

PASSAIC VALLEY WATER COMMISSION MEETING OF
MARCH 26, 2008
(CLOSED SESSION)

C O M M I S S I O N E R S P R E S E N T :

IDIDA RODRIGUEZ, President
RIGO SANCHEZ, Vice-President (Absent)
ALAN C. LEVINE, Treasurer (Absent)
ROBERT L. VANNOY, Secretary
SIMON GRUBIN
THOMAS P. DEVITA (Absent)
GLORIA KOLODZIEJ

A L S O P R E S E N T :

JOSEPH A. BELLA, Executive Director
GEORGE T. HANLEY, Counsel
JAMES G. DUPREY, Director of Engineering
JAMES J. GALLAGHER, Personnel Director
YITZ WEISS, Comptroller
LOUIS AMODIO, Administrative Secretary

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MR. BELLA: Reservoir covers.

This is an enormously complicated issue.
What I would like to request is maybe the
President could maybe form a little committee, we

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can work together and draft up a reply to the DEP.
Because I'd like to do that with Commission
guidance with some more firm -- there's a lot of
issues at stake here. Some of them could be
possible, you know, issues with the DEP in terms
of time schedules and time lines and when things
will be accomplished and that kind of thing. And
you know what, I really think the Commission needs
to be involved and could reply to this letter.

We asked for an extension --

PRESIDENT RODRIGUEZ: We asked for an
extension, right?

MR. BELLA: Yes, we did.

PRESIDENT RODRIGUEZ: And they gave us an
extension. Did they give that to us in writing?

MR. BELLA: I don't think -- they've told
us it would be okay. I don't know.

MR. DUPREY: They haven't confirmed it in
writing.

PRESIDENT RODRIGUEZ: I will tell you,
doing the kind of work that I do on a professional
level, whenever you request anything from the

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State agency, I think they have to give this to
you in writing. Because right now we were
supposed to respond by the end of this week or
Monday or Sunday, by the 31st, am I correct?

MR. BELLA: Yes.

PRESIDENT RODRIGUEZ: And whoever you
spoke to, my advice is whoever you spoke to at the
DEP, who told you it's okay till the 31st, get

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that in writing from them.

MR. BELLA: Okay.

MR. HANLEY: That doesn't always work.

One technique I send them a letter confirming what they told me.

PRESIDENT RODRIGUEZ: Either way.

COMMISSIONER KOLODZIEJ: Yes, I like that.

PRESIDENT RODRIGUEZ: As per our conversation, yes.

COMMISSIONER KOLODZIEJ: Yes.

COMMISSIONER GRUBIN: Joe, a question for you. Is there any entity in the country that has a reservoir cover existing?

MR. BELLA: Yes, lots of them.

COMMISSIONER GRUBIN: Is there any problems? Is there anything we don't know about the process?

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MR. BELLA: There's a variety ways of covering. One is a floating cover, basically, which is a closed cell phone or something like that. But that's not indicated here in this particular part of the country because the ice problems and tears, and they're very expensive to maintain around here. Reasonable life might be between five and ten years and then you're out there redoing it again. More likely is rigid covers or structural tanks or treatment or a combination of.

COMMISSIONER GRUBIN: So is there a

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facility that has similar covers to what we're seeking? That's my question.

MR. BELLA: Tanks there are.

COMMISSIONER GRUBIN: The same size as our organization? This is a massive project.

PRESIDENT RODRIGUEZ: The thing is, Simon, and I know where you're going. The thing is we haven't -- to know what exactly it is we need -- I've been hearing about these reservoir covers here for about a year almost, next month will be a year. And I think this mandate came down in what, 2006.

MR. BELLA: 2006.

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PRESIDENT RODRIGUEZ: And they expect, of course, some solution by 2009. So, you know, we have to first of all do a feasibility study to see what it is that we can do. He's talking about floating covers. That doesn't work for us, that doesn't work for us.

COMMISSIONER GRUBIN: My concern is we're a fairly large facility and we have to build a massive tank. It's going to be an environmental impact, all kinds of issues involved with that. And then you may find down the road that the containment is not good for the water itself. It could be in the lining you're using, whatever. I want to know if there's an existing company that built a successful holding pad of our size and the condition of the water coming out is fine and we'll have a template of what we're looking to

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build instead of coming out and redesigning something totally new.

PRESIDENT RODRIGUEZ: Listen, you have experts coming all over the country that are just doing this. We went out to the American Metropolitan Water Association and met people there that are already doing this. We met -- L.A., the city of L.A. has already started. We

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met quite a few.

COMMISSIONER GRUBIN: Tank systems are in place.

MR. BELLA: They have some tanks. They have big open finished water reservoirs. They're going to do one right now, it's going to be like a billion to do it. They have all kinds of issues. They have citing issues because some of the places where people have used some of these lakes don't want to see a floating cover. They have all types of issues that they're dealing with and they do have concrete tanks.

PRESIDENT RODRIGUEZ: We're lucky that we don't provide aesthetics for communities but that's why you do a feasibility study, you need to know how you're going to do this because maybe you don't need a cover, but you're right, where are you going to be sustaining or your warehousing, if you will, with water which will be in tanks. We got to make sure once it comes out. There's also treatment, there's a variety of answers to this.

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The thing is, first we got that extension. You're looking at two months before you provide a response. So what kind of committee are you looking to form?

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MR. BELLA: Maybe a couple of Commissioners just to kind of run some ideas by to see how it's going to -- how to respond. I mean, we could.

PRESIDENT RODRIGUEZ: Let me ask you this. Let me stop you right there. You're looking for what kind of feedback from Commissioners?

MR. BELLA: Just because in this, we don't think that they want a strict time line. What they want is sort of just like a general plan. We're going to do a feasibility study, then from the feasibility study we're going to go out and get a contractor to do -- there's going to be kind of want a general plan. And what I don't want to do is get letter together that hasn't been vetted through the Commissioners. But that first stepping point, and, Commissioner, you and I talked about this, would be, you know, just bounce it off a couple of Commissioners and then see what's going on and bring it to the full Board.

PRESIDENT RODRIGUEZ: I think you have to get your professional staff. That's what you got the professionals staff for. I think if you're going to do something like that, what you do is get it prepared for the next Board meeting and

then bring it to the full commission.

MR. BELLA: Okay. That's fine.

PRESIDENT RODRIGUEZ: That way you give yourself a deadline a week before because it has to be done before the next Board meeting.

MR. BELLA: We'll do it before then.

COMMISSIONER GRUBIN: Again, just to clear my conscience of this project, so what you're saying is if we start the implementation process of reservoir covers, for example, feasibility study as we mentioned, even then on a limited basis L.A. just did, put a cover on let's say the Levine Reservoir, it will be the study, full incorporation of our system will be covered. They will basically let us continue with this process for a few period of years without a gun to our heads.

PRESIDENT RODRIGUEZ: What you're doing is buying time.

COMMISSIONER GRUBIN: If the Levine Reservoir was covered, it's a smaller utility. It's a safety issue now. We'll have that covered.

MR. BELLA: And security.

COMMISSIONER GRUBIN: There will be a situation where we're complying with the system,

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one reservoir cover. We're working diligently to cover the other reservoirs down the road.

MR. BELLA: Yes.

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COMMISSIONER GRUBIN: So this whole thing sort of is hanging over this \$80 million budget is not really --

PRESIDENT RODRIGUEZ: Until you do a feasibility study, I really don't even know. To me, what I hear \$80 million and we're doing it based on what it cost us per gallon to do a water treatment facility. I don't know. We don't have a feasibility study, I don't know if it's going to be a quarter a gallon, or a, to provide the reservoir covers or tanks or whatever it is.

COMMISSIONER GRUBIN: I think we have breathing room now if we get the letter in place.

MR. HANLEY: With all due respect, I'm not saying it's wrong but I want take it to the bank. Because the regulations read the way they do and of course, there's always discretion in the administrative agencies, federal and state, however, there are also interest groups, legitimate public interest groups who are going to be holding their feet to the fire.

COMMISSIONER GRUBIN: That's right. The

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Sierra Club.

MR. HANLEY: Again, I'm not contradicting anything being said but I'm providing another perspective.

MR. BELLA: But it will go a long way if we're telling them, hey, we want to do this by this date. If they see that, because some other people, you know -- for instance, Trenton is

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getting -- we're moving forward and cover our
reservoirs. It's a lot simpler project.

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MR. BELLA: What I'm stressing is we're
continuing, Trenton is on one side and Newark is
on the other side saying don't even talk to us.

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COMMISSIONER KOLODZIEJ: That was my
point. Because way back when I remember we were
in discussion with Newark as to possibly doing
something jointly. Is that still an option for
us?

MR. HANLEY: It's a possibility. The
problem is --

COMMISSIONER KOLODZIEJ: I think we better
clear it with Newark because either they're going
to be part of what we will put down on paper and
from what I understand about the briefing that I
had, it was a viable option and it was less

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expensive and this is a one time offer, City of Newark. You know, this is -- where moving ahead and this might be valuable to use to you, so --

PRESIDENT RODRIGUEZ: Newark's plan is totally different than ours.

COMMISSIONER KOLODZIEJ: But the last time I had spoken to Joe, they were talking. So either they're interested -- we don't have time to hold their hand. Either they're still interested in pursuing that option or not. I think it's worthwhile to contact them and say we're moving forward, do you want to be part of this, yes or no. If they say no, that's fine with me.

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PRESIDENT RODRIGUEZ: We have to respond to the Passaic Valley Water Commission, basically the partnership that they were looking for us, they have to cover their reservoir, recover their reservoir and I don't know how they're responding, but they're basically, whatever we have to respond, we have to respond for us.

MR. BELLA: We can --

PRESIDENT RODRIGUEZ: You should talk to them. Basically, what they're looking is to -- they want to sort of get rid of their reservoir.

COMMISSIONER KOLODZIEJ: That's my opinion.

PRESIDENT RODRIGUEZ: And have us store emergency water for them and they don't even, unfortunately, they're still trying to get their Water Commission together.

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COMMISSIONER KOLODZIEJ: If we don't ask, we can't wait for them. It may be a viable option. My point is between now and certainly when we are getting this extension, we need an answer. And this is their one window of opportunity. They're going to say, yes, there's room for continued discussion. We can weave it into the plan, that's fine with me. All the

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legwork and time I think we deserve an answer from Newark. I really do.

MR. BELLA: We'll set that up and I'll go down and talk to them.

COMMISSIONER KOLODZIEJ: Small window of opportunity.

COMMISSIONER GRUBIN: Feasibility study and then basically see if there's availability for staff --

MR. HANLEY: One of the things, if I may, that I think you're aware is we renewed our application for Airmont, whatever you want to call it, appropriation with -- it's jointly with Menendez, Lautenberg and I believe we have the support of Congressman Pascrell.

And, again, I know I'm beating a dead horse here, but my own personal opinion is this is a very heavy lift. Why is it a very heavy lift, because we are in competition with a thousand other supplicants. And if we don't have the right people advocating for us, our odds ain't good.

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I'm not going to say it's good. That's a fact.
That's a reality.

PRESIDENT RODRIGUEZ: It sure is.

MR. HANLEY: And what we're applying for

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now is fund, the feasibility study, what was it,
750.

PRESIDENT RODRIGUEZ: It's about 500,000.
We asked for 750 and we went to Senator Menendez's
office in Washington. We went to Congressman
Pascrell.

COMMISSIONER GRUBIN: What we're doing,
I've done feasibility studies, we're going to give
some directions. We can basically have it
understood and we can start with doing one little
reservoir then try to get all the proper --

MR. BELLA: Absolutely. In a feasibility
study we're also looking at the impact rates, that
kind of thing. That will all have to be -- we're
altogether with that report. So we have a long
term plan that this says what's going to happen.

COMMISSIONER GRUBIN: This mentioned the
facts, with aesthetic field people be concerned
about losing their lake view. There are certain
things that are going to impact. Lawsuits will be
going on for a long time.

MR. BELLA: So we'll get you a letter much
sooner than a week before the next Board meeting.

PRESIDENT RODRIGUEZ: That way we can have
input, because setting up committees is one thing.

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We need to take this bull by the horn and move with it and bring it to us for our feedback.

MR. BELLA: Okay. Sounds good.

MR. AMODIO: Next.

Executive Director's report.

MR. BELLA: That was the main issue that I wanted to talk about was the reservoir covers.

MR. HANLEY: If I could just add one thing as an addendum, and, again, I mean, I'm not -- Joe's the water expert, for sure. But I see and I know you all read about the pharmaceutical situation. I'm bringing this up in closed session, I think it's justified and, fortunately, there are other newsworthy items that occurred concurrently which put us in the background. But not today, not tomorrow, but some day soon somebody's going to be knocking on our door saying, by the way, you got to treat for that, too. And one of the issues and I was alerted to this, fortunately, I think, fortunate for us, is that it's Barbara Boxer's committee, which I think is the -- she has delegated that particular issue to Senator Lautenberg. So he obviously represents a state that has a very substantial pharmaceutical industry. But what I would worry about, again,

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this is just me editorializing now, is that they end up deciding that the weakest player in this game is us. So we should solve the problem, which

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is treatment. And I don't even know if anybody knows how to do that, Joe. But it could end up costing us a lot of money if we're not at that table, as well.

COMMISSIONER GRUBIN: Again, I think we discussed that with Joe.

COMMISSIONER KOLODZIEJ: How do we commission that?

MR. HANLEY: I think you need somebody. I think you need a lobbyist.

COMMISSIONER KOLODZIEJ: Is there somebody that does both of these or are these two separate lobbyists?

MR. HANLEY: My feeling is it could and probably should be the same one.

COMMISSIONER KOLODZIEJ: Is there a list of firms that we could look at?

MR. HANLEY: We already did it.

COMMISSIONER KOLODZIEJ: We've already done it. That's that RFP. So those three or four firms that we have, their track record is available for us and what they did for the people?

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MR. HANLEY: Yes, or you could interview them.

COMMISSIONER KOLODZIEJ: Interviewing them to me is a good thing because this is new territory for most of us.

MR. HANLEY: I mean, we solicited as -- I mean, we sent the form of requests to as many firms as we could think of and, again, I'm not an

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expert, but I certainly am familiar with a number of them and Idida knows them all I think in the state anyway. And I also spoke to people who work for the committees in Washington, who, you know, and asked them who would you look to if, you know, if you were doing this. And they gave me names and we sent them to those people.

PRESIDENT RODRIGUEZ: I mean, everybody had the opportunity to respond. I mean, we sent it out back in October and we sent it out again. I told my colleagues, listen, apply, you know. I mean, it's on the web site. Those that were interested picked up, were sent, and responded. And that was already done. I mean, these things were here once before. They were here again. Some of the Commissioners looked at them, others opted not to. But, you know, this is something

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that has to get done sooner than later.

COMMISSIONER GRUBIN: Just for the record, we test in our labs parts per million.

MR. BELLA: Parts per billion is the most farthest down we could get.

COMMISSIONER GRUBIN: And this test that was done was parts per --

MR. BELLA: Trillion.

COMMISSIONER GRUBIN: What I'm getting to, a glass of milk, you find so many chemicals in there. In other words, milk, this report is a very nice report, they count the molecule of some

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drug in our system. That could happen.

PRESIDENT RODRIGUEZ: You know something, Simon, you raised a valid point and you opened my eyes to something important. Jane Q. Public and John Q. Public know this and we need a vehicle to put that out there. That could cause mass hysteria. The more you get regulated -- the more you get regulated, the more mandates you get.

Another thing is, right now we're talking about putting a committee and responding to the reservoir coverings, whether we like it or not, this is something that we have to do. Commissioner Kolodziej is talking about, you know,

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the infrastructure and putting master plan coupled with asset management. No matter what, there is, there -- you could find some money, earmark money for feasibility studies going to trust funds, eventually you know who's going to pay for that? Whoever lives in this county. Okay. Yitz, who lives here and whoever. Because right now I could go around here and count who lives around here, we're going to pay for this. But if we don't start informing our owner cities and the people that we provide this water to that eventually EPA via DEP is mandating this, this is a public health issue and start putting public information out there now via public relations, and we don't start doing that now, what we're going to do is we're going to have to go to them. If we're going to be serious, we're going to follow this mandate, this

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regulation, we're going to -- ultimately, we don't have the money. They're going to have to pay for it. There's going to be rate increase but if you're not informing your public --

COMMISSIONER GRUBIN: That's what I'm getting at. We have, actually, a water expert, a letter with your input, Jim's or whoever you feel, explaining what this report was, how the testing

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was done so people understand the concept. You send a letter about lead and everything else. We have 77,000 customers, put a little note in there explain to them how the test was done and what the current testing is parts per trillion will mean a whole new purification system. You're talking about changing the factor a thousand in getting the water clean and our current system's ozonation. Would that be possible, Joe, to go parts per trillion?

MR. BELLA: Yes. We actually are removing down to parts per trillion with our existing process which is an advantage over 90 percent.

PRESIDENT RODRIGUEZ: All right. But we're saying is we have to get a plan of action in place to start. That's a good starting point. But we have to start getting the message out there that we are, you know, even though we're not regulated in terms of, we kind of do rates, BPU really has nothing to say about this. We are making significant.

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strides and significant changes and
there's public health issues. We're being
mandated. We have to start letting people know.
A letter is fine. You get a bill, you

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look at a bill, when you open up, let me ask you
this, when you open up the PSE&G bill, Verizon,
the little inserts, nine out of ten times you
don't look at it.

COMMISSIONER KOLODZIEJ: I do.

PRESIDENT RODRIGUEZ: You're one out of
ten.

COMMISSIONER KOLODZIEJ: This is not
normal for us. My concern to Mr. Hanley is, you
know, there's one thing about alerting the public.
It's another thing about, I may have skipped this,
I may not have read about it in the newspaper, now
I'm reading. Now am I going to panic. How do we
put together something informational without
panicking?

PRESIDENT RODRIGUEZ: It's called crisis.

MR. HANLEY: You know what I learned, this
is extra legal. I've been in your position and
this position and a lot of others for many years.
What I learned is, I'm totally ineffective with
dealing with the press and I don't even try. You
know, you know what, it's an expertise just like
what I do, what you do, what you do.

COMMISSIONER KOLODZIEJ: But the idea of a
letter is fine if it's informational plus it

alerts the public.

MR. HANLEY: What I'm saying is a letter is fine, it's not going to get the job done. Because two thirds of them aren't going to read, the other third is going to read and not understand. There's a way to communicate to the general public, which I am very mediocre at personally and I think unless you have been trained and have the experience to do that, you're going to basically be ineffective.

Public, we always talk about being more like a private enterprise. What does private enterprise do? They hire people to do it. They don't do it themselves. The CEO and general counsel and Executive Director and CFO, they don't talk to the press on their own. They only talk after they consulted with professionals who know how to talk. I'm not just saying the press, also the general public. That's what they do.

MR. BELLA: You know, this issue is very good to be talking about public relations because we, of all the utilities other than maybe Las Vegas, from the best story when it comes to this: We tested, we were the first ones. We didn't stick our head in the sand. We did everything.

It didn't come out that way in the newspaper. The issue is --

MR. HANLEY: My point -- that's my point.

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COMMISSIONER GRUBIN: Let's keep quiet until we get our money for the earmarks.

MR. HANLEY: I think you should be doing this on an ongoing basis. Basically, with all -- you're a well run utility and you provide good water to almost a million people on a regular basis. The fact that you have these reservoirs, if I could be an advocate, Joe, for a second, United Water doesn't have these reservoirs. We have. You actually have a surplus of water. You have what, cut your payroll in half in the last, by 40 percent, in the last how many years. Who else has done that. Nobody knows this story. Nobody knows how good you are.

PRESIDENT RODRIGUEZ: Nobody.

MR. HANLEY: I'm going to be quiet.

COMMISSIONER KOLODZIEJ: This sounds to me it should be a portfolio.

MR. HANLEY: That's what I'm saying. Your users should know and they don't.

COMMISSIONER KOLODZIEJ: But the vehicles you're saying we should choose are not valuable

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because you're telling me you don't believe people will read it.

MR. HANLEY: No, no, you have to find people to know how to get them to read it.

COMMISSIONER KOLODZIEJ: Right. Now we've done nothing. How can it be reacted to when we're suggesting doing something. And I can remember when some of the environmental issues came up that

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dealt with air quality. I can remember councils that I sat on calling a public hearing. What's wrong with calling a public hearing and inviting somebody down from the Sierra Club or anybody else that we think so that the Sierra Club can fully understand what we're doing. These are all responsibilities that, you know, rather --

PRESIDENT RODRIGUEZ: To put that together, you still need an entity to put it together.

COMMISSIONER KOLODZIEJ: Maybe that's the way you feel, you should go about it. But I'm thinking here that I guess our immediate point is here we're going to be doing something. And we will have something back by April and you got these other Commissioners that are going to be weighing in on, you know, what needs to be done.

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PRESIDENT RODRIGUEZ: That's a response.

COMMISSIONER GRUBIN: You can save a ton of money and hire the best P.R. --

COMMISSIONER KOLODZIEJ: As long as we're budgeted for this. What's the monthly tab on this?

PRESIDENT RODRIGUEZ: Let me tell you, you send out 80,000 -- let's do the math. Do the print cost.

COMMISSIONER KOLODZIEJ: It can go right into the billing. You don't have to spend extra.

PRESIDENT RODRIGUEZ: The volume, you're

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being pro-active. You're addressing this directly. The problem is, we want to be a business. We want to think and act like we are a business but we're really not. But because there's certain things we don't have, if the Commission doesn't want it, that's fine. If we want to react to crisis in this fashion, it's fine, too, you know. We are looking to improve our ozone generators. We have a state of the art facility. People don't know that. No one knows that. You want to call a public hearing, that's not a bad idea. You want to get your congressmen involved and call a public hearing, that's what

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they told us to do in the American Metropolitan Water Association. Listen, if you have the staff to spare to do it, to put it together, go right ahead. I can't tell you not to do it. My job is to support it.

But there are things, a specialty that you need to bring in people to do it and if this Commission chooses not to, listen --

COMMISSIONER KOLODZIEJ: The specialty to me is finding the money to do it, to do this by ourselves. The kind of numbers that are batted around, I can't imagine how we're going to do it. So I look forward to a profitable discussion next meeting and hopefully, we'll be one step closer to where we need to be.

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I further certify that I am neither attorney
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