

April 23, 2021

Westchester Joint Water Works,  
as Lead Agency  
1625 Mamaroneck Ave  
Mamaroneck, NY 10543

Via email to seqr@wjww.com

Re: Comment Letter Regarding Draft Scope for DEIS for Westchester Joint Water Works Filtration Plant, Harrison, NY, March 23, 2021 (available at [https://wjwwfiltration.org/wp-content/uploads/2021/03/DEIS\\_Draft\\_Scope\\_210319-1-3.pdf](https://wjwwfiltration.org/wp-content/uploads/2021/03/DEIS_Draft_Scope_210319-1-3.pdf))

To Whom It May Concern:

We are concerned that as plans move forward for a new Westchester Joint Water Works filtration plant, the residents of Harrison and other affected communities have not been given full information about the impact on their water bills. That is because, in addition to the cost of the filtration plant and other planned capital projects, higher sewer rents are anticipated to help pay for the court-ordered project to reduce pollution in Long Island Sound.

In addition, we believe that WJWW has not given residents the full information they need to understand the scope of the filtration plant project and the plant's impact on their community. In urging you to give residents more accurate information about costs and impact, we respectfully submit for your consideration the following comments and suggestions that will create transparency regarding the Draft Scope.

COMMENT 1:

Chapter 3, section C, subsection (2), paragraph (b) of the Draft Scope requires that the DEIS contain "A summary and assessment of the impact to [sic] the proposed Project on the water rates for WJWW's customers."

This requirement would presumably be satisfied in the DEIS by projecting the future annual costs of the filtration plant project (including debt service), allocating them to WJWW's existing customer base on top of existing water rates, and dividing by existing water rates to arrive at a percentage increase each year. This is likely the basis for the statement "Water rates will tick up to about 7% annually for the next five years, according to the WJWW" in the Journal News article of April 12, 2021, the subject of which was the filtration plant project.

By itself, this disclosure would present a misleading and inaccurate picture of what is expected to happen to water rates. WJWW has other capital projects planned during the period that will also affect water rates. In addition, WJWW will undoubtedly increase water rates over the applicable period to cover increases in operating costs unrelated to the filtration plant project.

As with the analysis of other potential impacts, the DEIS should address the potential cumulative financial impact on water rates of the construction of the filtration plant in combination with WJWW's other proposed or approved projects, plus estimated increases to cover WJWW's rising operating costs. We understand that the latter are often difficult to estimate as they depend, in part, on rate increases determined by New York City water authorities. Nevertheless, it is important to arrive at an estimate of the increased cost to residents.

Furthermore, water rates by themselves are not the primary cost issue of concern to WJWW customers. WJWW's customers are primarily concerned about the financial impact of a project on the total amount of their WJWW bill. That is, they focus mainly on the total dollar outlay for that bill, irrespective of its components.

WJWW is aware of other factors that will impact the total dollar outlay required of its customers for their WJWW bills. Each of WJWW's member communities (Harrison, Mamaroneck town and Mamaroneck village) has adopted a sewer rent ordinance. Substantial increases in sewer rents are anticipated over the next few years to fund court-ordered remedial action to reduce Long Island Sound pollution under *Connecticut Fund for the Environment, Inc. (Save the Sound), et al. v. Westchester County, et al.*, 15-CV-06323-CS.

The following is an illustration of the supplemental disclosure we are suggesting (percentage increases are hypothetical):

**Estimated increase in WJWW water rates due to:**

	<u>Annual</u>	<u>5-Year Compounded*</u>
Increased operating costs	4%	22%
Construction and operation of filtration plant	7	40
Construction and operation of ultraviolet treatment facility	1	5
Other capital projects	1	5
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Total estimated increase in WJWW water rates	13%	72%

**Other estimated increases reflected in WJWW customer bill:**

Increased sewer rents	2	10
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<b>Total estimated increase in WJWW customer bill</b>	<b>15%</b>	<b>82%</b>
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\* Computed as follows: sum of 1 plus the percentage under the Annual column, that sum raised to the fifth power, minus 1.

The practical information that this provides to the average WJWW customer is that, under this hypothetical example, the amount of his or her WJWW bill is expected to increase 15% annually for the next five years, resulting in a WJWW bill at the end of the period that will be 82% higher than it is today.

Our suggested supplemental disclosure presents a more transparent, accurate and realistic picture of what customers can anticipate in their future WJWW bills. It better manages customer expectations to avoid “sticker shock” and protects WJWW from allegations of misleading and inaccurate disclosures.

COMMENT 2:

This comment relates primarily to process, not content. The proposed filtration plant is vital to WJWW’s continuing mission. To complete a project of such importance timely, WJWW must engage with residents and all its stakeholders to ensure their continuing support of the project.

One of the biggest risks to timely completion of the proposed project is litigation, which could lead to extensive delays and incurrence of substantial legal fees. History has shown that some WJWW stakeholders can be litigious.

To avoid litigation as well as to keep residents informed, it is important for WJWW to maintain an active dialogue and foster goodwill with all stakeholders. Concerns expressed by such stakeholders should be evaluated objectively and remedial efforts should be undertaken if they can be accomplished at reasonable cost. Such efforts will tend to benefit all stakeholders.

For example, at the Public Scoping Session on April 13, 2021, participants who have tended to be litigious in the past complained about the lack of adequate public notice for the session. Upon exploring their complaint, it does appear that WJWW may have missed several opportunities to better inform the public about the meeting:

- Although the details of the meeting were disclosed on the website [wjwwfiltration.org](http://wjwwfiltration.org), those details were buried at the bottom of the SEQRA page, making them difficult to find. There should be some sort of events alert or calendar on the landing page of that website that alerts users to important events and dates.
- The details of the meeting were not disclosed on the landing page of WJWW’s primary website [www.wjww.org](http://www.wjww.org), which is typically where WJWW meeting announcements are posted. (On the other hand, the meeting was included in the calendar page of WJWW’s website.)
- As far as we are aware, there have been no mailings to WJWW customers alerting them to the existence of the current iteration of the filtration plant project or to the existence of the website [wjwwfiltration.org](http://wjwwfiltration.org). In contrast, it is believed that all WJWW customers recently received a postcard alerting them to the availability of WJWW’s most recent Annual Water Quality Report at WJWW’s primary website.
- WJWW’s recent monthly customer invoices contain no reference to the filtration plant project or to the existence of the website [wjwwfiltration.org](http://wjwwfiltration.org). Additionally, there appear to have been no inserts included with recent monthly WJWW invoices describing the project or the website.

The foregoing indicates that the complaint about inadequate public notice may have been well-founded, regardless of whether or not the bare legal requirements for notice were satisfied. Under these circumstances and to maintain stakeholder goodwill, it would behoove WJWW to

schedule a second Public Scoping Session, this time with much improved public notice. Doing so could be done at reasonable cost and presumably would not engender further delays because actions are undoubtedly already in process to complete the DEIS. In addition, to ensure a transparent process, all residents and businesses should be provided with full information about the details and costs of the filtration plant. This can be accomplished by mailing an informational brochure to every resident and business in Harrison and the other municipalities.

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As Harrison residents and WJWW customers, we support your efforts to improve residents' water quality through the construction of a filtration plant. We respectfully suggest that the importance of the project to WJWW calls for total transparency and total stakeholder engagement to an unprecedented extent. We encourage you to go above and beyond bare legal requirements when engaging with stakeholders and to provide them with all relevant information, erring on the side of more engagement and disclosure rather than less.

Thank you for considering our comments.

Sincerely,

The Moving Harrison Forward Team

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