

Intro. Res. No. 1375-2021

Laid on Table 5/11/2021

Introduced by Presiding Officer, on request of the County Executive and Legislator Fleming, Anker

RESOLUTION NO. 476-2021, AUTHORIZING EXECUTION OF AN AGREEMENT FOR FOOD WASTE FILTRATE PROCESSING BY THE ADMINISTRATIVE HEAD OF SUFFOLK COUNTY SEWER DISTRICT NO. 3 – SOUTHWEST WITH AOE DIGESTER (BR-1726)

WHEREAS, AOE Digester, is a proposed anaerobic digester facility in Yaphank, New York, outside the boundary of all Suffolk County Sewer Districts, and

WHEREAS, the developer of AOE Digester previously received formal approval from the Suffolk County Sewer Agency (Resolution 57-2018) to send One Hundred Twenty Thousand gallons per day (120,000 GPD) of anaerobically digested sludge proposed to be generated by the said anaerobic digester facility to the scavenger waste processing facility located at Suffolk County Sewer District No. 3 - Southwest (the "District") at the Bergen Point Sewage Treatment Plant (STP); and

WHEREAS, instead of sending the sludge to the scavenger waste processing facility at the Bergen Point STP, AOE Digester has now petitioned and requested the Administrative Head of the District for permission to truck food waste filtrate from the anaerobic digester with projected average volume ranging from One Hundred Four Thousand gallons per day (104,000 GPD) when ultrafiltration is in operation by the AOE Digester, to One Hundred Fifty-Four Thousand gallons per day (154,000 GPD) when ultrafiltration is bypassed, into decant tanks which are part of the sanitary sewerage facilities of the District and are located at the Bergen Point STP; and

WHEREAS, the maximum amount of filtrate shall not exceed One Hundred Forty-Nine Thousand gallons per day (149,000 GPD) when the ultrafiltration is in operation and Two Hundred Twenty-One Thousand gallons per day (221,000 GPD), when ultrafiltration is bypassed; and

WHEREAS, it has been determined by the Administrative Head of the District that the District has the sufficient wastewater treatment capacity (the maximum of Two Hundred Twenty-One Thousand gallons per day (221,000 GPD), when ultrafiltration is bypassed) in excess of its own needs; and

WHEREAS, the project is subject to the approval of the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, the proposed project has received the approval of the Suffolk County Sewer Agency (Resolution No. 41-2020) The applicant will be charged the regular sewer surcharge fees applicable to industrial wastewater in all County Sewer Districts, as well as an additional surcharge fee for Total Kjeldahl Nitrogen (TKN, the parameter that represents the sum of ammonia-nitrogen and organically bound nitrogen), which will be paid to the District; and

WHEREAS, the proposed delivery to the Bergen Point decant tanks makes available between One Hundred Four Thousand gallons per day (104,000 GPD) and One Hundred Fifty-Four gallons per day (154,000 GPD) of previously committed capacity at the Bergen Point STP scavenger waste facility, allowing other scavenger waste haulers greater access to the scavenger waste facility; and

WHEREAS, AOE Digester will upgrade and improve the decant tanks at Bergen Point STP; and

WHEREAS, since no fixed connection is being made between the applicant's facility and the District's facilities, no connection fee is applicable; and

WHEREAS, pursuant to Title 6 NYCRR Part 617.5(c) (13) and (26), this project involves the extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list; and routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; and

WHEREAS, it will be financially beneficial to Suffolk County Sewer District No. 3 – Southwest and Suffolk County, as well as in the environmental interest of all of Suffolk County, for the filtrate processing agreement to be executed; now, therefore be it

1st **RESOLVED**, that pursuant to Section 617.5(c) (13) and (26), of the SEQRA regulations, the SEQRA requirements for this project have been met, and the Town of Brookhaven Town Board issued Negative Declaration under SEQRA for the special permit application for the construction and operation of anaerobic digester and site plan approval for this project, and the SEQRA Resolution No. 31-2021 of the Suffolk County Legislature stipulated that this project is an Unlisted Action, and require no further action; and be it further

2nd **RESOLVED**, that since the proposed process makes available between One Hundred Four Thousand gallons per day (104,000 GPD) and One Hundred Fifty-Four gallons per day (154,000 GPD) of previously committed capacity at the Bergen Point STP scavenger waste facility, allowing other scavenger waste haulers greater access to the scavenger waste facility, generates revenue from the an additional surcharge fee for Total Kjeldahl Nitrogen, AOE Digester will upgrade and improve decant tanks at Bergen Point STP and no fixed connection is being made between the applicant's facility and the District's facilities, no connection fee is applicable; and it is further

3rd **RESOLVED**, that the Administrative Head of the District be and hereby is authorized, directed and empowered to enter into contracts and agreements with the owner of AOE Digester upon such terms and conditions as he may deem necessary relating to the execution of the subject agreement, and that AOE Digester be required to post a surety bond or bonds and deposit cash or securities with the County Comptroller in those instances that the Administrative Head deems necessary to ensure performance of such agreements and contracts; and be it further

4th **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered, and directed to take such action as may be necessary, pursuant to Section C8-2(L&M) of the Suffolk County Charter.

DATED: June 8, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 15, 2021