



Onondaga County Legislature

JAMIE McNAMARA
Clerk

TIMOTHY T. BURTIS
Chairman

TAMMY BARBER
Deputy Clerk

401 Montgomery Street • Court House • Room 407 • Syracuse, New York 13202
Phone: 315.435.2070 • onondagacountylegislature@ongov.net • www.ongov.net/legislature

ENVIRONMENTAL PROTECTION COMMITTEE MINUTES – NOVEMBER 14, 2024 JULIE ABBOTT, CHAIR

MEMBERS PRESENT: Dr. Kelly, Ms. Cody, Mr. Romeo, Mr. Brown

ALSO ATTENDING: Chairman Burtis; also see attached list

Chair Abbott called the meeting to order at 1:32 p.m. and the previous meeting's minutes were approved.

1. ONONDAGA COUNTY RESOURCE RECOVERY AGENCY (OCCRA):

- a. Confirming Appointment to the Onondaga County Resource Recovery Agency (Bonke Skarore)

A motion was made by Mr. Romeo, seconded by Ms. Cody, to approve this item. Passed unanimously; MOTION CARRIED.

2. WATER ENVIRONMENT PROTECTION: Shannon Harty, Commissioner

- a. Authorizing the Execution of an Order on Consent Relative to the Settlement of an Enforcement Action Brought by the New York State Department of Environmental Conservation

Consent Order on file with the Clerk

- Action is a result of a noncompliance event related to the failure of the Ley Creek Force Main near Destiny Mall
- In order to repair, had to perform a complete bypass of the system and pump into Ley Creek
- Previous Consent Order
 - Issued in Fall 2019
 - Concerned previous failures of force mains and the need to get them fixed
 - Focused on engineering studies and preliminary design documents for Liverpool and Ley Creek force mains
 - Hired Engineer late in 2018; submitted preliminary design to DEC in February 2021
 - Design was approved in April 2021 which concluded the Fall 2019 Consent Order Action
 - Since that time geotechnical design, mapping, survey work needed to be done
 - Found significant soil conditions which complicated the repair
 - Amended design into 2 phases
 - Phase 1 – sought \$25M for lining 75% of the Liverpool Force Main and 45% of Ley Creek Force Main
 - Phase 2 – bringing the 2 force mains together
 - Will abandon 2 existing pipes, build 1 single new one
 - No estimate on phase 2 yet
- Awarded a \$10M WQIP grant in March 2023 to go towards the overall project
- Could not use previous consent order to leverage funding because it did not require construction
- Current consent order requires the county to submit a timeline for completion of construction
- Magnitude of this repair is uncommon; bypassing to the environment was unavoidable
- Fines and penalties are associated with a non-compliance event
 - \$10k is payable upon execution
 - If milestones are not met, will need to pay the remaining \$47k that was suspended
- County will contribute to Environmental Benefit Project (EBP) fund through CNY Regional Planning & Development Board (CNYRPB)

Questions/Comments from the Committee:

Appendix A
COMPLIANCE SCHEDULE
ONONDAGA COUNTY
CASE NO. R7-20240717-57

MILESTONE	COMPLETION DATE
1) Within 30 days of the forcemain repair, the County shall submit a Final Bypass Pumping Report quantifying the total volume of SSO discharged to Onondaga Lake and Beartrap Creek along with compiled analytical results from the water quality sampling plan included as a condition to the Emergency Authorization issued by the DEC on June 14, 2024.	Respondent completed with submission on August 30, 2024
2) Within 30 days of the forcemain repair, the County shall submit a revised Emergency Response Plan with an addendum to include additional, interim measures to address any future repairs to large diameter forcemains.	Respondent completed with submission on August 30, 2024
3) The County shall provide an Implementation Schedule for the planned capital infrastructure project(s) for relocation and replacement of the Ley Creek and Liverpool forcemains. The Implementation Schedule shall include milestones for the submission of design plans and specifications, bidding, construction, and project completion for the DEC's review and approval. The Implementation Schedule shall also include a date for the submission of "as-built" drawings of the Ley Creek and Liverpool forcemains once constructed.	Within 90 calendar days from the execution of this Order
4) Execute and complete all items and milestones of the approved Implementation Schedule in strict adherence with all provisions contained therein. Submit to the Department sufficient documentation to indicate that all compliance items have been adequately and timely addressed. When all items have been completed, provide the Department with the signed and completed Certification of Completion (Appendix B of this Order).	In accordance with approved completion date in the Implementation Schedule

- What is the timeline from here on out?
 - Milestone 1 – completed
 - Milestone 2 – completed
 - Milestone 3 – once executed, County must submit a rehab schedule to the DEC
 - Milestone 4 – project completion
 - Contract 1 – Liverpool Force Main – replacing 75% of force main along the Lake Parkway (~3 miles)
 - Contract 2 – Ley Creek Force Main – ~1.5 miles; construction bid documents approved by DEC
 - Will be bidding by Q1 in 2025
- Will easements be at Destiny and CSX?
 - Will be along the northern end of Hiawatha Blvd., south of 7th North St., almost to Park St.
 - Need to obtain 11 easements
 - 10 are temporary construction phase access
 - 1 will be permanent due to installation of new infrastructure
 - Currently in negotiations with property owners; will be back due to contracting with private entity
 - Phase 1 – anticipating construction to begin summer 2025 and complete by end of 2026
- Is WEP anticipating any issues with private owners over easements?
 - Cannot say for certain, currently working through the details
- What will happen if it breaks in the meantime?
- What is different than the last time?
 - Nothing is different

- Liverpool Force Main is smaller; can set up emergency bypass to redirect flow
- Ley Creek Force Main – due to the size, there is no mechanism to rapidly to set up a bypass system
- There was no way to avoid the bypass we are discussing today?
 - Correct
 - Things are aging and there are plans to replace, but continuing to fail in the meantime
- Will the EBP funds be exclusive to the current consent order or can it be applied to other pieces of infrastructure?
 - This consent order increases the Phase 1 and 2 project score, therefore bumping it up on the eligibility list
 - Only applies to projects identified in the consent order
- Based on the 2019 Order, the County refunded a portion of the money for complying
- Good to hear that County has a history of being able to meet obligations and continuing to do so
- Law Department
 - Is the plan to divorce from being connected to the CSX bridge?
 - Phase 2 will be a brand new force main built away from CSX
 - Anticipate building a bridge over Onondaga Creek to mount force main to
 - New bridge could help connect trails

Request – WEP to provide Legislature with map of phase 1 and 2

- Are there any other situations where the county is consistently dumping into public waterways?
 - It happens at CSO Outfalls, when it is raining, when the system is “burping”
 - Couple other spots that WEP is looking into
- Does anyone at the State level have issue with CSO dumping?
 - CSO’s are currently under consent order with the State
 - WEP meets quarterly with the DEC to talk about regulatory issues and permitting

A motion was made by Dr. Kelly, seconded by Mr. Romeo, to approve this item. Passed unanimously; MOTION CARRIED.

- b. Authorizing the Execution of a United States Environmental Protection Agency Consent for Access to Certain County-Owned Lands Along Ley Creek in Connection with the Upper Ley Creek Remedial Action**

The following was presented by Ben Yaus, Law Department

Dear Ms. Harty:

The U.S. Environmental Protection Agency (“EPA”) is charged with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA” or “Superfund”), as amended, 42 U.S.C. §§ 9601-9675. EPA has documented the release and/or threatened release of hazardous substances at property for which you are the owner of record. Your property comprises a portion of the Onondaga Lake Superfund Site in Syracuse and/or Salina, New York. EPA requires access to your property to excavate and dispose of soils contaminated with polychlorinated biphenyls (PCBs) and/or metals. The exact address of the relevant property is included in the enclosed consent form, which is discussed in more detail below.

EPA and the New York State Department of Environmental Conservation (“NYSDEC”) have organized the cleanup work for the Onondaga Lake Superfund Site into a number of subsites. The General Motors-Inland Fisher Guide (“GM-IFG”) subsite consists of the following two portions: 1) the former GM-IFG facility and associated contaminated groundwater, and 2) Ley Creek Deferred Media (“LCDM”), which includes approximately 9,200 linear feet of Ley Creek and adjacent floodplains between Townline Road and the Route 11 bridge (a.k.a. Brewerton Road). Also included in LCDM is a 10-acre wetland located on the northern portion of the National Grid property located directly west of the former GM-IFG facility, as well as soil in an approximately 1.8-acre area located directly between the former GM-IFG facility’s northern property boundary and Factory Avenue. Your property is included within LCDM.

The cleanup plan selected by EPA and NYSDEC for LCDM in 2015, which was modified in 2022 and 2023 by the issuance of decision documents known as “Explanations of Significant Differences,” calls for, among other things, the excavation and off-site disposal of contaminated floodplain soils and creek sediments. The design of the LCDM remedy was recently completed, and EPA is preparing to commence the cleanup work. Documents concerning the LCDM remedy are available at the following website: <http://www.epa.gov/superfund/onondaga-lake>.

As stated above, the contaminated soils on your property require excavation and disposal as part of the LCDM remedy. While the excavation work at LCDM will not commence until approximately one year from now, permission for access to perform the necessary work must be obtained in advance of EPA’s solicitation of bids from contractors for the cleanup effort. Therefore, it is requested that you complete and sign the enclosed consent form and return it in the accompanying self-addressed, postage-paid envelope as soon as possible. The form grants EPA and its representatives access to the noted property. It is anticipated that the LCDM cleanup will take four years to complete and will require intermittent periods of work at your property. EPA will be in further communication with you regarding the anticipated schedule of work.

Please note that EPA does not have the legal authority to indemnify property owners or hold them harmless as part of our access arrangements, and we will not consider any requests for such an agreement. However, as stated in the enclosed consent form, all EPA contractors are required to maintain comprehensive general and vehicle liability insurance coverage for their site activities, including the anticipated work at your property.

If you have any questions regarding this matter, please feel free to contact me at (212) 637-4258 or singerman.joel@epa.gov.

Thank you for your cooperation on this matter.

Sincerely yours,

Singerman, Joel

Digitally signed by Singerman,
Joel
Date: 2024.06.28 13:30:26 -0400'

Joel Singerman, Chief
Central New York Remediation Section

Enclosures

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 2
Superfund and Emergency Management Division
290 Broadway
New York, New York 10007



CONSENT FOR ACCESS TO PROPERTY

Property Owner(s): Onondaga County

Address of Property: Factory Avenue, Syracuse, NY (tax parcel no. 067.-01-16.1)

I am the owner of the property (Property) noted above or otherwise an authorized representative of the Property owner. I understand that the United States Environmental Protection Agency (EPA) requires access to the Property to excavate and dispose contaminated soil pursuant to its responsibilities under the Superfund law, also known as the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675.

I hereby consent to allow officers, employees, and authorized representatives of EPA to enter and have access to the Property to excavate and remove contaminated soils and backfill the excavated areas with clean fill. I understand that such representatives may include the U.S. Army Corps of Engineers (USACE), which will be managing the project for EPA, contractors and/or subcontractors hired by EPA and USACE, and other federal and state agencies and their agents. I also understand and agree that the above-mentioned representatives may enter the Property at reasonable times, as mutually scheduled.

I understand that the soil excavation will require some disturbance to the Property and that EPA will minimize the disturbance as much as possible and restore areas of the Property where such disturbance does occur.

I further understand that EPA contractors are required to maintain comprehensive general and vehicle liability insurance coverage for their site activities, including for the work at the Property, as described above.

This written permission is given by me voluntarily and without threats or promises of any kind. By my signature, I also acknowledge that I am fully authorized to grant such access.

By:

Signature and Name

Date

Main Contact Telephone Number

Best time to call

Email

Tenant Name (if applicable)

Tenant Contact Telephone Number (if applicable)

- EPA divided Ley Creek in two
 - Will remediate upper Ley Creek before lower Ley Creek
 - Remediation is planned to start in a year and will take ~4 years to complete
 - GM previously remediated this PCB dredge spoil area
 - Will divert water and remediate in the dry to remove PCB's
- Hope to not be involved in any litigation; the cost has increased by 2 to 3 times
- Currently negotiating to make sure contractors are carrying county insurance limits
 - The federal government does not defend and indemnify or hold harmless
- Army Corp is contracting the work out

Questions/Comments from the Committee:

- Is this all in the Town of Salina?
 - Yes
- Why do we own the property?
 - Drainage easement, drainage owned property, and WEP infrastructure
 - Historic Drainage District property
 - Will restore property to original condition
- Is everything the county owns underground?
 - Yes
 - WEP
 - Property is owned by the Drainage District, not the Sanitary Sewer, but WEP has sewers on it
 - This is an opportunity to get the land cleaned up
 - Nothing will be operationally disrupted
 - Back yards of homes behind Brookline were previously remediated

A motion was made by Ms. Cody, seconded by Dr. Kelly, to approve this item. Passed unanimously; MOTION CARRIED.

c. INFORMATIONAL: Update

- Staffing
 - Hired 31 people since January; predominantly “boots on the ground” employees
 - 8 Management staff:
 - Deputy Commissioner of Administration started 8 weeks ago
 - Director of Industrial Health & Safety – starting November 18, 2024
 - Nicole Falkowski, Executive Assistant to Commissioner
 - Management Engineer
 - Water Systems Construction Engineers
 - Bob Livingston, Instrumentation/Electrical Superintendent
 - Pump Station Maintenance Superintendent
 - Industrial Pre-Treatment Director (Starting in January 2025)
 - 16 retirements
 - 15 resignations
- Key Strategies
 - Safety programs
 - Training
 - OpenGov
 - Received 32 new requests for sewer service in the last 5 months
 - 13 were processed through new online platform
 - Looking to digitize plumbing program to streamline how WEP interacts with the public
 - WEP Financial Operations is moving back to County FinOps
- Capital Programs (Construction)
 - Projects that are near completion
 - Davis Road Pump Station; \$13M; feeds Oak Orchard plant
 - Did a complete gut and rehab of facility; new pumps, pipes, meter pits
 - Would like to do a site visit when complete
 - Brewerton WWTP; \$2M
 - Replaced chemical storage tanks and feed pumps
 - Will be complete by the end of 2024
 - Metro
 - Digester Project
 - \$22M; should be online by the end of 2024
 - Sludge Dryer
 - \$22M; have atmospheric air quality issues
 - Working with designer and construction company on redesign
 - Will be back in December for additional unbudgeted money
 - Clarifier
 - \$50M
 - Contractor doing a great job; should be complete in a year or two
 - Baldwinsville/Seneca Knolls
 - Closing out phase 1 (odor control and sludge digestion improvements)
 - Rehabilitation of Clarifiers will be wrapped up by the middle of next year
- Upcoming projects
 - Camillus Force Main
 - Rehabilitating the 2nd half of force main
 - \$25M budget
- White Pine Pump Station and Force Main
 - Phase 1 (sewer service expansion along Rt. 31)
 - Authorized for \$35M
 - Awarded contract for ~\$31M
 -
- Thank you for participation at WEP Fest

Questions/Comments from the Committee:

- How long does it take to get “boots on the ground” employees trained and ready to go into the field?
 - A couple of days at most
 - Deputy Commissioner of Administration is working on a new program for new hires
- When is plumbing permit service coming online?
 - January 1, 2025
 - Will be able to receive all payments online
- One would think that the manufacturer of the Sludge Dryer would have anticipated the issues WEP is having
- Is it a different volume
 - The issue was not seen to the same extent in other communities
- Is there a timeline on White Pine Pump Station?
 - Starting construction in the summer 2025
 - Targeted completion by the end of 2026

The meeting was adjourned at 2:21 p.m.

Respectfully submitted,



TAMMY BARBER, Deputy Clerk
Onondaga County Legislature

ATTENDANCE

COMMITTEE: ENVIRONMENTAL PROTECTION

DATE: NOVEMBER 14, 2024

NAME (Please Print)	DEPARTMENT/AGENCY
Shannon Harty	WEP
Nicole Fal Kowski	WEP
Ben Yaus	Law Dept.
Nancy Lowery	CE
Joe Frateschi	Legal Counsel
Darcie Lesniak	Leg.
John DeSantis	
Jimm Beebe	