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NASSAU COUNTY LEGISLATURE

LEGISLATIVE HEARING ON SANDY
RECOVERY OPERATIONS AND CAPITAL BUDGET
PROJECTS RELATING TO THE BAY PARK
SEWAGE TREATMENT PLANT

NORMA GONSALVES,
Presiding Officer

VINCENT MUSCARELLA,
Chairman

1550 Franklin Avenue
Mineola, New York

Thursday, March 20, 2014
2:10 P.M.

1

2 A P P E A R A N C E S:3 NORMA GONSALVES,
4 Presiding Officer5 RICHARD NICOLELLO,
6 Deputy Presiding Officer7 HOWARD KOPEL,
8 Alternate Deputy Presiding Officer

9 MICHAEL VENDITTO

10 DENISE FORD

11 LAURA CURRAN

12

13 FRANCIS X. BECKER

14

15 VINCENT MUSCARELLA,
16 Public Works Chairman

17

18 ELLEN BIRNBAUM

19

20 LAURA SCHAEFER

21

22 DONALD MACKENZIE

23

24 KEVAN ABRAHAMS,
25 Minority Leader

26

27 ROSE MARIE WALKER

28

29 DENNIS DUNNE

30

31 JUDITH JACOBS

32

33 DAVID DENENBERG

34

35 DELIA DERIGGI-WHITTON

36

37 CARRIE SOLAGES

38

39 SIELA BYNOE

40

41 WILLIAM J. MULLER, III
42 Clerk of the Legislature

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2 PRESIDING OFFICER GONSALVES:

3 Please lead us in the Pledge of Allegiance.

4 (Whereupon, the Pledge of
5 Allegiance was recited.)

6 PRESIDING OFFICER GONSALVES: Mr.
7 Muller, will you please call the roll?

8 CLERK MULLER: Deputy Presiding
9 Officer Nicoletto?

10 LEGISLATOR NICOLELLO: Here.

11 CLERK MULLER: Legislator Kopel?

12 LEGISLATOR KOPEL: Here.

13 CLERK MULLER: Legislator Bynoe?

14 LEGISLATOR BYNOE: Here.

15 CLERK MULLER: Legislator
16 Solages?

17 LEGISLATOR SOLAGES: Here.

18 CLERK MULLER: Legislator Ford?

19 LEGISLATOR FORD: Here.

20 CLERK MULLER: Legislator Curran?

21 LEGISLATOR CURRAN: Here.

22 CLERK MULLER: Legislator Becker?

23 LEGISLATOR BECKER: Here.

24 CLERK MULLER: Legislator

25 Muscarella?

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2 LEGISLATOR MUSCARELLA: Here.

3 CLERK MULLER: Legislator

4 Birnbaum?

5 LEGISLATOR BIRNBAUM: Here.

6 CLERK MULLER: Legislator

7 DeRiggi-Whitton?

8 LEGISLATOR DERIGGI-WHITTON:

9 Here.

10 CLERK MULLER: Legislator

11 Venditto?

12 LEGISLATOR VENDITTO: Here.

13 CLERK MULLER: Legislator

14 Schaefer?

15 LEGISLATOR SCHAEFER: Here.

16 CLERK MULLER: Legislator Dunne?

17 LEGISLATOR DUNNE: Here.

18 CLERK MULLER: Legislator Jacobs?

19 LEGISLATOR JACOBS: Here.

20 CLERK MULLER: Legislator Walker?

21 LEGISLATOR WALKER: Here.

22 CLERK MULLER: Legislator

23 MacKenzie?

24 LEGISLATOR MACKENZIE: Here.

25 CLERK MULLER: Legislator

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2 Denenberg?

3 LEGISLATOR DENENBERG: Here.

4 CLERK MULLER: Minority Leader

5 Abrahams?

6 LEGISLATOR ABRAHAMS: Here.

7 CLERK MULLER: Presiding Officer

8 Gonsalves?

9 PRESIDING OFFICER GONSALVES:

10 Present.

11 CLERK MULLER: We have a quorum.

12 PRESIDING OFFICER GONSALVES: At
13 this point, I would like to ask the clerk to
14 recite the public notice for the public
15 hearing.

16 CLERK MULLER: The public notice
17 for the public hearing is:

18 Please take notice that the
19 Nassau County Legislature will hold a
20 hearing on Superstorm Sandy recovery
21 operations and capital projects relating to
22 the Bay Park Sewage Treatment Plant on
23 Thursday, March 20, 2014 at 2:00 p.m. in the
24 Peter J. Schmitt Memorial Legislative
25 Chamber Theodore Executive and Legislative

1 Full Legislature/3-20-14
2 Building, 1550 Franklin Avenue, Mineola,
3 New York.

4 PRESIDING OFFICER GONSALVES: At
5 this time I would take a motion to open the
6 hearing.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR KOPEL: Second.

9 PRESIDING OFFICER GONSALVES:
10 Moved by Legislator Dunne, seconded by
11 Legislator Kopel. All those in favor of
12 opening the hearings, signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The hearing is now open.

17 Before we begin, first of all,
18 welcome to all of you who are here today.
19 Certainly, I thank you for being here,
20 because it's a very important hearing on the
21 recovery and storm hardening efforts
22 currently underway at Bay Park Sewage
23 Treatment Plant.

24 Indeed, in all of Nassau County's
25 history, the reconstruction projects at the

1 Full Legislature/3-20-14
2 Bay Park facility are unprecedented in scope
3 and expense, and having engaged agencies at
4 every level of government including the
5 federal emergency management agency and the
6 New York State Environmental Facilities
7 Corporation.

8 As a legislature, through our
9 Rules Committee, we review and take votes on
10 the many contracts for the engineering,
11 design and construction of the massive
12 capital projects that are components of this
13 recovery.

14 We are also responsible, through
15 the Full Legislature, to put in place and
16 oversee the financial resources that will
17 pay for these efforts and monitor these
18 expenses through the capital plan process.

19 Since 2010, due to the aggressive
20 oversight of this majority and the
21 outstanding efforts of the Mangano
22 Administration, we had finally made
23 substantial progress in addressing the
24 damage to our sewage infrastructure that
25 resulted from the many years of neglect and

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2 mismanagement, only to be dealt a
3 devastating setback by the destruction
4 brought on by Superstorm Sandy.

5 The task before us is nothing
6 less than the total reconstruction of this
7 critical piece of infrastructure.

8 However, this unprecedented
9 crisis has also yielded a once in a lifetime
10 opportunity. We now have the ability to
11 rebuild stronger and smarter. It is the
12 complexity of this recovery effort, with all
13 of its moving parts, that brings us here
14 today.

15 It is my hope that we can utilize
16 this hearing and future hearings to bring
17 together in one forum the many initiatives
18 that the administration has advanced towards
19 a successful recovery of the Bay Park Sewage
20 Treatment Plant.

21 Today we have with us Chief
22 Deputy County Executive Robert Walker,
23 commissioner of the Department of Public
24 Works, Sheila Shah; and a team of
25 professionals that have been working

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2 tirelessly to manage this very complex
3 rebuilding and storm hardening effort.

4 This hearing will consist of a
5 presentation from the administration, a
6 question and answer period for the
7 legislators, and, finally, public comment.

8 Due to the schedules of some of
9 our members, I have allocated three hours to
10 this hearing. I will call a recess to a
11 later date if we are unable to finish by
12 that time.

13 Also, as the Chair of the Public
14 Works, I will call upon Legislator
15 Muscarella to conduct the balance of the
16 meeting. There is a great deal of ground to
17 cover. So, now, Minority Leader Abrahams
18 would like to make a brief statement,
19 please.

20 LEGISLATOR ABRAHAMS: Thank you,
21 Madam Presiding Officer Gonsalves. I think,
22 like a lot of you in the audience, I surely
23 hope that three hours is enough to cover
24 this hearing.

25 That being said, I just have a

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2 brief statement that I want to read into the
3 record on behalf of the minority democratic
4 caucus.

5 Last summer, the Mangano
6 Administration appeared before this body
7 urgently insisting hundreds of millions of
8 dollars in bonding was immediately necessary
9 to begin the work on repairing the county
10 sewage system.

11 The chief deputy county executive
12 himself stood at the podium and claimed that
13 sewer contracts amounted to \$400 million or
14 more, were poised to come before the
15 legislature, and that it will be
16 catastrophic to delay them.

17 Indeed, he promised by the end of
18 the year the county would enter into \$700
19 million worth of sewage contracts and that
20 nothing should stand in the way.

21 At that moment, the easy and
22 popular thing to do would be to simply write
23 the blank check demanded by the
24 administration. The minority caucus,
25 however, understood that this would not be

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2 in the best interests of either -- the
3 interest of either our south shore residents
4 or the Nassau County taxpayers. We refuse
5 to rush into incurring such an immense
6 amount of debt because we knew it would be
7 irresponsible.

8 Despite enormous pressure, we
9 demanded effective oversight of the
10 renovation process as a condition of
11 borrowing, we demanded to know the level of
12 state and federal assistance the county
13 could expect.

14 We realized that the legislature
15 had a special responsibility to protect the
16 people of the south shore by making sure
17 that the renovation process was kept on
18 schedule and on budget. We wholeheartedly
19 agreed that the county should borrow every
20 dollar necessary to repair the system, but
21 no more than was necessary.

22 For that, we are vilified as
23 obstructionists accused of playing politics
24 with the well being of Nassau citizens and
25 blamed for jeopardizing the environment of

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2 the south shore.

3 Now, approximately nine months
4 later, it seems that we are correct in being
5 cautious. Of the hundreds of millions of
6 dollars in bonding that the administration
7 has said that it could not live without, it
8 is not clear that even one penny has
9 actually been borrowed.

10 As for the flood of new contracts
11 that Mr. Walker assured us would be coming
12 down by September of last year, it has
13 turned out to be a mere trickle.

14 As far as we can tell, only a
15 fraction of the \$700 million worth of
16 contracts has actually been materialized.
17 And, an even smaller fraction of that figure
18 has actually been paid out to the
19 contractors. Where is the urgency now?

20 We are all still waiting for Mr.
21 Walker's \$700 million package of contracts.
22 While we are happy to vindicate, we are more
23 anxious to get to the bottom of why progress
24 of the sewer piers have apparently been so
25 painfully slow, and why what we were told

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2 has not turned out to be true.

3 Why hasn't more bonding been done
4 if it was actually necessary? Why haven't
5 we seen the hundreds of millions of dollars
6 in contracts needed to repair the system?
7 What is happening to slow down the process?
8 And, more importantly, what can be done to
9 speed it up?

10 Over the course of this hearing,
11 we hope to get answers to those questions
12 and, for the sake of the people of Nassau
13 County, we sincerely hope that the answers
14 we receive will be more reliable than what
15 we were given last summer. Thank you.

16 PRESIDING OFFICER GONSALVES:
17 Just a reminder that our first order of
18 business will be the presentation by DPW and
19 its committee, and that the presentation
20 would be led by Chief Deputy County
21 Executive Robert Walker.

22 And, after the presentation, I
23 ask my colleagues to ask questions
24 pertaining to that presentation and then
25 give an opportunity to the public to respond

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2 to what they have seen and heard today.

3 Without any further ado, I
4 welcome Chief Deputy County Executive Robert
5 Walker.

6 CHIEF DEPUTY WALKER: Madam
7 Presiding Officer and Minority Leader
8 Abrahams, thank you very much for having us
9 here today. I'm glad we started off with
10 those great comments. Good luck on the
11 election and, you know, I think we will move
12 forward in trying to get some good things
13 done on behalf of the taxpayers of Nassau
14 County.

15 Not that I want to go back to
16 those days, but I think in the aftermath of
17 Hurricane Sandy, which I don't have to
18 remind many people that are in this room
19 today that live actually in the Bay Park
20 community, when you looked outside and saw a
21 12 foot wave crash through not only their
22 homes but the Bay Park facility, and be
23 rendered helpless, at that time we looked to
24 move as forward as possible.

25 I think it was very clear that

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day that we talked about having a bonding authorization in place so we could enter into contracts and at that time the legislature was kind enough to give \$262 million, which at that point then we started dividing contracts up, but let us not go back into history, I think it's a time that we should be moving forward together, working together as one to make sure that the residents of Nassau County get the services they so dearly need.

We are very proud that over \$120 million of contracts have been entered into strictly for Sandy repairs or will be approved in the next coming weeks. \$120 million is a considerable sum of money as we go forth.

But, just to take a step back, and for those that do not know the area, the Bay Park facility is surrounded by two water bodies, Hewlett Bay and Rockaway Channel.

At that point during the storm both water bodies entered into the Bay Park plant and, again, a wave of 12 to 13 feet in

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2 various entities took over the entire
3 facility rendering it helpless and
4 inoperable for over 56 hours.

5 For those that don't understand
6 that it's inoperable, that means that
7 literally that sewage could not be conveyed
8 through the facility. Sewage started to
9 build up in the collection system. At that
10 point, what do you do? You are left with
11 very few options.

12 At that point, the county
13 executive, working alongside Governor Cuomo,
14 Mayor Bloomberg, the mayor of New York City
15 at the time, Senator Skelos, went to work
16 immediately with the professionals that are
17 with us today in terms of working on
18 immediate repairs of our facility. Those
19 repairs took place, again, within 56 hours
20 conveyance through the plant was taking
21 place, and we reduced the ability for
22 residents to actually have sewage backed up
23 into their homes.

24 With over 100 people, 24 hours a
25 day, working in that facility that did such

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2 a tremendous job, and we can look back now
3 and without them we would not be in the
4 situation we are today. 45 days upon
5 completion of the conveyance, we were
6 actually meeting our SPDES permit again.

7 Why I say that, you put into
8 perspective, all you have to do is look
9 throughout New York and New Jersey, where
10 people still today are not meeting their
11 permit on a daily basis because of the
12 damage they suffered. We have met it every
13 day since 45 days after the storm, roughly
14 the first week in December. Not that we're
15 happy that it took 45 days, but, again, the
16 work needed to be done.

17 Just talking about one specific
18 area of the plant which entails over 50
19 different motors and drives, gear boxes,
20 control panels, in one area of the plant,
21 the final settling tanks, 50 different,
22 again, motors were damaged, and that's just
23 one process of the plant.

24 So the plan that I mentioned
25 before, the committee that was put into

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2 place led by our great commissioner, Sheila
3 Shah and her team, Ken Arnold, Joe Davenport
4 who lived it 24/7, was sleeping at the
5 facility many days. Actually, I shouldn't
6 even say he was even sleeping, who is with
7 us today, and Deputy Commissioner Millet,
8 along with Peter Gloss and Mike DeNicola
9 from Hazen and Sawyer, and ARCADIS.

10 The team that was put in place
11 with those 100 people I mentioned really
12 have four specific tasks; one, obviously, as
13 I mentioned before, to get conveyance
14 through the facility. We wanted to
15 neutralize the impact of having the backup
16 in the collection system and into people's
17 homes.

18 Secondly, again, was to begin
19 temporary repairs so the facility can
20 actually treat the sewage, which, again,
21 took place within 45 days, and, then third,
22 and fourth, to look at different aspects to
23 begin our permanent repairs and to put into
24 place the measures needed to receive the
25 dollars from the federal government and from

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2 the state government.

3 Again, I cannot mention the State
4 of New York, the State Office of Emergency
5 Management and Governor Cuomo for their
6 tremendous work in helping us through that
7 process.

8 For anybody that was there, and I
9 know Legislator Kopel was, we had police as
10 far as away as South Carolina, North
11 Carolina, Virginia, Tappan, New York, New
12 Jersey, Connecticut, leading police escorts
13 with motors and pumps so we could actually
14 achieve some type of success. Within 12
15 hours we had equipment on the ground to be
16 able to effectuate a lot of these things.

17 As I mentioned before again, all
18 you have to look at is areas around us that
19 still are not meeting their permits with
20 literally sewage reaping into their water
21 bodies.

22 In total, we were successful in
23 achieving \$17 million from FEMA to repay for
24 those temporary measures. And, as I get
25 into FEMA a little bit later, we started

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2 moving forward immediately at that time to
3 see how we can make the temporary repairs
4 permanent and how we can achieve success
5 with the federal government. I think we
6 were very successful.

7 At that time, thanks to this
8 legislature body, we went out for an RFP
9 process and we were able to select and then
10 be approved by both, again, the legislature,
11 which we thank you and NIFA, the selection
12 of ARCADIS -- Hazen Sawyer, I apologize.
13 The Hazen Sawyer team and joint venture team
14 that was approved. That team is now leading
15 the charge at the Bay Plant on a daily
16 basis. They are our program manager, and
17 you are going to hear from them a little
18 later on. They will detail in great detail
19 where we are currently today.

20 As I mentioned before,
21 Commissioner Shah, Deputy Commissioners
22 Millet and Arnold and Joe Davenport, our
23 chief sanitary engineer, again, on the
24 ground on a daily basis. They have been
25 tremendous in moving this process forth.

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2 And, without their work, I don't think that
3 we would ever be successful in having the
4 federal government award Nassau County \$830
5 million along with the state for the
6 rebuilding of Bay Park. \$830 million is the
7 largest award ever given to a single entity
8 project in the entire United States.

9 Obviously there are billions of
10 dollars awarded to the MTA, but that's for
11 several projects. This is the largest
12 project that's able to receive those
13 dollars.

14 FEMA dollars, \$830 million, an
15 MOU that was signed and effectuated and now
16 we are getting the project worksheet, the
17 grant award, handed down from the state.
18 The ten percent local match being picked up
19 by the State of New York as well. So the
20 county is to receive \$830 million for the
21 rebuilding of the Bay Park facility.

22 Much work has been done. We'll
23 get into that in finer detail. Again, the
24 legislature has been very grateful in that
25 work, and I thank the presiding officer in

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2 terms of scheduling rules meetings when we
3 do have contracts to be approved, to go
4 through the process.

5 These contracts are not simple
6 contracts. They are contracts of
7 multimillion dollars, 24, 34, 15 that then
8 requires the approval of the NIFA board, not
9 just their chairperson. So I think it also
10 takes a greater detail of time. And I thank
11 them for working with us. They have been
12 very helpful in scheduling additional
13 meetings.

14 Just on a note, I would -- and
15 the county executive truly believes in
16 allowing the residents, and that's why we
17 welcome obviously this hearing. He has
18 created the Bay Park Sewer Advisory
19 Committee that's made up of several
20 environmental groups, civic associations,
21 legislative members from both the presiding
22 officer and the minority leader. We have
23 met bimonthly. The report is available on
24 line. It's a report that's a monthly report
25 given to all the legislators and to the

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2 advisory members. We actually have March's
3 with us today to provide the openness and
4 transparencies as we go through this process
5 and we will continue to, in fact, do that.
6 We welcome activities such as this.

7 We have invited two of the
8 members of the committee, the building
9 trades members and one of the main reasons
10 why we have them as part of it is we want as
11 many people to bid as we possibly can see
12 bid on these projects. These are all open
13 bids that are available and follow all the
14 procurement processes of the county and, the
15 more people that bid, selfishly, we would
16 like to get the lowest price possible, but
17 we also like to see local people bidding and
18 we have been very successful along that
19 endeavor.

20 So, at this point, we can get
21 into further detail of some of the questions
22 that you may have as we continue along with
23 the presentation. We can get into a little
24 conversation about the ocean outfall but I
25 would prefer that to be at the end because I

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2 think, without doing any type of repairs
3 first to Bay Park with nitrogen removal, and
4 things of that nature, it's very hard to
5 have a -- we can probably have a three-hour
6 conversation just on the ocean outfall.

7 But I would turn it over at this
8 point, again, we were very fortunate to have
9 Hazen and Sawyer, the ARCADIS team, leading
10 in their joint venture which consists of
11 several engineering firms, professionals in
12 the field that will walk us through the
13 presentation, and then answer any questions
14 that you may have.

15 MR. DeNICOLA: Thank you, Rob.
16 Presiding Officer, Minority Leader, I know
17 you guys might recognize me. We took
18 several tours, I believe, around the
19 wastewater treatment plant many times.

20 For the record, my name is
21 Michael DeNicola from Hazen and Sawyer, and
22 I'm the program manager for the Bay Park
23 recovery.

24 I just want to run through, and,
25 Peter, if you can just, so I can see the

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2 slides. I know you guys have several
3 questions and we are going to try to answer
4 those as well as show you the progress at
5 Bay Park. First, just to go through the
6 agenda quick, and we are going to try to go
7 through this pretty quickly --

8 LEGISLATOR DENENBERG: To the
9 chair, do we have copies of this
10 presentation?

11 MR. DeNICOLA: Yes. Just real
12 quick, the agenda, the plant process
13 performance, FEMA update, the construction
14 overview on what is being constructed now
15 and what is in bid, as well as some
16 discussion on outfall and then obviously
17 discussion and questions.

18 So, real quick, Bay Park after
19 Sandy we were not treating sewage. We were
20 trying to settle. We were doing
21 disinfection and we had no conveyance, as
22 Rob said, 56 hours.

23 But, after that, we got the plant
24 back in compliance in 45 days. This graph,
25 real simply, we measure several things for

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2 permit compliance, suspended solids, and
3 basically a CBOD, which is an oxygen demand
4 on receiving water. This slide shows the
5 total suspended solids. Obviously you see
6 the big huge peak which was Sandy. 45 days
7 later, we're back in compliance, and we have
8 not violated a permit since then.

9 Next slide, again, CBOD, which is
10 oxygen demand on the okay general demand on
11 the receiving water. Sandy was a huge
12 impact. Since that 45 days, December 15th,
13 I believe Joe Davenport, we have not
14 violated permits.

15 Now, it's been a struggle,
16 believe me. The plant is still under
17 repair. We just need to keep it stable.
18 Getting those copies.

19 PRESIDING OFFICER GONSALVES: We
20 have them, Mr. Walker.

21 MR. DeNICOLA: Just on the plant
22 performance. Again, TSS and CBOD, basically
23 is the measure of the wastewater strength is
24 what we traffic on the influent and what
25 goes out of the plant.

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2 That 45 days was tough. To get a
3 secondary system back into operation, it's a
4 biology that you need to grow. So it took
5 several weeks. But I think all of us should
6 be proud that that plant came back into
7 compliance and, as Rob mentioned, plants in
8 New York City, in New Jersey, have not met
9 compliance over the last 15 months
10 periodically. So, that's what we are
11 committed to.

12 Just on the FEMA update, Peter, I
13 would turn it over to you.

14 MR. GLOSS: Hello, my name is
15 Peter Gloss. I'm a co-project manager and I
16 work with ARCADIS JV team. I want to talk a
17 little bit about the FEMA interaction that
18 the county has had over the past 12 months.

19 As many of you know, FEMA has
20 been actively involved in what has taken
21 place at Bay Park. It's one of their
22 priority projects because of the size of the
23 damage that was incurred.

24 The JV and the county staff and
25 the people who are involved at the plant

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2 have been meeting, almost literally, two to
3 three times a week for the past 12 months,
4 with the FEMA staff working through very
5 detailed damage descriptions, trying to
6 capture the exact extent of damage because
7 FEMA has very specific procedures that they
8 have to follow in order to define damage.

9 Then convert those damage scopes
10 into cost estimates to measure the damage.
11 And then, moving from there, to begin to
12 cost out the mitigation which is related to,
13 of course, the damaged elements.

14 So, that's been a real long
15 journey for the county, and the journey has
16 culminated in, as Rob said, the award of
17 \$830 million which is a sum of money that
18 combines both the repair of the plant and
19 the mitigation of the plant. And, as Rob
20 said, that's the largest single grant to an
21 applicant thus far in history for this pilot
22 program, and it provides the county with an
23 unprecedented amount of flexibility in how
24 it spends the \$830 million between repair
25 and mitigation.

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2 So, without going into more
3 detail on the FEMA update, we are still
4 continuing to work with FEMA to obligate the
5 project worksheet and to continue to move
6 forward with them through the various
7 administrative procedures that are in place
8 to approve the projects as we design and put
9 them out to bid.

10 I will pass it off to Mike now
11 who can talk to us more about some of the
12 construction projects that have been active,
13 starting with the Sandy related projects,
14 and then going to the non-Sandy related
15 projects.

16 MR. DeNICOLA: So, currently,
17 just real quick, the county and the
18 commissioner's office and Rob, the night of
19 the storm, Peter and myself were called, and
20 I have been on-site ever since.

21 I'm so glad to see that we have
22 six active construction projects ongoing for
23 the FEMA repair. That is a rendering that
24 you guys see of a new electrical substation,
25 and I wish it was that easy that we can just

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2 pop this up and build it, but notice to
3 proceed should go out, I think the date on
4 this, by 3-24 we're looking for notice to
5 proceed, legislative approval, I'm sorry.

6 So that would be four of the
7 substations. This is a mitigated facility
8 which is an elevation 18.25 and there are
9 six substations on the facility that
10 distribute power through the entire facility
11 about six megawatts.

12 Again, another rendering of what
13 was bid and now a notice to proceed is going
14 to go out for leg approval, sorry, 3-24.
15 Again, another rendering of a facility that
16 we are building.

17 Next slide, one more, I don't
18 want to bore you guys. We can go through
19 it. Another project, I'm going to turn this
20 over to Peter, but this project was, the
21 bids came in on Tuesday for the berm to
22 protect the plant. We have a pre-award
23 meeting tomorrow with the contractor, the
24 selected or the winning bid right now
25 tomorrow, and, Peter, I will turn it over to

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2 you to talk a little bit about the berm.

3 MR. GLOSS: Sure. Because of the
4 unique concentration of interrelated
5 mechanical and electrical systems at the
6 plant, one of the solutions to protect the
7 plant for future events was to build a
8 perimeter boundary around it. That was a
9 very cost effective approach. It made a lot
10 of sense and it happened to be that the
11 county had sort of a half a berm preexisting
12 and that berm functioned as a visual shield
13 and noise barrier.

14 So, we took that concept further
15 and we designed what we call the perimeter
16 protection system, which is basically half
17 levies and half reinforced concrete walls.

18 We took some of the work that we
19 had done in the New Orleans experience, post
20 Katrina, and we used some of the standard
21 Army Corp of Engineering designs in places
22 where we didn't have the footprint. We went
23 through a reinforced concrete structure in
24 places where we had a footprint or we were
25 concerned about the views from the immediate

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2 adjacent neighbors, we had preferred the
3 berm because it had a soft visual impact.

4 I can show a couple of images
5 here. We should note that part of the
6 project is to do significant improvements to
7 the parkland immediately east and west of
8 the berm because those parklands will be
9 used in part as staging areas.

10 Another thing that we did is we
11 took the road that was along the bulkhead
12 and we basically brought it into the park so
13 that the community has a greater connection
14 to the water body itself.

15 This imagine shows expanded view
16 of the park. The numerous elements of the
17 new parkland. These fields are all
18 elevated. Prior to Sandy, one of the
19 problems of this park was that it was a very
20 low lying park. The service did not have
21 much height on top of the groundwater table
22 so there were plenty of flooding issues.
23 Every time there was a heavy rain, the teams
24 couldn't play in the park because it didn't
25 drain very well.

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2 So this project not only
3 reconstructs the park, but it elevates the
4 park approximately three feet in its
5 entirety and the ball fields are new modern
6 self drain fields so you will not have a
7 problem playing after a rain event in the
8 future. That was a big issue for the
9 community.

10 A couple of renderings here. We
11 show the concepts of what the view
12 experience is going to be like. This is
13 sort of at the rear of the park as you abut
14 the golf course and you can see the
15 reinforced concrete structure with the
16 artwork on the wall. And we propose to put
17 markings on the wall to have the public be
18 reminded of what happened when Sandy came
19 and some of the issues that we face with
20 climate change.

21 This rendering is the rendering
22 on the front entrance which is a rendering
23 that shows the facade that is being used to
24 basically hide the very large reinforced
25 concrete gate structures that need to be

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2 built so that they are wide enough for
3 ongoing normal traffic to go in and out of
4 the plant but, at the same time, strong
5 enough to hold the design elevation which is
6 at 18.25 feet as Mike had said.

7 I'll pass it back to Mike.

8 MR. DeNICOLA: We have a new
9 slide. Many of you have taken the tour.
10 This facility does not operate off of
11 utility. It operates off of primary source
12 generators. Currently we have -- what we
13 are using as the primary source is Aggreko
14 generators which are, basically the
15 containers that you see in this photo, these
16 containers just most recently, as of last
17 week, we changed out to natural gas units
18 for air emissions.

19 You see this double decker, and
20 many of you guys have gone out there and
21 you've seen a single layer that keeps on
22 multiplying. But this facility is about
23 13.5 megawatts. It's about double the
24 capacity, more than double the capacity of
25 the plant.

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2 We also have two of the primary
3 source generators, house generators, interim
4 controls that we tested for 72 hours are
5 being used for backup. And also I know a
6 concern of many of the residents. The
7 natural gas units, there's not much of a
8 difference, but, as I said, last week we
9 finished the last pod, we have three pods
10 and we need to put up attenuation baffles
11 because are going to be operational for the
12 next 12 months.

13 Also as backup, the house
14 generators have been tested with interim
15 controls. Even though ancillary systems are
16 still damaged and we don't trust, we needed
17 a back-up source of power. So the Aggrekos
18 will be primary, and the house generators
19 would back up and the generator controls
20 project, which we will get into a little
21 later, is ongoing.

22 Again, temporary systems I know
23 is an issue. Sludge de-watering was
24 extremely damaged. If you don't remove
25 sludge from this system, you can't operate

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2 the plant.

3 This airplane hanger, as many of
4 the residents call it, is a temporary sludge
5 de-watering system with odor control.
6 Obviously it's tented. It's four belt
7 filter presses and this is how we are going
8 to de-water our sludge for the next few
9 years, until that sludge de-watering
10 building is repaired.

11 The demon process, and I saw some
12 of the questions, we piloted a
13 de-ammonification process where we take the
14 high strength nitrogen waste from the
15 filtrate off de-watering, and you do this.
16 De-ammonification process to reduce that
17 nitrogen by 90 percent.

18 So, essentially, that stream is
19 about 15 to 20 percent of the total nitrogen
20 coming into the plant, and this process
21 piloted successfully. You have a 90 percent
22 reduction and the county has committed to
23 building a full-scale installation. So this
24 is our sludge de-watering where you take
25 that filtrate and that high strength

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2 nitrogen you remove.

3 Just some of the construction
4 photos we'll go through real quick. This is
5 odor control. One of the non-Sandy projects
6 which the program is managing is new odor
7 control facilities for aeration as well as
8 primary tanks. On the primary tanks, we're
9 installing carbon filters as a secondary
10 system, and on the aeration tanks, we are
11 replacing the wet scrubbers. This
12 construction has started and is well into
13 construction.

14 More odor control, just another
15 photo that was taken a few months ago with
16 the snow. Obviously we had bad winter which
17 impacted some of the construction.

18 Digester clean out, I'm happy to
19 report that the digester clean-out project
20 is in full scale. The first digester was
21 cleaned, structurally repaired.

22 As of last week, we started
23 filling the tank again. We are painting the
24 cover, and we are going to move on to the
25 next tank.

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2 This is the sludge thickening
3 project. The waste activated sludge that
4 comes from the secondary system goes to a
5 gravity belt thickener, that is in full
6 scale construction right now.

7 This is another digester photo of
8 the groundwater de-watering that we're doing
9 to protect the bottom slabs from upheaval.
10 This is the sludge -- the digester clean-out
11 project. As I mentioned, as we clean out
12 those digesters, that's why we built this
13 structure, odors are a prime concern. So
14 when we clean out the digester and load the
15 trucks, we want to make sure everything is
16 enclosed and there's odor control.

17 Sludge thickening, again, we have
18 to bypass the filtration line, so this is
19 just showing some workers doing a bypass
20 pipe.

21 Again, another photo of the GBT
22 job, sludge thickening job. Interior
23 demolishing the tanks and doing some
24 concrete work. This is one of the pump
25 station jobs. This is a Sandy project.

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2 This is Glen Cove. Two of the smaller pump
3 stations, but they are under construction
4 now. These are just some specific photos,
5 and, Pete, I don't know if you want to add
6 anything?

7 One of the jobs that the notice
8 to proceed has been issued, the contractor
9 is immobilized and it's under construction
10 as the final tank repair. This is a Sandy
11 job. These final tanks, and I think Rob had
12 mentioned it, these are the 50 collected
13 drives, 50 motors that were damaged. This
14 job is in construction right now. This is
15 just the air plant for sludge de-watering.

16 MR. GLOSS: We wanted to also
17 just touch on the outfall really quick. As
18 Rob had said, you know, the focus, of
19 course, is to repair the plant and mitigate
20 the plant. But one of the things that the
21 county is also doing is looking to the
22 future of the region, and the county is
23 proposing to EPA to take the Bay Park
24 discharge that is currently Reynolds Channel
25 -- sorry about that, to take the Bay Park

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2 discharge that's currently in Reynolds
3 Channel and to combine that with two of the
4 treatment plants that are currently on the
5 island and pump the two treatment plants up
6 to the Bay Park service district and then
7 tunnel underneath Long Beach and send it out
8 to an ocean outfall. So the county is
9 exploring that with EPA right now and, as
10 Rob had said, this is probably not the focus
11 and we could talk about this --

12 LEGISLATOR DENENBERG: Just to
13 the chair, which two plants are they,
14 because he just mentioned two other plants?

15 MR. GLOSS: Long Beach plant and
16 Greater Atlantic Beach. Greater Atlantic
17 Beach is right over there on the image.

18 I think with that, that concludes
19 the presentation. We're open to questions.

20 PRESIDING OFFICER GONSALVES:
21 Chairman of the Public Works Committee,
22 Legislator Muscarella, will take questions
23 from the legislators.

24 CHAIRMAN MUSCARELLA: Thank you.
25 Here is, basically if I could just lay out

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2 this thing for us.

3 We have basically the extent of
4 the damage and you have given us a bit of
5 the plan to restore and replace, but what I
6 would like to do is kind of direct the
7 committee and the committee questions
8 towards where we are in terms of the steps
9 underway to implement the plan that the
10 county has.

11 I will try and allow each
12 legislator to give some questions. I won't
13 go one side then the other, but I would ask,
14 please, if a question has been asked and
15 answered, let's come up with another
16 question rather than ask the same things
17 over and over again.

18 I would ask that you allow the
19 legislators to ask their own questions
20 without jumping in provided that they are
21 germane to why we are here today.

22 I would also ask that you allow
23 the testimony to proceed unimpeded and, if
24 after that, your question is not answered
25 then you can either repeat it or ask to

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2 clarify.

3 Here's basically what I want to
4 start out with and I would like, if you
5 could, very briefly, in layman's terms, to
6 kind of tell us what was damaged and what
7 projects are needed, and then what projects
8 are currently ongoing.

9 You told us about six projects
10 that are currently undergoing, but then you
11 didn't say one, two, three, four, you kind
12 of gave us a whole overview. If we could
13 kind of more easily pinpoint this is what
14 happened very briefly, the following were
15 damaged, and we have the following problems
16 at that plant.

17 This is what the plan is to fix
18 those problems and then these are the three,
19 four, five, six, eight projects which are
20 underway, and where we are in terms of our
21 ongoing process to do that.

22 You might also want to tell us
23 what it's costing to do those things, how
24 much we have committed so far. That may be
25 a big task, Mr. Walker, but if you could

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2 kind of do that, I think it gives us some
3 direction and some structure to this whole
4 thing.

5 CHIEF DEPUTY WALKER: And what
6 we're going to try and do is walk you
7 through so you can see where you can follow
8 along. We will also walk you through this
9 monthly report that's provided. It is a
10 working document. So if any of the
11 legislators would like to see things added
12 in, we were actually just sitting here and
13 added something in talking about it. One
14 thing that is missing is the actual overall
15 schedule. So we will add that in starting
16 next month.

17 But, again, this is a living
18 document anything that you would like to see
19 added to this please let us know and we have
20 been working with both the majority and the
21 minority that has those questions related to
22 this and we're going to add anything that
23 you seem to think is important, but we will
24 go through these projects now.

25 MR. GLOSS: Mike, maybe you and I

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2 could tag team this. There is a number of
3 projects -- do you all have this slide in
4 your presentation? You probably can't see
5 it on the monitor. This breaks up the
6 projects that are currently active. The
7 upper left is projects and construction.
8 Let's just go down this list and we will
9 talk through them.

10 The digester project that's been
11 done is being done because of the condition
12 of the digesters prior to Hurricane Sandy.
13 So it's not related, per se, to Hurricane
14 Sandy damage, but it's related to the
15 condition of the digester. Mike has talked
16 about that in his presentation.

17 The generator controls rehab
18 project which is actively in construction
19 right now, is a job that is not related to
20 Hurricane Sandy but it is and is related to
21 a condition that was present prior to
22 Hurricane Sandy.

23 The odor control improvements,
24 again, is a project that was not
25 specifically related to Hurricane Sandy but

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2 was in motion prior to Hurricane Sandy. The
3 sludge thickening improvements project was
4 also in motion prior to Hurricane Sandy,
5 however, this project is unique because we
6 have included in the scope of this project
7 mitigation elements so that the job is being
8 constructed in a way that is a mitigated
9 project when it gets built.

10 Mike, maybe you want to talk a
11 little about that.

12 MR. DeNICOLA: Yes. I mean, the
13 first question, just to address that, what
14 was damaged at the plant. That wave came
15 in, the entire electrical distribution
16 systems, many homes, their entire electrical
17 panels, and their ability to provide
18 electricity to the first and second floors,
19 that was damaged at Bay Park. You can't run
20 a facility without electrical distribution.

21 The raw sewage pumps or the pumps
22 to pump into that facility and the pumps to
23 pump out of that facility were damaged.
24 That was the major damage as well as all the
25 ancillary systems for the primary source

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2 generators, final clarifiers. They said the
3 damage was major, catastrophic, almost,
4 that's just to answer the first question.

5 And, Peter, on sludge thickening,
6 was a pre-Sandy project essentially to
7 repair their waste activated thickening
8 facility. It was in construction, it was
9 actually several days from being turned over
10 and then Sandy hit and it damaged some of
11 that facility.

12 So, within that, we had to repair
13 that as well as do mitigation. So some of
14 those pumps become submersible, so if it's
15 ever flooded again, it's not damaged because
16 they're submersible pumps, they can take the
17 water and once we un-water the tunnel, they
18 go back into service.

19 MR. GLOSS: Next is the final
20 settling tank. Again, that's the job that
21 Rob had referred to. All the mechanical
22 systems for the tanks were submerged in salt
23 water so the county put a project to replace
24 all the mechanical systems. This is
25 directly related to Hurricane Sandy and this

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2 is a job that's in construction.

3 Then the pump station group one
4 repair and mitigation is also related to
5 Hurricane Sandy and it involved the pump
6 stations that were impacted significantly by
7 the surge that came aboard, the land in that
8 area, particularly in the Glen Cove.

9 So those are the projects that
10 are actively in construction right now where
11 physical work is taking place. The projects
12 bid and to be bid we will go through these
13 as well and we'll talk about the details of
14 each one. The influent screen facility is a
15 project that is pre-Sandy and it's related
16 to the condition of the influent screening
17 facility.

18 Electrical distribution, phase
19 one is a project that is related to the
20 repair of the damaged elements of the
21 electrical system and I will let Mike talk
22 about that.

23 MR. DeNICOLA: Yes. And we
24 showed that during the presentation. The
25 first phase was those four substations that

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2 are raised to elevation 18.25 and
3 distributes power to the entire facility.
4 And, again, the notice to proceed should
5 come out hopefully shortly. It's at the leg
6 for Monday.

7 MR. GLOSS: And to state what is
8 obvious in those images, the county is
9 elevating what's within the plant when they
10 can in addition to the berm. The intent
11 there is to build a multiple level of
12 defense approach to incoming storm
13 conditions.

14 So we didn't want to replace a
15 substation at a grade, so the joint venture
16 comes up with a design that elevated the
17 substation so that if berm were to somehow
18 fail, which is highly unlikely, but if it
19 would be, there would be resiliency in the
20 power system at the plant, and the design
21 criteria for the plant's electrical system
22 is to be resilient to storms even if the
23 berm wouldn't be there. So it's a belt and
24 suspender approach. Because the plant -- we
25 never want the plant to be down again and

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2 have conveyance impacted so the sewage backs
3 up into the system.

4 The perimeter full-production
5 system, I think we've talked about that.
6 That's a job the bids are open, and we're
7 meeting with the contractor tomorrow to go
8 through the details of his bid, the apparent
9 low bidder.

10 Grit removal facility was a job
11 that was pre Hurricane Sandy and related to
12 the condition of the facility prior to
13 Hurricane Sandy. It was in need of repair.

14 Mike, do you want to talk a
15 little bit about sludge de-watering, the
16 damage and the demo contract?

17 MR. DeNICOLA: Yes. Again,
18 sludge de-watering was completely damaged,
19 that was the tent, the airplane hangar I
20 keep referencing. That was a phased repair.
21 We want to demo the building. That contract
22 will go out by the end of the month for
23 construction bid.

24 Then the second phase will go out
25 to basically rehab the entire building which

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2 would -- that building took the most damage
3 in terms of all the pumps, all the
4 electrical equipment. So it's a two phase
5 project and the first phase will go out in
6 March. The rehab will go out, I believe,
7 Peter -- I'm sorry, the second phase will go
8 out, NTP on March of 2015.

9 We thought it would make sense to
10 demo the entire area, do the As-Bilt
11 drawings and have a second contractor come
12 in and rehabilitate the entire facility.

13 MR. GLOSS: Electrical
14 distribution, phase two.

15 MR. DeNICOLA: Electrical
16 distribution, phase two is probably the
17 largest project at Bay Park. Estimates
18 right now are about \$280 million to --
19 again, phase one is for four substations.
20 There are six substations on the site. So,
21 phase two will be the additional two
22 substations, however, it will also be the
23 primary source generators, it will be all
24 the switch gear, the remaining two
25 substations, emergency backup generation,

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2 and eventually a PSE&G second feeder and
3 transformers so we have a utility backup.

4 So there is a lot of leg work in
5 terms of design to work with PSE&G, to work
6 with manufacturers of primary source
7 generators. Obviously a critical project,
8 and probably one of the largest projects.

9 MR. GLOSS: Then the last one
10 here, sludge de-watering and construction.
11 I just want to point out that that job
12 that's being bid, that's a design contract
13 that's being bid because the program
14 management team doesn't do the design work
15 for all the projects. So that's actually
16 advertising soon to be awarded from a design
17 perspective and the bid openings here are
18 for the construction projects. The pump
19 stations are in the design RFPs.

20 If you'd like now we can shift
21 off to the design RFPs in the right side of
22 the column. There are number of design RFPs
23 out there to address the damage that was due
24 directly with Hurricane Sandy, so at this
25 point now we really begin to talk about

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2 projects that really stemmed from the damage
3 and involved mitigation of the damage
4 elements specifically.

5 Barnes Avenue was a point in the
6 collection system that collapsed and caused,
7 as many of you know, significant damage to
8 the neighboring houses. So this is a design
9 contract that has been let out by the county
10 to come up with a fix for that problem so it
11 wouldn't happen again. You can see the date
12 is coming out imminently.

13 The sludge de-watering facility,
14 as we talked about, these are design RFPs.
15 The proposal for the sludge de-watering was
16 due last month, and that's to design the
17 facility itself.

18 The pump stations have been split
19 up into eight groups, groups one through
20 eight, and those design RFPs you can see
21 here. There's pump station group two,
22 three, four, five, six, seven and eight.
23 Those are packages, again, going out to bid,
24 publically bid for consulting firms to do
25 the design work, again, directly related to

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2 the damage incurred by Hurricane Sandy.

3 The effluent tide pump was
4 another -- one of these critical facilities
5 that was submerged by the salt water. So
6 visualize these humongous 600 horsepower
7 motors and these pumping systems, and they
8 were just completely inundated with water.
9 And, when salt water hits the wirings, and
10 the windings on the motor, it basically
11 renders it inoperable.

12 So, what the county has done, the
13 county has taken those motors and has
14 performed temporary cleaning on them, and
15 then this is the contract to perform the
16 permanent repair which will be a mitigated
17 motor which will be able to be submerged.

18 Then the storm water system
19 improvements, I can let Mike talk about the
20 storm water.

21 MR. DeNICOLA: Yes. Again, we
22 are building a berm around the entire
23 facility so now, when it rains, that is a
24 bathtub, and the storm water management for
25 that bathtub needs to take -- there needs to

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2 be other ways to get that rain water out of
3 Bay Park and that wastewater facility, so
4 that's the storm water.

5 If I would suggest, I mean, you
6 can read this table, if you need specifics
7 about it -- you know, we, as the program
8 manager, we are putting out 30 percent
9 design. We want to make sure we maintain
10 the integrity of the plant, we want to make
11 sure we maintain systems that work together.
12 Because everything is interrelated. You
13 can't do this blindly. So these are the
14 dates for the design RFPs for third party
15 designers and for third party CMs, and these
16 are the dates and the master schedule. We
17 would be happy to address each one.

18 CHAIRMAN MUSCARELLA: Thank you.
19 You don't really have to. Here's what I
20 want to do before I open it up, just a
21 couple of things.

22 I understand and I think we all
23 understand, a project like this, you can't
24 shut down the plant and then rebuild it.

25 The existing plant has to

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2 continue to remain operative while you are
3 doing all this works. That's a substantial
4 obstacle you have to overcome.

5 Could you just tell me, the bids
6 that have come in, the work that you're
7 doing, basically have you been over budget,
8 under budget, are things proceeding properly
9 the way you want them to?

10 Additionally, time frames,
11 scheduling, are you behind schedule, are you
12 kind of where you want to be, ahead of
13 schedule? Just reassure me or let us know,
14 because if there are going to be problems
15 going forward, I think we are entitled to
16 know.

17 Are we progressing like we should
18 be?

19 MR. DeNICOLA: Right now on the
20 facility there are six active construction
21 projects. As the program manager, as the CM
22 we monitor schedules. That's how we gauge
23 the contractor, and that's how we pay the
24 contractors, based on a resource loaded
25 schedule; dollars, manpower. The digester

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2 project is 85 days roughly behind schedule.
3 The other projects are on schedule.

4 When we lose schedule on a
5 project, for example, we ask them to recover
6 time. So 85 days in the grand scheme of
7 things on one project out of six is not bad
8 but we need to recover schedule on the
9 project. The other projects are on
10 schedule. That's how we monitor the
11 contractor's progress.

12 Obviously we had a bad winter,
13 that hurts concrete, it hurts everything.
14 The E-1 bid was I believe about 7 million or
15 so below the engineer's estimate. So our
16 estimate was about 35 and it came in about
17 28, 29.

18 One thing we are learning with
19 the market conditions right now is
20 contractors are hungry. There's a lot of
21 work out there. New York City, Suffolk
22 County, Nassau County, everybody is getting
23 aggressive. Everybody also understands that
24 in Nassau County and especially in Bay Park
25 that there is a ton of work going on. So

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2 we're very happy with the bids and the
3 market conditions right now.

4 I will let Peter talk about the
5 berm because that's another bid we just
6 received.

7 MR. GLOSS: Just to say on the
8 berm job, it was a very competitive bid. We
9 got seven respondents which was more than we
10 thought we were going to get, and the prices
11 were significantly below the engineer's
12 estimate. So it was a great market climate
13 for us at the moment right now.

14 I'm not sure if this is going to
15 be the same way in a year from now, but at
16 this moment right now, the county's projects
17 are ahead of the curve of the other regional
18 projects. So we're seeing a lot of
19 respondent activity.

20 CHAIRMAN MUSCARELLA: And I think
21 it goes without asking but I'll ask it
22 anyway, these are union jobs that are
23 bidding, lowest responsible bidder?

24 MR. GLOSS: Yes.

25 MR. DeNICOLA: And just to add to

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2 that, obviously New York State, Wicks Law,
3 most of these jobs are going out as PLA
4 jobs, so we have one prime which helps us in
5 terms of the same hours for all the unions.
6 Again, it's still all the unions that are
7 involved but they are PLAs.

8 CHAIRMAN MUSCARELLA: How much
9 money have we committed so far? That we
10 know was spent?

11 CHIEF DEPUTY WALKER: To date, we
12 have, pending the two approvals next week,
13 \$150 million on Sandy contracts, and \$70
14 million on non-Sandy contracts.

15 CHAIRMAN MUSCARELLA: About 250
16 of the --

17 CHIEF DEPUTY WALKER: \$220
18 million.

19 CHAIRMAN MUSCARELLA: Of the?

20 CHIEF DEPUTY WALKER: Of the 800
21 it's about 150.

22 CHAIRMAN MUSCARELLA: That's
23 committed or will be committed by next week?

24 CHIEF DEPUTY WALKER: Correct.

25 CHAIRMAN MUSCARELLA: Okay. I

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2 know Legislator Ford, did you have some
3 questions?

4 LEGISLATOR FORD: Thank you very
5 much, Legislator Muscarella. I'll also
6 probably jump around.

7 I just want to say Deputy County
8 Executive Walker, I appreciate your comments
9 and, I agree, we need to move forward. We
10 are still recovering from this storm and our
11 residents are tired of politics and
12 appreciate the efforts to work together for
13 the betterment of our community. I thank
14 you very much.

15 I know the Bay Park Sewage
16 Treatment Plant impacts not only the
17 residents of Bay Park but also those who
18 live along the south shore and the barrier
19 island, Long Beach barrier island, as well
20 as residents in Oceanside and Island Park.

21 Now, I'm going through the
22 schedule right now and, just let me know
23 quickly, all right, when will the work truly
24 begin and what do you expect?

25 I know you already started

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2 working on it, but I mean, like, the real
3 nuts and bolts of it, when is it really
4 going to --

5 MR. DeNICOLA: Again, the six
6 active construction jobs have started. The
7 berm contract is a pre-award and that's
8 going to be a major impact to that facility.
9 If everything goes well with the pre-award,
10 everything goes well with the leg and with
11 NIFA, and we award that contract, and the
12 notice to proceed, by early summer, there is
13 going to be major construction on that berm.

14 Again, there are six active
15 construction jobs. The electrical is going
16 to get started within, if that 24 date is
17 true, we are going to get started within the
18 next month.

19 Now there are eight active
20 construction jobs that are -- it's major
21 work going on at that facility.

22 LEGISLATOR FORD: And I know that
23 my thing is, when we went there on the tour,
24 we had those generators that were so noisy,
25 and I know that impacted the quality of life

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2 for the residents, not only the odor but the
3 noise, are we going to get rid of them or
4 are they still there?

5 MR. DeNICOLA: They are still
6 there. In one of the photos, we had to
7 convert those or basically replace those
8 with natural gas units which aren't -- there
9 is no noise difference between the diesel
10 and natural gas. There are emission
11 differences, and they are going to be there
12 for another 12 months operating that plant
13 and using the primary source generators
14 within the facility as a backup until the
15 generator control job is done.

16 As I mentioned, last week we
17 finished the natural gas conversion and we
18 are going to put attenuation baffles now
19 that spring and summer are coming. Believe
20 me, it's not going to be perfect. It is
21 what it is.

22 LEGISLATOR FORD: Do you know if
23 the noise is going to be lessen then?

24 MR. DeNICOLA: Yes. Right now
25 the noise at the fence line is 90 DBA. I'm

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2 hoping to go lessen that by 25 percent.

3 LEGISLATOR FORD: All right.

4 Hopefully that will work. Then, also, with
5 the odor control, I know we are working on
6 that. With the height of the berm that
7 you're putting in, what is it going to be,
8 18 feet surrounding the sewage treatment
9 plant, do you feel that that -- I mean, I
10 know that the big issue is the odor control.
11 It is terrible.

12 I know that over the years many
13 residents have complained about that, there
14 are complaints way in the past, they feel
15 nobody ever listened to them.

16 Do you think with the
17 improvements of odor control as well as the
18 height of the berm, do you think that can
19 help minimize the odor that seeps through
20 the neighborhood?

21 MR. DeNICOLA: Number one, I
22 looked into the odor complaints since the
23 first of the year, there were three odor
24 complaints, which doesn't surprise me they
25 were so low because it's winter and

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2 everybody's windows are closed.

3 I have been in wastewater
4 treatment plants for 25 years. There are
5 odors. And I think the projects -- and I
6 will let Peter speak a little bit to this,
7 the bio filters for the aeration tanks, as
8 well as the secondary stage carbon for the
9 primary tanks, which is major source of odor
10 for sulfites is definitely going to improve
11 it. Is it ever going to disappear? It's a
12 wastewater treatment plant. It's never
13 going to disappear.

14 LEGISLATOR FORD: I hope every
15 effort is going to be made to make it as
16 less smelly as possible.

17 CHIEF DEPUTY WALKER: The first
18 time I went there I rolled down the window
19 and that's how I found it unfortunately.

20 One of the things we are doing,
21 the administration in conjunction with the
22 joint venture, is we are going to begin,
23 they've been purchased, is to actually put
24 odor sensors that are going to go in the
25 community on the site so we can begin also

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2 getting a better idea of where those odors
3 are coming from.

4 Some of them obviously, it would
5 be foolish to say it doesn't come from the
6 plant, we all know it comes from the plant.
7 But there are other impediments in that are
8 that we believe having those sensors will
9 give us a better idea to map and deal with
10 it.

11 The problem with Reynolds
12 Channel, we know there are issues
13 surrounding there due to the high nitrogen
14 levels and the low oxygen levels and
15 everything of that nature. That may be an
16 area that we may need to work with the DEC
17 to dredge or other things like that reduce
18 some of the odor.

19 So the sensors will be installed
20 within the next couple months, 90 to 120
21 days, and then we will begin mapping where
22 those odors are from and use that to
23 hopefully pinpoint some additional work that
24 needs to be done.

25 LEGISLATOR FORD: I thank you

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2 very much because now you're going to help
3 me segue into my next question.

4 Of course we're repairing the Bay
5 Park Sewage Treatment Plant but we know that
6 the plant has to be upgraded and we know the
7 nitrogen, certain things need to be removed
8 and this is something that basically is also
9 state mandated.

10 As we are doing the repairs, are
11 we also doing some of the upgrades in
12 anticipation of hopefully nitrogen removal
13 or removing more out so that hopefully we
14 will help Reynolds Channel, and, of course,
15 and -- I'm glad you did speak about
16 dredging, we're not going to talk about it
17 today, but you know I'm going to be after
18 you on that.

19 CHIEF DEPUTY WALKER: I'm going
20 to go out there with -- we have Millet,
21 that's why he sitting back there, he's
22 bringing a bulldozer in.

23 The one thing that was talked
24 about earlier was the ocean outfall, not to
25 talk a little bit about that, but part of

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2 the ocean outfall, and we have had extensive
3 conversations with the EPA and DEC.

4 We know that the new TMGL
5 standards are going to come out. We don't
6 know exactly what they're going to be but
7 we're pretty close to understanding what
8 that will entail.

9 To be very blunt, there is no way
10 that Bay Park will ever able to reach the
11 nitrogen level of two or zero if they come
12 out with those standards by having the
13 outfall in Reynolds Channel. It would be
14 impossible unless this legislature committed
15 over a billion dollars, unless we decided
16 that we're no longer going to have a park
17 facility, the golf course is going to come
18 and go because it will never fit into that
19 facility. It just will not. It's not
20 fixing what we have there. It will actually
21 be entailing putting in new buildings,
22 construction, and things of that nature.

23 However, we do know with the
24 ocean outfall we still need to do some type
25 of denitrification which the plan consists,

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2 and that's why I jumped into the ocean
3 outfall. The ocean outfall project will
4 consist of both the nitrogen removal to a
5 level that we believe will not only be
6 acceptable but actually requested by the
7 EPA/the DEC. We already started the demon
8 pilot program. That was only on a certain
9 process within the plant. That will
10 actually lower our nitrogen removal
11 immediately by a third. However, that will
12 not meet those guidelines that they need us
13 to meet.

14 The ocean outfall project
15 consists of a complete nitrogen -- not a
16 complete nitrogen removal, but a fairly
17 fairly large reduction coinciding with that
18 outfall, and we are working on those funds
19 as we speak.

20 LEGISLATOR FORD: All right.
21 Thank you. What is the capacity of the
22 plant? And are you also building it to
23 accept -- like, you know, if we all of a
24 sudden have a need to have a bigger plant to
25 accept more sewage? We are talking about

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2 possibly pumping Long Beach and Atlantic
3 Beach but we also at Point Lookout which is
4 still on cesspools, but there may be a time
5 in the future they may come on to sewers.

6 MR. DeNICOLA: That's correct.
7 And, yes, the plant, every plant, Nassau
8 County, Suffolk County, New York City, the
9 SPDES permit dictates your maximum flow.
10 Bay Park is permitted for a 70 MGD maximum
11 flow rate. Cedarhurst and Lawrence, Long
12 Beach, Point Lookout, Greater Atlantic Beach
13 fit well within that. Any further expansion
14 we have not looked at.

15 Right now we operate about 52
16 MGD, I believe, so we're well within that.
17 But if there's further development or
18 expansion, that would have to be looked at a
19 later date.

20 LEGISLATOR FORD: Thank you.
21 Also, one other thing with me, are we
22 planning on doing on-site testing of
23 effluents? A lot of times we have to, to
24 the DEC, we have to send the samples up. It
25 may take a couple of days, a week, or

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2 something. That is one of the issues that
3 we have because a lot of times we have a
4 spill and we don't know really the full
5 impact.

6 Since Reynolds Channel is the
7 recipient of all of this, and we do use it
8 for recreational activities, I want to know,
9 is there any way of getting on-site testing
10 so that we know right then and there if
11 there is some sort of danger that we need to
12 alert our residents?

13 CHIEF DEPUTY WALKER: We're
14 actually in the process of reviewing the
15 potential to actually do real-time data,
16 where actually people get it and also have a
17 camera set up actually at the outfall, and
18 we are in the process of going through those
19 programs.

20 So the answer is yes, that is the
21 desire that we would like to see move
22 forward in that direction and we are just
23 waiting to get some further clarity as to
24 how we can progress in that manner.

25 LEGISLATOR FORD: And, then, what

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2 steps are you taking to minimize disruption
3 to the residents during the construction
4 phase? I know the construction is going on,
5 but if we are going to step it up, we are
6 looking at more workers, more trucks, and
7 everything, and you're actually driving
8 through a small community.

9 MR. DeNICOLA: One of the
10 challenges that we are faced with, and
11 that's why some of this phasing and
12 construction is essentially that, is the
13 traffic through that community. There's one
14 road into that plant. Whether you go around
15 the front entrance or the back entrance, you
16 are still coming down Fifth Avenue. There
17 is a ton of workers, a ton of engineers,
18 there is the chemical trucks, the sludge
19 trucks, and now we are going to have the
20 berm trucks going through.

21 You know, environmental
22 assessments have been done trying to
23 evaluate exactly how those trucks get in and
24 out of that facility and how we are going to
25 stage them and there's limitations on every

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2 contract.

3 Future contracts we are putting
4 or thinking about putting limitations, we
5 have to evaluate, that there can't be any
6 workers coming in that facility with their
7 personal cars. There's going to be off site
8 parking, so it's a major concern.

9 I'm not going to say we have
10 figured it all out so far, but it's
11 definitely a major concern and I appreciate
12 you bringing it up. It's just one road
13 going into that facility.

14 LEGISLATOR FORD: I will be in
15 touch with you on that.

16 My last question will be, because
17 there's a lot of other people, I don't want
18 to monopolize.

19 But when you talked about sending
20 out for each of the PS group repair, pump
21 station repair and mitigation, you're
22 sending it out, like each one is going to be
23 bid out separately, or -- what would be the
24 benefit of having perhaps different
25 companies working on pump stations, what is

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2 the benefit?

3 MR. GLOSS: There are two
4 benefits specifically; one of them is, if
5 you break up the 30 or so pump stations that
6 have to be addressed, you can get it done
7 quicker and, I think the second thing is,
8 they all want to have the same problem, I
9 mean, they were all impacted by Sandy but
10 they may be mitigated in different ways. We
11 tried to sort of group them in a way that
12 makes sense from a mitigation perspective,
13 so that there was some commonality among the
14 groups.

15 LEGISLATOR FORD: Okay. And in
16 regard to the outfall pipe, I know that when
17 will a decision be made as to whether or not
18 there will be -- that we will be able to get
19 an outflow pipe and, if we are going to
20 accept or the city of Long Beach will enter
21 into an agreement with the county?

22 CHIEF DEPUTY WALKER: I
23 personally don't want to speak for the
24 county executive nor any of you up there,
25 however, I believe that's the only solution

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2 that we actually have. I don't believe
3 there is really any other one.

4 So, we are working very
5 diligently on looking at all of the funding
6 mechanisms in place. I know we're joined by
7 the City of Long Beach today, in that we
8 have worked very close, hand in glove, in
9 working through the process. We believe it
10 doesn't make any sense to have three
11 outfalls in various spots right in the
12 western bay area. So we will continue to
13 work through that process.

14 We are working through the FEMA
15 process to see what funding level will be
16 associated with FEMA.

17 Just this morning we met with the
18 Re-Build by Design, which is a very -- their
19 program is called Living By the Bay, it's a
20 competitive program that 4.6 billion is
21 available from the Department of Housing and
22 Urban Development. They have included
23 dollars for the ocean outfall into their
24 program.

25 Again, it's competitive so we

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2 have to work with our congressional and
3 senatorial delegation in Washington to see
4 us receive those dollars, and we will
5 continue to do that but they have put
6 funding into that.

7 We have requested and the
8 governor has been very supportive, Senator
9 Schumer has been very supportive of having
10 the infrastructure CDBG dollar have certain
11 amounts set aside.

12 So we believe with the nitrogen
13 removal/ocean outfall you're talking of
14 anywhere between 650 to \$750 million.
15 Obviously, again, we have been very
16 successful being in the ground first in
17 terms of competitive on our bids. Every bid
18 really is coming in lower than we thought it
19 would. So we will continue to be aggressive
20 on that time line.

21 Again, we're talking about a ten
22 percent movement in the bid, talking \$75
23 million. You're not talking \$750,000 on a
24 smaller bid so there's great disparity where
25 that number could be. We are aggressively

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2 seeking those dollars and working with all
3 our partners to see that -- the
4 environmental community could not have been
5 any better to work with through this
6 process. Many of them are here today as
7 well.

8 So we're going to continue to go
9 down the path that that is our only option.
10 I personally believe that it is.

11 LEGISLATOR FORD: I thank you
12 very much, and thank you.

13 CHAIRMAN MUSCARELLA: And I'm
14 happy to hear that you understand that the
15 impact on the community is an important
16 concern of ours with us understanding that
17 you want to do this job as efficiently,
18 effectively, and as quickly as possible and
19 those two issues may not always be joined
20 together.

21 Mr. Denenberg, you have some
22 questions?

23 LEGISLATOR DENENBERG: Thank you.
24 As ranking member of Public Works, I want to
25 thank the committee chair, Mr. Muscarella,

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2 for having this status hearing. I do think
3 that these status hearings are important to
4 do at least on a quarterly basis to know
5 where we've been, where we are now, and
6 where we are going, and where we are going,
7 and hopefully where we are going is to
8 rebuild this plant and upgrade both Bay Park
9 and Cedar Creek.

10 I'm going to work off of the
11 reports that you gave us and, if I'm looking
12 at the March monthly report, there's just
13 three documents that I want to refer to as
14 I'm asking questions regarding the status of
15 each project.

16 So I have the summary Pre-Sandy
17 Capital Projects and Sandy Recovery Capital
18 Projects which are from page III and IV. So
19 three and four from your March report, if
20 that's okay.

21 I will hand you, if you don't
22 have it, I'm going to hand you the project
23 schedule from the July 2013 Power Point
24 presentation when \$262 million in bonding
25 was approved and then later that year over

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2 \$860 million more in bonding was approved.

3 So I have the schedule of these
4 projects for July 2013 which is eight months
5 ago.

6 CHIEF DEPUTY WALKER: Was it 460,
7 not 860?

8 LEGISLATOR DENENBERG: I'm sorry,
9 460 for a total of over 800. Sorry.

10 CHIEF DEPUTY WALKER: That's your
11 \$400 million you always talk about, now you
12 know where it went.

13 LEGISLATOR DENENBERG: No,
14 actually the \$400 million that I'm talking
15 about, aren't you sorry you asked, Rob --

16 CHIEF DEPUTY WALKER: I'm
17 teasing.

18 LEGISLATOR DENENBERG: The final
19 document that I'm handing is from a 2010
20 capital plan which has, when I counted, \$400
21 million worth of projects that I think you
22 called the pre-Sandy capital projects.

23 So my first question is, when you
24 say pre-Sandy capital projects, I'm assuming
25 that you mean projects that have been in

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2 your capital project prior to Sandy?

3 CHIEF DEPUTY WALKER: Yes, and
4 those that have not been impacted by Sandy.
5 But most of them are all pre-Sandy. There
6 are pre-Sandy projects that we are going to
7 be set to either go to let by bid and/or
8 have started.

9 LEGISLATOR DENENBERG: And Sandy
10 recovery capital projects are those projects
11 that are -- that became projects after Sandy
12 in order to recover the plant, correct?

13 CHIEF DEPUTY WALKER: Correct.

14 LEGISLATOR DENENBERG: So, with
15 respect to Bay Park, the three Sandy
16 recovery projects, 35121 and 3P311, and
17 35123, those three projects which total \$890
18 million are all for Bay Park and are all
19 Sandy related, Sandy recovery?

20 CHIEF DEPUTY WALKER: It's Bay
21 Park pump stations, the 30 pump stations,
22 and Barnes Avenue. Barnes Avenue, the FEMA
23 did not support funding for Barnes Avenue
24 with the exception of I think a million and
25 a half dollars.

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2 LEGISLATOR DENENBERG: So none of
3 the Sandy recovery capital projects would be
4 for Cedar Creek, correct?

5 CHIEF DEPUTY WALKER: Correct.

6 LEGISLATOR DENENBERG: So let me
7 first talk about the pre-Sandy capital
8 projects and, to make it easier, I will go
9 down the pre-Sandy capital project list that
10 is provided in the --

11 CHIEF DEPUTY WALKER: There is
12 some Cedar Creek in here.

13 LEGISLATOR DENENBERG: In the
14 pre-Sandy capital?

15 CHIEF DEPUTY WALKER: Yes.

16 LEGISLATOR DENENBERG: You were
17 correct, you said the Sandy recovery capital
18 projects were all Bay Park, correct?

19 CHIEF DEPUTY WALKER: Yes, Bay
20 Park pump station, Barnes Avenue.

21 LEGISLATOR DENENBERG: The
22 pre-Sandy capital projects would be projects
23 that existed prior to Sandy, correct?

24 CHIEF DEPUTY WALKER: Yes.

25 LEGISLATOR DENENBERG: And some

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2 of those may relate to Cedar Creek, correct?

3 CHIEF DEPUTY WALKER: Yes.

4 LEGISLATOR DENENBERG: So I'm
5 going to refer to pre-Sandy capital
6 projects, there's eight of those, and then
7 the three Sandy capital projects just to
8 inquire as to the schedule, the status, how
9 much money has been spent, and schedule
10 going forward, exactly what you are here
11 for.

12 35116 is the first capital
13 project number that you referred to in your
14 March summary sheet, correct?

15 MR. DeNICOLA: Yes.

16 LEGISLATOR DENENBERG: Page four,
17 35116, that's odor control both at Cedar
18 Creek and at Bay Park, correct?

19 MR. DeNICOLA: Correct.

20 LEGISLATOR DENENBERG: If I look
21 back, and I don't know if we can put this
22 up, is it possible to put up the July
23 schedule on the overhead?

24 It's not possible?

25 CHIEF DEPUTY WALKER: I don't

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2 know which July schedule.

3 LEGISLATOR DENENBERG: The July
4 schedule that you provided with the status
5 report that was given to us --

6 CHIEF DEPUTY WALKER: If it's not
7 in this presentation, we can't put it up.

8 LEGISLATOR DENENBERG: This was
9 the July presentation, Nassau County Bay
10 Park STP Rebuilding Our Plant For the
11 Future, July 15th, 2013, from Hazen and
12 Sawyer and you presented this to us in July.

13 CHIEF DEPUTY WALKER: I don't
14 know if they have it on their computer so we
15 wouldn't be able to put it up, but --

16 LEGISLATOR DENENBERG: Okay.
17 Well, I handed you the sheets, do you have
18 that?

19 MR. DeNICOLA: We don't.

20 LEGISLATOR DENENBERG: Hand them
21 the sheets. With respect to 35116, which is
22 odor control systems, according to your July
23 2013 report, by quarter three 2013, \$42
24 million was supposed to be spent, if not
25 contracted, my concern is you have 35116, in

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2 your March report right now says that the
3 total budget is 35.9, the total encumbrance
4 27, and the paid to date is \$679,000.

5 CHIEF DEPUTY WALKER: The project
6 has started, that is odor control, it's odor
7 control at both Cedar Creek and Bay Park.
8 You may have claims in here for \$2 million
9 that hasn't been posted, so it's not going
10 to be paid. In here is the cost of the
11 contract. The cost of the contract is
12 roughly, if I remember right, is about 26,
13 \$27 million.

14 So what's not in here is the cost
15 for the construction management, the cost
16 for mitigation, because there will be a
17 component in this that will be a mitigation
18 cost that has not been in here because that
19 contract, again, was put out prior to having
20 some mitigation put in, and it doesn't also
21 account for the -- as I said, the
22 construction management.

23 But both contracts, that contract
24 for both plants has been awarded and
25 progressing.

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2 LEGISLATOR DENENBERG: That
3 contract, I agree with you that the
4 contract, at least B2713, sorry for numbers,
5 odor control at Bay Park and Cedar Creek
6 contract passed September 9th, 2013, my
7 concern is, it seems like so little has been
8 done and in accordance with the schedule
9 from July 2013, \$42 million was supposed to
10 be spent by third quarter 2013.

11 CHIEF DEPUTY WALKER: No, no, no.
12 That's when the contract was to be awarded,
13 not spent by. That's when the contract was
14 to be awarded. It's not going to be spent.
15 You have to have the authorization in place.
16 You don't have to have the technical cash in
17 place but you needed to have at least the
18 dollars to award the contract.

19 The contract was awarded then.
20 The contract is working. And the spent to
21 date will take place -- I hope everyone
22 remembers, this is going to be a four year
23 project. We are going to be talking about
24 this until 2017. It's impossible to finish
25 any time before that unless we are

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2 miraculously going be able to drop in a new
3 plant via helicopters. So this is going to
4 be a four year project.

5 LEGISLATOR DENENBERG: So right
6 now you are reporting that \$679,000 has been
7 spent.

8 CHIEF DEPUTY WALKER: Has been
9 paid. Has been paid.

10 LEGISLATOR DENENBERG: Let me
11 finish.

12 CHIEF DEPUTY WALKER: Has been
13 paid.

14 LEGISLATOR DENENBERG: 27 million
15 has been encumbered for that particular
16 contract, correct?

17 CHIEF DEPUTY WALKER: Correct.

18 LEGISLATOR DENENBERG: I think
19 the contract amount was 24.7 but my question
20 for Cedar Creek and Bay Park, because I get
21 these questions, and I see you all the time,
22 so I want to thank you for always taking me
23 around in Bay Park, but I've also been
24 around in Cedar Creek.

25 Where are we on odor control?

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2 Visually, visually, to report back to my
3 constituents in the Cedar Creek area or to
4 answers questions in Bay Park, visually I
5 haven't seen anything. So I don't know
6 where they are on this contract or why so
7 little has been spent to date.

8 MR. DeNICOLA: Understand that
9 that number is probably not accurate because
10 the contractors on both facilities are
11 mobilized as of several months ago. Major
12 excavation, re-routing of piping, the piles
13 are going in. The piles are going in in
14 both facilities.

15 So right now, I will say if we
16 are 15 to 20 percent done with construction,
17 that is probably an accurate number at both
18 facilities, and I would invite you to come
19 out. I will take you around both
20 facilities. The construction is well
21 underway.

22 LEGISLATOR DENENBERG: What do I
23 call you, Robert?

24 MR. DeNICOLA: My name is
25 Michael.

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2 LEGISLATOR DENENBERG: I always
3 get it wrong. I was asking Rob a question
4 and he answered. That was actually a good
5 answer.

6 I'm going by your number that
7 shows less than two percent paid --

8 CHIEF DEPUTY WALKER: Again, just
9 remember, that was paid to date. They may
10 have an invoice that they have not approved
11 for payment that could be two million, three
12 million, four million. So you are always
13 working 60 days, 90 days to see payment
14 after that work was completed.

15 LEGISLATOR DENENBERG: So the
16 schedule that said quarter three, 2013 for
17 odor control, and \$42 million, that's not
18 accurate money-wise because it was only \$25
19 million, and it's not accurate time-wise
20 because that was only when we hoped the
21 contract would go out to bid?

22 CHIEF DEPUTY WALKER: It is
23 accurate in the time line. If you look, the
24 contract was awarded in September 24, 2013.
25 That's third quarter, 2013. That's when the

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2 contract is awarded. It was awarded then.

3 LEGISLATOR DENENBERG: Most
4 people would want to know, certainly my
5 constituents, I think all of us, would want
6 to know when this project should be done.
7 Is there something in this report that we
8 can look at?

9 CHIEF DEPUTY WALKER: Look at
10 that same page on 27. It's a 26 month
11 construction project.

12 LEGISLATOR DENENBERG: Which page
13 am I looking at, the one that's on the
14 screen?

15 CHIEF DEPUTY WALKER: October of
16 '15. October '15 is when it should be done
17 now?

18 CHIEF DEPUTY WALKER: Yes.

19 LEGISLATOR DENENBERG: Let's move
20 on to the next project. By the way, the
21 odor control, 35116, goes all the way back
22 and I provided you a copy to 2010 capital
23 plan where there was about \$25 million then.
24 Did we lose any money or we hadn't started
25 it when the --

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2 CHIEF DEPUTY WALKER: It was
3 designed and went out to bid, it was bid on
4 August 20, 2013 and awarded September 24,
5 2013.

6 LEGISLATOR DENENBERG: So nothing
7 took place pre-Sandy?

8 CHIEF DEPUTY WALKER: No. No.
9 Work-wise. The only thing that took place
10 was the design.

11 LEGISLATOR DENENBERG: But we did
12 approve money according to the 2010 capital
13 plan?

14 CHIEF DEPUTY WALKER: Yes.

15 LEGISLATOR DENENBERG: Are we
16 combining the money that was pre from 2010
17 with the money that was approved in July of
18 last year for this project?

19 CHIEF DEPUTY WALKER: What bond
20 is that coming from? Ken Arnold has the
21 actual bond.

22 LEGISLATOR DENENBERG: Well, for
23 odor control we approved \$26 million in July
24 2013 but prior thereto, in 2009, according
25 to the 2010 capital budget, if I'm looking

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2 at the -- the \$26 million also.

3 CHIEF DEPUTY WALKER: You
4 approved \$8.5 million, \$26 million was the
5 authorization, still \$26 million from 10 to
6 13. You had \$8.5 million in '11, another
7 \$12 million in '12, another 5.4 in '13 that
8 equals 26.9. So the authorization amount at
9 that time might have been 26 million but it
10 didn't take place for all those four years.

11 LEGISLATOR DENENBERG: That's
12 right. But we approved 26.9, even though it
13 was never spent and never used, and that
14 26.9 was authorized as you're looking by
15 2010, looks like it was --

16 CHIEF DEPUTY WALKER: No, no, no,
17 it wasn't. It was authorized by 2013. It
18 was \$1 million in '10, 8.5 in '11, \$12
19 million in '12, 5.4 in '13, which then
20 equals your 26.9 in '13.

21 LEGISLATOR DENENBERG: All of
22 that was in the capital plan from '10?

23 CHIEF DEPUTY WALKER: No. \$1
24 million in '10. This is for the year 2010,
25 county debt, \$1 million. Cannot spend any

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2 more than that.

3 LEGISLATOR DENENBERG: Let me
4 just ask this. Make a long story short.
5 How much are we going to end up spending on
6 this? Is it \$42 million that was in your
7 July report, or is it going to be \$27
8 million pursuant to this contract?

9 CHIEF DEPUTY WALKER: As long as
10 there are not any change orders, you're
11 talking about \$27 million. If there are
12 change orders or other things that come
13 about, it will actually be more money.

14 As I said before, the mitigation
15 is not included in that cost estimate.

16 LEGISLATOR DENENBERG: I thought
17 that we approved 26 million in July on top
18 of what was already approved and I'm trying
19 to figure out if we are spending 26 million
20 or 42 million.

21 CHIEF DEPUTY WALKER: As I said,
22 you're going to have the \$27 million that's
23 definitely being spent, unless it comes in
24 cheaper, you're going to have the mitigation
25 that's not included in this that will go out

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2 to bid and/or be a change order. I believe
3 it will go out to bid. Then that will be on
4 top of it for the odor control mitigation.

5 LEGISLATOR DENENBERG: Let's go
6 on to 3B120, that's the preliminary
7 treatment modification which is pre-Sandy,
8 correct?

9 CHIEF DEPUTY WALKER: Yes.

10 CHAIRMAN MUSCARELLA: That's the
11 next pre-Sandy contract. That, in fact,
12 goes back to the 2010 capital plan too but,
13 just to make sure, from the July 2013
14 schedule that you provided to us, 3B120, was
15 supposed to have \$29 million. \$29 million
16 was supposed to be contracted third quarter
17 of 2013.

18 According to this schedule, we've
19 only encumbered 4.5. We have only spent 1.6
20 million which is only 3 percent. I'm
21 looking back at the contracts and we don't
22 have more than \$1.3 million contracted for
23 3B120 which is the preliminary treatment
24 modification.

25 CHIEF DEPUTY WALKER: Yes, you

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2 do. You have a contract that was approved
3 by Rules on March 10th, 2014, Item B6, 2014,
4 from Picone, that was awarded and they are
5 beginning in May of 2014.

6 LEGISLATOR DENENBERG: So that's
7 for a total of 12.3 million in March and
8 it's coming in May as well?

9 CHIEF DEPUTY WALKER: Starting in
10 May. They're mobilizing and starting. And
11 then you currently have a contract that is
12 out to bid that is scheduled to open on
13 March 25th, 2014 for the grit again with
14 construction beginning in May of '14.

15 LEGISLATOR DENENBERG: So where
16 it says in your schedule from July, \$29
17 million in quarter three, 2013, right now
18 including March which is first quarter,
19 2014, we're up to about 12.5, and then
20 you're saying by May which is second quarter
21 2014, we'll be in the \$20 million area?

22 CHIEF DEPUTY WALKER: Probably
23 another \$45 million between both contracts.
24 There's two contracts.

25 LEGISLATOR DENENBERG: So why did

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2 this slip from quarter three, 2013, to at
3 least it looks like first or second quarter
4 2014?

5 CHIEF DEPUTY WALKER: It didn't
6 actually slip. When we look at the schedule
7 and how to schedule appropriately, they
8 determined that this was the better way to
9 handle that schedule.

10 LEGISLATOR DENENBERG: I'm just
11 going by the schedule, said \$29 million by
12 quarter three, 2013.

13 CHIEF DEPUTY WALKER: And, as I
14 said, this will be a working schedule. Some
15 things will be quicker. Remember at that
16 point we only wanted to do the electrical
17 distribution in one phase. We are now doing
18 that in two phase. So things change on the
19 best way to operate for the facility as
20 deemed appropriate by people much smarter
21 than me, the engineers.

22 CHIEF DEPUTY WALKER: So what's
23 the current schedule for this \$29 million --

24 CHIEF DEPUTY WALKER: The
25 construction --

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2 LEGISLATOR DENENBERG: Let me ask
3 the question. The total contract cost is
4 \$29 million. I'm looking at a July 2013
5 schedule which said that that total contract
6 cost would be contracted by quarter three
7 2013, with what passed March 10, 2014, for
8 preliminary treatment modifications we're up
9 to contracting 12.3. So when are we going
10 to contract the rest of the money?

11 CHIEF DEPUTY WALKER: I said that
12 before. One of the contracts has already
13 been awarded. The second contract will be
14 awarded in March and we hope in May they
15 will start construction. One was awarded
16 March 10th. The other one will be awarded,
17 I'm sorry, at the next meeting we believe.
18 The bid is currently opening March 25th,
19 awarded in April to begin in May. So both
20 of those contracts. Two separate contracts.

21 LEGISLATOR DENENBERG: So the
22 last -- or the full amount should be
23 contracted by April?

24 CHIEF DEPUTY WALKER: Yes. One
25 already is and you will have another

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2 contract for grit. So you have the influent
3 and the grit.

4 LEGISLATOR DENENBERG: And this
5 3B120 is preliminary treatment modifications
6 for Bay Park only, correct?

7 CHIEF DEPUTY WALKER: Yes.

8 LEGISLATOR DENENBERG: 3B120 is
9 only for Bay Park, correct?

10 CHIEF DEPUTY WALKER: Yes,
11 correct.

12 LEGISLATOR DENENBERG: 35114 is
13 the next project and that's wastewater
14 sludge thickening?

15 CHIEF DEPUTY WALKER: 35114.
16 They vary. You have the --

17 LEGISLATOR DENENBERG: It's
18 wastewater facility improvement?

19 CHIEF DEPUTY WALKER: Yes. Bay
20 Park and Glen Cove.

21 LEGISLATOR DENENBERG: This is
22 pre-Sandy, correct?

23 CHIEF DEPUTY WALKER: Yes. You
24 have eight projects. Five Glen Cove, three
25 in Bay Park.

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2 LEGISLATOR DENENBERG: From the
3 2010 capital plan, we had 25.1 million which
4 is about the same amount now, correct? We
5 expect to spend \$25 million?

6 CHIEF DEPUTY WALKER: Wait. Just
7 on sludge, all together, all projects, total
8 projects cost --

9 LEGISLATOR DENENBERG: \$25
10 million?

11 CHIEF DEPUTY WALKER: No. What
12 I'm looking at right now it's a total of
13 encumbered dollars, about \$40 million, and
14 paid to date is about 20.

15 LEGISLATOR DENENBERG: Paid to
16 date is about 20 on 35114 which is about 46
17 percent, correct?

18 CHIEF DEPUTY WALKER: 46.01 to be
19 exact.

20 LEGISLATOR DENENBERG: But is
21 everything in contract at this point?

22 CHIEF DEPUTY WALKER: I think
23 with the exception of the sludge de-watering
24 at Glen Cove I think that was, just at this
25 point, and also the baffles, the aeration

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2 tank baffles. That's in design. Now that
3 would actually go to a contract after that.
4 And if you look, there's \$53 million that
5 was authorized so there is some dollars left
6 to cover that construction cost when it
7 actually goes to construction.

8 LEGISLATOR DENENBERG: When I
9 look at the July report, it says 2-3-2013
10 for all the various projects under 35114 to
11 be in contract by quarter three.

12 CHIEF DEPUTY WALKER: We didn't
13 even have the Glen Cove projects listed on
14 that schedule, so I don't know what you're
15 referring to.

16 LEGISLATOR DENENBERG: I'm
17 looking at the schedule. So is everything
18 for Bay Park now in contract?

19 CHIEF DEPUTY WALKER: Yes, and in
20 construction.

21 LEGISLATOR DENENBERG: Then if we
22 go to -- and right now on this project we
23 paid out 46 percent?

24 CHIEF DEPUTY WALKER: Let me just
25 go back to that. If you look actually at

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2 the interim sludge facility at Bay Park,
3 that's 93 percent. If you look at the
4 primary settling tanks, that's 80 percent.
5 The only one again that's the least that
6 just began is the sludge thickening facility
7 which we just discussed earlier.

8 LEGISLATOR DENENBERG: Let me go
9 to the next, 35100 project, which is the
10 digester rehabilitation, correct?

11 CHIEF DEPUTY WALKER: Correct.

12 LEGISLATOR DENENBERG: Now,
13 according to the July report, the 35100
14 which is digester rehabilitation, that's a
15 pre-Sandy project, correct?

16 MR. WALKER: Correct.

17 LEGISLATOR DENENBERG: That was
18 scheduled way back in 2009 and was part of
19 the 2010 capital project as well, but now
20 the total bond authorization according to
21 your report is \$40 million, correct?

22 CHIEF DEPUTY WALKER: For Bay
23 Park and Cedar Creek.

24 LEGISLATOR DENENBERG: \$40
25 million for Bay Park and Cedar Creek,

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2 correct?

3 CHIEF DEPUTY WALKER: Yes, for
4 both.

5 LEGISLATOR DENENBERG: We spent
6 only 2.5 which is 5.7 percent according to
7 your report.

8 CHIEF DEPUTY WALKER: That was
9 actually paid to date. I don't know where
10 they are today since then.

11 LEGISLATOR DENENBERG: According
12 to the report and the testimony from July
13 2013, I just want to make sure we got it
14 right. The contract was --

15 CHIEF DEPUTY WALKER: We have 15
16 percent complete project as we speak today.
17 So about 15 percents, even though it was
18 only paid roughly, you know, nine percent.

19 LEGISLATOR DENENBERG: Are we
20 fully contracted for it yet?

21 CHIEF DEPUTY WALKER: Just for
22 Bay Park, not for Cedar Creek.

23 LEGISLATOR DENENBERG: When are
24 we going to contract for Cedar Creek?
25 According to July 2013 testimony, I even

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2 asked about Cedar Creek and the full
3 digester cleaning, the 35100, which is
4 digester project, was supposed to be
5 contracted, the full almost \$40 million by
6 quarter three, 2013.

7 CHIEF DEPUTY WALKER: The design
8 will be complete. It will go out to bid
9 with construction in the beginning of about
10 October or November. They prefer to do the
11 construction during the winter months
12 because of obviously the odor for the
13 residents, it's much better to be doing that
14 work with the cleaning and things of that
15 nature in the winter compared to the summer.

16 LEGISLATOR DENENBERG: Is that
17 true? I don't think that even makes sense.
18 I understand for odor control, but it's not
19 that easy to take out something that has
20 water in the middle of the winter.

21 CHIEF DEPUTY WALKER: Do you want
22 to explain?

23 MR. DeNICOLA: Yes. Bay Park has
24 started. We're going to go through all the
25 seasons. Cedar Creek --

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2 LEGISLATOR DENENBERG: No, no. I
3 was just told that you only want to do this
4 in the winter and I would disagree.

5 CHIEF DEPUTY WALKER: No. Prefer
6 to start it in the winter.

7 MR. DeNICOLA: The digester
8 clean-out job will go through all seasons
9 and it's going to be bid in May and it will
10 start in the fall and go through all the
11 seasons.

12 LEGISLATOR DENENBERG: It will
13 start in the fall go through all the
14 seasons. So the digester cleaning for Bay
15 Park is going to start in the fall of this
16 year, or --

17 MR. DeNICOLA: No, no. Bay Park
18 is started, we do the structural rehab, it's
19 being filled up, and --

20 LEGISLATOR DENENBERG: Okay. So,
21 Cedar Creek we'll start in the fall?

22 MR. DeNICOLA: Cedar Creek, the
23 design is being completed, 100 percent
24 design will be bid in May and, after it goes
25 through the process, it will start in the

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2 fall.

3 LEGISLATOR DENENBERG: So when
4 can I see a contract for Cedar Creek?
5 Because the last time I looked at the
6 schedule it was quarter three, 2013.

7 CHIEF DEPUTY WALKER: A
8 construction contract?

9 MR. GLOSS: Also, just to comment
10 on what Rob had said about staging some of
11 this work in the wintertime, you know, one
12 of the things that is true is that because
13 the winter time does not have the associated
14 high ambient temperatures, generally
15 speaking, the odor profile of some of these
16 products is less. So it's preferred, if you
17 can, to stage some of this work in the
18 wintertime because the residents will be
19 less -- they'll be less direct contact
20 because the windows will be closed.

21 LEGISLATOR DENENBERG: I'm,
22 really, I'm having trouble hearing you.
23 Sorry.

24 When is Cedar Creek going to get
25 contracted?

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2 MR. DAVENPORT: The design will
3 be complete in May and we will be going out
4 to bid right after that.

5 LEGISLATOR DENENBERG: Okay. I
6 will skip to the three Sandy recovery
7 projects. \$892 million. These three
8 projects, 35121, 3P311 and 35123, \$892
9 million, correct?

10 CHIEF DEPUTY WALKER: Correct.

11 LEGISLATOR DENENBERG: Your
12 summary sheet says that right now, .98
13 percent has been paid, correct?

14 CHIEF DEPUTY WALKER: Correct.

15 LEGISLATOR DENENBERG: According
16 to the schedule that we were given in July,
17 35121 included the electrical work but also
18 included about a total of \$540 million. Now
19 it's been broken up to 35121 and 35123.

20 But over 600 million was supposed
21 to be contracted, part in quarter three 2013
22 and part in quarter four 2013. But,
23 according to this, we've entered into less
24 than \$50 million worth of contracts right
25 now. Less than \$50 million. I assume the

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2 electrical contract, which is \$300 million
3 must be coming soon, right?

4 CHIEF DEPUTY WALKER: No. Well,
5 first the electrical distribution is now
6 divided into two phases. So the first phase
7 which is roughly, and I forget the number
8 before, \$29 million, is on the rules
9 calendar for Monday.

10 The perimeter barrier wall/other
11 mitigation would hopefully be on the
12 calendar for April. That's another -- I
13 just don't want to use a number, but
14 anywhere between 35 to \$40 million depending
15 on if the low bidder is deemed to be
16 qualified which we think he is. They are
17 doing a walk-through tomorrow. So that's
18 another \$75 million that's going to be in
19 place.

20 As of right now encumbered you
21 will see \$55 million has already been
22 encumbered to day. Add the additional
23 dollars I just told you, you're upwards of
24 over \$100 million. The electrical
25 distribution which is the biggest is now in

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2 two phases.

3 LEGISLATOR DENENBERG: According
4 to, in July, and I'm looking back at the
5 testimony when we voted -- I voted for all
6 of the bonding but we were told that the
7 electrical would go out to bid by quarter
8 four 2013 and we would have \$260 million bid
9 on these emergency projects, the storm
10 recovery capital projects by quarter three,
11 2013.

12 So, right now we only have
13 contracts for about \$55 million. So when
14 are we going see the -- and you just counted
15 a phase one on the electrical to be coming
16 within a month?

17 CHIEF DEPUTY WALKER: No, no.
18 Coming Monday.

19 LEGISLATOR DENENBERG: How much
20 is that, \$140 million?

21 CHIEF DEPUTY WALKER: No, no. I
22 just said \$29 million. It's completely
23 divided into two phases. Just so we are
24 comparing apples to apples, because right
25 now we're not.

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2 This sheet that you're talking
3 about also has other items that are
4 non-Sandy. There are non-Sandy items on
5 here, such as the digesters that we just
6 went over. Such as the screens.

7 LEGISLATOR DENENBERG: Yes. But
8 we also have in quarter four 2013, both on
9 Sandy recovery items, \$72.5 million and 326.
10 That's \$400 million. None of that has gone
11 to contract yet.

12 CHIEF DEPUTY WALKER: Yes.
13 You're right, by three days. One contract
14 is Monday. The other contract we hope is in
15 April.

16 Also, look at these numbers. I
17 said before, we have been very competitive
18 in our bids. We estimated, the engineers
19 estimated bids that are coming in much
20 cheaper. Granted, do we want to be moving
21 faster, yes, we always want to be moving
22 faster.

23 However, we are also doing it the
24 right way, making sure the residents are
25 being dealt with appropriately, that we can

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2 stage appropriately. The electrical
3 distribution, which, if you look at the
4 amount of money is almost 48 percent of the
5 overall cost, and that's now divided into
6 two phases. That second phase, going out to
7 bid, and it could have, if we so choose, but
8 we didn't. So that's why these numbers
9 aren't going to add.

10 LEGISLATOR DENENBERG:

11 Mr. Walker, I would agree with you that
12 certainly we would want to be moving faster.
13 The reason for my question is, to date, we
14 have paid about \$8 million for Sandy
15 recovery projects which, everyone said in
16 July 2013 were emergency projects, and we've
17 encumbered \$55 million, and a fraction of
18 what should have been in contract in quarter
19 three or quarter four is in contract to
20 date.

21 I'm glad to hear, and that's why
22 I was listening to your response, that at
23 least phase one of the electrical and
24 several other of the Sandy recovery capital
25 projects will be going into contract in the

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2 next few weeks.

3 Entering into a contract and
4 actually expending the money and getting the
5 work done is two different things. So we
6 have to get to the contracts first.

7 CHAIRMAN MUSCARELLA: Mr.
8 Denenberg, if I might, at this point, we're
9 approaching 35 minutes and there are other
10 legislators that would like to speak.

11 LEGISLATOR DENENBERG: Let me
12 just ask one last question.

13 CHAIRMAN MUSCARELLA: I will.
14 And I understand your line of questioning
15 and I understand that your concern is that
16 we haven't strictly stuck to all of the
17 schedules and I think that they would
18 stipulate to the fact that, yes, sometimes
19 the schedules change. They have explained
20 the reasons why they've changed. They've
21 explained that they've done things in
22 phases. They've explained that perhaps
23 something done in the wintertime is better
24 than in the summertime. They've explained
25 that as you go forward in the real world,

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2 sometimes it makes more sense to do things
3 other than the way you originally scheduled
4 to do because the experts explained that you
5 should do it in different ways. I think
6 everybody will stipulate to that.

7 So if you can ask your one more
8 question, we can move on.

9 LEGISLATOR DENENBERG: Thank you.
10 And the reason for trying to keep to a
11 schedule as well as having the quarterly
12 reports is so that those projects that are
13 to be exigent are done on an exigent basis.
14 Those which were pre-Sandy we can already
15 see were around for years at it point.

16 But my final issue with respect
17 to -- and I don't know if it's Mike or
18 Mr. Walker to answer this, but until the
19 sludge -- until the sludge thickening
20 facility and the electrical repairs are done
21 and that facility is rebuilt, we are going
22 to continue to do this operation outside
23 right, right? Am I wrong? And that's far
24 from perfect because, even though, the last
25 time I was there at the end of the year, you

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2 hadn't put the covering over it yet. I went
3 back this week and I saw the cover over the
4 sludge de-watering facility in the parking
5 lot.

6 But until this goes to bid and
7 the work is done, we are going to be doing
8 that operation which is the lion's share of
9 sewage treatment in a parking lot.

10 MR. DeNICOLA: That's correct.
11 Sludge de-watering will remain in that tent
12 with odor control for the duration until
13 sludge de-watering building is
14 rehabilitated. And, based on the schedule,
15 you can see the dates on the sheet we put
16 up. What date would that be done?

17 MR. DeNICOLA: Sludge de-watering
18 is 2000 --

19 LEGISLATOR DENENBERG: I have the
20 demo to be done February 7th, 2015. Sludge
21 de-watering reconstruction, March 31st,
22 2018.

23 MR. DeNICOLA: That's correct.
24 If that's the date, then I believe it's on
25 the table, yes.

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2 LEGISLATOR DENENBERG: And you
3 had bid opening December 23rd, 2014 for the
4 reconstruction project?

5 LEGISLATOR DENENBERG: Phase two,
6 correct.

7 LEGISLATOR DENENBERG: And this
8 is the current schedule?

9 MR. DeNICOLA: That's correct.

10 LEGISLATOR DENENBERG: Thank you.

11 CHAIRMAN MUSCARELLA: Mr. Dunne.

12 LEGISLATOR DUNNE: Thank you, Mr.
13 Chairman. I know we have public comment to
14 come also, so I'm going to be very brief.

15 At Cedar Creek we have the nine
16 foot inflow pipe and it goes to bar screens
17 and then they pump it up and it has to --
18 from what I understand, gravity pulls it
19 down to the grit tanks and then it goes out
20 to the primary tanks.

21 Now, if you are going to elevate
22 everything in Bay Park, are you going to be
23 relying on gravity like they do at Cedar
24 Creek?

25 MR. DeNICOLA: Yes. Bay Park and

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2 every sewage treatment plant is basically
3 the same. Every sewage treatment plant is
4 always built at the lowest elevation because
5 you want to run the collection system by
6 gravity.

7 Then, typically, what you do is
8 you raise, you use raw sewage pumps then to
9 raise that to a certain elevation and then
10 it runs through the plant by gravity. That
11 is the way Bay Park runs, that's the way
12 Cedar Creek runs, and that will remain the
13 way.

14 We run the plant by gravity, but
15 you have to increase the flow or the head
16 and run the remainder away through the plant
17 by gravity.

18 LEGISLATOR DUNNE: So you'll be
19 pumping it higher, that's all?

20 MR. DeNICOLA: Exactly.

21 LEGISLATOR DUNNE: The pumps,
22 they're able to be totally submerged, I
23 heard before, is that accurate?

24 MR. DeNICOLA: Yes. I mean, the
25 way to mitigation, and Peter can probably

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2 comment, depending on the size of a pump, in
3 terms of horsepower, whether it's 50
4 horsepower, one horsepower, or 500
5 horsepower, you can make those pumps which
6 basically is the motor, is submersible so it
7 can completely be submersed and still
8 operate. That's one of the ways that we
9 mitigate some of those motors. The larger
10 motors it's harder to do, so you raise them
11 out of the flood plan.

12 LEGISLATOR DUNNE: Now, is that
13 what went wrong in the past, they were not
14 submergible?

15 MR. DeNICOLA: In some instances,
16 in some of the smaller motors, yes, in the
17 tunnels they weren't submersible, correct.

18 LEGISLATOR DUNNE: So we're
19 fixing that, that's great. Now, are they
20 natural gas operated or they use methane
21 from the plant that the plant produces, or
22 how do they use those pumps?

23 MR. DeNICOLA: The pumps are run
24 on electricity which is generated from the
25 house generators, so they use either natural

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2 gas, diesel fuel, or digester gas to produce
3 electricity to run those motors.

4 LEGISLATOR DUNNE: Now, the
5 generators, we're renting them right now?

6 MR. DeNICOLA: Yes, we are
7 renting the primary source of power which is
8 the rental of Aggreko generators.

9 LEGISLATOR DUNNE: Is that
10 because we haven't upgraded the electrical
11 yet?

12 MR. DeNICOLA: Correct. There is
13 an existing project to upgrade the generator
14 controls on the primary source generators.
15 The Aggrekos were rented for that project
16 prior to Sandy. We're lucky we had them,
17 but now they're the primary source of power.

18 Interim controls have been put on
19 the primary source generators so we can use
20 them as backup, and the generator controls
21 project will be done -- and I don't want to
22 misspeak the date, but it's on that sheet,
23 within the next year.

24 So the Aggrekos could get out of
25 there. We never intended to use to Aggrekos

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2 24/7 but unfortunately, after Sandy, we have
3 to.

4 LEGISLATOR DUNNE: So, the sooner
5 we get the electric going, the sooner we can
6 stop paying all the money for these
7 generators, save us what, a million a month?

8 MR. DeNICOLA: Right now, I
9 believe the number is -- the rental cost is
10 about \$470,000 a month for those Aggrekos.

11 LEGISLATOR DUNNE: Half a
12 million, okay. My final question, I'm going
13 to be really brief, the odor sensors that
14 the deputy county executive spoke about, is
15 that going to happen in Cedar Creek also,
16 are you going to use those odor sensors at
17 Cedar Creek also?

18 MR. DeNICOLA: Yes, yes. The
19 perimeter monitoring for all odors will be
20 done at both Bay Park and Cedar Creek.

21 LEGISLATOR DUNNE: How soon is
22 that again?

23 MR. DeNICOLA: I think within the
24 next several months.

25 LEGISLATOR DUNNE: That's

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2 terrific. Thank you so much. Those were my
3 questions.

4 CHAIRMAN MUSCARELLA: Thank you.
5 Mr. Kopel.

6 LEGISLATOR KOPEL: Thank you,
7 Mr. Chairman. I've got a few questions. I
8 happen to live near a sewage plant, which is
9 going, hopefully at some point it will be
10 decommissioned and turned into a pumping
11 station, in Lawrence.

12 I tell you, I've lived there
13 about 27 years, going on that, and never
14 once had an issue. And, yes, I do smell
15 things. Very close, never once had an
16 issue.

17 So I go back to some of the tours
18 that I took of the Bay Park plant, and this
19 was before Sandy, and odor was a major
20 problem even back then.

21 I know we were working on it back
22 then and some of the technical people told
23 me that there are several different ways of
24 controlling odors, and it's a cost issue as
25 to which one is the most efficacious in

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2 getting it done. In other words, some are
3 better than others, some are more cost
4 efficient than others.

5 I wonder which one we are looking
6 at now being that the people that live in
7 Bay Park live so very close by and odors do
8 waft in even quite a distance at times.

9 CHIEF DEPUTY WALKER: I'm going
10 to have Peter answer in a second, but this
11 is something that we've been dealing with
12 since 2010, myself, the county executive in
13 working with you, obviously, Howard.

14 So we tasked a group with coming
15 up with the most state of the art equipment,
16 not doing it the way it was done in the
17 past. Obviously the facility probably
18 hadn't been touched in 20 years, and that we
19 literally tasked them with coming up with
20 new innovative ways that other people have
21 done this.

22 Again, secondly, having the
23 sensors is very crucial at Glen Cove, Cedar
24 Creek, and Bay Park because you get a real
25 good analysis of where all the odor is

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2 actually coming from, or the different type
3 of materials that are in the air at those
4 points.

5 So, they will get into more
6 greater detail with you in a second as to
7 what we're doing, but it's a state of the
8 art, looking at the waves of the future,
9 and, again, more importantly, is now taking
10 that data as well and saying what else can
11 we do above and beyond.

12 LEGISLATOR KOPEL: Right. We
13 mentioned dredging as well, and that might
14 very well be necessary. It's years of
15 accumulation of all this stuff.

16 CHIEF DEPUTY WALKER: Agreed.
17 And it could be from other things in the
18 area that we are not even cognizant of that
19 then we will go deal with those issues, that
20 could be a county issue, could be a private
21 issue, but we will then be able to deal with
22 it.

23 LEGISLATOR KOPEL: Or a garage
24 dump across the way, yes.

25 MR. GLOSS: So, starting about

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four years ago, the county embarked upon an odor control project where they looked at -- the did an exhaustive sampling collection effort that was spanning two different seasons to sample all the different odor sources at both plants and they prioritized the problems of each plant. What came of that was that they discovered three specific processes contributed to more than half of all the odor issues.

At Cedar Creek it was aeration tank auto control system. At Bay Park it was aeration tank odor control system, and the primary sludge thickening, primary sludge settling tanks.

So the county designed three projects to address each of those three sources. For Bay Park and for Cedar Creek, the county basically replaced the existing technology which worked well, but it was about 15 years dated in terms of the technology selection. They chose an innovative technology called a bio-filter which probably works about three or four

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2 times as well, and actually takes about a
3 fraction of the chemical usage, so it's
4 cheaper to run and it's actually more
5 effective. So this is a situation where
6 technology is really --

7 LEGISLATOR KOPEL: But more
8 expensive to build, I think, right?

9 MR. GLOSS: Slightly more
10 expensive to build but, if you look at the
11 operating costs and the savings and the
12 chemical costs, it actually pays for itself
13 in less than ten years.

14 LEGISLATOR KOPEL: Over a period
15 of time.

16 MR. GLOSS: Over a period of
17 time. And then they also put a double stage
18 odor control device at Bay Park on the
19 primary settling tanks. So they have
20 traditional technology used and then they
21 have a carbon secondary stage and that
22 polishes the exhaust that goes through the
23 primary stage. And should the primary stage
24 fail, it will all get caught up in the
25 second stage.

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2 LEGISLATOR KOPEL: That's good.
3 Because people who live there, they
4 understand when most of them bought their
5 homes they bought it close to a plant, but,
6 nonetheless, we do have to do our best.

7 One more question, please. I'm
8 now talking about the ocean outfall. I've
9 read something recently about the
10 possibility that this can cause some
11 problems out in the ocean and that that
12 could impact various parts of the shore.

13 Secondly, the second thing is,
14 did I understand correctly that tertiary
15 treatment such as is done in some other
16 places, which can actually turn sewage into
17 actual drinking quality water, but that's
18 not an option because of space; is that
19 right, or is it more expensive or what?

20 CHIEF DEPUTY WALKER: I will let
21 the scientist answer this one.

22 MR. GLOSS: I think that -- and
23 I'm not going to speak for EPA or the DEC,
24 but I think it is certainly and formally a
25 consensus that moving the disposal point of

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2 the effluent, the effluent discharge point
3 to the ocean, has a significant net positive
4 impact for the region.

5 What it does is it takes it out
6 of the western bays, which is an impaired
7 water body for nutrients and it moves it
8 into the Atlantic. Now, the issues in the
9 Atlantic Ocean have more to do with
10 dissolved oxygen, and that's why the EPA
11 folks are concerned about nutrients in the
12 water because they don't want to drop the
13 DO.

14 So part of what the county is
15 going to do, should the funding come in on
16 the ocean outfall, is try to select
17 locations on the ocean where the DO problem
18 is not present, and that's why the county is
19 also committing to denitrify the effluent so
20 it does not exasperate the DO.

21 LEGISLATOR KOPEL: But the
22 alternative question that I had posed was
23 whether this was a better idea than tertiary
24 treatment on-site?

25 MR. DeNICOLA: I'll answer.

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Nitrate removal is done, New York City does it, Nassau County is going to have to do it, it's the level that you're going to have to do it to. Florida, for example, they're going to zero in terms of nitrogen. When you say is it more -- the economics of going to a reverse osmosis process which is basically what you do to take salt water into drinking water, and that's what you need to do, the price goes up into the billions.

LEGISLATOR KOPEL: You don't have to actually go -- well, you can still do a tertiary treatment without turning it into drinking water, right?

MR. DeNICOLA: No, you're not, but if you're going to have to reclaim water, you have to put in membranes and reverse osmosis.

LEGISLATOR KOPEL: What I'm simply saying is could you not treat it to the quality that Reynolds Channel might be had there not been -- I'm not talking, you don't have to remove the salt and dissolve

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2 minerals and all that kind of --

3 MR. DeNICOLA: I understand. And
4 to get down to the nitrogen levels, based on
5 the DEC, they're saying if we zero out
6 nitrogen from Bay Park, that the western
7 bays are still impaired. So that means, if
8 they want us to get to zero, you have to go
9 to membranes and reverse osmosis, which
10 you're talking about several billion
11 dollars. That's why an ocean outfall makes
12 and just to add to Peter, and an ocean
13 outfall doesn't mean you don't need to
14 treat. Because you will still impair the
15 beaches, so you need to do some level of
16 treatment as well.

17 LEGISLATOR KOPEL: Thank you.

18 MR. DeNICOLA: You're welcome.

19 CHAIRMAN MUSCARELLA: Mr.
20 Abrahams.

21 LEGISLATOR ABRAHAMS: I just have
22 first a quick thing before I get into my
23 questions.

24 I just received a note from a
25 constituent that was telling me that the

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2 broadcast, I guess that the live stream for
3 the county's hearing on the county's website
4 is not working properly. So he was
5 requesting that if it's possible, Madam
6 Presiding Officer, if we can archive the
7 hearing so somebody can reach it at a later
8 date. That's why there was a little pause
9 before --

10 CHIEF DEPUTY WALKER: We pulled
11 this plug over here. I think it's a problem
12 using these microphones. I think that's
13 connected to it. I think these microphones
14 may not go into the system.

15 LEGISLATOR ABRAHAMS: He had
16 mentioned also that apparently the site was
17 just hanging, the picture would be stagnant.

18 CLERK MULLER: The site crashed
19 for a period of time when Legislator
20 Denenberg spoke, when it was called on him,
21 I was handed a note that it was back up,
22 and, as to the sound, it does come from
23 those mikes, but it is working.

24 Unfortunately, if the site
25 crashes, I can't archive it. But I will be

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2 more than happy if your constituent watched,
3 and we'll e-mail him or her the transcript
4 that we receive from the court reporter.

5 LEGISLATOR ABRAHAMS: Okay. I
6 appreciate that, Bill.

7 I just have one general question.
8 I think most of the questions were covered
9 by previous speakers. But my one general
10 questions is, and I think Legislator
11 Denenberg started to jump into a little bit,
12 but I was really starting to tie more in
13 regards to the actual construction
14 schedules.

15 I know that you guys took a lot
16 of time to put together the document that
17 we're looking at that spells out when we are
18 going to design and procurement and detail
19 design and bid opening, but what I've really
20 been pushing for is the actual, again, idea
21 of the actual construction schedule on a
22 weekly or monthly basis as it pertains to
23 each of the projects.

24 It's not really a question but
25 more of a concern that maybe we can have

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2 that information on a go-forth basis. From
3 the time we talked, just to be up front, I
4 know you had said it's a very extensive and
5 very difficult document to put together and
6 also to update to make sure it's accurate.
7 We will take that into consideration,
8 obviously, and we'll hold people to it to
9 each "I" being dotted and each "T" being
10 crossed. But we would like to see that
11 document.

12 CHIEF DEPUTY WALKER: We will add
13 the monthly schedule and then we will get
14 you all the backup. We will figure out how
15 to do that amongst contracts. I don't know
16 how yet, but in the monthly report, we'll
17 have an overall schedule in here and we'll
18 add that to it definitely. We were talking
19 about that too saying, why isn't it in here.

20 And, secondly, we will figure out
21 a way to -- maybe it's bimonthly with the
22 construction contracts so you can see them
23 and compare them, it's a lot of documents as
24 the one we sent you. I think that was for
25 odor control. So we will figure out how we

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2 can update that.

3 Again, the last thing I want to
4 do is not share it, and I don't waste
5 people's time putting a lot of those things
6 together. So we'll figure out how to do
7 that.

8 LEGISLATOR ABRAHAMS: Okay. And
9 then my second point really ties into, is
10 the public aware, or do we publicize on the
11 county website the current progress of
12 projects?

13 CHIEF DEPUTY WALKER: Yes. We
14 are actually putting the report on there
15 that was on there today.

16 LEGISLATOR ABRAHAMS: So this
17 document is on the county website?

18 CHIEF DEPUTY WALKER: Yes.

19 LEGISLATOR ABRAHAMS: And, folks,
20 if they want to get a general sense of where
21 a project was or when they anticipate a
22 project being completed or if they hear a
23 construction noise, they know full well why
24 they're hearing it because the digesters are
25 being worked and they're generating noise?

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2 CHIEF DEPUTY WALKER: Yes. And
3 what we're actually doing too, we have
4 already -- and I spoke to Legislator Kopel
5 and Legislator Ford, I was going to speak to
6 them afterwards, we are going to be actually
7 meeting with the Bay Park Civic Association.
8 It think they scheduled a meeting with us.
9 I don't remember the exact date they gave us
10 today. We are doing it around their
11 schedule so we can give them an ongoing
12 schedule and see how they want to be
13 notified.

14 We're involved in a process as
15 well. We're going to use them to actually
16 alert people. I think they probably do a
17 much better job at it than we do, so they
18 know who the best people are that can spread
19 the word that we can provide them with
20 information. So, we're meeting with them.
21 I don't have the date yet.

22 LEGISLATOR ABRAHAMS: I think if
23 we got used to spreading the word on the
24 website it would be good, because I know
25 when we went down to the site, I know many

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2 people expressed that the noise that comes
3 from the temporary generators, and it
4 sounded like to me based off the work or
5 maintenance that's being done to the general
6 generators, basically if that work is going
7 on, the temporary ones are there.

8 I think if we are able to explain
9 or post on the website that there's even
10 going to be work going on, even if it's
11 maintenance in general, I think that would
12 definitely go along -- I mean, there's
13 nothing they can do about it, but the bottom
14 line is, I think we should try to make sure
15 they have the information as much as we can.

16 CHIEF DEPUTY WALKER: I agree.

17 LEGISLATOR ABRAHAMS: Madam
18 Presiding Officer, and Chair Muscarella,
19 give me a second.

20 I just have a general question.
21 I don't know if you can answer, Mr. Walker,
22 or maybe somebody else, but I guess we had
23 authorized the borrowing for certain sewer
24 projects under Ordinance 20-8-13 in the
25 January 2013 Ordinance 101-13 July of 2013.

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2 I guess we just need a breakdown of the
3 projects that have been incorporated into
4 the projects authorized in Ordinance 168-13
5 which we passed in December of 2013.

6 CHIEF DEPUTY WALKER: I will have
7 Ken provide it everybody but it's basically
8 \$120 million that's devoted to project
9 35121, and \$53.2 million that's in project
10 3P311. And 168-13 is in which one? 35121.
11 We will have him forward that to you.

12 LEGISLATOR ABRAHAMS: Mr. Walker,
13 that's the overlap between the two?

14 CHIEF DEPUTY WALKER: Yes, some
15 Sandy, it's some of the pump stations,
16 Sandy, not Sandy.

17 LEGISLATOR ABRAHAMS: Okay.
18 Thank you.

19 CHAIRMAN MUSCARELLA: Legislator
20 Schaefer.

21 LEGISLATOR SCHAEFER: Thank you,
22 Legislator Muscarella. I just have two
23 quick questions. How long do you anticipate
24 the berm project will take to complete?

25 CHIEF DEPUTY WALKER: About 24

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2 months.

3 LEGISLATOR SCHAEFER: Is
4 completion of the berm project contingent
5 upon the other projects being completed
6 first?

7 CHIEF DEPUTY WALKER: No. Again,
8 hopefully the contract will be awarded in
9 April and we begin as quickly as possible,
10 May to June depending on mobilization.

11 LEGISLATOR SCHAEFER: Thank you.

12 CHAIRMAN MUSCARELLA: Ms. Curran.

13 LEGISLATOR CURRAN: Thank you. I
14 will be brief. Barnes Avenue in Baldwin.
15 There's been problems there before Sandy,
16 obviously with Sandy it was much more
17 dramatic.

18 I'm wondering if you could
19 explain in very understandable terms what
20 the problem was, and how the solution will
21 fix it.

22 CHIEF DEPUTY WALKER: I will try
23 to explain it in the easiest terms because
24 these guys get into terms I can't understand
25 either.

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2 So, I actually, unfortunately,
3 about two days into the storm met with
4 Legislator Scannell at the time with the
5 county executive and we toured many
6 residents' houses in and around Barnes, and
7 I believe First, Second and Third Street if
8 my memory serves me right.

9 Obviously that was the problem we
10 talked about before the conveyance through
11 the plant, how we had, unfortunately, two
12 locations, Barnes Avenue, North Boulevard,
13 that suffered, basically over capacity of
14 the system. The sewage had nowhere to go
15 anymore and where did it go? It burst and
16 had that problem in the street.

17 In a nutshell, the pipes, for
18 lack of better words, interceptors and
19 things like that, laterals and other things
20 that I've come to know, just did not handle
21 capacity. Why that happened? A variety of
22 different reasons. There was illegal
23 connections. People were tied into the
24 system that should not have been tied into
25 the system. You know what? At the end of

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2 the day, is that going to happen? It
3 shouldn't, and it probably happens
4 throughout the entire collection system,
5 people tie into the wrong lines sometimes,
6 not willfully doing it, knowingly doing it,
7 but they have. So the pipe could not handle
8 the capacity.

9 For the Village of Hempstead, the
10 only way they will ever have economic
11 development as well as dealing with this
12 issue surrounding the residents of Baldwin
13 and that region is to put in a pump station
14 which we are working, part of this 892 is
15 money, about, say, \$25 million dollars that
16 will go into building that pump station,
17 putting in a new interceptor, bigger pipes,
18 the easiest way to describe it, as well as
19 bringing some sewage directed to Cedar Creek
20 to open up the capacity.

21 Right now we have awarded a
22 contract to Cameron Engineering. They are
23 going to be designing, they have a very
24 tight window. About six months. That
25 contract will actually be coming to the

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2 legislature, the Rule Committee in very
3 short order, April.

4 Then they will get to work, about
5 six month design period, and the 18 month
6 construction period by which it will be
7 complete.

8 So, in a nutshell again, it just
9 couldn't handle the capacity, and this will
10 solve that problem as well as helping aid
11 the economic development of the county with
12 the development in the Village of Hempstead.

13 CHAIRMAN MUSCARELLA: Thank you.
14 Ms. Jacobs.

15 LEGISLATOR JACOBS: Yes. I'm
16 going to make it as quick as I can. Rob, I
17 just wanted to talk to you a little bit
18 about FEMA money.

19 CHIEF DEPUTY WALKER: Yes.

20 LEGISLATOR JACOBS: I know in
21 January they sent a letter out talking about
22 the alternate procedure pilot program.

23 CHIEF DEPUTY WALKER: Yes.

24 LEGISLATOR JACOBS: Okay. I have
25 two and half pages of questions but I'm

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2 going down to the mid thing that we want.

3 CHIEF DEPUTY WALKER: And we
4 would be glad to sit another day.

5 LEGISLATOR JACOBS: And do the
6 whole thing.

7 CHIEF DEPUTY WALKER: With you
8 any day.

9 LEGISLATOR JACOBS: Thank you.

10 CHIEF DEPUTY WALKER: I'm right
11 around the corner, I can come over any time.

12 LEGISLATOR JACOBS: See, that's
13 so great. So, anyway, listen, is it
14 reimbursable with the alternate procedure,
15 are they going to be paying us up front, or
16 is this something that's reimbursable?

17 CHIEF DEPUTY WALKER: I'm going
18 to make it even more complicated than your
19 question, but try to make it less
20 complicated at the same time.

21 The legislature obviously
22 approved the \$463 million, construction
23 contracts, roughly about \$455 million with
24 the EFC.

25 So, the EFC is going to be -- and

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2 why we don't go actually, and Tim Sullivan
3 loves the fact that we don't have to, that
4 we don't go to the market for cash, is
5 because all we need is authorization. We
6 need to do authorization because we are
7 going to actually get the money directly
8 from EFC. So the EFC is going to be sending
9 the money to us to pay our bills.

10 LEGISLATOR JACOBS: Before we
11 have to --

12 CHIEF DEPUTY WALKER: Even before
13 we even get the FEMA money, and before we
14 make payment with the exception of some of
15 the ones that we already have to pay.

16 The money that we already have to
17 pay, that will be the first money we
18 reimburse, but all the additional money will
19 come from the EFC. They will pay our
20 claims. We will -- we take the money down,
21 pay their claims. They will draw it down
22 immediately to pay.

23 The FEMA is now going to give the
24 EFC money. FEMA is going to give the State
25 of New York, through the Department of

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2 Homeland Security, maybe \$400 million right
3 from the start. Right off the bat, \$400
4 million. We are working this out. That's
5 why it's still in the working process on how
6 we do this.

7 And then to confuse you even
8 more, you have the 10 percent share that
9 comes from CDBG, another whole issue, so the
10 money will come from EFC to us. The FEMA
11 money will come to the state department of
12 Homeland Security, and we are telling them
13 it will be easier for them just to reimburse
14 their own entity at EFC so they're coming to
15 us to go back to them. It makes absolutely
16 no sense.

17 So those are all those logistical
18 things that we're working out. At the end
19 of the day, it cost us nothing because we
20 have a zero interest loan for five years.
21 The project we believe will be finished
22 before five years. It better be.

23 LEGISLATOR JACOBS: Hopefully.

24 CHIEF DEPUTY WALKER: And then it
25 will be no cost to the county. We saved the

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2 fact that there's a zero interest loan, and,
3 again, all of those caveats, literally had a
4 three and a half hour conversation 9 o'clock
5 last night, we finished about 12 o'clock
6 this morning with the various entities on
7 how that is all being played out. We're
8 just fine tuning that as well.

9 The good thing again is also that
10 the 10 percent match is also being paid for
11 by the state, vis-a-vis, the CDBG money that
12 they got through the supplemental
13 appropriation. So we're going to figure out
14 how that works too, so we don't have to pay
15 out and then be reimbursed.

16 LEGISLATOR JACOBS: Okay. So now
17 that brings me back to my next part but it's
18 just one more question, in three parts, but
19 one question.

20 If we come in over the estimate,
21 the number one question would be, is the
22 county responsible?

23 CHIEF DEPUTY WALKER: Yes.

24 LEGISLATOR JACOBS: All right.
25 How much of that remaining amount will be

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2 picked up by New York State, any or none?

3 CHIEF DEPUTY WALKER: I would say
4 probably none. I will say this, we were
5 very comfortable -- let me not tell you the
6 number because that was all negotiated. We
7 negotiated this for quite some time with the
8 State of New York who we could not have had
9 better partners, and FEMA, actually, the
10 general counsel of FEMA, Senator Schumer.
11 It could not have been a better process
12 working with, again, Governor Cuomo, Senator
13 Schumer, not that they can listen, because
14 there is no sound, so it doesn't really
15 matter. We will send them the testimony
16 too. All kidding aside it was a negotiation
17 that this team really conducted and did a
18 great job.

19 So we were comfortable with the
20 number knowing what it was going to cost.
21 Remember, we have resiliency upon resiliency
22 in here. We are putting in the berm. We
23 believe the cost of the berm that FEMA gave
24 us reimbursement for is \$75 million. I
25 think you are going to be very surprised

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2 when you see that number come in next week
3 and you're going to be, like, we're in good
4 shape here.

5 We know we were never getting
6 reimbursed for Barnes Avenue, however, we
7 believe it was a project that we had to do
8 that residents couldn't not do it. So that
9 was \$20 million that the county was going to
10 have to come up with one way or another. We
11 were committed to that project.

12 So that moved from 830 to 850.
13 Right now we are about 880 because of some
14 other non-Sandy -- or 892. There are some
15 other things that the county is going to
16 have to come up with as part of our normal
17 capital budget.

18 Again, we have been so fortunate
19 so far and, knock on wood, is every job at
20 bid has come in cheaper than we thought it
21 would and cheaper than the reimbursement
22 that FEMA has.

23 So, the good thing about that is,
24 that enables us, this alternative program,
25 enables us to now use that money for Barnes

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2 Avenue. So it doesn't have to come out of
3 county money. We can't use that money to
4 buy goldfish or something like that, we have
5 to be able to use that money to spend on
6 mitigation in the plants and we know there
7 are other things we can do.

8 There are things that we can do
9 at Cedar Creek, things we can do at Glen
10 Cove, things we can do at Bay Park, and
11 things we can do within the entire
12 collection system to mitigate and make
13 better and that's what we will be enabled to
14 do if we hit our mark.

15 This team is tasked with hitting
16 that mark and so far, again, they have been
17 doing a great job. The negotiations
18 couldn't have went any better because of the
19 amount -- and, if anyone wants to sit, you
20 can come in the office any day. The stack
21 of documents would not fit on this table of
22 the information we provided. That's why we
23 were successful in getting that money. But
24 now it's important to hit the mark. I think
25 we will. I'm very confident just at the

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2 success we have had so far.

3 People that are contracting with
4 us never wanted to contract with the county
5 before because the jobs now are so big, it's
6 been very helpful.

7 LEGISLATOR JACOBS: Well, I'm
8 sure that FEMA also gives them a sense of
9 comfort too.

10 CHIEF DEPUTY WALKER: Yes, I
11 agree.

12 LEGISLATOR JACOBS: Let me ask
13 this, has New York State signed the letter,
14 the confirmation of the letter -- the
15 January letter?

16 CHIEF DEPUTY WALKER: Sorry?

17 LEGISLATOR JACOBS: Has New York
18 State signed the letter?

19 CHIEF DEPUTY WALKER: Yes. You
20 know what it is, they were sent to both
21 places, so one signed one and one signed the
22 other and FEMA just put it together, yes.

23 LEGISLATOR JACOBS: So I'm just
24 concerned, and, obviously, if we have
25 excess, I assume you are depending on

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2 borrowing, right, for that?

3 CHIEF DEPUTY WALKER: If we need,
4 if the county needs to do that. I'm hoping
5 that we don't.

6 LEGISLATOR JACOBS: Okay.

7 CHIEF DEPUTY WALKER: And I'm
8 saying, just because of the success so far
9 that we've had, I don't want to jinx
10 ourselves, but we'll continue on the path.

11 And, like I said, with Barnes
12 Avenue, that was a project that the county
13 executive committed to. I believe that the
14 legislature would commit to doing it. It's
15 a good project for so many different
16 reasons. Just the economic activity that
17 can be derived out of the Village of
18 Hempstead for the benefit of all Nassau
19 County, it makes sense to do it, plus the
20 residents of Barnes Avenue, it's a county
21 issue.

22 Even if we just dealt with Barnes
23 Avenue and said, okay, the economic
24 development is not important to us, which,
25 we all know that that's not the case, we

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2 still needed to do that project. Just FEMA
3 did not, FEMA said it's not a FEMA -- or
4 they could not approve it as FEMA money. We
5 can go after other pots, but, listen, I
6 think that \$830 million, the only place it
7 hurts us, it hurts us when the state's going
8 to have the ability to issue grants for
9 other hazardous mitigation, I think -- I
10 don't think we will be at the top of that
11 list. I think they're going to help other
12 areas that haven't been successful with
13 FEMA. I'm just being a realist.

14 LEGISLATOR JACOBS: But this is
15 so important in the overall picture.

16 CHIEF DEPUTY WALKER: And they
17 even viewed it to be.

18 LEGISLATOR JACOBS: I don't think
19 the entire of Nassau County realizes how
20 important this is. I know it definitely
21 impacts immediately the south shore. But,
22 truthfully, it effects every single one of
23 us.

24 CHIEF DEPUTY WALKER: I couldn't
25 agree with more.

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2 LEGISLATOR JACOBS: Thank you
3 very much.

4 CHAIRMAN MUSCARELLA: Legislator
5 DeRiggi-Whitton.

6 LEGISLATOR DERIGGI-WHITTON:
7 Michael, can I just ask you a few questions
8 about the plant itself? When you referred
9 to something called a wave that hit the
10 plant during Sandy, what is your approximate
11 estimation as to how high that wave was?

12 MR. DeNICOLA: I'm going to defer
13 a little bit to Peter because him and the
14 ARCADIS people, he knows a lot better, but,
15 I mean, my basic understanding is, we feel
16 that about 12 to 13 feet was the standing
17 water elevation and that what I've learned
18 over this whole process is, that doesn't
19 account for the wave action that happened.

20 LEGISLATOR DERIGGI-WHITTON:
21 That's what I mean. What do you think the
22 wave action --

23 MR. DeNICOLA: It would be a
24 guess. I mean, a couple of feet of wave
25 action.

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2 MR. GLOSS: If you look at the
3 different high water elevations and you sort
4 of look at the distance that the wind
5 engages the water with in order to create
6 wave action, it probably is a couple of feet
7 of variation.

8 LEGISLATOR DERIGGI-WHITTON: So,
9 we're getting pretty close to the 18 feet
10 then.

11 MR. GLOSS: Well, a couple of
12 things. The county is designing, not to
13 Sandy, but to the 500 year return frequency.
14 So, what FEMA basically says, if you have a
15 critical facility, you can't rebuild back to
16 status quo, you have to rebuild to what they
17 call a 500 year return frequency event.
18 It's a very severe event. That event is
19 18.25 feet.

20 So Sandy was obviously
21 significantly less than that, but what FEMA
22 wants to do is not spend money twice. So
23 FEMA, if they're going to give you money,
24 particularly \$830 million, they want it to
25 last for a good long time.

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2 LEGISLATOR DERIGGI-WHITTON: And
3 if we're talking about a 13 foot level --
4 basically you said it was after the water
5 had settled, I mean, waves could possibly be
6 like, what, five, six feet over that,
7 correct?

8 MR. GLOSS: Yes. Well, I mean --

9 LEGISLATOR DERIGGI-WHITTON:
10 Well, then that brings us over the 18 feet.
11 That's what my concern is. Do you think
12 that everything we are adjusting for, do you
13 think it's high enough? Do you think that
14 18 feet is sufficient?

15 MR. GLOSS: Yes. I think that
16 the 18 feet that the county is building to
17 is actually higher than the insurance
18 mapping that's currently valid in the
19 region.

20 LEGISLATOR DERIGGI-WHITTON: So,
21 if Sandy came again, I know we always say
22 it's 100 year storm, you're confident that
23 the 18 feet is high enough?

24 MR. GLOSS: Absolutely, yes.

25 LEGISLATOR DERIGGI-WHITTON: Even

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2 though it's pretty close, we're talking less
3 than a foot or two?

4 MR. GLOSS: Yes, we think that
5 the wave action is not going to exceed three
6 feet. I think that the dynamics of the
7 water within the region will probably keep
8 it below 18.25 feet.

9 LEGISLATOR DERIGGI-WHITTON: I
10 would feel better if we had a little bit of
11 a bigger margin. But, you're the engineer.

12 One other quick question, with
13 the berm, what is the berm made out of?

14 MR. GLOSS: There is two
15 different types of berm material. Some of
16 the berm is a reinforced concrete structure
17 and some of the berm is a more traditional
18 levy that has a clay core that is then
19 surrounded by soil.

20 LEGISLATOR DERIGGI-WHITTON: Is
21 that erosion proof?

22 MR. GLOSS: Yes. These designs
23 are basically US Army Corp of Engineer
24 designs and they are certified by the Corp
25 and they are used extensively throughout the

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2 U.S. and the world.

3 LEGISLATOR DERIGGI-WHITTON: So
4 you don't think that because it's right on
5 the water that we will have an issue having
6 to repair it every five years or something
7 like that to replace the traditional berm?

8 MR. GLOSS: No. The slope of the
9 levy sections is three to one. And,
10 actually, that slope is primarily because
11 you want to be able to mow it with a lawn
12 mower. But you don't really need the extra
13 soil. The protective element is the clay
14 core.

15 LEGISLATOR DERIGGI-WHITTON: And
16 the cement as well.

17 MR. GLOSS: Right. There is a
18 cement portion and then there's a portion
19 that's more like a levy that has a core.

20 LEGISLATOR DERIGGI-WHITTON: How
21 high does the cement part go?

22 MR. GLOSS: They all go to 18.25
23 feet.

24 LEGISLATOR DERIGGI-WHITTON: One
25 other quick question. I understand that you

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2 switched from propane to natural gas for the
3 generators. As far as safety goes, propane
4 is usually contained in a tank so we know if
5 there was some type of explosion or
6 something, which possibly could happen in
7 this type of facility, it would be contained
8 to that amount, but the natural gas is
9 hooked to an infinite amount, correct?

10 MR. DeNICOLA: No. And, you're
11 correct. The actual, the original
12 generators were run off of diesel and not
13 propane, and the now the natural gas, you're
14 right, it's a gas main that feeds them, but
15 we have, according to the building
16 department, Public Health Department and
17 just engineering good judgement, there are
18 safety valves.

19 So, if there is an accident, the
20 gas automatically shuts off and we have that
21 at every generator as well as on the main,
22 as well as at the gas pad that comes into
23 the facility. So there has to be safeties.
24 Because if we have a fire and we can't shut
25 the gas off, it becomes a big fire.

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2 LEGISLATOR DERIGGI-WHITTON: So
3 the reason why you switched it is just --
4 it's easier?

5 MR. DeNICOLA: Number one, it was
6 for emissions because diesel burns dirtier
7 than natural gas, and, number two, it was a
8 cost savings to the county because these are
9 going to be operating for a while.

10 LEGISLATOR DERIGGI-WHITTON:
11 Then, I guess, Mr. Walker, I have a couple
12 of really quick questions on the finance end
13 of it.

14 The memorandum of understanding,
15 can we have a copy of that?

16 CHIEF DEPUTY WALKER: Sure.

17 LEGISLATOR DERIGGI-WHITTON: You
18 may have provided that in the past, but I
19 would just like to look at that.

20 CHIEF DEPUTY WALKER: We will get
21 you one.

22 LEGISLATOR DERIGGI-WHITTON:
23 Again, recapping what Judy Jacobs said, you
24 really anticipate that the money will be
25 forwarded prior to us using it, so that

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2 possibly -- because I was concerned about
3 bonding this much -- obviously I want the
4 work to be done as soon as possible, but the
5 bonding would really affect our bond rating
6 if we had to go out --

7 CHIEF DEPUTY WALKER: And that's
8 why we did the EFC financing because it is
9 literally a zero sum game, literally, as the
10 money goes back and forth within minutes.
11 There's no need for the county -- all we are
12 required to do is have the bond
13 authorization in place, and that's all that
14 needs to --

15 LEGISLATOR DERIGGI-WHITTON: So
16 hopefully we won't have to put money out?

17 CHIEF DEPUTY WALKER: No. And
18 we've done this before with them.

19 LEGISLATOR DERIGGI-WHITTON: Can
20 I ask you a quick -- this might be like a, I
21 don't know, maybe it's a housekeeping, but
22 when I look at all the capital projects and
23 it says matching budget, why don't we have
24 anything there?

25 CHIEF DEPUTY WALKER: Because

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2 it's an obligation so some of them we are
3 working through all of those. And some of
4 those are a working document.

5 LEGISLATOR DERIGGI-WHITTON: I
6 think every single one doesn't have a
7 matching budget.

8 CHIEF DEPUTY WALKER: It will be
9 matching. We don't know where. It's coming
10 from CDBG. I don't know how it's worked
11 out. The \$81 million, that's the matching,
12 that's 10 percent, that's coming from the
13 state, they haven't told us how it's coming.

14 LEGISLATOR DERIGGI-WHITTON:
15 Right.

16 CHIEF DEPUTY WALKER: I believe,
17 as I said, the conversations we had last
18 night, instead of matching the whole
19 project, they might rather just fund three
20 projects at \$81 million and say, that's it,
21 I'm done, because they don't want to deal
22 with it themselves for five years, so we are
23 working through those obligations. We just
24 don't have the budget yet.

25 LEGISLATOR DERIGGI-WHITTON: That

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2 would be good just to have in the budget
3 eventually how it's matched. It would make
4 me feel better.

5 Just with the FEMA with the other
6 part of Sandy, and you don't have to answer
7 this now, but what percentage did we get
8 back from the \$200 million?

9 CHIEF DEPUTY WALKER: So, right
10 now, we spent about \$150 million in
11 operations. We have received back I think
12 as of now obligated 140. What we have
13 actually received back, I'm not sure, but we
14 actually have more PWs been added to the
15 system as we speak. We received up to 90
16 percent share of all the documents and we
17 have been receiving -- actually, we are very
18 happy where we are.

19 LEGISLATOR DERIGGI-WHITTON: Could
20 you send me that as well?

21 CHIEF DEPUTY WALKER: Yes.

22 LEGISLATOR DERIGGI-WHITTON: I
23 get asked sometimes. We always say,
24 hopefully, and now we are about 18 months
25 out.

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2 CHIEF DEPUTY WALKER: If you
3 could wait until, if you don't mind, just
4 give me another two weeks because some of
5 those other ones are coming online now that
6 are being obligation. They are in the final
7 congressional cue.

8 LEGISLATOR DERIGGI-WHITTON: Okay.
9 Again, I would just, you know, because we
10 should, by 18 months, I know with Irene we
11 had about, we thought 90 percent or whatever
12 percentage we ended up getting --

13 CHIEF DEPUTY WALKER: We actually
14 got 100 percent in Irene.

15 LEGISLATOR DERIGGI-WHITTON:
16 Right. But I'm just saying, by 18 months,
17 we had a good amount.

18 CHIEF DEPUTY WALKER: Yes.

19 LEGISLATOR DERIGGI-WHITTON: One
20 last question, I know you said that all the
21 contracts were like PAL contracts --

22 CHIEF DEPUTY WALKER: PLA.

23 LEGISLATOR DERIGGI-WHITTON: PLA?

24 CHIEF DEPUTY WALKER: Yes.

25 Project Labor Agreements.

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2 LEGISLATOR DERIGGI-WHITTON: So
3 there's no work orders with this, correct?

4 CHIEF DEPUTY WALKER: No. It's
5 all actually public bid on the county
6 website with these jobs because they're so
7 big it's a project labor agreement. It goes
8 out to bid. A project labor agreement is
9 with the Nassau Suffolk Building Trades and
10 it goes out to bid as a public work document
11 and complies with all the federal state
12 regulations and then it goes to the
13 legislature for approval.

14 LEGISLATOR DERIGGI-WHITTON: So I
15 just want to close and say, I'm glad we're
16 having the hearings. It might seem arduous
17 but I think it's keeping us on track at
18 least. I know I feel better.

19 Maybe one last question, Rob.
20 The \$400 million we bonded in '09, do you
21 know -- I know we had different numbers as
22 to how much of that still remains.

23 CHIEF DEPUTY WALKER: The last
24 time we went through this, and I wish I
25 found the notes, there's roughly about \$20

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2 million that was available to be authorized
3 to use in a project.

4 A lot of those projects that go
5 back when they talk about that \$400 million
6 number, like I said two projects were
7 pelletization plants that no one ever wanted
8 to do pelletization plant at Bay Park and
9 Cedar Creek. I think that was over \$130
10 million. I remember, it was like 76, or
11 might have been \$150 million, whatever the
12 case may be.

13 The gentleman that put that
14 report together, Chris Yansik, I know I saw
15 him earlier, who's done a great job managing
16 the capital program for the county for as
17 long as he's been here. Basically \$20
18 million available to be used and we're going
19 to use it for some other projects -- you can
20 only use it for specific projects at Bay
21 Park, Cedar Creek or Glen Cove. And that's
22 where the money will go.

23 LEGISLATOR DERIGGI-WHITTON: So
24 just so I have it clear, out of the \$400
25 million, you think it's only \$20 million

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2 used?

3 CHIEF DEPUTY WALKER: I think 20
4 or 18.

5 LEGISLATOR DERIGGI-WHITTON: So
6 about less than ten percent?

7 CHIEF DEPUTY WALKER: Am I close,
8 Chris, yes. I actually have somewhat of a
9 memory sometimes.

10 One more thing. When you said
11 you will never get Cedar Park and those
12 sewage treatment plants down to two percent
13 sulfite, or --

14 CHIEF DEPUTY WALKER: No, you
15 can. It's not -- if you decided to do this
16 and this legislature said, money is not an
17 option, you can spend billions of dollars,
18 and you're going to lose the park.

19 LEGISLATOR DERIGGI-WHITTON:
20 Right. Let me just ask you one more quick
21 question. The north shore, are they pretty
22 much in that range, like around two percent?

23 CHIEF DEPUTY WALKER: I think
24 they're already at four or five. We operate
25 now much higher in -- the numbers aren't

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2 even close. The numbers are at 20s compared
3 to being four or five.

4 LEGISLATOR DERIGGI-WHITTON: Why
5 do you think that is? What is the
6 difference between the north shore, and --
7 other than the fact that it's an ocean, I
8 understand that, but is it volume or why do
9 you think there is such a discrepancy
10 between the two?

11 CHIEF DEPUTY WALKER: I guess
12 it's the level of treatment that that
13 facility had in place and there were
14 different standards then than there was in
15 the western bays. The western bays didn't
16 have certain standards that they're now
17 adopting to and moving to. So everything is
18 treated differently. Obviously the cost of
19 treating 50 MGDs compared to treating five,
20 10, or 15, obviously there's a difference.
21 But that's pretty much is it.

22 LEGISLATOR DERIGGI-WHITTON:
23 Right. Thank you.

24 CHAIRMAN MUSCARELLA: Ms. Bynoe,
25 I understand you had some questions but

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2 they've been answered; is that correct?

3 LEGISLATOR BYNOE: Yes.

4 CHAIRMAN MUSCARELLA: Having run
5 this thing, I have two questions, you
6 indicated before that the digester clean-out
7 project was behind. Very quickly, was there
8 a reason for that?

9 CHIEF DEPUTY WALKER: Just the
10 weather, really, 72 days, the winter
11 weather.

12 CHAIRMAN MUSCARELLA: When you
13 talk about speeding it up, how does that
14 happen, do they put more manpower on?

15 MR. DeNICOLA: Exactly. We talk
16 about, any time we lose time on a
17 construction project we talk about recovery,
18 so it would be either manpower, extra
19 shifts, or a re-sequence, and that's what --
20 we want to maintain the schedule. That's
21 what we are dealing with now.

22 CHAIRMAN MUSCARELLA: Madam
23 Presiding Officer, do you have anything?

24 PRESIDING OFFICER GONSALVES:
25 Yes, I do. First of all, thank you,

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2 Legislator Muscarella, for moving the
3 hearing along so smoothly, thank you, Mr.
4 Walker, for your wealth of knowledge and in
5 sharing that with us today, and Hazen and
6 Sawyer, Michael and Peter, and, of course,
7 Commissioner Shah and her staff.

8 I don't want to belabor the point
9 because I think that the purpose of the
10 meeting today was met. A great deal of
11 information has been shared and many
12 worthwhile questions have been answered.

13 Now it's time to hear from the
14 public. I know they have been sitting here
15 very patiently. I'm glad because, at 5
16 o'clock, this was going to be over and I
17 didn't have to recess it.

18 So, I have in front of me Richard
19 Kopsco.

20 MR. KOPSCO: My name is Richard
21 Kopsco. I'm representing the South Shore
22 Audubon Society.

23 PRESIDING OFFICER GONSALVES:
24 Welcome, Mr. Kopsco.

25 MR. KOPSCO: South Shore

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2 Audubon's position on the proposed ocean
3 outfall pipe of the Bay Park Sewage
4 Treatment Plant.

5 It is indeed necessary that the
6 problems to our environment related to the
7 Bay Park Sewage Treatment Plant is solved,
8 for no one can deny that the pollution
9 released by the plant damages our bays.
10 Proper functioning of the facility is
11 crucial in that more than 50 million gallons
12 of treated sewage created by roughly a half
13 million Long Islanders daily are released
14 from the plant into our western bays.

15 It is crucial that money be
16 provided to repair this facility. However,
17 obtaining additional funds and building an
18 ocean outflow pipe might not be the best
19 solution to this important environmental
20 issue.

21 Is the solution to pollution
22 really dilution? Before we rush to the
23 ocean, this and many other questions need to
24 be considered. An outflow pipe will
25 transfer treated sewage directly to the

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2 ocean which is also vulnerable to additional
3 pollution and excessive nitrogen loadings.
4 It may itself be subject to harmful algal
5 blooms and an increase of nuisance species
6 such as stinging jelly fish.

7 Chlorine and pharmaceutical
8 products not completely removed from the
9 sewage will adversely affect marine life.

10 In addition to the environmental
11 harm, the pollution from the pipe could
12 prohibit recreational use of our coastal
13 waters. Beaches might be closed. If the
14 ocean outflow pipe is added to the Bay Park
15 infrastructure, millions of gallons of
16 treated fresh water will bypass the bays and
17 flow directly into the ocean. But the
18 impacts known of moving an outfall pipe
19 which is dependable source of fresh water
20 from the bay to the ocean.

21 There is some evidence, for
22 example, that the ecology of Barnegat Bay in
23 Ocean County, New Jersey may have been
24 adversely affected by the re-routing of
25 sewage outfalls from the bay to the ocean.

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2 Before hundreds of millions of
3 dollars are spent on an ocean outflow pipe
4 here in Nassau County, alternatives should
5 be studied and discussed.

6 Land application of treated
7 wastewater might be a solution to our sewage
8 disposal at Bay Park. It should be
9 considered as a possible alternative. The
10 impact of any outflow pipe on marine and
11 coastal environments should also be studied
12 in detail before approving it.

13 Bay Park should be repaired and
14 upgraded, but the repairs and upgrade should
15 provide a permanent solution to the problem
16 not just push the problem out to sea. Jim
17 Brown, President, South Shore Audubon
18 Society. Thank you.

19 PRESIDING OFFICER GONSALVES:
20 Thank you, Mr. Kopsco. Eric Alexander.

21 MR. ALEXANDER: Presiding
22 Officer, members of the legislature, it's
23 excellent that you're having this hearing.
24 Again, kudos to Nassau officials for
25 securing the largest infrastructure projects

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2 in Long Island's history.

3 I should say, I'm Eric Alexander,
4 executive director, Vision Long Island. We
5 are on the Bay Park Oversight Committee and
6 we do get to see the monthly updates or
7 every other month that we get the reports
8 that show the progress of this project.

9 We have been able to tour the
10 plant and see firsthand the electrical
11 needs, the needs of the berm, the
12 de-watering, and what we hear from the
13 public constantly is we do some Sandy work,
14 the need in the community, the victims in
15 East Rockaway, and the impacts that they've
16 had to face. So we're glad that the county
17 is unified on this, again, the largest
18 infrastructure project in Long Island's
19 history. I keep saying that because it
20 blows my mind.

21 We did have the opportunity to
22 hear from Mike DeNicola, spoke to our Long
23 Island Smart Growth Working Group where
24 there are a number of engineers on that
25 committee, and they have verified that the

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2 approach that is being made in implementing
3 this project is competent and folks are very
4 excited about this project moving forward
5 for Long Island.

6 Our organization does support an
7 outfall pipe. We were at that press
8 conference on the steps with some of you
9 and, certainly, Legislator Denenberg was
10 there and Mangano was there, and that's
11 something that we want to continue to
12 provide advocacy for.

13 So, again, this review committee
14 has some folks much smarter than me, Rob
15 Weldner, Operation Splash, and other folks
16 that are watching this progress and there
17 should be oversight.

18 Having said that, we don't want
19 oversight to get in the way of really good
20 collaborative governance. We would just
21 hope that all information is shared and that
22 everybody moves forward together.

23 We would just want to say that
24 Cedar Creek and Barnes Avenue, in
25 particular, moving those forward,

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2 particularly Barnes Avenue, because the
3 Hempstead Renaissance Development Project is
4 something we care deeply about, is something
5 that needs the tax revenue and the academic
6 impacts and there are housing projects
7 online.

8 So, again, I just end it at this
9 and say I'm thankful that questions are
10 getting answered on both sides, but, more
11 importantly, we're thankful that the county
12 has had problems in the past in securing
13 federal funds, and we don't have to get into
14 all the details on that in past years, but
15 here you're showing a unified effort that
16 you can secure these funds and it's going to
17 be very important moving forward for the
18 health, safety, and economic vitality for
19 this county. I just want to say great job.

20 PRESIDING OFFICER GONSALVES:
21 Thank you, Mr. Alexander. Next speaker is
22 Maureen Murphy.

23 MS. MURPHY: Thank you. Maureen
24 Murphy with Citizens Campaign for the
25 Environment.

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2 So, thank you for this
3 opportunity to speak today. We are thankful
4 that Nassau County has worked to secure \$830
5 million for plant repairs and storm
6 protection measures.

7 Right now, we have a rare
8 opportunity to turn an antiquated problem
9 plant into a model sewage treatment plant.

10 But, one more piece of this
11 puzzle is needed, and that's ocean outfall
12 with denitrification. The addition of the
13 ocean outfall pipe, combined with
14 denitrification technology will protect
15 residents against future catastrophic sewage
16 overflows, help bring back the sensitive
17 bays, and serve as a regional model for
18 sewage treatment plants, and how they should
19 operate.

20 We are asking that this remain a
21 priority and for you to continue to work to
22 secure the necessary funds to make it
23 happen.

24 The science shows us that
25 denitrification combined with an ocean

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2 outfall pipe is needed to protect the
3 environment and public health.

4 Since 2008, over \$1.64 million in
5 state and federal money has been spent on
6 studies documenting impacts to the western
7 bays ecosystem. These studies disclose high
8 levels of ammonia and nitrates and concluded
9 that 95 percent of the total nitrogen in the
10 western bays originates from the Long Beach
11 city and the Bay Park Sewage Treatment
12 Plants. Over 85 percent of that nitrogen
13 comes directly from Bay Park.

14 The studies proved unequivocally
15 our bays are dying and the location of the
16 Bay Park outfall pipe is indeed the reason.
17 This excessive nitrogen is causing low
18 dissolved oxygen, harmful algal blooms,
19 excessive seaweed growth, which resulted in
20 the Town of Hempstead plowing the beaches
21 last summer to remove the seaweed from the
22 ocean beaches and the degradation of wet
23 lands.

24 An upgraded repair plant is not
25 enough to protect human health and the

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2 environment. An ocean outfall pipe combined
3 with the reduction of nitrogen is needed.

4 This is a once in a lifetime
5 opportunity that will never present itself
6 again. The choice is clear, we keep killing
7 the bays, or we take action to save the
8 bays. Killing the bay versus saving the
9 bay, seems pretty clear.

10 The DEC agrees, EPA agrees, the
11 county agrees, and the public supports it.
12 We need an ocean outfall pipe with
13 denitrification. So let's get it done.
14 Thanks.

15 PRESIDING OFFICER GONSALVES:
16 Thank you, Ms. Murphy. Next speaker is
17 Peter Swanson.

18 MR. SWANSON: Good afternoon.

19 PRESIDING OFFICER GONSALVES:
20 Good afternoon, Mr. Swanson.

21 MR. SWANSON: I'm a resident of
22 Garfield Place. So I'm kind of representing
23 a little bit of Garfield Place in East
24 Rockaway. We are about two minutes from the
25 plant.

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2 Ever since Sandy, we've known
3 many people in our community that have had
4 to deal with sewer in their basement and I
5 won't go on with that. But I tried to find
6 out what I could about sewer treatment
7 plants.

8 First of all, I would like to ask
9 if there is someone, if you can be an
10 ordinary citizen like me and get a tour the
11 plant, is that possible? I will just leave
12 it out there. I would really like a tour
13 the plant.

14 I would like to ask one question
15 about sludge. Is sludge still being trucked
16 to Cedar Creek? Can anybody answer that?

17 PRESIDING OFFICER GONSALVES: Mr.
18 Davenport.

19 MR. DAVENPORT: No, there is no
20 sludge being trucked from Bay Park to Cedar
21 Creek, no.

22 MR. SWANSON: There's not
23 anymore, okay. Have you got a cut-off date
24 on when the generators are going to be
25 turned off?

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2 MR. DAVENPORT: As we talked
3 through the capital projects, we have a
4 generator controls rehabilitation project
5 underway now. We expect by the middle of
6 this summer to have two of our generators
7 ready for operation, we'll go back on to
8 those generators. The Aggrekos, the
9 temporary generators will be turned off at
10 that point.

11 MR. SWANSON: So, like, at the
12 end of the summer?

13 MR. DAVENPORT: We are hoping
14 mid-summer, July, August.

15 MR. SWANSON: Good. Okay. Thank
16 you.

17 MR. DAVENPORT: And just to be
18 clear, the Aggreko units will remain as a
19 backup as an emergency, but they won't be
20 operating.

21 MR. SWANSON: Will they still be
22 operating on diesel or all on natural gas
23 now?

24 MR. DAVENPORT: Our in-house
25 generators operate primarily on natural gas

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2 and digester gas.

3 MR. SWANSON: Will that be raised
4 also in the final project?

5 MR. DAVENPORT: No. We are
6 building the berm around the plant to
7 protect that facility but we're also -- it's
8 not possible to raise those generators in
9 their current position. We are going to
10 harden that building to protect them but, as
11 part of the future electrical upgrade phase,
12 we are going to install new generators at a
13 higher elevation.

14 MR. SWANSON: Okay. That's
15 basically what I wanted to ask. Thank you
16 very much.

17 PRESIDING OFFICER GONSALVES:
18 Thank you, Mr. Swanson. Glenn Torres? Left
19 or something. John Budnick.

20 MR. BUDNICK: Good afternoon. My
21 compliments to all the members of the
22 legislature as well as the outstanding
23 county officials who obviously working their
24 you-know-whats off to have to get this done.

25 I have a couple of comments.

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2 First of all, has there been any
3 consideration of a remote site for trucks in
4 the future that would be normally dropping
5 off effluent at the Bay Park plant at an
6 off-site location, perhaps one of the
7 off-site pumping areas, to get it into the
8 pump without all these trucks having to go
9 through the Bay Park community?

10 Number two, is there any
11 consideration being given to monitoring the
12 material that comes into the plant
13 chemically so that we can make sure that it
14 is not going to create a negative impact on
15 the workings of the plant? Have chemical
16 monitors in the incoming area to make sure
17 if it will have a negative effect on the
18 workings of the plant, that the plant
19 operators know about it and hopefully know
20 how to correct it?

21 Is there consideration of the
22 ocean outfall being branched to try to
23 mitigate its effect in any particular
24 location of the material that's being pumped
25 out there?

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2 Another thing I want to point
3 out, if we are going to be taking over part
4 of the Bay Park area, that is to say the
5 surrounding park around the sewage treatment
6 plant, to be added into the plant, or used
7 as parking, you must recall it under the
8 State Parks Trust Doctrine, we must get
9 permission from the state legislature for
10 any change of the usage of that property
11 from a parkland to a non-parkland. That's
12 mandatory.

13 I was wondering if there has been
14 any consideration of there being an exhaust
15 system in addition to the currently
16 contemplated odor control that would flow
17 through an activated charcoal grid to try to
18 minimize any negative material going out
19 into the community?

20 It also appears that there's a
21 need for an enforcement program to eliminate
22 the effect of illegal hookups which was one
23 of the problems found in Sandy. I don't
24 know how that's going to be created, but is
25 there some contemplation about that?

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2 Also, I understand that in Sandy
3 there were two other additional problems in
4 that the ground water around the Bay Park
5 Plant needed to be de-watered or something
6 and there was no facility or system for
7 that, is that perhaps being contemplated?

8 I also understand there were
9 problems in some of the laterals or other
10 pipings --

11 CLERK MULLER: Mr. Budnick, your
12 three minutes have expired.

13 MR. BUDNICK: And is any
14 consideration being given to a ceiling
15 program for any such leakage? Thank you
16 very much.

17 PRESIDING OFFICER GONSALVES:
18 Thank you, Mr. Budnick.

19 MR. BUDNICK: God bless you.

20 PRESIDING OFFICER GONSALVES: God
21 bless you. Claudia Borecky.

22 MS. BORECKY: I sit on the
23 county's Hurricane Sandy Sewage Treatment
24 Advisory Committee and I'm a founder of the
25 Coalition of Nassau Civic Associations,

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2 which is an association of civics
3 representing thousands of Nassau residents,
4 an offshoot of an organization originally
5 formed to address the attempt to privatize
6 our sewage treatment plant.

7 Before that I was on the Sludge
8 Stoppers, a group formed by Legislator
9 Denenberg to stop sewage that was spilling
10 into Reynolds Channel back in 2010.

11 But I'm going to address what
12 we're concerned about today. Basically, I
13 understand that these projects are for Bay
14 Park, the pump stations, and Barnes Avenue,
15 correct? That's what those three areas are
16 supposed to cover? I don't see any project
17 in here for Barnes Avenue. Is there a
18 reason why?

19 MR. DAVENPORT: Barnes Avenue is
20 one of the projects that is part of our
21 program. I don't know what you are looking
22 at that you don't see it.

23 MS. BORECKY: I was looking at
24 the phase one, and I don't know, when we
25 normally have our meeting, there was no

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2 Barnes Avenue projects mentioned.

3 MR. DAVENPORT: Yes. We have
4 project.

5 MS. BORECKY: When does that
6 start?

7 MR. DAVENPORT: We have selected
8 a designer, Deputy County Executive Walker
9 mentioned Cameron Engineering. We would
10 expect the April 7th Rules Committee meeting
11 that that agreement would appear before
12 them. We would start work shortly after
13 that, assuming their approval. We have a
14 six month design schedule, so by the end of
15 this year we would expect to bid plans and
16 specifications for construction
17 improvements.

18 MS. BORECKY: Because I didn't
19 see it listed or any figures put to it. So
20 I didn't see anything like that.

21 I also was concerned money-wise.
22 But, first of all, Hazen and Sawyer, they
23 are responsible for just the Sandy recovery
24 projects, or are they managing also --

25 PRESIDING OFFICER GONSALVES:

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2 Hold on. Other speakers had several
3 questions. They are noted by the court
4 reporter here. So, just ask your questions
5 and, if need be, we will address them to you
6 in writing. This is not the time. This is
7 not a question and answer period.

8 MS. BORECKY: This is a public
9 hearing.

10 PRESIDING OFFICER GONSALVES:
11 This is not a question and answer period.

12 MS. BORECKY: So I will just
13 state our concerns that several members in
14 our coalition are concerned about.

15 PRESIDING OFFICER GONSALVES:
16 Very good.

17 MS. BORECKY: 540,000 Nassau
18 County users send their wastewater to Bay
19 Park. The average customer uses 140 gallons
20 of water a day which equals 75,600,000
21 gallons of water consumed every day.

22 Yet, we have heard numbers like
23 68 million gallons per day of effluent is
24 put into Reynolds Channel. We know that 65
25 million gallons a day of sewage was put in

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2 the channel every day for 45 days after
3 Sandy.

4 What I'm concerned about is, we
5 are all talking about an outfall pipe and
6 we're talking about, to do that, we are
7 going to need to take in Long Beach sewage
8 as well.

9 In building up this plant, that
10 obviously couldn't take the sewage that it
11 was taking, it was backing up in Baldwin, is
12 it being built to be able to hold this extra
13 sewage from Long Beach and other --

14 CLERK MULLER: Ms. Borecky, your
15 three minutes have expired.

16 MS. BORECKY: All right. And I
17 hope to get an answer to my questions. I
18 just want to thank Dave Denenberg for
19 pushing for this and making sure that Cedar
20 Creek is taken care of as well. Thank you.

21 PRESIDING OFFICER GONSALVES: A
22 motion to adjourn.

23 LEGISLATOR DUNNE: So moved.

24 PRESIDING OFFICER GONSALVES:
25 Motion by Legislator Dunne, and seconded

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by -- actually I'm adjourning when I don't
need to adjourn.
(Whereupon, the Full Legislative
Committee on Sandy Recovery Operations and
Capital Budget Projects relating to the Bay
Park Sewage Treatment Plant at Bay Park
concluded at 5:01 P.M.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby stated:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of March, 2014.

FRANK GRAY