



End of water fight may be near

Rye Brook and Port Chester residents could be drinking clean, filtered water by early 2027

By Dick Hubert

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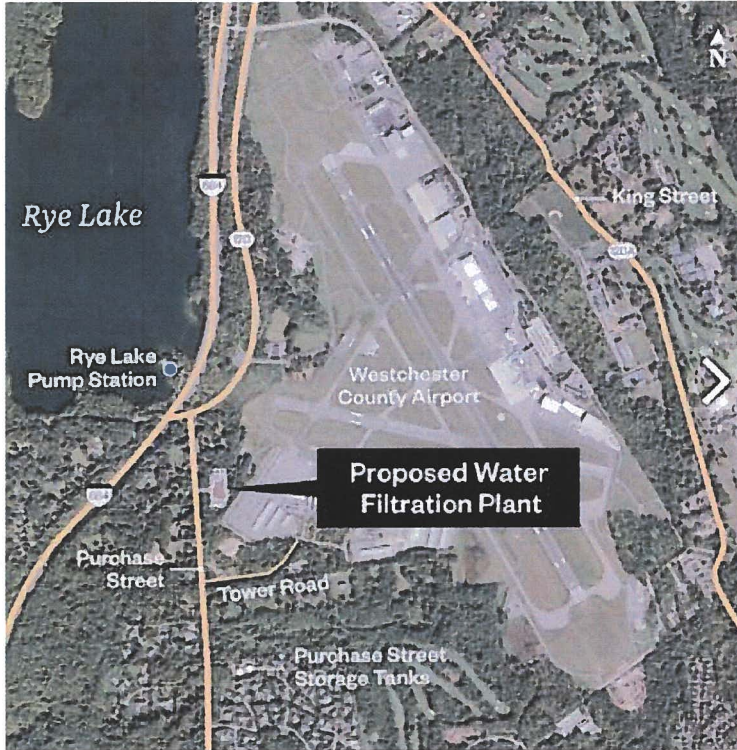
Rye Brook's Dottie Roer, like everyone who drinks tap water in Rye Brook and Port Chester, is still waiting for biologically pure water to stream from the tap.

And the wait, over two decades since Westchester Joint Water Works (WJWW) received a court order to build a filtration plant, is raising her political temperature.

"I still think that the fact that the water supplied to this part of Westchester County is below health standards (and has been acknowledged to be so, and yet has not been corrected for unacceptable reasons, and has been hanging over us for this many years) is definitely a state issue that could be picked up by a candidate for governor," she wrote in an email to the Westmore News.

Surprisingly, there's some positive news for Roer and everyone else even as the New York State court-ordered fines for not building the plant hit the \$65 million mark; not to mention the violation of the US Environmental Protection Agency (EPA) administrative order to build the plant which could result in daily fines of \$57,317 should the U.S Department of Justice decide to take any action.

WJWW Manager Paul Kutzy thinks the



Map of affected area with proposed site of Westchester Joint Water Works' filtration plant. Graphic from WJWW Draft Environmental Impact Statement on their website

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The water filtration plant debate between PEPA and WJWW

The Purchase Environmental Protection Association (PEPA), on its website (<http://www.pepapurhaseny.com/wjwwfaq.php>), raises several questions that it demands the Westchester Joint Water Works (WJWW) answer. The Westmore News asked WJWW Manager Paul Kutzy to respond, and he has done so here for the first time. PEPA was asked for comment on Kutzy's response, but they refused to answer.

PEPA: Why is WJWW proposing to construct a massive \$100 MM plant in a protected watershed when they own an alternative location outside the watershed that can support the plant?

PEPA would like WJWW to answer this question. WJWW proposes to build the filtration plant with its "substantial portion...underground" within the sensitive Kensico Reservoir Boundary. However, they own a nearby parcel at 12 Stone Ridge that is outside of the Watershed. It is counterintuitive for WJWW to build the filtration plant in the protected Watershed when they own an alternative location outside the Watershed that can support the filtration plant.

WJWW (Kutzy): Building the filtration plant at the site WJWW already owns (12 Stone Ridge Road) would actually be less protective of surface water and ecological resources than where currently proposed at Purchase Street. Building the filtration plant at 12 Stone Ridge would actually encroach into wetlands, would involve more than double the area of site disturbance, and would involve clearing of higher value ecological communities than would occur where currently proposed at Purchase Street. While building the filtration plant at 12 Stone Ridge would be located outside the Kensico Watershed, building the filtration plant where currently proposed at Purchase Street would comply with the stringent NYCDEP regulations promulgated to protect the

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plant, now to be built on County Airport land, could be finished in early 2027, with construction beginning in February 2024.

But informing the water drinking public so they're behind Kutzy's efforts to get the filtration plant built even in that period is crucial for its success. "We're trying to get the truth out there," said Kutzy in a telephone interview Apr. 19.

WJWW feels it now has upper hand

in battle with PEPA

The WJWW has made some major progress in its 20-year-long battle with the not in my backyard (NIMBY) coalition in next door Purchase and Harrison, comprising the Purchase Environmental Protection Association (PEPA) and the Harrison Board of Trustees. Until now both successfully fought the plant's construction.

*WJWW has finally published its Draft Environmental Impact Statement (DEIS) on its website. (See: <https://wjwwfiltration.org/>). Kutzy thinks this statement is "bullet-proof" from opposition.

*On Mar. 10, 2021, New York State Department of Environmental Conservation Commissioner Basil Seggos definitively named WJWW the lead agency for the DEIS. Previously the Harrison Board of Trustees held that power. The Seggos ruling allowed the WJWW Board of Trustees to declare that the DEIS was "accepted as complete and sufficient for public review" on Apr. 12, 2022.

*WJWW is now in the position to hold a mandatory public hearing on the DEIS. It will take place Wednesday, May 25, at the Mamaroneck Town Center Courtroom (2nd floor), 740 West Boston Post Rd., Mamaroneck, at 5:00 p.m. EDT.

For those who can't make the meeting in person, WJWW will be accepting written comments on the DEIS through June 6.

Next step: the DEIS plans have been submitted to the New York State Department of Health. Their review conclusions are expected in the next six months. There are further local approvals needed, but Kutzy is not expecting any problems.

PEPA and its board have not given up their opposition to the plant (which ranges from the aesthetic to the allegedly environmentally sensitive nature of its current location on County airport land abutting Purchase Street), but what can they do now?

NYCDEP Kensico Reservoir. Further, the NYCDEP is an Involved Agency in the SEQR process.

PEPA: Where is the plant proposed to be located?

Westchester Joint Water Works' ("WJWW") Rye Lake Water Filtration Plant is proposed to be located within the Kensico Watershed Boundary on Purchase Street and in a residential neighborhood, adjacent to the Purchase Quakers Meeting House and historic burial grounds.

WJWW (Kutzy): Building the filtration plant at the site WJWW already owns (12 Stone Ridge Road) is inferior to building the filtration plant where currently proposed at Purchase Street in terms of zoning and land use setting. The location of the current project site is on a SB-0 Special Business District zoned parcel which is presently part of the County Airport property, whereas the 12 Stone Ridge parcel is in R-2 One-Family Residence District zoning. Further, the current project site is fronted by NYS Route 120 (Purchase Street) with direct access to NYS Route 120; whereas the 12 Stone Ridge parcel is fronted by the presently undeveloped but approved Sylvan Development Corporation residential subdivision with access to NYS Route 120 only through this residential subdivision. WJWW is sensitive to where the filtration plant is currently sited adjacent to the Quaker Meeting House property and burial grounds. To that end, an Archaeological Survey was performed dated Dec. 20, 2019, which was reviewed by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) which concluded in a letter dated Dec. 30, 2019, that the Project Site "contained no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places that would be impacted by the Proposed Action." Further, the filtration plant will be located behind an existing buffer of natural trees and vegetation and will be enhanced by landscaping and architectural elements to be consistent with the character of the Purchase Street neighborhoods. Visual Impact Analysis Images which superimpose renderings of the proposed filtration plant into photos taken from numerous vantage points, including from the Quaker Meeting House property, are included in the DEIS.

PEPA: Has PEPA ever objected to the project previously?

No! PEPA has never objected to the construction of the WJWW plant. Over the course of WJWW's decades-long attempts to construct a filtration plant, PEPA only observed. PEPA did not oppose the project or take action since we are aware this is a court mandated project necessary to comply with surface water treatment rules.

However, in 2020 when PEPA learned the WJWW had relocated the project from the site they already own (12 Stone Ridge Road) to the Purchase Street site that is located within the Kensico Watershed Boundary, we asked WJWW to reconsider and build the plant at its original location.

WJWW (Kutzy): I'm not sure about PEPA's involvement in past opposition efforts; however, at this time PEPA's website features an online petition to advise the Westchester County Board of Legislators to object to the filtration plant where currently sited at Purchase Street and oppose the land swap showing preference to building the filtration plant at the site WJWW already owns (12 Stone Ridge Road). However, Sylvan Development Corporation through its attorney has expressed concerns about the overall need for the filtration plant and has objected to siting the filtration plant at the site WJWW already owns (12 Stone Ridge Road) as recently as Feb. 21, 2020, as documented in a letter from Keane & Beane, P.C., representing Sylvan Development Corporation, sent to the Town/Village of Harrison Planning Board...Sylvan Development's principal is also on the Board of PEPA.

Kutzy says PEPA is 'throwing stuff at the wall to see what sticks'

As the back and forth between PEPA and WJWW illustrates (see adjoining box), PEPA's arguments are seemingly erased by WJWW's responses.

The environmental group, through its Executive Director Anne Gold, refused to make any PEPA Board members available for an interview, instead referring time and time again to the statement on its website which Kutzy has responded to in the detail they requested.

PEPA did offer for interview purposes a member of the organization, Peter Close, who is opposed to the current filtration plant site. But he refused to be interviewed unless a pre-interview that

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satisfied him could be conducted first via Zoom and not be recorded. Since this reporter records all interviews at the time they are given, with the full permission of the interviewee, Close's demand was rejected.

So it is unclear what steps PEPA and its allies on the Harrison Board of Trustees can now take to stop the proposed filtration plant in its tracks.

Kutzy thinks PEPA is "throwing stuff at the wall to see what sticks" in its ongoing anti-plant campaign. Currently PEPA is attempting to collect signatures on a petition "to just say no" to the plant.

Kutzy pointed out that if there were any entity or agency that opposed the plant, it would come from New York City. And no environmental or water agency in New York City opposes the plant at its current planned location.

In the meantime, Kutzy is conducting—through the media—his own "build the plant" movement.

Whether there are multitudes of water users in Rye Brook and Port Chester who will, like Roer, rise up to demand clean water, is unclear.

For them, everything hangs on Kutzy's and WJWW's efforts to achieve success after decades of being stymied.

The cost of attempts to keep our water free of contaminants

How much is it costing to try to keep the water Rye Brook and Port Chester residents drink free of contaminants prior to the Westchester Joint Water Works (WJWW) water filtration plant coming into existence?

In an emergency response to the violations, WJWW has introduced a major aggressive water main flushing program.

"It has been successful to date," said WJWW's Kutzy. "Approximately 85 million gallons of water wasted annually costing approximately \$300,000 annually to WJWW customers."

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editor@westmorenews.com