October 9, 2012

The Honorable Andrew M. Cuomo
Governor of New York State
New York State Capital Building
Albany, New York 12224

Senator Mark Grisanti
Environmental Conservation Committee Chair
LOB Room 902
Albany, New York 12247

Assemblyman Robert K. Sweeney
Environmental Conservation Committee Chair
LOB Room 625
Albany, New York 12248

Mr. Joe Martens, Commissioner
New York State Department of Environmental Conservation
625 Broadway, Albany, New York 12233-1011

Senator Kirsten Gillibrand
Washington DC Office
478 Russell
Washington, DC 20510

Senator David Valesky
172 State Street
LOB Room 311
Albany, New York 12247

Assemblyman Bill Magee
LOB Room 828
Albany, New York 12248

Senator Charles Schumer
322 Hart Senate Office Bld.
Washington, DC 20510

RE: Village of Hamilton Wastewater Treatment Plant
Upgrade Mandate for Chesapeake Bay TMDL’S

Dear Madam and Sirs,

At this time, the NYS Department of Environmental Conservation has submitted its Draft Phase II Watershed Implementation Plan for NY Susquehanna and Chemung River Basins and Chesapeake Bay Total Maximum Daily Load to the US EPA (the Phase II WIP). This document currently indicates that the Village of Hamilton will need to enhance treatment capabilities at our wastewater treatment facility to meet a Total Phosphorus limit of 1991 lbs/year upon acceptance, an ultimate year 2025 Total Phosphorus (TP) limit of 1293 lbs/year, and a Total Nitrogen (TN) limit of 32,362 lbs/year by the year 2016. To keep the existing capacity of the Wastewater Treatment Facility, these proposed limits equate to a significant cost impact on the
Village of Hamilton. These capital improvements equate to a project that may cost in the realm of $5,000,000 to $6,000,000.

In addition to the capital costs associated with these proposed limits, there is a continuous operation and maintenance cost factor that will be associated as well. These costs will significantly affect the sewer budget and, therefore, the end user cost. Increases in operating costs include:

- Additional chemical costs associated with metal salts (for TP removal)
- Additional electrical costs associated with complete nitrification (additional oxygen requirements) and mixing for de-nitrification (during anoxic phases)
- Additional ancillary electrical costs associated with increased run times on solids handling equipment, tertiary filter equipment, etc.
- Additional labor associated with increase process monitoring of more complex treatment system, increase in sampling requirements, increase man hours to operator chemical feed systems, and increase man hours to operate solids handling equipment.

All these are real costs that the Village of Hamilton will be faced with. With both capital costs and anticipated operating costs considered, sewer rates for each user are expected to increase $300-$400 dollars per user per year. This will increase the existing sewer rates to approximately double what users are currently paying for sewer service ($4.72 to $7.59). For an average family of four, this will amount to an increase of $1,600 per Year. Based on the 2011 usage, Community Memorial Hospital would see an estimated increase of $17,768 per year. Colgate University, our largest user, the estimate is an increase $275,153 per year.

Over the last few years, there have been numerous correspondences in regards to this issue by many affected communities. There has been an extensive effort to reach out to the US EPA, the NYS DEC, Congressional representatives of the United States, as well as representatives of the NYS Legislature. Despite all of these efforts, it seems that these costs are ultimately fated to be born by the small number (28 significant treatment facilities) of treatment facilities across NYS that happen to discharge to headwaters of the Chesapeake Bay.

It seems to us that the message of the financial hardship these regulations are placing on our communities are not being taken seriously by either the Federal Government or by the New York State Government. Since it is evident that the NYS DEC is not going to pursue a stronger stance on this issue with the US EPA and that the State is willing to impose these regulations on a small number of communities in the watershed, we would like to pose a very simple and direct question with the NYS Legislature.

**How can a community like the Village of Hamilton (or any of the other 28 significant treatment facility communities) be forced to pay for such significant improvements on their own treatment systems that do not benefit their own community in any way; do not benefit the uses or classification of waters of the state in any effective manner; and furthermore only benefit those users recreating in the Chesapeake Bay?**

We understand the desire of NYS DEC to work in conjunction with the US EPA in resolving the issues with the Chesapeake Bay. However, if the state is going to commit to this task, how can it then mandate this burden on 28 communities without any financial assistance from the state? In very simple terms, NYS is committing to a task in efforts to work within the directives of the US EPA and then directing this financial burden on to 28 effected communities, without any proposed financial assistance from NYS. This is a high cost with no benefit for 28 southern tier
We have worked extensively to communicate the ramifications of these legislative actions. We would ask once again that NYS Legislature seriously consider allocation of state funds to help support these 28 communities in the state’s efforts to accommodate the Chesapeake Bay users and the US EPA. Funding assistance by the state or federal government is the only way a small community, such as the Village of Hamilton, could facilitate the improvements needed and be able to justify these requirements to its constituents.

We appreciate your time and consideration on this matter and we would like to request a meeting as soon as possible to further discuss your thoughts and position on this issue.

Respectfully,

Deputy Mayor, Russ Lura

Utilities President, John Basher

CC: Mayor, Margaret Miller
   Board of Trustees
   Municipal Utilities Commission
   Colgate University President, Jeffery Herbst
   Village Administrator, Sean Graham
   MRB Group, Bill Davis