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Sound Shore drinking water safety effort hindered by Harrison planning board: water supplier

The project's hold up appears to center on who gets to lead the project, the county water works agency or the Harrison planning board.

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Rye Lake filtration project proposed

Paul Kutzy, P.E., the manager of the Westchester Joint Water Works, talks about the proposed filtration project for Rye Lake in West Harrison. *Mark Vergari, Rockland/Westchester Journal News*

An effort to build a federally mandated filtration plant to keep drinking water safe is being delayed by a local planning board, a local water supplier asserted.

The Westchester Joint Water Works wants to build the water filtration plant for Rye Lake to reduce harmful levels of a byproduct that heightens the risk of cancer if there is a long term exposure to it. As the process plays out, state fines against the WJWW have grown to \$60 million with the threat of federal fines looming.

The lake provides water to both the Village and Town of Mamaroneck, Harrison, Larchmont and parts of New Rochelle, the City of Rye, Rye Brook and Port Chester or about 120,000 consumers daily.



Paul Kutzy, P.E., the manager of the Westchester Joint Water Works, is pictured in front of Rye Lake in West Harrison, April 9, 2021. *Mark Vergari/The Journal News*

Because high levels of the harmful by product called HAA5 were found in the water system, both the U.S. Environmental Protection Agency and the state Department of Health have ordered the plant be built to reduce the health hazard. But so far the WJWW has missed federally imposed deadlines, laying much of the blame on the Harrison planning board.

The issue appears to be a fight over which agency, the Harrison planning board or the WJWW, would handle an environmental review required by the state before the project can get underway.

The project "has been delayed by the Town/Village of Harrison Planning Board," the WJWW stated. "The ongoing delay is clearly jeopardizing public health, and WJWW's inability to meet the mandates of state and federal orders will result in the accrual of even greater fines and penalties."

The WJWW has been fined daily by the state and federal fines could follow, but those penalties could be settled with no payment required if the project gets done, WJWW manager Paul Kutzy said.

Short-term measures taken by the WJWW ensure there is no imminent health threat, Kutzy said.

The filtration plant, which would cost about \$100 million, would be located on 13 acres of land in Harrison adjacent to the Westchester County Airport. Water rates will tick up to about 7% annually for the next five years, according to the WJWW.

The WJWW is a nonprofit public benefit corporation that provides on average more than 11 million gallons of water daily.

The plant was approved by WJWW trustees Mamaroneck Town Supervisor Nancy Seligson, Mamaroneck Village Mayor Thomas Murphy and Harrison Supervisor Ron Belmont two years ago. Seligson said the project was "of crucial importance."

"On the one hand I'm trying to talk the public off the cliff in terms of the (health) concern at the same time trying to emphasize that there is a public health risk out there and this filtration plant needs to be constructed," explained Kutzy, a professional engineer.

Why the hold up?

An administrative order from the EPA on Nov. 26, 2019, directed the WJWW to complete a state environmental quality review by Oct. 1, 2020. That deadline was missed and the review won't be complete until the end of 2021, Kutzy said.

He said there was a dispute between Harrison and WJWW over which entity should be lead agency for the review that slowed the project's pace. In Feb. 2020, the WJWW gave notice it would name itself lead agency and informed Harrison without receiving any objection. Following that, there were discussions about both entities co-leading the review, Kutzy said.

The WJWW eventually declared itself lead agency. But then in Nov. 2020, Kutzy said the planning board "blindsided" the WJWW when it also declared itself sole lead agency.

As a result, the state Department of Conservation needed to decide which entity would be lead agency with DEC Commissioner Basil Seggos siding with the WJWW.

While the coronavirus pandemic delayed the timeline by a few months, Harrison's actions delayed it by a year, Kutzy said.



Rye Lake is pictured from the Westchester Joint Water Works in West Harrison, April 9, 2021. *Mark Vergari/The Journal News*

“It has been frustrating to try and get them engaged in the process and not have them respond because we would like to move forward,” Seligson, the Mamaroneck town supervisor, said of the Harrison planning board.

Kutzy said despite the delay, the plant could still be operational by the EPA's deadline of Oct. 15, 2024. But he noted the time frame to complete it will be tighter and other deadlines will likely be missed.

Harrison's planning board needs to approve the site plan for the project before shovels hit the ground.

“We’re hoping to work cooperatively with the planning board to have a project that benefits all of the citizens in the WJWW’s area, particularly those in Harrison,” Village of Mamaroneck Mayor Murphy said.

Harrison town attorney Frank Allegretti referred questions to town planning consultant Pat Cleary, who did not return emails seeking comment. Attempts to reach planning board chair Thomas Heaslip were unsuccessful.

According to minutes from the October 2020 planning board meeting, Cleary told planning board members they should be sole lead agency based on advice from the law department.

Belmont, the Harrison supervisor, said the planning board did its due diligence and looks forward to seeing the project move forward. He said the construction of the plant is a long time coming.

"It's going to get done. It's just a matter of when," Belmont said.

A short-term 'Band-Aid'

To combat the HAA5 in the water, the WJWW is conducting a flushing program, in accordance with the EPA. About 7 million gallons of water are wasted monthly due to flushing, costing about \$420,000 annually, Kutzy said.

He said the program is only a "Band-Aid."

“We’re trying to reduce levels of HAA5 at the expense of wasting water,” Kutzy said.

Unacceptable level of HAA5 were detected in WJWW's distribution system in April 2019 after years of quarterly testing for it, Kutzy said. The filtration plant would reduce organic matter that helps lead to HAA5, according to the WJWW.

The discussions around a water filtration plant dates back more than a decade. In 2004, a state Supreme Court judge ordered a filtration plant be built by 2008.



The pump station at the Westchester Joint Water Works in West Harrison, April 9, 2021. *Mark Vergari/The Journal News*

Construction began in 2006, but was stopped because of permitting issues and litigation. Part of the problem was the Harrison planning board back then did not complete the required environmental review, according to the WJWW. (The current proposal is a different project at a different location from the 2006 plan, according to the WJWW.)

The following year, a state Supreme Court rejected the WJWW's request for ultraviolet treatment for the lake instead of a plant. Other alternatives explored never materialized.

Despite the EPA order, there is opposition to the project, including from the Purchase Environmental Protective Agency or PEPA.

In a Nov. 2020 newsletter, PEPA executive director Anne Gold said the plant would “bring construction, and concerns about long term noise, chemicals, and economical and environmental impacts such as loss of open space and increased truck traffic generated by the transportation of chemicals and waste to and from the facility.”

Kutzy said those assertions are "baseless."

A call and email to Gold were not returned.

Half of the plant would be underground and the above portion will be designed to blend in with the Purchase Street neighborhoods, the WJWW stated.

Seligson said the WJWW would be "ahead of the game" building the plant because filtration might be required for all New York City water providers in the future.

"We want to make sure we are set up and poised to be able to handle and take care of any water quality issues going forward," Seligson said. "We don't have a choice in this matter, we are being told that we must and we cannot delay any longer according to the federal government."

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