

Battle continues over effort to build water filtration plant at County Airport

Harrison Planning Board and environmental group opposition may cost Suez water users \$60 million in fines

By Dick Hubert

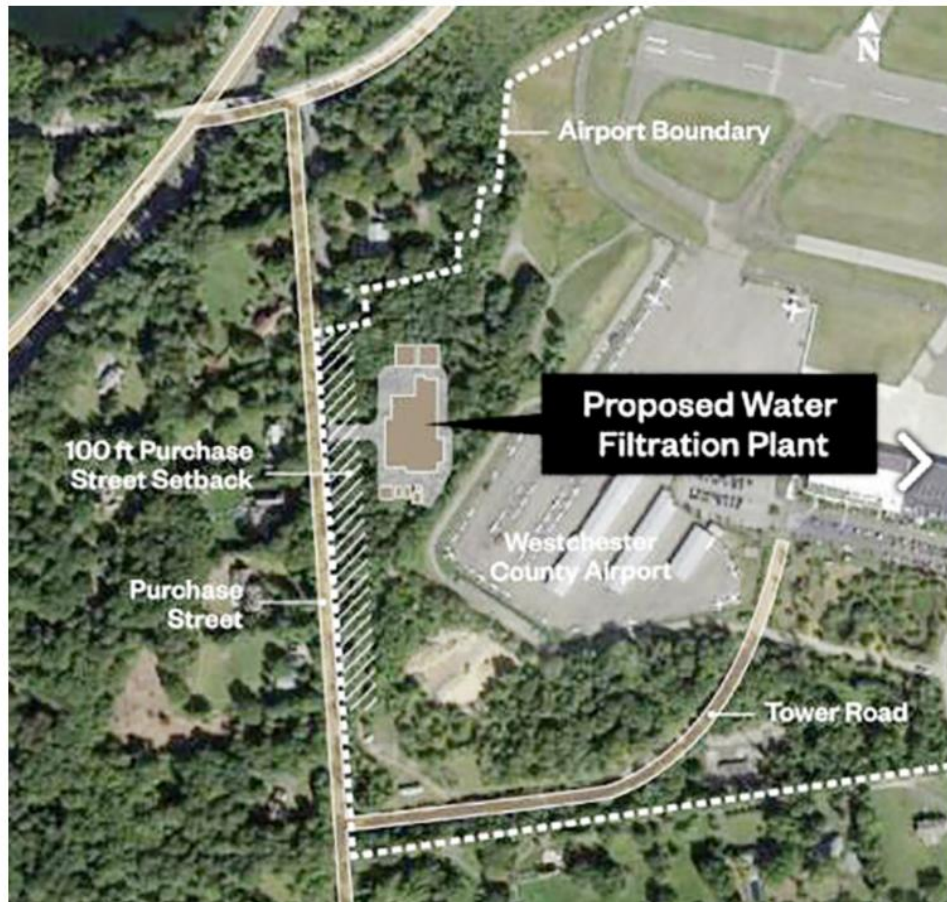
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For Rye Brook resident Dottie Roer, the notices in her Suez water bill that her water was not up to health standards became an ongoing aggravation—for more than 10 years.

So, on Apr. 14, in an effort to get help seeking a long-delayed answer as to why these notices kept coming, and what could be done about it, she contacted the Westmore News and asked for an investigation (see accompanying box for her full original inquiry).

As it turned out, Roer's frustration seemed to be dealt with in part by what

appeared to be a standard media release from Westchester Joint Water Works (WJWW) on Mar. 25 announcing a planned filtration plant to be built on land at the Westchester County Airport--and a new website to answer all related questions



Screenshot of the proposed Westchester Joint Water Works water filtration plant at the Westchester County Airport. It is scheduled to be operational in 2025, 21 years after a court ordered it to be built in 2004. <https://wjwwfiltration.org>

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Inquiry from Dottie Roer about unfiltered water

I wonder if I am the only one that finds it unacceptable to be paying monthly for water that is, as stated by the supplier, "in compliance with most requirements" but "in violation of the filtration treatment technique requirements." It further states "We are required to advise you that inadequately treated water may contain disease causing organisms. These organisms include bacteria, viruses and parasites." I have been receiving this information with every Suez bill as well as from the prior supplier. About ten years ago I decided to try to find out how long this "temporary" condition would last. I called the numbers listed for information from the water company, was advised to contact the County for information, was advised to speak with WJWW, and after failing to gain any positive input I wrote to the Governor. I did receive a reply but not a resolution of the problem. I did get some information from our legislator at the time that suggested the problem was a political one. And so...we still have the same unacceptable situation with no corrective action even in the planning stage.



WJWW says of the filtration plant: "A substantial portion of the plant will be underground, not visible to the public, while the above-ground portion will be designed to blend into the character of the Purchase Street neighborhoods." This schematic shows its height in relation to other nearby structures, from the airport parking lot to a nearby house.
<https://wjwwfiltration.org>

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That website, constantly referred to and quoted by WJWW Manager Paul Kutzy in a telephone interview, spelled out Roer's health concerns—the danger of the WJWW drinking water causing an increased cancer risk.

As the WJWW site states: "Traces of haloacetic acids (HAA5) have been detected in WJWW's water supply system. HAA5 compounds are a common by-product of the water disinfection process, as they form when chlorine reacts with naturally occurring organic matter in untreated surface water from WJWW's Rye Lake source. Chlorine is the most commonly used disinfectant among public water suppliers to kill bacteria and viruses that could cause serious illnesses. Filtering the water is a proven treatment to remove organic matter and thereby reduce the formation of HAA5 compounds. Long-term exposure to high levels of HAA5 has been linked to an increased risk for cancer."

Presumably, Roer's water, and that of every Suez water user in Rye Brook and Port Chester (let alone Rye City), would be properly filtered and up to federal clean water standards by the time the plant is in operation--most recently estimated by WJWW on its website as the last quarter of 2024.

Spokesperson Bill Madden, on behalf of Suez, which distributes water through its network of pipes, said that 60% of the water is filtered and comes from the Aquarion Water Company in Connecticut. But the 40% that is unfiltered and therefore mandates the cancer warning comes from WJWW.

How and why that 40% comes from WJWW is a story buried in 20th century Rye Town politics.

The short version of that story is that decades ago then Democratic County Legislator Martin Rogowsky and the late Democratic Rye Town Supervisor Robert Morabito were wondering how to reduce water bills from the then 100% supply of filtered water coming from Aquarion's predecessor, Connecticut-American Water Company.

As Rogowsky recalled it: "I had discovered that the WJWW had previously laid pipes connecting their (unfiltered) system to Suez. And they weren't being used. I argued that investment should be taken advantage of. I am thinking 1.3 million gallons a day was the capacity available, but I could be wrong. ... I argued for as much water as Suez's predecessor could get to save money per gallon gotten. ... I tried to get as much as possible."

That was not an apparent problem until the federal Environmental Protection Agency determined that unfiltered water carried a serious health risk and demanded that all water supplies in the country be filtered.

According to Kutzy, WJWW's filtration plant should have been built immediately after a court ordered it to be constructed in 2004. That WJWW was unable to even have a reasonable chance of building it until now is the result of the Town of Harrison's Planning Board opposition and equally vigorous obstruction from the Purchase Environmental Protective Association (PEPA), neither of whom wanted the filtration plant built near upscale Harrison and Purchase neighborhoods.

The WJWW website says of the now planned filtration plant: "...it's a different project, at a different location, using a different type of treatment technology. The new site is an ideal location for the Water Filtration Plant, as it is closer to the Rye Lake water supply and existing WJWW infrastructure, and Harrison's zoning specifically permits this type of use and facility. The initial site was nearby, but in a residential zone; the site of the current proposed plant is on approximately 13 acres of land at the Westchester County Airport that is zoned for nonresidential use."

As a result of the years-long opposition, WJWW is, to quote their website, "...facing state fines accruing at \$13,750 a day and has thus far accrued a total of \$60 million and risks federal fines of an additional \$35,000 per day for noncompliance." Water users will have to pay these fines, and Suez will be forced to collect them, unless the WJWW can negotiate a deal that will see the estimated plant cost of \$100 million accepted in lieu of the fines.

That the plant might have a chance of being built at all is the result of ongoing political machinations that saw the New York State Department of Environmental Conservation Commissioner declare in a Mar. 10, 2021 decision that WJWW is now the lead agency under the New York State Environmental Quality Review Act (SEQRA) and has jurisdiction over the Harrison Planning Board "to investigate the environmental impacts."

However, even though the plant is now slated to be built on County airport land with WJWW as lead SEQRA agency, and even beyond the court orders in place and the fact that the EPA issued an administrative order in late 2019 mandating that the plant be operational by Oct. 15, 2024, WJWW has posted this warning on its <https://wjwwfiltration.org> site:

Their most recent plant design and location "is again being opposed by special interests and has been delayed by the Town/Village of Harrison Planning Board. 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."

Both the chair of the Harrison Planning Board, Thomas Heaslip, and the executive director of PEPA, Anne Gold, refused to answer repeated Westmore News e-mails and telephone requests for interviews and comment.

Rogowsky, now long retired from public life and reached for a telephone interview with the Westmore News May 3, maintains his support for PEPA as opposing the location of the plant, not the filtration process, even though PEPA and the Harrison Planning Board's opposition has meant water with elements causing known increased cancer risk has been and is being drunk by Rye Brook and Port Chester residents (among others) for 17 years and counting.

Rogowsky disputes the health warnings on the water that have so infuriated Roer.

He told the Westmore News: "Everything was fine until this health issue. We're drinking this water today. Is that really a health issue? My personal opinion is it's more of a legal mistake Westchester Water Works made in not filing (legal) papers on time. There was one reading in 1991. We've been drinking the water for the last 30 years. So, times change. Everybody has to filter now. Back in the 1990's that wasn't the case. So you could argue that Connecticut water is cheaper now, because they made that (filtration plant) investment 30 years ago. That plant's been paid off by now."

As for potential ongoing PEPA opposition, Rogowsky said he could not speak for them but believes they are most concerned about the plant's aesthetics and the impact on the community during its construction.

PEPA has failed to publicly express any distress over the \$60 million plus in fines that Suez water users might have to pay.

Meanwhile, on its filtration plant website, WJWW is taking no chances. It wants to organize its own public support to combat any further efforts by PEPA and the Harrison Planning Board to stop the filtration plant's construction.

Its appeal:

"Contact WJWW and express your support for the proposal to build the Water Filtration Plant."