



**Central New York Regional Planning & Development Board**

126 N. Salina Street, Suite 200, Syracuse, New York 13202 • Tel. (315) 422-8276 • Fax (315) 422-9051

Kathleen A. Rapp, Chair

David V. Bottar, Executive Director

CNY RPDB Meeting  
April 18, 2012  
12:00 noon – 1:30 p.m.

126 North Salina Street  
Syracuse, New York  
(Lower Level Conference Room)

*Past Chair, Kathleen Rapp, Presiding*

## **AGENDA**

- |    |                                                                                                                                                                                          |               |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 1. | Call to Order                                                                                                                                                                            | Kathleen Rapp |
| 2. | Approval of Day's Agenda and Minutes from the December 15, 2011 Meeting                                                                                                                  | Kathleen Rapp |
| 3. | Board Membership and Executive Committee Appointments                                                                                                                                    | Kathleen Rapp |
| 4. | Review of Work Plan and Budget 2012                                                                                                                                                      | David Bottar  |
| 5. | <b>CNY Environment and Onondaga Lake Restoration</b> <ul style="list-style-type: none"><li>• Kenneth P. Lynch, Regional Director, NYS Department of Environmental Conservation</li></ul> | Kenneth Lynch |
| 6. | Executive Director's Report <ul style="list-style-type: none"><li>• Executive Committee Meeting May 16, 2012</li><li>• Board Meeting Schedule 2012</li></ul>                             | David Bottar  |
| 7. | Old/New Business                                                                                                                                                                         | Kathleen Rapp |
| 8. | Adjournment                                                                                                                                                                              | Kathleen Rapp |



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## MINUTES

### Central New York Regional Planning and Development Board Board of Directors Meeting April 18, 2012

#### ATTENDANCE

**Board Members:** Dan Dineen, Brian Donnelly, Shawn Doyle, David Elleman, Louella LeClair, Mary Ann Messinger, Ralph Monforte, James Murphy, Michael Plochocki, James Rafte, Kathleen Rapp, Danny Ross, Morris Sorbello, Donal Spaulding, Michael Treadwell, Paul Vickery, and Keith Welch.

**Guests:** John Ferguson, Assemblyman Magnarelli's office; Kipp Hicks, Madison County IDA; Nancy Lowery, Congresswoman Buerkle's office; Holly Rosenthal, Metropolitan Water Board; Mary Vanouse, City of Oswego.

**Staff:** David Bottar, Kathleen Bertuch, Christopher Carrick, Jeanie Gleisner, Samuel Gordon, Bruce Keplinger, David Kubek, Karen Novak, Brian Pincelli, Carolyn Ramsden, Cindy Reilly, Michael Rosanio and Kay Wakeman.

#### BUSINESS MEETING

##### 1. CALL TO ORDER

Chairwoman Kathleen Rapp called the meeting to order at 12:30 p.m. at the office of the CNY RPDB in Syracuse, New York. Ms. Rapp began her remarks by noting the recent passing Walter Tennant who served over the past year as Chairman of the CNY RPDB. Jim Murphy offered a few remarks in remembrance of Mr. Tennant including a reference to his years of service as the Cortland County Highway Superintendent and his active community involvement in Cortland County and Central New York.

##### 2. APPROVAL OF MEETING AGENDA AND MINUTES

The first order of business was a review of the day's agenda and minutes from the December 14, 2011 meeting. A motion was introduced and seconded to accept the agenda and minutes as presented; the motion was approved unanimously.

David Bottar welcomed the group noting that there were many new members in attendance. Mr. Bottar went through the roster welcoming and introducing the new board members from each member county including Stephen Cuddeback, Cindy Aikman, Stephen Barski, Michael Park, Ralph Monforte, Michael Plochoki, J. Ryan McMahan, Fred Beardsley, and Louella LeClair.

Mr. Bottar then noted that there were additional appointments that needed to be made to the Executive Committee and Board rosters. A memo was circulated regarding filling these vacancies within the board and executive rosters as well as some banking authorization policies. A motion was introduced and seconded to appoint Vijay Mital -Cayuga County and James Murphy -Cortland County as Vice-Chairs on the Executive Committee; and Kathleen Rapp - Onondaga County as Chair and James Rafte - Madison County as Secretary/Treasurer of the Board; the motion was approved unanimously. In addition, a motion was introduced and seconded naming Ms. Rapp and Mr. Rafte as authorized signatories for financial transactions of the CNY RPDB; the motion was approved unanimously.

Mr. Bottar then referenced a memorandum dated December 6, 2011 regarding a staff and work program for 2012. Mr. Bottar welcomed a new staff member, Carolyn Ramsden, who will be working with the Energy program team.

Mr. Bottar also presented a financial plan, dated 12/22/2011, for the CNY RPDB for 2012. The plan projects revenues and expenses totaling \$3,246,852. In presenting the financial plan, it was noted that the agency's funding resources include a combination of funds provided by member counties, operation of a small business loan program, federal & state grants, and contract service revenues.

A motion was introduced and seconded to accept the workplan and budget as presented; the motion was approved unanimously.

### **3. PRESENTATION**

Kathy Rapp welcomed Mr. Ken Lynch, Regional Director of NYS DEC Region 7 in Syracuse. Kathleen Bertuch introduced Mr. Lynch and provided brief biographical information. Mr. Lynch stated his presentation would be primarily focused on the Onondaga Lake clean-up. He noted that through the efforts of Onondaga County and Honeywell, significant water quality improvements have been achieved. The lake bottom dredging operation will result in additional improvements.

Mr. Lynch stressed that water quality improvements in the lake are understated to the extent that the public does not understand the significance of what has been accomplished. Mr. Lynch provided a brief history of the lake improvement effort starting in the mid-1990's when the DEC entered into an agreement with Onondaga County to address phosphorus and ammonia levels in the lake. Improvements in the Metropolitan Waste Water Treatment Plant (METRO) have significantly decreased the discharge of both pollutants, resulting in improved ambient water quality, aquatic plants, and oxygen levels in the lake. Onondaga County continues to fine tune METRO's operations and technology, however, the County has essentially reached the end of what it can do to improve the plant's efficiency, and is now focusing on addressing Combined Sewer Overflows (CFOs) as the next step in completing the lake clean up.

Mr. Lynch recounted the original plan to build many community treatment facilities and sewer separation projects in order to minimize CSOs. Negotiations between Onondaga County and DEC resulted in an amended agreement to minimize CSOs by capturing stormwater before it enters the sewer system using Green Infrastructure (GI). The County completed 60 GI projects as part of its Save-the-Rain program in 2011, including tree plantings, green roofs and the

development of Green Streets (i.e., Water St.). It's anticipated that a similar number of projects will be completed in 2012.

Mr. Lynch noted that in combination, the METRO updates and GI are achieving waste water improvement goals. DEC is assessing what actions are needed to further address any remaining issues related to phosphorus and ammonia levels. It was noted that phosphorus levels are close to where they need to be. DEC is developing a Total Maximum Daily Load (TMDL) for phosphorus. This is a difficult and highly technical process that will impact all of the communities that operate Municipal Separate Storm Sewer Systems (MS4s) in the Onondaga Lake Watershed. Mr. Lynch described the TMDL process, which he related to developing a phosphorus budget. All inputs are first identified and then each input is allocated a fixed, maximum amount of phosphorus that it can discharge to the lake. A margin of error is calculated to both protect the lake and to ensure that regulated municipalities are not required to do more than is necessary to reduce their contribution of phosphorus to the lake.

It was noted that significant inputs to the lake are METRO and MS4 discharges from developed land. Other inputs are agriculture, forestry, the Marcellus WWTP, and combined smaller sources. Because current efforts are generating positive results, DEC's draft TMDL does not impose significant and costly additional requirements on METRO or the MS4s. A statewide phosphorus fertilizer law that went into effect in January 2012 is anticipated to further reduce the amount of phosphorus entering the lake. DEC is working with the Village of Marcellus WWTP, which discharges into Nine Mile Creek, to determine the extent of additional improvements it will be required to meet its individual load allocation.

Mr. Lynch noted that industrial pollution is also being addressed. Industrial discharges, primarily from Allied (assumed by Honeywell which is now considered the primary responsible party for polluting the lake) resulted in significant contamination to several upland sites and to lake bottom sediment. To avoid recontamination, it is necessary to address the upland sites prior to addressing the lake bottom. Upland efforts include the LCP site in Lakeland, Geddes Brook and Nine Mile Creek that transport contaminants directly into the lake, other industrial sites in Solvay, and the installation of a ground water barrier wall and collection and treatment system. Many upland sites have been successfully remediated and work is underway on several more.

Mr. Lynch indicated that beginning in June 2012, contaminated lake bottom sediment will be hydraulically dredged. A slurry of 10% sediment and 90% lake water will be piped to a lined containment area in Wastebed 13 in the Town of Camillus. The slurry will be piped into geotubes which allow the water to drain, but retain the sediment. The waste water will be captured and treated before being returned to the lake. Eventually, the geotubes will be stacked and buried, and the wastebed will be capped like a traditional landfill. Mr. Lynch noted that the sediments contain a level of mercury and other contaminants that should not be allowed to persist in the lake, but that the dredged sediment is not highly contaminated and will not create a public health risk. A good system has been developed to monitor and contain the sediment, waste water and air emissions during and after the dredging operations. Mr. Lynch discussed the Community Health and Safety Plan that was developed by DEC and Honeywell. During the active construction phase, a system of air monitoring systems around the perimeter of the wastebed area will be monitored. Should exceedance levels be approached, a warning signal will be activated and the problem will be addressed. Air monitoring data will also be available

online, in near real time. Once started, the dredging operation will be ramped up over a period of months. It's anticipated that the operation will continue for 4 construction seasons. During the initial start up period, Honeywell will test the pumping system, collection and monitoring systems, and the integrity of all components in the sediment collection and storage areas. Large debris from the lake bottom will be removed in advance of the actual dredging. Upon completion of the dredging operation, a habitat layer will be installed on the lake bottom to cap off any remaining contaminants. The habitat layer will provide a more natural state for fish and other animals and plants.

Mr. Lynch discussed the Natural Resource Damages (NRD) process which seeks to make whole the community for the loss of benefits resulting from the pollution of Onondaga Lake over time. Established under State and Federal Superfund law, the NRD outlines a process for assessing damages and reaching a settlement. Once a settlement figure is defined, a list of environmental benefit projects will be developed and the settlement fund will be used to implement those projects. Because 90% of the Onondaga Lake shoreline is publically owned, efforts to include publically supported projects are underway. Honeywell has agreed to pay for a public boat launch on a small piece of property they own near the Fairgrounds.

Mr. Lynch briefly discussed broad topics of interest within DEC. If and when high volume hydraulic fracturing is permitted, it will initially impact the southern tier region. DEC is aware of the significant environmental and economic issues associated with this activity and is taking a public approach to the SEQR review process. DEC has received over 60,000 comments and is committed to undertaking a fair and scientific review before making any final decisions relative to the permitting process.

DEC proposed water withdrawal regulations in 2011. These will allow DEC to regulate how much water can be withdrawn for any use so as to protect the resource and ensure it will not be depleted. The Susquehanna River Basin Commission has water withdrawal authority in southern New York, Pennsylvania and Maryland. No other water withdrawal regulations are in effect in NYS.

Mr. Lynch discussed the DEC's response to Tropical Storm Lee in 2011. He noted that the hardest hit areas of NY were in the southern tier and the Catskill regions. Mr. Lynch discussed DEC's on the ground response.

A question and discussion period followed the presentation. James Murphy noted that the Onondaga Lake cleanup provides many opportunities for DEC to share knowledge with other states and asked if the large debris removed from the lake bottom will be placed in geotubes. Mr. Lynch replied that hard materials will be shipped to traditional landfills. Any soft materials with the capacity to absorb contaminants will be disposed of in a separate, lined and isolated cell in the wastebeds.

In response to a question regarding the degree of involvement DEC has with the Chesapeake Bay, Mr. Lynch stated that DEC is actively lobbying EPA to get fair treatment for NYS in the TMDL allocation process. He noted that EPA has significantly reduced its requirements for NYS, but DEC is continuing to seek additional relief. He noted as a headwater state, NY's contribution to Chesapeake Bay is very low to begin with.

Regarding a question from Ralph Monforte concerning the ownership and availability of the Onondaga lake dredge equipment, Mr. Lynch stated the equipment is privately owned and/or funded through Honeywell and is not available for use outside of the lake project.

In response to a question from Morris Sorbello, Mr. Lynch stated that DEC still permits dredging using more traditional pump systems. He noted that solids removed during a dredging operation can be transported and re-used after deemed “clean” through laboratory testing. Contaminated sediments must remain on site or be transported to an isolated containment area.

Kathy Rapp expressed support for the draft phosphorus TMDL for Onondaga Lake which will save the county an estimated additional \$700 million in technology upgrades needed to achieve phosphorus levels.

Mr. Bottar questioned how much, if any, water quality improvement has been noted in the Seneca and Oswego Rivers as a result in the improvements in Onondaga Lake. Mr. Lynch was unable to confirm that any improvements have been noted.

Jeanie Gleisner asked about the interaction between DEC and NYS Department of Health with regards to waterbodies negatively impacted by failing septic systems. Mr. Lynch stated there is a strong working relationship between DEC and NYS DOH as well as with county DOH offices. DEC tries to coordinate on all remediation projects to ensure the public health is being adequately protected.

#### **4. EXECUTIVE DIRECTORS REPORT**

Mr. Bottar began his report noting the date of the next Executive Committee on May 16<sup>th</sup>. One of the major agenda items for this meeting is to review a number of proposals that have been submitted and select consultants to work on two related NYSERDA funded projects including the regional energy sustainability plan and green house gas inventory and a third project funded by DEC regarding a regional stormwater modeling initiative. Mr. Bottar announced that the next full Board Meeting would take place on June 20<sup>th</sup> with a proposed topic on Economic Development. Mr. Bottar noted that the member county visit for Madison County in August may be held at SUNY Morrisville.

#### **5. OLD/NEW BUSINESS**

There was no information presented or discussed under old or new business.

#### **ADJOURNMENT**

There being no further business to discuss, a motion was introduced and seconded to adjourn the meeting; the motion was approved unanimously.

Respectfully Submitted,

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James Rafte, Secretary