tissue, and anything which has been in contact with blood or tissue – as well as issues related to solids, semi-liquids and liquids in this context, especially given NYS Department of Health guidance that sewage treatment is a permitted means of disposal for liquid and semi-liquid wastes. Superintendent Young stated that her concern is the safety of employees, including personnel working in the tributary collection systems. While serving as City Commissioner of Public Works, Gary Holmes had expressed a position that all medical wastes should be kept out of the collection system. Mr. Greene recommended that, before adopting this amendment, there should be a dialogue with the hospitals and clinics, including veterinary clinics. John LaGorga, P.E. stated that he would like to see a dialogue with other publicly-owned treatment facilities on their practices so that we would know the extent to which our *Rules and Regulations* are unique.

(Messrs. Greene and LaGorga exited the meeting)

Charles Pearsall presented his Business Manager's Report, copy of which is included in Board folders. Also noted were the quotes the Head Mechanic obtained for transferring the lugger box from the lugger truck to the GMC once both new dump trucks are received. The quote from Hacker's Packers for a net $3,135.00 is the low quote received. The subject of a refund of IWWPP surcharge to the City of Binghamton Water Filtration Plant was referred to the Finance Committee.

Catherine P. (Aingworth) Young presented the Superintendent's Report, a copy of which appears below.

Superintendent's Report
April 14, 2015

Violations and Significant Issues

Compliance

Date: March 2015 Average Flow	Influent 17.81mgd	Effluent	Average % Removal	Effluent Limit
CBOD	197	110	44.16%	Monitor
Suspended Solids	280	47	83.21%	Monitor
Other: Settleable Solids Max	11.0	0.10	99.09%	Monitor
Total Nitrogen	Feb 37.0	Feb 31.3	15.28%	Monitor
Chlorine	NA	1.78Max.	NA	2.0Max.
Avg. Temperature	8.5	8.5		

Solids Removed	Dec	Jan	Feb	Mar
Digested	0	0	0	0
Lime Stabilized	740.84	769.60	641.84	832.52
Total	740.84	769.60	641.84	832.52

Operations

- Our electrical department has been working with GHD to complete emergency replacement of the faulty switchgear that failed.
- The plant continues to operate in CEPT mode.
- Digester 3 evaluation continues. Water was drained from the tank to facilitate evaluation. A phone conference meeting was held with Spenseri and their bond company on April 9 to review problems and lack of resolution to the leaks.
- TPS flood mitigation has gone out to bid.
- The flood wall design for the main plant will need to be modified based on the new footprint resulting from changes to the secondary treatment strategy, however it is anticipated that 75% of the wall will remain unchanged. FEMA has approved the Environmental Assessment.
- Plant staff continues to work with Griffiths and Woidt Engineers in taking the next steps for the WQIP grant.
- Pilot study: The Bio Tower #1 from Kruger continues nitrification. There was an issue the weekend of April 3 thru 6th where the tower lost flow due to faulty valves and a locked up computer, however, it does not appear that performance was compromised. Bio Tower #2 is denitrifiying. Kruger has identified the low phosphorous loadings as a potential limiting factor, and is adding phosphoric acid to the process. Another possible issue is the ration and variation in BOD and Nitrogen. Optimization of loading rates,

oxygen and methanol feed rates are not yet available. Issues with the resolution of COD analysis is continuing. Conference calls are held once per week to review progress and plant for the upcoming week. The pilot plant monthly progress report is attached.

- Plant staff toured several facilities to review their headworks, including bar screens and grit removal systems.
- Plant staff has been meeting and working with GHD regarding the compost facility demolition and salvage. The demo has to gone out to bid, and staff have been walking bidders through the facility.
- Permission is requested for reimbursement of travel expenses for the facility head electrician to attend training recertification in Morrisville in April.
- Permission is requested for a travel advance for operator training of two employees in June.

Edward Crumb made a motion for the Board to approve reimbursement according to the Travel Policy to the Head Electrician for instructor recertification training in Morrisville.
Ronald Davis seconded the motion
Motion carried 6/0

Edward Crumb made a motion for the Board to advance $230 per person for 5-day operator training for two employees in Morrisville (during June).
Ronald Davis seconded the motion
Motion carried 6/0

PUBLIC HEARING ON AMENDMENTS TO PLANT USE RULES AND REGULATIONS

Public hearing called to order by Chairman Kolba at 5:32 PM. The March 30, 2015 e-mail from DEC Environmental Engineer II Sandra Lizlovs, P.E. stating that, the "DEC does not have any comments on this" and the April 14, 2015 letter of John LaGorga, P.E. and Jason Greene, P.E. stating their belief that the amendment pertaining to regulated medical waste "should be delayed until further information is obtained regarding the impacts of these modifications" and suggesting that "interviews with the local hospitals and surveys of other POTWs" be pursued regarding these matters.

No other written comments were received, and nobody was present wishing to make verbal comments on the proposed amendments.

Eugene Hulbert, Sr. made a motion for the Board to close the public hearing.
Gary Holmes seconded the motion
Motion carried 6/0

Motion by Board Member Edward Crumb, seconded by Board Member Stephen Andrew, to amend the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* as set forth below and in the attachments hereto.

> **WHEREAS**, the Binghamton-Johnson City Joint Sewage Board ("Sewage Board") has authority to amend the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* ("Rules and Regulations") pursuant to *Binghamton-Johnson City Joint Sewage Treatment Plant Law* §4.05 ("Plant Law"); and
>
> **WHEREAS**, the Sewage Board has complied with the provisions of Plant Law §4.05; and
>
> **WHEREAS**, a public hearing was conducted April 14, 2015 after notification was duly given and published; and
>
> **WHEREAS**, two written submissions were received in advance of the public hearing and given due consideration by the Sewage Board, but no one attended in person at the public hearing to provide input or verbal comments regarding the proposed amendments; and

WHEREAS, Amendment 1 adds uniform procedures applicable to external requests for review under the New York *State Environmental Quality Review Act* and New York *General Municipal Law* §§239-l, 239-m, and 239-nn; and

WHEREAS, Amendment 2 revises definitions in accordance with guidance from the United States Environmental Protection Agency ("US-EPA") and for clarity; and

WHEREAS, Amendment 3 updates and clarifies the existing *Rules and Regulations* in relation to prohibited discharges; and

WHEREAS, Amendment 4 adds a recordkeeping requirement for certain industrial users in accordance with directives of the US-EPA; and

WHEREAS, Amendments 5 through 7 are made in furtherance of the *Flow Management Plan* approved by the Sewage Board on January 27, 2012 and the New York State Department of Environmental Conservation on February 29, 2012 to provide for the management and treatment of hydraulic flows and pollutant loadings to the Binghamton Johnson City Joint Sewage Treatment Facilities in accordance with required standards,

NOW, THEREFORE, the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended as follows:

Amendment 1: Effective June 1, 2015, Section 13.14 is added to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* as stated in the attachment hereto titled "Amendment 2015-1 (PROCEDURES FOR EXTERNAL SEQR AND 239 REVIEWS)".

Amendment 2: Effective June 1, 2015, Sections 2.01, 12.05, 13.04, and 14.05 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended to add and modify definitions as stated in the attachment hereto titled "Amendment 2015-2 (DEFINITION AMENDMENTS)".

Amendment 3: Effective June 1, 2015, Section 6.24 is added to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* as stated in the attachment hereto titled "Amendment 2015-3 (PROHIBITED DISCHARGES AMENDMENT)" and that, for the time being, no amendment shall be made to Section 5.01(k) pending further coordination and input.

Amendment 4: Effective June 1, 2015, Section 6.24 is added to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* as stated in the attachment hereto titled "Amendment 2015-4 (RECORDKEEPING AMENDMENT)".

Amendment 5: Effective July 1, 2015, Article 12 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended, and the Application For New or Modified Sewer Connection Permit is replaced, as stated in the attachment hereto titled "Amendment 2015-5 (AMENDMENTS TO ARTICLE 12)".

Amendment 6: Effective July 1, 2015, Section 12.05.03 in Article 12 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended as stated in the attachment hereto titled "Amendment 2015-6 (AMENDMENTS TO SECTION 12.05.03 AND TABLE 12.05.03-1)", and Table 12.05.03-1 in Article 12 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is replaced by Table B-3 of the *Design Standards for Intermediate Sized Wastewater Treatment Systems (2014)* released by the New York State Department of Environmental Conservation March 5, 2014 (see, pages B-16*ff* at: *<http://www.dec.ny.gov/docs/water_pdf/2014designstd.pdf.*

Amendment 7: Effective July 1, 2015, Article 13 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* is amended as stated in the attachment hereto titled "Amendment 2015-7 (AMENDMENTS TO ARTICLE 13)".

(Transcriptionist's note: the attachments are available as a separate document.)

Motion carried 6/0

Board Committee Reports

Construction – Eugene Hulbert, Sr. reported that FEMA has approved the Environmental Assessment (EA) for the Plant's Flood Damage Mitigation Proposal (Floodwall). FEMA will be opening a 30-day public comment period beginning April 15th. Following the public comment period, approval of the benefit-cost analysis (BCA) by FEMA and the NYS Division of Homeland Security and Emergency Services (NYS-DHSES) would be the next step, followed by congressional notification. Gary Holmes noted that there will need to be changes in routing of the wastewater flows from Binghamton University and the Town of Vestal so that these flows can bypass the Plant during a flood emergency. Mr. Hulbert recommended that flood protection of all existing manholes by the municipalities should be encouraged so as to minimize inflow of floodwaters during an extreme wet weather or flood event. Regarding the Plant Rehabilitation and Reconstruction, Gary Holmes reported that the City's present estimate for construction costs is $175 million (including a $30 million "placeholder" for potential Digester Complex work). Superintendent Young asked whether the replacement center mixer and mast should be reinstalled in Digester #3. Gary Holmes stated that GHD's evaluation is that Digester Nos. 1 and 2 are structurally adequate. However, GHD's evaluation is that the three digesters only have about 75% capacity for the projected maximum month solids loading, so it may be the case that Digester No. 3 would need to be replaced with one or more digesters of larger capacity. It was

suggested that, for the time being, Superintendent Young look into the cost of rental space for storage of the center mixer and mast.

Finance – Chuck Shager noted that the 2013 single audit had to be resubmitted. NYS-DHSES rejected it because it did not comply with its updated requirements. Charles Pearsall reported that the Grossman St. Amour firm has proposed to perform the 2014 single audit for $12,000.00, which is the same amount as for the 2013 single audit and $6,000.00 less than the 2012 single audit.

Eugene Hulbert, Sr. made a motion for the Board to retain the Grossman St. Amour firm for $12,000.00 to perform the 2014 single audit to be encumbered and paid from budget line J8130.54410 (Professional Services).
Edward Crumb seconded the motion
Motion carried 6/0

Edward Crumb reported that the Finance Committee and Business Manager are continuing to work with the Board's flood insurance broker regarding excess flood insurance sufficient to meet FEMA's "obtain and maintain" requirements. Eugene Hulbert, Sr. requested the Co-Counsel Perticone review the terms of the existing flood insurance policies for an opinion regarding whether we can obtain recovery for flood damage with respect to buildings and/or property located within the floodplain. Mr. Crumb noted that a committee meeting, open to all Board Members, will be held with United Advisors at 3:00pm, April 28th regarding health benefits plan design and other aspects related to changes in requirements and alternatives in the health care marketplace, including potential options to control costs. Regarding property insurance, the status of the media stored at 20 Charles Street was questioned. If this property is determined by the Owners to be surplus, then the Board can save the cost of insuring it (presently insured at a replacement cost value of $3.592 million). Gary Holmes stated that he will look into what is needed in this regard).

Personnel – Stephen Andrew stated that there was nothing to report.

Ad Hoc – Ron Davis stated that there was nothing to report.

Flow Management – Edward Crumb stated that follow-up from last week's Steering Committee meeting will include outreach to the municipalities regarding the status of their respective filings. Based on discussion with one municipality, it had made its submissions last spring but they were not found in the former Business Manager's files, so the municipality provided replacement filings. Mr. Crumb noted a report from the Chesapeake Bay Program indicating that New York State appears to be falling behind in its progress to meet the 2017 targets under the EPA's Chesapeake Bay Total Maximum Daily Load (TMDL) requirements:

(NYS, in million pounds/year)	1985	2009	2014	TMDL 2017	Progress to 2017	TMDL 2025
Total Nitrogen	13.91	10.72	11.23	9.60	- 45.5%	8.85
Total Phosphorus	1.249	0.956	0.814	0.770	+ 76.3%	0.640
Total Sediment	378	332	328	315	+ 23.5%	304

Especially given New York's appearance of backsliding with respect to Total Nitrogen, the EPA can be expected to keep pressure on New York to make positive progress toward meeting its 2017 target, including the Consent Order milestones for our Plant.

Correspondence

The March 20, 2015 letter from Jason Bianchi of Spensieri was noted.

The March 2015 IWWPP Report of GHD was noted.

JC Village Board Resolution #57 (approving budget modifications regarding an insurance settlement and to approve establishing a $500,000.00 reserve in a Sewage Board balance sheet account for future purchase of BAF filtration media) and Resolution #66 (approving budget transfers within the 2013 budget for payment of legal services [$27,559.85] and professional services [$34,266.39 – private adjuster's fee]) were noted.

Old Business (*none*)

Privilege of the Floor – Trustee King stated that the Village of Johnson City might have space where the Digester No. 3 center mixer and mast could be stored.

New Business (*none*)

Edward Crumb made a motion for the Board to go into Executive Session to discuss pending and potential litigation.
Steve Andrew seconded the motion
Motion carried 6/0

(Ms. Perkins and Messrs. DelBianco and Shager exited the meeting)

The Board entered Executive Session at 6:25 PM during which two litigation matters and two potential litigation matters were discussed.

(Co-counsel Paniccia exited the meeting at 6:45 PM)

Gary Holmes made a motion for the Board to exit Executive Session.
Eugen Hulbert, Sr. seconded the motion
Motion carried 6/0

The Board exited Executive Session at 6:58 PM. No action was taken during the Executive session.

Stephen Andrew made a motion to accept to settlement offer of $25,000.00 advanced by J&K Plumbing in the pending state court litigation.
Eugene Hulbert, Sr. seconded the motion
Motion carried 6/0

The next regular meeting is scheduled for 3:00pm, May 12, 2015 at the JSTP.

Stephen Andrew made a motion for the Board to adjourn.
Gary Holmes seconded the motion
Motion carried 6/0

Meeting adjourned at 6:59 PM.

Respectfully submitted,

Laura Lee Perkins
Transcriptionist

cc: Board Members
Mayor Rich David, City of Binghamton
Mayor Greg Deemie, Village of Johnson City
City Clerk, City of Binghamton
Village Clerk/Treasurer, Village of Johnson City
John Perticone, Esq.
Alfred Paniccia, Esq.
Chuck Shager, Fiscal Officer
Catherine Young, Superintendent
Brown & Brown Empire State
Haylor Freyer & Coon
Robert Bennett, P.E., Village of Johnson City, Engineer
Gary Holmes, P.E., City of Binghamton, Acting Engineer
File