

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Marcus Serrano, City Manager

SUBJECT: Enclosures - Council Packet

DATE: June 7, 2018

Enclosed with this memorandum are the following items:

- 6-7 Legal Department Update from the Corporation Counsel dated June 7, 2018.
- 6-7 SUEZ Annual Water Quality Report.
- 6-7 Meeting notice for the week of June 11, 2018 is available on the City website www.ryeny.gov under Calendar.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: June 7, 2018

TAX CERTIORARI/SMALL CLAIMS ASSESSMENT REVIEW PROCEEDINGS

THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and Board of Assessment Review of the CITY OF RYE

The Appellate Division, Second Department, handed down a Decision and Order reversing the lower court and granting the City's cross-motion for summary judgment. Notice of Entry was served on July 28, 2016. The Decision and Order confirms the City's ability to tax that portion of Rye Town Park which is occupied by Seaside Johnnies. On September 6, 2016, the City was served with a Motion for Leave to Appeal to the Court of Appeals by both the Town of Rye and the Rye Town Park Commission. The City filed its opposition papers on September 16, 2016. The Second Department and the New York State Court of Appeals have denied the Town's Motions for Leave. The Second Department Decision is the final decision on this matter.

181 NEW ENGLAND SEAFOOD CORP. v. NOREEN WHITTY, et al

I appeared at a court conference with Judge Tolbert and his law clerk on April 21, 2015. Motions for summary judgment are still pending. I attended a court conference last week and updated the Court on the status of The Town of Rye, et al. v. City of Rye, et al. The Judge is still reviewing the papers.

LITIGATION

VENUS IRIZARRY V. CITY OF RYE, JOHN COUCH, ELIZABETH FORSTMANN, PEACHWAVE, ABC CORPORATION AND ABC PARTNERSHIP

Plaintiff filed a summons and verified complaint naming the City of Rye as one of the defendants. Plaintiff allegedly fell outside of Peachwave and sustained damages while walking on or near the parking lot and sidewalk on March 17, 2017. This week, a preliminary conference was held after and depositions are scheduled for May 2018.

CROWN CASTLE v. CITY OF RYE, ET AL. – Federal Court

Crown Castle filed a summons and complaint in the Southern District of New York against the City of Rye and the City Council alleging various causes of action under the Telecommunications Act and breach of contract. On Friday May 12, 2017, Plaintiffs moved by

Order to Show Cause for a Temporary Restraining Order and preliminary injunction. A TRO was granted preserving the status quo until a decision on the motion for a preliminary injunction is decided. On June 18, 2017, Plaintiff's motion for a preliminary injunction was fully submitted. On June 23, 2017, the City's motion to dismiss was fully submitted. A settlement conference was held with Magistrate Davison on July 18, 2017. The case did not settle. Plaintiff served a letter motion requesting that discovery proceed while the motions are pending. On September 15, the City opposed the motion and on September 19, 2017, the Judge denied Plaintiff's motion and indicated that discovery is stayed until the pending motions are decided. On Thursday October 26, 2017, Plaintiff submitted a letter motion requesting the Judge to expedite his review of the pending motions and render a decision soon as Plaintiff alleged that the City was continuing to violate the Telecommunications Act. On Thursday evening, Judge Bricetti rendered a decision stating that such motion is denied and that Plaintiff's continuing requests for an expedited review is not helping its case. On Friday December 8, 2017, Judge Bricetti dismissed the Complaint finding that the City properly started the environmental review process under the State Environmental Quality Review Act and did not deny Crown Castle's request. Plaintiff filed a Notice of Appeal to the Second Circuit Court of Appeals. Plaintiff withdrew its Appeal and there is no pending matter in the Second Circuit Court of Appeals.

CROWN CASTLE v. CITY OF RYE, ET AL. -State Court

Plaintiff filed a hybrid Article 78/Declaratory Judgment action in Westchester Supreme Court. Plaintiff has asked that the matter be assigned to the Environmental Claims Part. Plaintiff alleges that the City Council was arbitrary and capricious when it classified the action as Type II, rendered a positive declaration and started the SEQRA process. Plaintiff also argues that the City breached its obligations under the Right of Way Use Agreement when it did not issue the necessary approvals pursuant to Plaintiff's request to install additional DAS nodes throughout the City. Crown Castle filed its Memorandum of Law and Affirmation in Support of the Petition on Friday March 9, 2018. The City of Rye filed a motion to dismiss on Monday, April 9, 2018. Crown Castle filed and served its opposition to the City's Motion to Dismiss and Cross-Motion to convert the Motion to Dismiss into a Motion for Summary Judgment.

CITY OF RYE, ET AL. v. COUNTY OF WESTCHESTER, ET AL.

The Petitioners filed a Notice of Appeal on April 24, 2017 with the Appellate Division, Second Department. Petitioners have six (6) months to perfect their appeal. The City filed and served its appellate brief. County and Standard Amusements have requested a brief extension of time to file their opposition. A new briefing schedule was agreed to by all parties. The County and Standard Amusements filed their briefs. The City of Rye filed its reply brief on January 23, 2018. The matter is now fully submitted.

JOHN LYONS, ET AL. v. CITY OF RYE

Plaintiffs, three Rye Golf Club couples, filed and served a summons and complaint in Westchester County Supreme Court alleging the City of Rye breached the contract (membership agreement for 2015) when the golf club had to close portions of the course as a result of damage

to the golf greens. Plaintiffs are seeking full reimbursement of their 2015 comprehensive non-resident membership dues, in addition to other damages. An answer with affirmative defenses was filed and served. Depositions have been completed and the case has been certified. **The City's motion for summary judgment will be filed this week.**

CITY OF RYE v. TRAVELERS

The City of Rye filed and served a summons and complaint in Westchester County Supreme Court against Travelers Insurance Company as a result of a breach of contract when Travelers failed to compensate the City under the terms of the Insurance Policy. The City submitted a claim to Travelers for damage sustained to the roofs on the buildings at Rye Golf Club. The damage was sustained as a result of snow, ice and ice damming damage during the winter months in 2014 and beginning of 2015. The City is seeking compensatory damages in excess of \$1 Million, among other damages. Defendant filed a Notice of Removal to the United States District Court, Southern District of New York based on diversity of citizenship and the amount in controversy exceeding \$75,000. Travelers filed an answer with affirmative defenses. Counsel appeared at a case management conference on May 12, 2017. City responded to Defendant's interrogatories and depositions are on-going.

WILTON VALDEZ v. CITY OF RYE, RYE FIRE DEPARTMENT and MILTON FIREHOUSE

Plaintiff filed suit in Westchester County Supreme Court seeking damages he sustained while working at the Milton Firehouse. Plaintiff was injured when he fell off of a ladder while he was repairing a garage bay door. Plaintiff alleges that the ladder that he borrowed from the Milton Firehouse was defective and that such defect caused him to fall. Plaintiff commenced this action under the New York Labor Law Sections 200, 240, and 241(6). Depositions were held and the City filed a motion for summary judgment. Judge Ecker rendered a Decision and Order dismissing Plaintiff's claim under New York Labor Law § 241(6) but allowing Plaintiff's New York Labor Law § 240(1) to continue. The next compliance conference is April 27, 2018.

DeBORBA v. CITY OF RYE

Plaintiffs commenced suit against the City of Rye alleging a serious injury when Luis DeBorba tripped and fell on a sidewalk abutting 2 School Street, Rye, New York. The Summons/Complaint has been forwarded to our insurance carrier for a determination. A preliminary conference was held on January 18, 2017 and a discovery schedule was agreed upon by all parties. On August 22, 2017, I attended a compliance conference. Plaintiff must send out medical authorizations by this Friday, August 25, 2017. Deposition of plaintiff took place and discovery demands have been exchanged. The deposition of the City of Rye took place on December 28, 2017. Co-Defendant failed to show. Plaintiffs' counsel has moved to amend the Summons and Complaint by adding two additional defendants.

BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE

The City has served its Answer with Affirmative Defenses.

GORDON and MARIA HARGRAVES v. CITY OF RYE ZONING BOARD OF APPEALS,
WALTER & MARGARET NELSON, and ROBERT TALT

Judge Cacace dismissed Petitioners' Petition finding that the Respondent ZBA acted reasonably, properly considered the statutory criteria that must be met in order for a variance to be granted and relied on substantial evidence in the record. Notice of Entry was served on October 21, 2015. Petitioners filed a Notice of Appeal. Petitioners requested an additional one-month enlargement of time to perfect their appeal. Petitioners perfected their appeal and served respondents with the record on appeal and appellate brief. Respondents filed their opposition brief on September 19, 2016. The Appeal is fully submitted. Oral argument took place on February 16, 2018 and we are waiting for a decision.

LINDA COLLINS v. CITY OF RYE and CONSOLIDATED EDISON

Plaintiff served the City of Rye and Consolidated Edison with a Summons and Complaint alleging personal injuries when she fell crossing the street in the area of Purchase Street and Smith Street on July 26, 2014. The matter is venued in Westchester County Supreme Court. A compliance conference was held in May and a discovery schedule was established. Depositions have been completed. The City's attorney made a motion for summary judgment and the motion was denied. A notice of appeal has been filed.

AGUIRRE and SANCHEZ v. COUNTY OF WESTCHESTER, ET AL.

Plaintiffs commenced a federal lawsuit in the Eastern District of New York alleging violations of their civil rights under the Constitutions of the United States and New York State. Plaintiffs were arrested in Queens and subsequently indicted in Westchester County Supreme Court for Assault in the Second Degree and Robbery in the Second Degree. On November 26, 2012, Westchester County Court Judge Hubert issued a decision and order dismissing the indictment. On October 25, 2016, a revised discovery schedule was set and Plaintiffs' counsel had until November 2, 2016 to perfect service and until November 10 to serve responses to Plaintiffs' discovery demands. On November 8, 2016, Judge Ross rendered an Opinion and Order granting, in part, and denying, in part, the Defendants' motion to dismiss. Plaintiffs' claims against all of the unidentified John Does and against County Sgt. Hess are dismissed with prejudice. In addition, Plaintiffs' "Deprivation of Civil Rights" and "monell" causes of action are dismissed with prejudice as to all Defendants. Plaintiffs' false arrest claim against Chittenden is dismissed with prejudice but remains as to County Officers Lopez and Mohl. Also, Plaintiff Aguirre's claims for malicious prosecution and fair trial claims remain as to all three (Chittenden, Lopez, and Mohl). Judge Scanlon signed an amended Order to allow the New York State Department of Corrections more time to transfer Plaintiff Aguirre to Sing Sing Correctional Facility. The deposition of Melissa Sanchez took place on January 24, 2017. The deposition of Christian Aguirre took place on February 13, 2017 at Sing Sing Correctional Institute. The depositions of non-parties will take place over the next two to three weeks. A status conference was held on March 24, 2017 and discovery deadlines were amended. A stipulation of dismissal was filed and "so ordered" by the Judge and the releases have been signed.

CONNECTICUT FUND FOR THE ENVIRONMENT D/B/A SAVE THE SOUND v.
WESTCHESTER COUNTY, ET AL.

Save the Sound commenced a federal action alleging violations of the Clean Water Act in the United States District Court for the Southern District of New York against the County of Westchester, the City of Rye, and numerous other municipalities. Save the Sound is alleging violations of the Clean Water Act for exceeding effluent limits under the City's SPDES permit and in violation of its MS4 permit. I submitted this matter to the City's insurance carrier for a coverage determination. Save the Sound has consented to an additional ninety day (90) adjournment in order to allow the defendants' time to answer or otherwise submit a request for permission to file a motion to dismiss. Judge Seibel has "so ordered" the new schedule. Defendants participated in an initial settlement meeting on February 25, 2016 and a subsequent settlement conference on March 17, 2016.

There have been numerous Defendants-only strategy meetings and also two settlement meetings with all parties. On Wednesday, April 20, all parties appeared in front of the Honorable Cathy Seibel in the Southern District of New York for a formal status conference and update. At the conference, the parties requested more time to conduct system wide studies regarding the condition of the infrastructure. The enlargement of time would delay the requirement for defendants to answer. The Judge agreed to this approach and was pleased that the parties appeared to be working together in a productive fashion. Plaintiffs submitted the first, second, third and fourth quarterly status reports to the Judge. The City's SSES has been prepared and submitted for review by DEC. The City submitted its responses to DEC on December 21, 2017. A conference call with Save the Sound took place on January 30, 2018 and a meeting took place on March 2, 2018 between all the municipal defendants and Save the Sound pursuant to the SO. An extension of time for the next quarterly status report was requested on behalf of all parties until the end of April. The quarterly status report was filed on April 30, 2018.

JEANETTE v. VERILLE

On December 3, 2015, Judge Mary Smith rendered a decision vacating the arbitrator's decision in its entirety and found that Arbitrator Barone committed misconduct pursuant to CPLR 7511. Plaintiffs filed a notice of appeal and the matter was perfected. Oral argument took place on March 29, 2018. We are waiting for a decision.

ANDERSON v. CITY OF RYE, ET AL.

Melissa Anderson filed a summons and complaint against the City of Rye, the Rye Neck Union Free School District and the Village of Mamaroneck seeking damages for personal injuries sustained while on the playground at Rye Neck Middle School. The City's insurance carrier has been notified and denied defense and indemnification since this property is not owned by the City and the City does not maintain or operate the playground equipment. During the week of May 9, 2016, I submitted an affirmation establishing ownership and maintenance of the playground property. On November 29, 2017, I attended a Court conference and will be making a motion to be dismissed from the case at this time.

RYE CITY COURT

Routine NYS Vehicle and Traffic law calendar with no unusual dispositions. **The trial of People v Acevodo has been adjourned to June 19, 2019 in the Village of Mamaroneck. Both**

Rye City Court judges recused themselves and the case was transferred to the Village of Mamaroneck. The issues for trial involve whether the Defendant's property is being used illegally for business purposes in a residential zone.

Respectfully submitted,

A handwritten signature in black ink that reads "Kristen K. Wilson". The signature is written in a cursive, flowing style.

Kristen K. Wilson
Corporation Counsel

KKW/kkw



Robert Idoni
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New Rochelle, NY 10801
Phone: 914-632-6900
Fax: 914-637-5333
Robert.Idoni@Suez-NA.com

May 31, 2018

Mr. Joseph Sack
City of Rye
1051 Boston Post Rd, 3rd Fl.
Rye, NY 10580

Enclosed are copies of SUEZ Water Westchester's Annual Water Quality Report. This is a federal and state mandated "report card" on the quality of the drinking water we provide. It shows how your water compares to drinking water quality standards.

We recently notified customers who receive water bills that their Annual Water Quality Report is online at www.mysuezwater.com. They can also request a hard copy by calling our Customer Service Center at 914-632-6900

There may be others in your community who wouldn't ordinarily receive this mailing. In an effort to make this information more widely available, we have delivered copies to the local public library and ask that you make the enclosed reports available at your location.

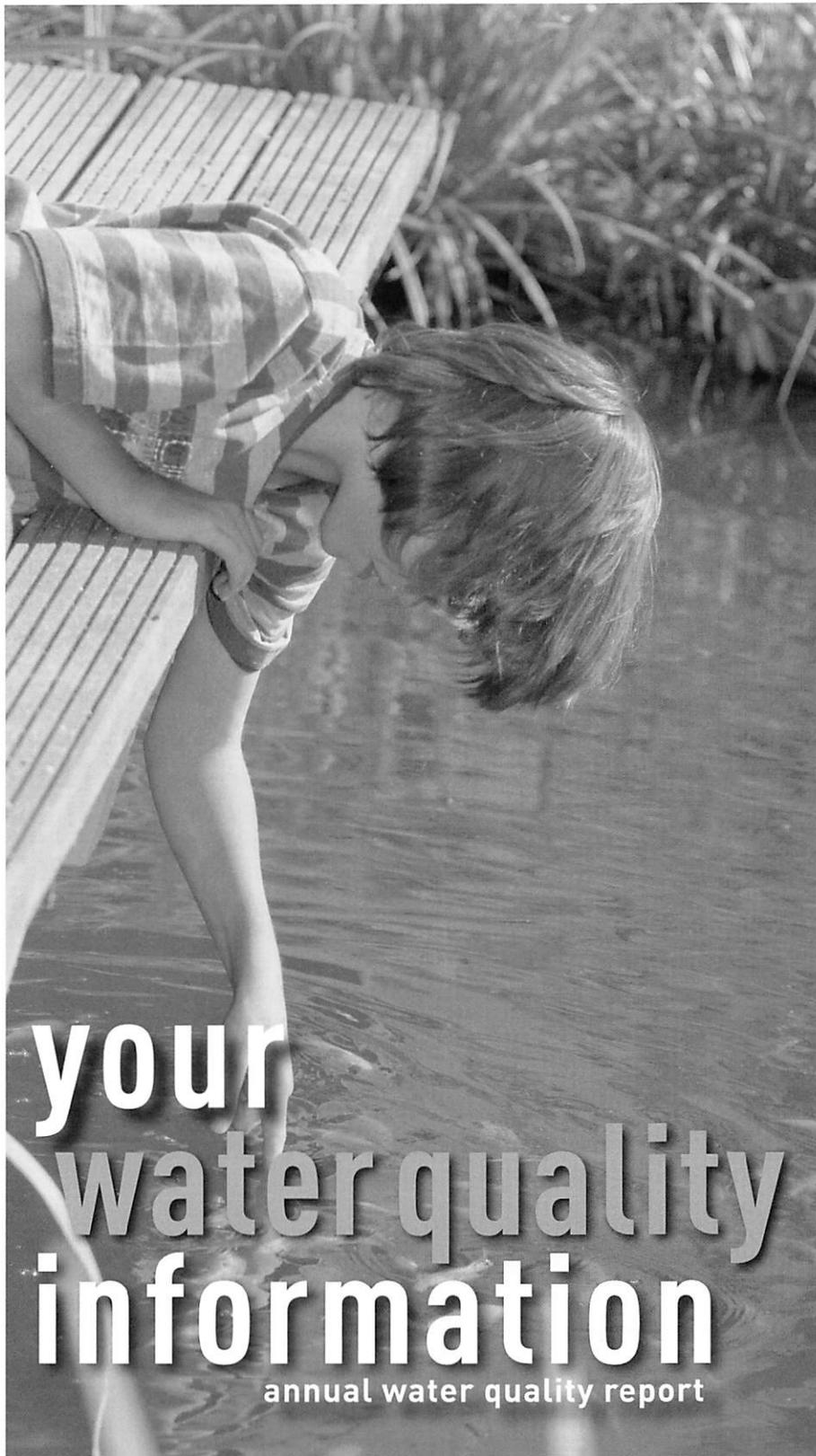
We will also be placing an ad in the Journal News, issuing a press release and making this information available via social media channels.

Should you have any further questions, please feel free to call me at 914-637-5338.

Best regards,

A handwritten signature in blue ink, appearing to read "Robert Idoni", with a long horizontal flourish extending to the right.

Robert Idoni
Manager of Distribution & Supply

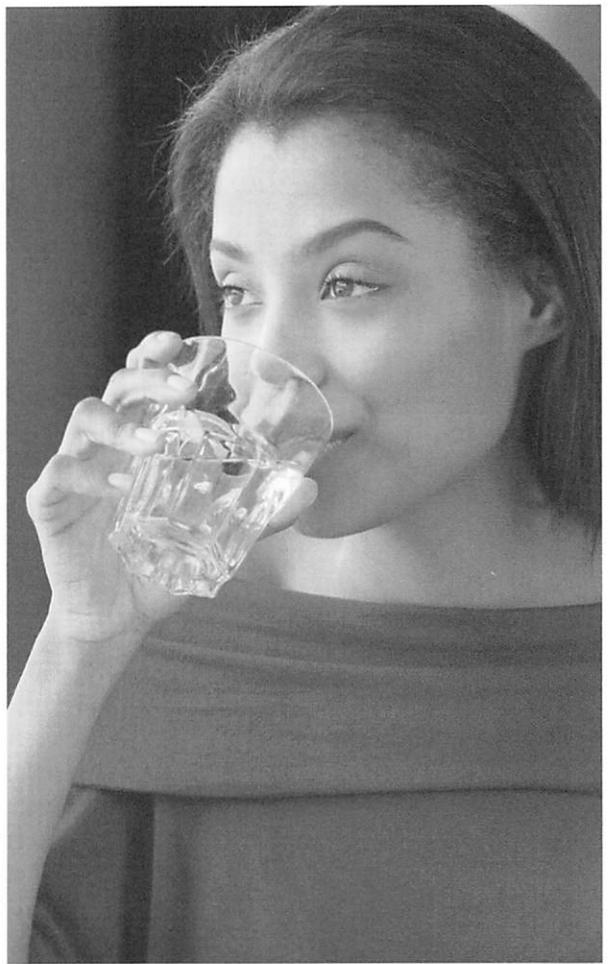


your water quality information

annual water quality report

issued may 2018

SUEZ | Westchester Operations
(Rate District 2)



our commitment to you



“We take great pride in our ability to provide you with drinking water that meets or surpasses all state and federal standards.”

Dear Customer,

At SUEZ our goal is to provide you with water that meets or surpasses the standards for safe drinking water. These health and safety standards are set by the United States Environmental Protection Agency (EPA), the New York State Department of Health (NYSDOH) and the Westchester County Department of Health (WCDOH). Our SUEZ team works hard to provide you and your family with top quality water and premier service 24 hours a day, 365 days a year.

As part of this commitment, we regularly test water samples to be sure that your water meets the safety standards. And we’re proud to let you know that it did during 2017. All the test results are on file with the WCDOH, the agency that monitors and regulates our drinking water quality. Both the EPA and the NYSDOH require water suppliers to provide an Annual Water Quality Report for customers. This report provides important information about how your drinking water complied with government standards during 2017. Please read it carefully and feel free to call us at 877.266.9101 if you have any questions about your water or your service. You can also call the EPA Safe Drinking Water Hotline at 800.426.4791, the NYSDOH at 518.402.7713 or the WCDOH at 914.813.5000. If you have specific questions about water as it relates to your personal health, we suggest that you contact your health care provider.

For more information on SUEZ, visit our website at mysuezwater.com.

Sincerely,

Chris Graziano

Vice President and General Manager

who we are

SUEZ Water Westchester District 2 provides water service to about 54,305 people (by 12,053 service connections) in the city of Rye and the villages of Rye Brook and Port Chester. In total, SUEZ provides water and wastewater services to over 7 million people in the United States. In addition to owning and operating regulated utilities, SUEZ operates municipal systems through public-private partnerships and contract agreements. Two of the nation’s largest water and wastewater contracts are operated by SUEZ.

about your water supply

water supply and treatment

Your water supply comes from two main sources. Sixty-seven percent is purchased water from Aquarion of Connecticut through the Putnam Reservoir located in Greenwich, Connecticut. This water is filtered at the Mianus, Putnam and Stamford water treatment plants, then disinfected, fluoridated and further treated to protect the water supply. Chlorine, fluoride, lime and zinc polyphosphates are added for further disinfection and protection of the water supply piping system. The remaining thirty-three percent of supply is purchased from Westchester Joint Water Works. Unfiltered water is treated with chlorine, tri-polyphosphates, caustic soda and fluoride for disinfection purposes and to protect the water supply piping system. SUEZ works closely with the Westchester County Department of Health (WCDOH) to ensure your safe water supply.

In 2017, we purchased 2.67 billion gallons of water, and provided 2.03 billion gallons to our customers. Unaccounted-for-water, consisting of main breaks, leaks, under-registration of meters, and theft of service was 0.59 million gallons.

is our water system meeting other rules that govern operation?

The New York State Department of Health (NYSDOH) has set requirements for treating drinking water to reduce the risk of adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. The NYDOH has determined that filtration is necessary to protect public health and to reduce microbial risk.

SUEZ is required to notify you that 33% of your water supply is unfiltered water purchased from the Westchester Joint Water Works (WJWW). This water is in compliance with most requirements but it is in violation of the filtration treatment technique requirement that has been in effect since 1993. Therefore we are required to include the following statement in this report.

Inadequately treated water may contain disease causing organisms. These organisms include bacteria, viruses and parasites which can cause symptoms such as nausea, cramps, diarrhea and associated headaches. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but may be caused by a number of factors other than your drinking water”.

It is important to note that there have been no disease outbreaks related to your drinking water and it has been in continuous compliance with the coliform bacteria and other regulations.

we're listening!

If you are interested in serving on our Customer Advisory Panel, please call us at 877-266-9101.

use water wisely!

Water is a precious resource. Please call us for water-saving tips or visit us at mysuezwater.com.



source water assessment program

Thirty-three percent of your drinking water is purchased through an agreement with Westchester Joint Waterworks. The NYSDOH has completed a source water assessment for this system based on available information. Possible and actual threats to this drinking water source were evaluated.

The state source water assessment includes a susceptibility rating based on the risk posed by each potential source of contamination and how easily contaminants can move through the subsurface to the surface water source. This assessment found no noteworthy risks to water quality.

The source water assessments provide resource managers with additional information for protecting source waters into the future. Additional information on the water quality and protection efforts in these New York City watersheds can be found at the DEP's web site at: www.nyc.gov/dep/watershed.

Sixty-seven percent of your water comes from the Putnam Reservoir in Connecticut. The State of Connecticut Department of Public Health has completed an assessment of that water source to ensure your protection. The assessment found that water from the Putnam Reservoir has a moderate susceptibility to potential sources of contamination. The susceptibility rating is an estimate of the potential for contamination of the source water; it does not mean that the water delivered to consumers is, or will become contaminated. Additional information can be found on the Connecticut Department of Public Health's web site at: <http://www.ct.gov/dph>

lead information

As the water quality table indicates, our system had no violations. We have learned through our testing that some contaminants have been detected; however, these contaminants were detected below New York State requirements. It should be noted that the action level for lead was not exceeded in any of the 30 samples collected. We are required to present the following information on Lead in Drinking Water:

If present, elevated levels of lead can cause serious health problems, especially for pregnant women, infants, and young children. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. SUEZ is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the EPA's Safe Drinking Water Hotline (1.800.426.4791) or at www.epa.gov/safewater/lead.

To learn more about lead, please visit <http://www.mysuezwater.com> or <http://www.epa.gov/lead>

conservation tip
EPA-labeled
WaterSense products
help you save water,
energy and money.

health note

Cryptosporidium and giardia are microbial pathogens found in surface water throughout the U.S. Although filtration removes cryptosporidium and giardia, the most commonly used filtration methods cannot guarantee 100 percent removal. Our monitoring indicates the presence of these organisms in our source water and/or finished water. Current test methods do not allow us to determine if the organisms are dead or if they are capable of causing disease. Ingestion of cryptosporidium and giardia may cause the abdominal infections cryptosporidiosis or giardiasis. Symptoms of infection include nausea, diarrhea, and abdominal cramps. Most healthy individuals can overcome these diseases within a few weeks. Some people may be more vulnerable to disease causing microorganisms or pathogens in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice from their health care provider about their drinking water. Cryptosporidium and giardia must be ingested to cause disease, and it may be spread through means other than drinking water.

The New York City Department of Environmental Protection (NYCDEP) controls the reservoir systems from which we draw water. In 2017, NYCDEP monitored its systems for giardia and cryptosporidium. Of the 52 samples taken on the Catskill- Delaware System, 35 giardia cysts were confirmed and 5 cryptosporidium cysts were confirmed.

In 2017 Aquarion of Connecticut monitored the Putnam Reservoir and found no evidence of giardia or cryptosporidium.

At the present time, there are no numerical drinking water standards for cryptosporidium and giardia.

For more information on cryptosporidiosis or giardiasis, please contact our water quality department (914.632.6900 option 3), or the Westchester County Department of Health (914.813.5000). EPA/CDC guidelines on appropriate means to lessen the risk of infection by cryptosporidium, giardia and other microbial pathogens are available by calling the Safe Drinking Water Hotline at 800.426.4791.

fluoride information

Our system is one of the many drinking water systems in New York State that provides drinking water with a controlled, low level of fluoride for consumer dental health protection. Fluoride is added to your water by Westchester Joint Waterworks and Aquarion of Connecticut before it is delivered to us. According to the United States Centers for Disease Control, fluoride is very effective in preventing cavities when present in drinking water at an optimal level of 0.7 mg/l. To ensure that the fluoride supplement in your water provides optimal dental protection, Westchester Joint Water Works and Aquarion of Connecticut monitor fluoride levels on a daily basis to make sure fluoride is maintained at a target level.

drinking water quality

The water quality table, on the next page, shows how the quality of your drinking water in 2017 compared to the standards set by the New York State Department of Health. As the table indicates, our system had no violations. According to New York State regulations, SUEZ routinely monitors your drinking water for various contaminants. Your water is tested for inorganic contaminants, nitrate, nitrite, lead and copper, volatile organic contaminants, synthetic organic contaminants and total trihalomethanes. Additionally, your water is tested for coliform bacteria 60 times a month. The contaminants detected in your drinking water are included in the table. We have learned through our testing that some contaminants have been detected; however, these contaminants were detected below current federal drinking water requirements. For a complete list of contaminants sampled, including those not detected, please call us at 914.632.6900. The state allows us to test for some contaminants less than once per year because the concentrations of these contaminants do not change frequently. Some of our data, though representative, are more than one year old. As the table indicates, our system had no water quality violations.

drinking water quality

primary standards - directly related to the safety of drinking water.

Contaminant	Violation Yes/No	Date of Sample	Level Detected Average/Max (Range)	Unit Measurement	MCLG	NYS DOH MCL Highest level allowed	Likely Source of Contamination
Inorganic Chemicals							
Barium	No	2017	0.039 [0.014 - 0.039]	ppm	2	2	Discharge from steel and pulp mills; Erosion of natural deposits Erosion of natural deposits; Water additive that promotes strong teeth; Discharge from fertilizer and aluminum factories Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits
Fluoride	No	2017	0.657 [0.580 - 0.710]	ppm	2.2	2.2	
Nitrate as nitrogen	No	2017	0.26 [0.07 - 0.26]	ppm	10	10	
Disinfection By-Products (Stage 2)							
Total Trihalomethanes	No	2017	57.725 (A) [ND - 77.50] (B)	ppb	0	80	By-product of drinking water disinfection
Haloacetic Acid 5(HAA5)	No	2017	38.63 (A) [ND - 48.90] (B)	ppb	0	60	By-product of drinking water disinfection
Inorganic Disinfection By-Products							
Chlorine dioxide	No	2017	20 - 580	ppb	800	800	By-product of drinking water disinfection
Chlorite	No	2017	0.54 [0.21 - 0.60]	ppm	1	1	By-product of drinking water disinfection
Radionuclides							
Beta particle and photon activity from man-made radionuclides	No	2010/2013	0.94 [0.51 - 0.94]	pCi/l	0	50*	Decay of natural deposits and man made emissions
Gross alpha activity [including radium-226 but excluding radium and uranium]	No	2010/2013	1.20 [0.10 - 1.20]	pCi/l	0	15	Erosion of natural deposits
Combined radium 226 and 228	No	2010/2013	0.08 [0.0 - 0.08]	pCi/l	0	5	Erosion of natural deposits
Uranium	No	2010/2013	ND	ppb	0	30	Erosion of natural deposits
Microbiologicals							
Turbidity	No	2017	1.02 [0.17 - 4.58] (C)	NTU	NA	5	Soil runoff
Chlorine residual (free chlorine system)	No	2017	0.64 [0.58 - 0.71]	ppm	NA	4	Water additive used to control microbes

Foot Notes:

A - This level represents the highest locational running annual average calculated from the data collected.

B - This represents the range of results for all 8 locations.

C - Turbidity is a measure of cloudiness of the water. We monitor it because it is a good indicator of water quality. High turbidity can hinder the effectiveness of disinfectants.

Contaminant	Violation Yes/No	Date of Sample	90th Percentile (Range)	Unit Measurement	NYS DOH MCLG	Action Level (AL)	# of Samples Taken	# of Samples Over the AL (Range)	Likely Source of Contamination
Lead & Copper									
Lead [F]	No	July-Aug. 2016	9.60 [ND - 14.3] [D] [E]	ppb	0	15	30	0 (NA)	Corrosion of household plumbing; erosion of natural deposits Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives
Copper	No	July-Aug. 2016	0.155 [0.0259 - 0.2880] [D]	ppm	1.3	1.3	30	0	

Foot Notes:

D - The level presented represents the 90th percentile of the 30 sites tested. A percentile is a value on a scale of 100 that indicates the percent of a distribution that is equal to or below it. The 90th percentile is equal to or greater than 90% of the values detected at your water system. In the case of lead, 30 samples were collected at your water system and the 90th percentile value was 9.6 ppb. In the case of copper, 30 samples were collected from your water system and the 90th value was 0.155 mg/L. The action level for lead was not exceeded at any of the sites tested. The action level for copper was not exceeded at any of the sites tested.

E - Of the 30 samples taken 0 exceeded the action level of 15 ppb.

F - If present, elevated levels of lead can cause serious health problems, especially for pregnant women, infants, and young children. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. SUEZ is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline (1.800.426.4791) or at <http://www.epa.gov/safewater/lead>.

To learn more about lead, please visit <http://www.mysuezwater.com> or <http://www.epa.gov/lead>

secondary standards - water quality parameters related to the aesthetic quality of drinking water.

Contaminant	Violation Yes/No	Date of Sample	Level Detected Average/Max (Range)	Unit Measurement	MCLG	NYS DOH	Likely Source of Contamination
						MCL Highest level allowed	
Alkalinity	No	2017	17.75 (14.70 - 20.80)	ppm	NA	NA	Natural mineral and organic matter
Calcium	No	2017	6.10 (5.98 - 6.22)	ppm	NA	NA	Naturally occurring
Chloride	No	2017	96.0 (10.8 - 96.0)	ppm	NA	250	Naturally occurring or indicative of road salt contamination
Hardness (as CaCO3)	No	2017	20.50 (20.00 - 21.00)	ppm	NA	NA	Natural mineral
Manganese	No	2017	19.7 (14.5 - 19.7)	ppb	NA	300	Naturally occurring; Indicative of landfill contamination
pH	No	2017	7.43 (6.90 - 8.80)		NA	6.5 - 8.5	Natural mineral, treatment process
Sodium#	No	2017	45.20 (8.69 - 45.20)	ppm	NA	NA	Naturally occurring; road salt; water softeners; animal waste
Specific Conductance	No	2017	82.5 (80.00 - 85.00)	umhos/cm	NA	NA	Natural Mineral
Sulfate	No	2017	44.0 (3.90 - 44.00)	ppm	NA	250	Natural mineral
Total Dissolved Solids	No	2017	47.2 (35.6 - 58.8)	ppm	NA	NA	Natural mineral
Zinc	No	2017	0.0038 (0.0026 - 0.0038)	ppm	NA	5	Naturally occurring; mining waste

Health Note for Sodium: Water containing more than 20 ppm of sodium should not be used for drinking water by people on diets that severely restrict sodium. Water containing more than 270 ppm of sodium should not be used for drinking by people on diets that moderately restrict sodium.

A "Range of Results" represent the lowest and highest detection during the monitoring year.

* The State considers 50 pCi/L to be the level of concern for beta particles.

unregulated contaminant monitoring rule 3 data (UCMR3)

Substance	EPA MCLG	EPA MCL	NY MCL	Highest Result	Range of Results	Violation	Likely Source
Chromium ppb	NA	NA	NA	0.38	ND - 0.38	NA	Prevalent natural element
Strontium ppb	NA	NA	NA	120	18 - 120	NA	Naturally occurring element
Vanadium ppb	NA	NA	NA	0.43	0.26 - 0.43	NA	Naturally occurring element
Chlorate ppb	NA	NA	NA	630	ND - 630	NA	Known by-product of the drinking water disinfection process, forming when sodium hypochlorite or chlorine dioxide is used in the disinfection process
Chromium (VI) ppb	NA	NA	NA	0.16	0.04 - 0.16	NA	Industries that process or use chromium, chromium compounds, or chromium processes

Notes:

1 - These contaminants are not currently regulated. The health advisory set by the EPA is 70 ppt. These samples were collected in 2017 by New York State Department of Health and analyzed at the Wadsworth Center Laboratory.

Additional information about unregulated contaminants can be found at the following link, courtesy of American Water Works Association:

<https://drinktap.org/Water-Info/Whats-in-My-Water/Unregulated-Contaminant-Monitoring-Rule-UCMR>

definitions

Action Level (AL): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

CU: Color unit.

LRAA: Locational Running Annual Average.

Maximum Contaminant Level (MCL): The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible.

Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL): The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG): The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectant to control microbial contamination.

Millirem per year (MREM/YR): A millirem is 1/1000th of a Rem. A rem is a unit of ionizing radiation.

NA: Not applicable.

ND: Non Detect.

NTU: A measure of the clarity of water. Turbidity in excess of 5 NTU is just noticeable to the average person.

ppb Parts Per Billion or micrograms per liter (ug/l): Corresponds to one part of liquid in one billion parts of liquid.

ppm Parts Per Million: Corresponds to one part of liquid in one million parts of liquid.

pCi/L Picocuries per liter: A measure of the radioactivity in water.

Primary Standards: Federal drinking water regulations for substances that are health-related. Water suppliers must meet all primary drinking water standards.

RAA: Running Annual Average

Secondary Standards: Federal drinking water measurements for substances that do not have an impact on health. These reflect aesthetic qualities such as taste, odor and appearance.

TON: Threshold Odor Number.

Treatment Technique (TT): A required process intended to reduce the level of a contaminant in drinking water.



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bottled water or tap water?

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (1.800.426.4791).

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activities. In order to ensure that tap water is safe to drink, the state and the EPA prescribe regulations that limit the amount of certain contaminants in water provided by public water systems.

The New York State Health Department and the Food and Drug Administration (FDA) establish limits for contaminants in bottled water which must provide the same protection for public health. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline at 800.426.4791. So, what is the bottom line? If bottled and tap water meet the federal standards, they are both safe to drink. However, your tap water costs about one penny per gallon and is substantially less expensive than bottled water.

cost of water

The New York Public Service Commission sets water rates to cover the costs of providing service. The average residential customer uses approximately 12 cubic feet of water (9,000 gallons) per month, or approximately \$875 annually (including taxes and surcharges). A typical dollar pays for system improvements, operations and maintenance, taxes, interest and debt, dividends and reinvestment and depreciation costs. At about one penny a gallon, tap water is a great value.

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In keeping with our commitment to the environment, this report was printed on paper containing at least 10% post consumer fiber.

THIS REPORT CONTAINS IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER.

Este informe contiene información muy importante sobre su agua beber. Tradúzcalo ó hable con alguien que lo entienda bien.

to serve you better

In 2017, we made several improvements to serve you better. SUEZ made safety and security improvements at several of our facilities, made improvements at the Villard Booster Station to improve fire flow, and replaced several undersized water mains to improve water pressure and flow in the system. In addition the Advanced Meter Infrastructure (AMI) Project, a multi-year project that will help us reduce lost water and improve the service we offer to our customers, continues on schedule and SUEZ continues to move forward with the Disinfection Projects to ensure continued compliance within our system. These projects are part of SUEZ's long term infrastructure improvement plan.