

AGENDA
BOARD OF MANAGERS
ERIE COUNTY SEWER DISTRICT NO. 6
OCTOBER 8, 2013 @ 3:15 P.M.
LACKAWANNA CITY HALL – COUNCIL CHAMBERS

1. Call Meeting to Order
2. Approval of June 25, 2013 Meeting Minutes
3. Items from the Public
4. New Business
 - a. 2014 Meeting Schedule
 - b. I/I Compliance Hearing (Handout)
 - i. Approval for Compliance Hearing (Handout)
 - ii. Approval for Fine Stages (Handout)
 - c. Notice of Public Hearing – 2013 Assessment Rolls (Handout)
 - d. User Charges 2014
 - i. Minutes from Public Hearing (Handout)
 - ii. Approval of Resolution (Handout)
 - e. Confirmation of Telephone Poll – 2013 Tax Bill Refund
5. Old Business
 - a. Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78
 - b. Niagara Winds Power - Summons (Article 78)
6. Miscellaneous & Informational Items
 - a. Operational Report
 - b. Pretreatment Report
 - i. Letter to local businesses - Industrial Waste Survey (Handout)
 - c. Construction Report
 - i. Contract No. 70 – Work Order No. 5 (Handout)
 - ii. Contract No. 70 – Contract Extension for 2014-15 (Handout)
 - d. Payments (Handout)
 - e. Ltr. to NYSDEC
 - i. Flow Meter Installation SPDES Permit Schedule of Compliance (Handout)
 - ii. SPDES Permit Schedule of Compliance – 9 Month Progress Report (Handout)
 - iii. I/I & SSES Work Plan Response (Handout)
 - f. District Chemical Spill
 - g. New Environmental Bond Act (Handout)
7. Adjournment & Next Meeting

Tuesday, December 3, 2013 @ 3:15
Lackawanna City Hall – Council Chambers

ERIE COUNTY SEWER DISTRICT NO. 6
BOARD OF MANAGERS MEETING
JUNE 25, 2013
LACKAWANNA CITY HALL

MEMBERS PRESENT: Mr. James Balcarczyk and Mr. James Carr

OTHERS PRESENT: Messrs Mr. Glenn Absolom, Mr. Steve Canestrari, Mr. Joseph Fiegl,
Ms. Laurie Gier and Lawrence Krug

MEMBERS ABSENT: Mr. Anthony Collareno, excused

ITEM NO. 1 – CALL MEETING TO ORDER

Mr. Balcarczyk opened the meeting at 3:15 p.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

On a motion by Mr. Balcarczyk, and seconded by Mr. Carr, the Board voted to approve the minutes from the April 9, 2013 meeting. The motion carried 2-0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

There were no items from the public.

ITEM NO. 4 – NEW BUSINESS

a. Presentation and Approval of 2014 Budget

i. Proposed 2014 Budget

Mr. Fiegl discussed the 2014 Budget, highlighting certain items. He pointed out that overall, the ECSD No. 6 appropriations will increase approximately \$145,000. Taking into consideration water use charges, the typical ratepayer will have combined annual sanitary and storm charges that will increase about 1% higher than 2013.

Reviewing the detailed summary, there has been some adjustment from 2013 to proposed 2014 Budget to reflect analysis conducted this year by the District Manager and downtown staff in Erie County Sewer District No. 6 expenses and revenues. As a result, Erie County Sewer District No. 6 storm charges would decrease for the typical ratepayer while Erie County Sewer District No. 6 sanitary charges would increase, resulting in the previous referenced 1% overall increase.

Item 2

Mr. Fiegl reported that operation and maintenance expenses have increased approximately \$226,000 - \$75,000 of that is allocated to capital reserve and an additional \$50,000 to sewer relining. He explained that the sewer relining is likely to be a recurring budget item due to the aging infrastructure.

Mr. Fiegl noted that in addition to some increases, there are also some decreases as well. For example due to energy efficiency measures, electric costs have gone down. With the increase in User Charges and fund balance, there was a decrease in the tax levy. A decrease in debt service was balanced by an increase in the allocation to capital reserves.

Fringe benefits have been calculated at 67% in the 2014 budget. Increases in pension and medical insurance are difficult to project and the Division has no control over them. Fuel costs are also difficult to predict due to fluctuations in commodity markets.

Mr. Fiegl explained that the budgets are developed conservatively and that monies left over at the end of the year are transferred to fund balance, to be used as future revenue. The details from various accounts were reviewed. Specific items highlighted included budgeting on fuel, various changes in maintenance and repair supply codes, the \$50,000.00 increase in sewer lining services, AVL monitoring, \$75,000.00 increase in capital reserves, utility costs, and personnel costs.

Fund balance usage is budgeted at 50.25% of available balance. The available district fund balance at 12/31/12 represents about 4.3 months of 2014 budgeted appropriations. Having the fund balance at this level is important due to uncertainty related to legal challenges and regulatory requirements.

In summary, it is recommended that for 2014 the parcel charge remain unchanged at \$88.00 per parcel, and the water usage charge in ECSD No. 6 be increased to around \$3.35/1,000 gallons.

Mr. Balcarczyk asked if the Contract Control Clerk is a new position. Mr. Fiegl responded that it was not and later noted that this position title should have been a Senior Clerk Typist.

Mr. Balcarczyk asked on Page 8, flow meter, how many flow meters were budgeted for? Mr. Fiegl pointed out that the \$5000 represents the District No. 6 portion and it includes all the flow meter equipment to be purchased Division wide.

On a motion by Mr. Carr, seconded by Mr. Balcarczyk, the Board voted to approve the 2014 budget as presented. The motion carried 2-0.

ii. 271 Resolution

The 2014 Budget Resolution, which proposes that approximately 11% and 89% of the sanitary sewer tax levy shall be raised from the assessed value and parcel charges, respectively.

On a motion by Mr. Carr, seconded by Mr. Balcarczyk, the Board voted to approve the Resolution. The motion carried 2-0.

b. I/I Compliance Hearing

Mr. Carr presented to the Board a list of property owners that have not completed a house inspection. Mr. Carr recommended scheduling a compliance hearing as allowed by the Rules and Regulations of Erie County Sewer Districts for these homeowners. On a motion by Mr. Carr, seconded by Mr. Balcarczyk, the Board voted to send property owners to a Compliance Hearing. The motion carried 2-0.

ITEM NO. 5 – OLD BUSINESS

a. Notice of Petition – ISG Lackawanna LLC and Tecumseh Redevelopment Corporation – Bethlehem Steel – Article 78

Mr. Fiegl explained that the County Attorney is proceeding with this issue. There is a conference call scheduled for Monday, July 1 to include the County Attorney, the Deputy County Executive, and the Real Property Services Head to discuss the assessed valuation of the property by the City of Lackawanna. Mr. Fiegl noted for the Board that Tecumseh has challenged their latest assessed value issued from the City of Lackawanna.

b. Niagara Winds Power – Summons (Article 78)

Mr. Fiegl explained to the Board that Niagara Winds may propose a settlement on this Article 78 challenge, Mr. Fiegl will continue to update the Board.

ITEM NO. 6 - MISCELLANEOUS / INFORMATIONAL ITEMS

a. Operational Report

Mr. Canestrari reported on a flooding issue on Barlow Street. Division staff did address through root cutting, as well as some bucketing to alleviate the problem. Mr. Canestrari noted that by bucketing the sewer, it was revealed that a power pole was installed into the storm sewer. The pole has been subsequently removed.

b. Pretreatment Report

i. Letter to Local Businesses – Industrial Waste Survey

The Board reviewed a letter sent to 22 businesses that are within the Lackawanna WWTP sewer shed. A change to the SPDES permit by the NYSDEC requires an industrial waste survey. To date, eleven have complied with the survey; two have moved; and nine have not yet responded.

c. Construction Report

Mr. Carr reported that the Erie County Department of Public Works/Highways have bid and have recommended award to Dipizio Construction for the Overlay B Project. This project will include raising the Abbott Rd manholes to the existing grade of the street. The Abbott Rd manhole work will start at the City of Buffalo line and end at Smoke's Creek. Mr. Carr stated that the work should begin around mid-July. (p.s. The award of contract by Erie County Department of Public Works has been delayed and the projected construction for the Abbott Rd. manholes is the middle of September.

The Cured-In- Place Pipe project is proceeding with the 2012-2013 work orders. The 2012 work is almost complete. The 2013 work orders will be assigned to United Survey in July. The 2013 work will include sanitary sewers on Washington, Pearl, Wintergreen and Grant.

d. Payments

There was two payments presented to the Board – to MPI for the Business Case Study in the amount of \$334.76 and \$1,134.11.

e. Letter From NYSDEC – Acceptance and Approval of ECSD 6 CMOM Plan

The Board reviewed a letter received from the NYSDEC approving the Capacity Management, Operation, and Maintenance (CMOM) requirement of the SPDES Permit. The County is now required by the SPDES permit to submit an annual report to the NYSDEC outlining the actions taken during the preceding year.

f. Letter to NYSDEC – Change in Chief Operator

The Board reviewed a letter Mr. Absolom sent to the NYSDEC concerning Mr. Kaszubowski's retirement and of Mr. Walker's appointment to Chief Wastewater Treatment Plant Operator.

g. Letter to Mayor Szymanski – April 9, 2013 Meeting

The Board reviewed a letter from Deputy Commissioner Fiegl, to Mayor Szymanski regarding the meeting between the Mayor and Mr. Fiegl and Commissioner Maria Whyte of Environment and Planning on April 9, 2013.

The purpose of the meeting was to update the Mayor on initiatives the County/Sewer District are presently investigating. Sinkholes were discussed and the City was assured the Sewer District would investigate all complaints to identify the cause. If the deficiency is within the public sewer the Sewer District will perform the necessary repairs but if the deficiency is within the privately owned lateral the homeowner would be notified.

h. Sewer Backup Claim Response – 113 Palm Street

The Board received a copy of the Sewer Management's letter to the homeowner at 113 Palm Street denying their claim for damage to her basement. Sewer backups are unfortunate incidents which the District has no control over and is not negligent in this matter.

i. Compliance Hearings & Retainer Agreement

The board reviewed a copy of the Retainer Agreement between the County of Erie and Feldman Kieffer, LLP, dated May 8, 2013. The Erie County Attorney's Office recommended Feldman Kieffer, LLP to act as a hearing officer for the Compliance hearings.

The Board was also notified that the compliance hearing will be held on August 14, 2013 at the Southtowns Wastewater Treatment Plant.

j. Sewage Pollution Right to Know Act

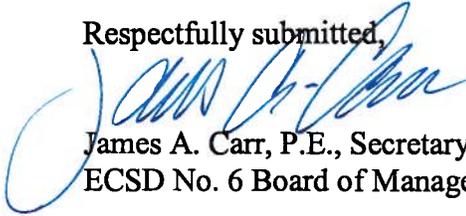
Mr. Fiegl discussed the new Sewage Pollution Right to Know Act, which became law effective May 1, 2013. This law requires notification of an overflow within 2 hours to the DEC, the Erie County Health Department, local officials, the Department of Public Works, as well as officials in any adjoining areas where the overflow occurred. The DSM has acted in accordance with the law.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

Mr. Carr made a motion to cancel the July 9, 2013 board meeting. Mr. Balcarczyk seconded the motion. The motion carried 2-0.

On a motion by Mr. Balcarczyk, seconded by Mr. Carr, the meeting was adjourned at 4:08 p.m. The motion carried 2-0.

Respectfully submitted,



James A. Carr, P.E., Secretary
ECSD No. 6 Board of Managers

Motion to approve minutes of June 25, 2013

Moved By: _____

Seconded By: _____

Approved/Disapproved: _____

Date: _____

**BOARD OF MANAGERS
ERIE COUNTY SEWER DISTRICT NO. 6
2014 MEETING SCHEDULE**

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Tuesday, February 11	3:15 p.m.	Lackawanna City Hall – Council Chambers
Tuesday, April 8	3:15 p.m.	Lackawanna City Hall – Council Chambers
Tuesday, June 24	3:15 p.m.	Lackawanna City Hall – Council Chambers
Tuesday, July 8	3:15 p.m.	Lackawanna City Hall – Council Chambers
Tuesday, October 7	3:15 p.m.	Lackawanna City Hall – Council Chambers
Tuesday, December 2	3:15 p.m.	Lackawanna City Hall – Council Chambers

MOVED BY: _____

SECONDED BY: _____

APPROVED/DISAPPROVED _____

DATE _____

James A. Carr
SECRETARY

JAC/bp
9/13

*Item
4(a)*

COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF SEWERAGE MANAGEMENT

• • MEMORANDUM • •

TO: JAMES A. CARR, P.E., Secretary, ECSD 6 Board of Managers
FROM: *AMH* ANGELA M. HORTON, P.E., Coordinator of Sewer Construction Projects
DATE: August 15, 2013
SUBJECT: ECSD 6 Board of Managers – Approval for Compliance Hearing

Please present at your next Board of Managers meeting the attached list of property owners have not corrected a violation found during their house inspection and require a Compliance Hearing.

The Division of Sewerage Management is recommending a Compliance Hearing for the attached list. Should you have any questions, please contact me at 858-8437 or angela.horton@erie.gov.

MOVED BY: _____

SECONDED BY: _____

APPROVED/DISAPPROVED: _____

DATE: _____

James A. Carr, P.E.
SECRETARY

Encl.

cc: 6.2.2.I&I

V:\Sewerage Management\I&I Program\House Inspection Program\BOMtemplateD6.doc

Item 4(b) (i)



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MARIA R. WHYTE
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

August 9, 2013

RICHARD ZIARKOWSKI
19 SUNRISE DR
LACKAWANNA, NY 14218

Re: **FINAL VIOLATION NOTICE**
Erie County Sewer District No. 6, Mini System 7
For Property Located at: **19 SUNRISE DR**

Dear Property Owner,

A recent review of our records indicate that you were advised by letters dated 6/15/2012, 4/22/2013, and 6/4/2013, that the above mentioned property was inspected on 10/31/2011, and the following apparent violation of Section 305 and/or 501 of the "RULES AND REGULATIONS FOR ERIE COUNTY SEWER DISTRICTS" was observed:

RAISE LOW LYING VENT 6 INCHES ABOVE GRADE AND REPLACE PERFORATED CAP WITH CAST IRON MUSHROOM CAP

As a result of your failure to comply with these notifications, your name has been referred to the ECSD 6 Board of Managers for consideration of requesting a hearing to obtain compliance with this request.

This matter is scheduled to be taken up at the next meeting of the Board of Managers. If compliance with this request is not completed by that time, the Board of Managers will consider scheduling a hearing on the matter, the result of which could be fines of up to \$500.00 per day that the violation continues.

Should you have any questions on this matter, or wish to schedule a reinspection, please feel free to contact me at (716) 823-8188 during normal business hours, Monday through Friday 8 am to 4 pm.

Very truly yours,

Steven J. Canestrari Sr.
Sewer District Manager

cc: ECSD 6 Board of Managers
A. Horton / 6.2.2.I&I

SECTION 305 – Footing Drains, Roof Drains and Sump Pumps:

"...roof drains, sump pumps, or other drains discharging surface runoff or ground water shall not be connected to the sanitary sewer."

SECTION 501 – Prohibited Discharges:

"The following substances and Wastewaters are specifically prohibited from discharge to the District Sewerage System: k. Surface runoff, ground water, roof runoff, sump pump discharge, subsurface drainage, or cooling water.

The Rules and Regulations for Erie County Sewer Districts can be viewed at www.erie.gov/dsm.



FELDMAN KIEFFER, LLP
ATTORNEYS AT LAW

(716) 852-5875 • FAX (716) 852-4253

MATTHEW S. FELDMAN
ATTORNEY
WRITER'S EXTENSION 219
mfeldman@feldmankieffer.com

THE DUN BUILDING
110 PEARL STREET
SUITE 400
BUFFALO, NY 14202

September 26, 2013

Board of Managers
Erie County Sewer District No. 6 (ECSD 6)

Re: Enforcement Hearing - Failure to Correct Violation
William Kruger Jr. and Jennifer Kruger, 29 Green Street, Lackawanna, NY 14218, SBL 142.78-3-36

Honorable Board Members:

Pursuant to a request by the Board of Managers (BOM) of Erie County Sewer District (ECSD) Nos. 1, 2, 3, 5 and 6 enforcement actions against the individuals referenced on the cover letter were held on August 14, 2013, to determine whether there were violations of Sections 305, 501 or 1001 of the Rules and Regulations for Erie County Sewer Districts.

Feldman Kieffer, LLP, was appointed to act as a Hearing Officer with respect to the referenced matter, and this report constitutes a summary of the Compliance (Enforcement) Hearing.

- I. DATE: Wednesday, August 14, 2013
- II. TIME: 1:30 p.m. to 3:30 p.m.
- III. PLACE: Southtowns Advanced Wastewater Treatment Facility (AWTF)
S-3690 Lake Shore Road, Buffalo, New York 14219
- IV. AUTHORITY: Rules and Regulations for Erie County Sewer Districts
(Revised and Adopted March 26, 2009, Erie County Legislature)
- V. RELEVANT PROVISIONS: Article III, Building Sewer and Sewerage System Extensions
Section 305 - Footing Drains, Roof Drains and Sump Pumps

Article V, Sewerage Discharge Regulations
Section 501 - Prohibited Discharges

Article XI, Enforcement
Section 1101 - Notice of Violations
Section 1103 - Enforcement Hearing
Section 1104 - Penalties
- VI. BOARD RESOLUTION: Feldman Kieffer, LLP, was retained by the Erie County Division of Sewerage Management (DSM) and Erie County Sewer Districts (ECSDs) as the Hearing Officer per an Agreement dated May 8, 2013.

Item 4(b)1

- VII. PRESENT:
- Matthew S. Feldman, Esq., Hearing Officer from Feldman Kieffer, LLP
Matthew J. Kibler, Esq., Hearing Officer from Feldman Kieffer, LLP
Angela M. Horton, P.E., Coordinator Sewer Construction Projects,
representing all ECSDs
Roger Lalli, Sewer District Manager, representing ECSDs 1 & 5
Steven Canestrari, Sewer District Manager, representing ECSDs 3 & 6
Patrick Breier, Sewer District Manager, representing ECSD 2
David C. Millar, P.E., Asst. Deputy Commissioner, representing all
ECSDs
Beth M. Pfalzer, Data Processing Control Clerk, representing all ECSDs
John Johnson, Representing Homeowner Eliana Johnson of 9354
Clarence Center Road, Clarence, NY, ECSD 5
Mario Pellicano, Homeowner representing 5937 Pinehurst Ct, Lakeview,
NY, ECSD 2

VIII. TESTIMONY:

A. 29 Green Street, Lackawanna, NY 14218 (William Kruger Jr. and Jennifer Kruger)

Ms. Horton submitted into evidence the following documents:

1. A map demonstrating that 29 Green Street, Lackawanna, NY 14218, is located within ECSD 6.
2. A printout from the Erie County Department of Real Property Tax Service, dated June 2013, demonstrating that 29 Green Street, Lackawanna, NY 14218, is owned by William Kruger Jr. and Jennifer Kruger since 1999. Real Property lists a mailing address of 80 Grant Blvd., Lackawanna, NY 14218.
3. Following an inspection on October 8, 2010, an Initial Violation Notice was sent via U.S. mail, dated April 26, 2011, stating violation to be corrected: *Install a mushroom cap on vent.*
4. Second Violation Notice, via U.S. mail, dated July 26, 2011.
5. Third Violation Notice, via U.S. mail, dated September 7, 2011.
6. Final Violation Notice, via U.S. certified mail, dated October 14, 2011.
Said U.S. certified mail signed on delivery by someone at 80 Grant Blvd., but was illegible.
7. Notice of Hearing, via U.S. mail and certified mail, dated July 15, 2013.
Said U.S. certified mail has not been returned to ECSD offices. The United States Postal Service website indicates multiple notices have been left for the homeowner. First class mail has not been returned. Said letter advised William Kruger Jr. and Jennifer Kruger of a Compliance Hearing to be held on August 14, 2013 between 1:30 p.m. and 3:30 p.m. at the Erie County Southtowns AWTF, S-3690 Lake Shore Road, Buffalo, New York 14219.
8. A DSM database tracking form summarizing property & owner information, violation letters sent and comments pertaining to the property.

The violation has not been corrected as per the Rules and Regulations for Erie County Sewer Districts, adopted March 26, 2009.

September 25, 2013

Page 3 of 4

29 Green Street

All remained present at the Compliance Hearing until 3:30 p.m. At which time, it was determined that William Kruger Jr. and Jennifer Kruger failed to appear as requested in the Notice of Hearing letter dated July 15, 2013.

IX. FINDINGS:

Considering all evidence presented and testimony heard concerning the premises at 29 Green Street, Lackawanna, NY 14218, owned by William Kruger Jr. and Jennifer Kruger, as Hearing Officers, we find that:

1. The subject premises is located within ECSD 6;
2. That the property owner was given Violation Notices on four occasions;
3. That the property owner was given proper Notice of Hearing for Failure to Correct Violation pursuant to Section 1103(a) of the Rules and Regulations for Erie County Sewer Districts;
4. That a public Sanitary Sewer is and was available to the building on the property where a violation exists.
5. That there is a building on the property which is intended to be used for human occupancy; and
6. That based on Respondent property owner's failure to appear at the Compliance Hearing, as requested, a violation of Sections 305 and/or 501, and 1101 of the Rules and Regulations for Erie County Sewer Districts does therefore exist.

X. RECOMMENDATIONS:

As Hearing Officers, duly appointed pursuant to Section 1103(b) of the Rules and Regulations for Erie County Sewer Districts, we do hereby recommend to the ECSD 6 BOM that:

1. The BOM concur with the findings presented herein;
2. That a "premium assessment" of \$100 be levied for non-compliance;
3. That the Respondent property owner be given 30 days within which to comply. If compliance is made before the 30-day period concludes, the fine may be suspended;
4. If Respondent property owner remains in violation of the duty of permit Initial Inspection, a fine of \$100 shall be levied per month pursuant to Section 1104 - Penalties - of the Rules and Regulations for Erie County Sewer Districts with a maximum penalty of \$10,000.

We trust that the BOM will concur with the Findings and Recommendations as presented herein. If any questions or further information is required, please do not hesitate to contact us at 716-852-5875.

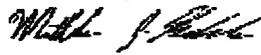
September 25, 2013
Page 4 of 4
29 Green Street

Thank you for the opportunity to serve on your behalf as Hearing Officers.

Sincerely,



Matthew S. Feldman, ESQ.



Matthew J. Kibler, ESQ.

cc: Kristen Walder, Esq., Assistant County Attorney
J. Fiegl / A. Horton / B. Pfalzer / 6.2.2.I&I
S. Canestrari / R. Rehac / J. Krafft



FELDMAN KIEFFER, LLP
ATTORNEYS AT LAW

(716) 852-5875 • FAX (716) 852-4253

MATTHEW S. FELDMAN
ATTORNEY
WRITER'S EXTENSION 219
mfeldman@feldmankieffer.com

THE DUN BUILDING
110 PEARL STREET
SUITE 400
BUFFALO, NY 14202

September 26, 2013

Board of Managers
Erie County Sewer District No. 6 (ECSD 6)

Re: Enforcement Hearing - Failure to Correct Violation
David L. Murray II and Angie Goodman, 266 Center Ave, Lackawanna, NY 14218, SBL 142.61-1-1

Honorable Board Members:

Pursuant to a request by the Board of Managers (BOM) of Erie County Sewer District (ECSD) Nos. 1, 2, 3, 5 and 6 enforcement actions against the individuals referenced on the cover letter were held on August 14, 2013, to determine whether there were violations of Sections 305, 501 or 1001 of the Rules and Regulations for Erie County Sewer Districts.

Feldman Kieffer, LLP, was appointed to act as a Hearing Officer with respect to the referenced matter, and this report constitutes a summary of the Compliance (Enforcement) Hearing.

- I. DATE: Wednesday, August 14, 2013
- II. TIME: 1:30 p.m. to 3:30 p.m.
- III. PLACE: Southtowns Advanced Wastewater Treatment Facility (AWTF)
S-3690 Lake Shore Road, Buffalo, New York 14219
- IV. AUTHORITY: Rules and Regulations for Erie County Sewer Districts
(Revised and Adopted March 26, 2009, Erie County Legislature)
- V. RELEVANT PROVISIONS: Article III, Building Sewer and Sewerage System Extensions
Section 305 - Footing Drains, Roof Drains and Sump Pumps

Article V, Sewerage Discharge Regulations
Section 501 - Prohibited Discharges

Article XI, Enforcement
Section 1101 - Notice of Violations
Section 1103 - Enforcement Hearing
Section 1104 - Penalties
- VI. BOARD RESOLUTION: Feldman Kieffer, LLP, was retained by the Erie County Division of Sewerage Management (DSM) and Erie County Sewer Districts (ECSDs) as the Hearing Officer per an Agreement dated May 8, 2013.

VII. PRESENT:

Matthew S. Feldman, Esq., Hearing Officer from Feldman Kieffer, LLP
Matthew J. Kibler, Esq., Hearing Officer from Feldman Kieffer, LLP
Angela M. Horton, P.E., Coordinator Sewer Construction Projects,
representing all ECSDs

Roger Lalli, Sewer District Manager, representing ECSDs 1 & 5
Steven Canestrari, Sewer District Manager, representing ECSDs 3 & 6
Patrick Breier, Sewer District Manager, representing ECSD 2
David C. Millar, P.E., Asst. Deputy Commissioner, representing all

ECSDs

Beth M. Pfalzer, Data Processing Control Clerk, representing all ECSDs
John Johnson, Representing Homeowner Eliana Johnson of 9354
Clarence Center Road, Clarence, NY, ECSD 5
Mario Pellicano, Homeowner representing 5937 Pinehurst Ct, Lakeview,
NY, ECSD 2

VIII. TESTIMONY:

A. 266 Center Ave, Lackawanna, NY 14218 (David L. Murray II and Angie Goodman)

Ms. Horton submitted into evidence the following documents:

1. A map demonstrating that 266 Center Ave, Lackawanna, NY 14218, is located within ECSD 6.
2. A printout from the Erie County Department of Real Property Tax Service, dated June 2013, demonstrating that 266 Center Ave, Lackawanna, NY 14218, is owned by David L. Murray II and Angie Goodman since April 2010.
3. The Initial Violation Notice was sent via U.S. mail, dated July 19, 2011, stating violation to be corrected: *Disconnect sump pump and downspout from the sanitary sewer, connect washer to the sanitary sewer.*
4. Second Violation Notice, via U.S. mail, dated October 14, 2011.
5. Third Violation Notice, via U.S. mail, dated June 15, 2012.
6. Final Violation Notice, via U.S. certified mail, dated September 6, 2012.
Said U.S. certified mail was returned unclaimed and hand delivered by ECSD staff Ms. Cuebas October 1, 2012.
7. Notice of Hearing, via U.S. mail and certified mail, dated July 15, 2013.
Said U.S. certified mail was returned unclaimed with the post office leaving three notices, first class mail was not returned. Said letter advised David L. Murray II and Angie Goodman of a Compliance Hearing to be held on August 14, 2013 between 1:30 p.m. and 3:30 p.m. at the Erie County Southtowns AWTF, S-3690 Lake Shore Road, Buffalo, New York 14219.
8. A DSM database tracking form summarizing property & owner information, violation letters sent and comments pertaining to the property.

Ms. Horton stated that 266 Center Street was inspected on August 28, 2007 and required a dye test. The owner at the time, David Sobczyk, was present for the inspection and was aware of the violation when the property was sold to David Murray and Angie Goodman.

The violation has not been corrected as per the Rules and Regulations for Erie County Sewer Districts, adopted March 26, 2009.

All remained present at the Compliance Hearing until 3:30 p.m. At which time, it was determined that David L. Murray II and Angie Goodman failed to appear as requested in the Notice of Hearing letter dated July 15, 2013.

IX. FINDINGS:

Considering all evidence presented and testimony heard concerning the premises at 266 Center Ave, Lackawanna, NY 14218, owned by David L. Murray II and Angie Goodman, as Hearing Officers, we find that:

1. The subject premises is located within ECSD 6;
2. That the property owner was given Violation Notices on four occasions;
3. That the property owner was given proper Notice of Hearing for Failure to Correct Violation pursuant to Section 1103(a) of the Rules and Regulations for Erie County Sewer Districts;
4. That a public Sanitary Sewer is and was available to the building on the property where a violation exists.
5. That there is a building on the property which is intended to be used for human occupancy; and
6. That based on Respondent property owner's failure to appear at the Compliance Hearing, as requested, a violation of Sections 305 and/or 501, and 1101 of the Rules and Regulations for Erie County Sewer Districts does therefore exist.

X. RECOMMENDATIONS:

As Hearing Officers, duly appointed pursuant to Section 1103(b) of the Rules and Regulations for Erie County Sewer Districts, we do hereby recommend to the ECSD 6 BOM that:

1. The BOM concur with the findings presented herein;
2. That a "premium assessment" of \$100 be levied for non-compliance;
3. That the Respondent property owner be given 30 days within which to comply. If compliance is made before the 30-day period concludes, the fine may be suspended;
4. If Respondent property owner remains in violation of the duty of permit Initial Inspection, a fine of \$100 shall be levied per month pursuant to Section 1104 - Penalties - of the Rules and Regulations for Erie County Sewer Districts with a maximum penalty of \$10,000.

We trust that the BOM will concur with the Findings and Recommendations as presented herein. If any questions or further information is required, please do not hesitate to contact us at 716-852-5875.

September 25, 2013
Page 4 of 4
226 Center Avenue

Thank you for the opportunity to serve on your behalf as Hearing Officers.

Sincerely,



Matthew S. Feldman, ESQ.



Matthew J. Kibler, ESQ.

cc: Kristen Walder, Esq., Assistant County Attorney
J. Fiegl / A. Horton / B. Pfalzer / 6.2.2.I&I
S. Canestrari / R. Rehac / J. Krafft



FELDMAN KIEFFER, LLP
ATTORNEYS AT LAW

(716) 852-5875 • FAX (716) 852-4253

MATTHEW S. FELDMAN
ATTORNEY
WRITER'S EXTENSION 219
mfeldman@feldmankieffer.com

THE DUN BUILDING
110 PEARL STREET
SUITE 400
BUFFALO, NY 14202

September 26, 2013

Board of Managers
Erie County Sewer District No. 6 (ECSD 6)

Re: Enforcement Hearing - Failure to Permit Inspection
Real Estate Solutions LLC – 56 Modern Avenue, Lackawanna, NY 14218, SBL 142.70-3-48.1

Honorable Board Members:

Pursuant to a request by the Board of Managers (BOM) of Erie County Sewer District (ECSD) Nos. 1, 2, 3, 5 and 6 enforcement actions against the individuals referenced on the cover letter were held on August 14, 2013, to determine whether there were violations of Sections 305, 501 or 1001 of the Rules and Regulations for Erie County Sewer Districts.

Feldman Kieffer, LLP, was appointed to act as a Hearing Officer with respect to the referenced matter, and this report constitutes a summary of the Compliance (Enforcement) Hearing.

- I. DATE: Wednesday, August 14, 2013
- II. TIME: 1:30 p.m. to 3:30 p.m.
- III. PLACE: Southtowns Advanced Wastewater Treatment Facility (AWTF)
S-3690 Lake Shore Road, Buffalo, New York 14219
- IV. AUTHORITY: Rules and Regulations for Erie County Sewer Districts
(Revised and Adopted March 26, 2009, Erie County Legislature)
- V. RELEVANT PROVISIONS: Article X, Inspections
Section 1001 - Powers and Authority of Inspectors

Article XI, Enforcement
Section 1101 - Notice of Violations
Section 1103 - Enforcement Hearing
Section 1104 - Penalties
- VI. BOARD RESOLUTION: Feldman Kieffer, LLP was retained by the Erie County Division of Sewerage Management (DSM) and Erie County Sewer Districts (ECSDs) as the Hearing Officer per an Agreement dated May 8, 2013.

- VII. PRESENT:
- Matthew S. Feldman, Esq., Hearing Officer from Feldman Kieffer, LLP
Matthew J. Kibler, Esq., Hearing Officer from Feldman Kieffer, LLP
Angela M. Horton, P.E., Coordinator Sewer Construction Projects,
representing all ECSDs
Roger Lalli, Sewer District Manager, representing ECSDs 1 & 5
Steven Canestrari, Sewer District Manager, representing ECSDs 3 & 6
Patrick Breier, Sewer District Manager, representing ECSD 2
David C. Millar, P.E., Asst. Deputy Commissioner, representing all
ECSDs
Beth M. Pfalzer, Data Processing Control Clerk, representing all ECSDs
John Johnson, Representing Homeowner Eliana Johnson of 9354
Clarence Center Road, Clarence, NY, ECSD 5
Mario Pellicano, Homeowner representing 5937 Pinehurst Ct, Lakeview,
NY, ECSD 2

VIII. TESTIMONY:

A. 56 Modern Avenue, Lackawanna, NY 14218 (Real Estate Solutions LLC) – Failure to permit inspection.

Ms. Horton submitted into evidence the following documents:

1. A map demonstrating that 56 Modern Avenue, Lackawanna, NY 14218, is located within ECSD 6.
2. A printout from the Erie County Department of Real Property Tax Service, dated June 2013, demonstrating that 56 Modern Avenue, Lackawanna, NY 14218, is owned by Real Estate Solutions LLC since 2009. Real Property lists a mailing address of 6425 Engel Drive, Hamburg, NY 14075.
3. Initial Inspection Request, via U.S. mail, dated October 1, 2012.
4. Second Inspection Request, via U.S. mail, dated November 7, 2012.
5. Third Inspection Request, via U.S. mail, dated April 22, 2013.
6. Final Inspection Request, via U.S. certified mail, dated June 4, 2013.
Said U.S. certified mail was returned unsigned and hand delivered by ECSD staff.
7. Notice of Hearing, via U.S. mail and certified mail, dated July 15, 2013.
Said U.S. certified mail has not been returned to ECSD offices at the time of the hearing. United States Postal Service website indicates multiple notices have been left for the homeowner. First class mail has not been returned. Said letter advised Real Estate Solutions LLC of a Compliance Hearing to be held on August 14, 2013 between 1:30 p.m. and 3:30 p.m. at the Erie County Southtowns AWTF, S-3690 Lake Shore Road, Buffalo, New York 14219.
8. A DSM database tracking form summarizing property & owner information, inspection letters sent and comments pertaining to the property.

The inspection has not been completed as per the Rules and Regulations for Erie County Sewer Districts, adopted March 26, 2009.

September 25, 2013

Page 3 of 4

56 Modern Ave

All remained present at the Compliance Hearing until 3:30 p.m. At which time, it was determined that Real Estate Solutions LLC failed to appear as requested in the Notice of Hearing letter dated July 15, 2013.

IX. FINDINGS:

Considering all evidence presented and testimony heard concerning the premises at 56 Modern Avenue, Lackawanna, NY 14218, owned by Real Estate Solutions LLC, as Hearing Officers, we find that:

1. The subject premises is located within ECSD 6;
2. That the property owner was given proper Inspection Notices on four occasions pursuant to Section 1001 of the Rules and Regulations for Erie County Sewer Districts;
3. That the property owner was given proper Notice of Hearing for Failure to Permit Inspection pursuant to Section 1103(a) of the Rules and Regulations for Erie County Sewer Districts;
4. That a public Sanitary Sewer is and was available to the building on the property to be inspected;
5. That there is a building on the property which is intended to be used for human occupancy; and
6. That based on Respondent property owner's failure to appear at the Compliance Hearing, as requested, a violation of Sections 1001 and 1101 of the Rules and Regulations for Erie County Sewer Districts does therefore exist.

X. RECOMMENDATIONS:

As Hearing Officers, duly appointed pursuant to Section 1103(b) of the Rules and Regulations for Erie County Sewer Districts, we do hereby recommend to the ECSD 6 BOM that:

1. The BOM concur with the findings presented herein;
2. That a "premium assessment" of \$100 be levied for non-compliance;
3. That the Respondent property owner be given 30 days within which to comply. If compliance is made before the 30-day period concludes, the fine may be suspended;
4. If Respondent property owner remains in violation of the duty of permit Initial Inspection, a fine of \$100 shall be levied per month pursuant to Section 1104 - Penalties - of the Rules and Regulations for Erie County Sewer Districts with a maximum penalty of \$10,000;
5. In the event that access is denied or otherwise prevented, the BOM may seek a warrant from a court of competent jurisdiction to enter the subject premises to conduct an Initial Inspection pursuant to Section 1001 of the Rules and Regulations for Erie County Sewer Districts; and
6. Pursuing a warrant to enter these premises shall not limit the application of other remedies under the Rules and Regulations for Erie County Sewer Districts.

We trust that the BOM will concur with the Findings and Recommendations as presented herein. If any questions or further information is required, please do not hesitate to contact us at 716-852-5875.

Thank you for the opportunity to serve on your behalf as Hearing Officers.

Sincerely,



Matthew S. Feldman, ESQ.



Matthew J. Kibler, ESQ.

cc: Kristen Walder, Esq., Assistant County Attorney
J. Fiegl / A. Horton / B. Pfalzer / 6.2.2.I&I
S. Canestrari / R. Rehac / J. Krafft



FELDMAN KIEFFER, LLP
ATTORNEYS AT LAW

(716) 852-5875 • FAX (716) 852-4253

MATTHEW S. FELDMAN
ATTORNEY
WRITER'S EXTENSION 219
mfeldman@feldmankieffer.com

THE DUN BUILDING
110 PEARL STREET
SUITE 400
BUFFALO, NY 14202

September 26, 2013

Board of Managers
Erie County Sewer District No. 6 (ECSD 6)

Re: Enforcement Hearing - Failure to Permit Inspection
Edward M. Egan – 59 Verel Avenue, Lackawanna, NY 14218, SBL 142.71-3-15

Honorable Board Members:

Pursuant to a request by the Board of Managers (BOM) of Erie County Sewer District (ECSD) Nos. 1, 2, 3, 5 and 6 enforcement actions against the individuals referenced on the cover letter were held on August 14, 2013, to determine whether there were violations of Sections 305, 501 or 1001 of the Rules and Regulations for Erie County Sewer Districts.

Feldman Kieffer, LLP, was appointed to act as a Hearing Officer with respect to the referenced matter, and this report constitutes a summary of the Compliance (Enforcement) Hearing.

- I. DATE: Wednesday, August 14, 2013
- II. TIME: 1:30 p.m. to 3:30 p.m.
- III. PLACE: Southtowns Advanced Wastewater Treatment Facility (AWTF)
S-3690 Lake Shore Road, Buffalo, New York 14219
- IV. AUTHORITY: Rules and Regulations for Erie County Sewer Districts
(Revised and Adopted March 26, 2009, Erie County Legislature)
- V. RELEVANT PROVISIONS: Article X, Inspections
Section 1001 - Powers and Authority of Inspectors

Article XI, Enforcement
Section 1101 - Notice of Violations
Section 1103 - Enforcement Hearing
Section 1104 - Penalties
- VI. BOARD RESOLUTION: Feldman Kieffer, LLP was retained by the Erie County Division of Sewerage Management (DSM) and Erie County Sewer Districts (ECSDs) as the Hearing Officer per an Agreement dated May 8, 2013.

- VII. PRESENT:
- Matthew S. Feldman, Esq., Hearing Officer from Feldman Kieffer, LLP
Matthew J. Kibler, Esq., Hearing Officer from Feldman Kieffer, LLP
Angela M. Horton, P.E., Coordinator Sewer Construction Projects,
representing all ECSDs
Roger Lalli, Sewer District Manager, representing ECSDs 1 & 5
Steven Canestrari, Sewer District Manager, representing ECSDs 3 & 6
Patrick Breier, Sewer District Manager, representing ECSD 2
David C. Millar, P.E., Asst. Deputy Commissioner, representing all
ECSDs
Beth M. Pfalzer, Data Processing Control Clerk, representing all ECSDs
John Johnson, Representing Homeowner Eliana Johnson of 9354
Clarence Center Road, Clarence, NY, ECSD 5
Mario Pellicano, Homeowner representing 5937 Pinehurst Ct, Lakeview,
NY, ECSD 2

VIII. TESTIMONY:

A. 59 Verel Avenue, Lackawanna, NY 14218 (Edward M Egan) – Failure to permit inspection.

Ms. Horton submitted into evidence the following documents:

1. A map demonstrating that 59 Verel Avenue, Lackawanna, NY 14218, is located within ECSD 6.
2. A printout from the Erie County Department of Real Property Tax Service, dated June 2013, demonstrating that 59 Verel Avenue, Lackawanna, NY 14218, is owned by Edward M Egan since 1984. Real Property lists a mailing address of 3743 Woodbrook Ct., East Aurora, NY 14052.
3. Initial Inspection Request, via U.S. mail, dated October 1, 2012.
4. Second Inspection Request, via U.S. mail, dated November 7, 2012.
5. Third Inspection Request, via U.S. mail, dated April 22, 2013.
6. Final Inspection Request, via U.S. certified mail, dated June 4, 2013. Said U.S. certified mail was returned unsigned and hand delivered by ECSD staff Mr. Balcarczyk on July 2, 2013.
7. Notice of Hearing, via U.S. mail and certified mail, dated July 15, 2013. Said U.S. certified mail has not been returned to ECSD offices at the time of the hearing. United States Postal Service website indicates multiple notices have been left for the homeowner. First class mail has not been returned. Said letter advised Edward M Egan of a Compliance Hearing to be held on August 14, 2013 between 1:30 p.m. and 3:30 p.m. at the Erie County Southtowns AWTF, S-3690 Lake Shore Road, Buffalo, New York 14219.
8. A DSM database tracking form summarizing property & owner information, inspection letters sent and comments pertaining to the property.

The inspection has not been completed as per the Rules and Regulations for Erie County Sewer Districts, adopted March 26, 2009.

All remained present at the Compliance Hearing until 3:30 p.m. At which time, it was determined that Edward M Egan failed to appear as requested in the Notice of Hearing letter dated July 15, 2013.

IX. FINDINGS:

Considering all evidence presented and testimony heard concerning the premises at 59 Verel Avenue, Lackawanna, NY 14218, owned by Edward M Egan, as Hearing Officers, we find that:

1. The subject premises is located within ECSD 6;
2. That the property owner was given proper Inspection Notices on four occasions pursuant to Section 1001 of the Rules and Regulations for Erie County Sewer Districts;
3. That the property owner was given proper Notice of Hearing for Failure to Permit Inspection pursuant to Section 1103(a) of the Rules and Regulations for Erie County Sewer Districts;
4. That a public Sanitary Sewer is and was available to the building on the property to be inspected;
5. That there is a building on the property which is intended to be used for human occupancy; and
6. That based on Respondent property owner's failure to appear at the Compliance Hearing, as requested, a violation of Sections 1001 and 1101 of the Rules and Regulations for Erie County Sewer Districts does therefore exist.

X. RECOMMENDATIONS:

As Hearing Officers, duly appointed pursuant to Section 1103(b) of the Rules and Regulations for Erie County Sewer Districts, we do hereby recommend to the ECSD 6 BOM that:

1. The BOM concur with the findings presented herein;
2. That a "premium assessment" of \$100 be levied for non-compliance;
3. That the Respondent property owner be given 30 days within which to comply. If compliance is made before the 30-day period concludes, the fine may be suspended;
4. If Respondent property owner remains in violation of the duty of permit Initial Inspection, a fine of \$100 shall be levied per month pursuant to Section 1104 - Penalties - of the Rules and Regulations for Erie County Sewer Districts with a maximum penalty of \$10,000;
5. In the event that access is denied or otherwise prevented, the BOM may seek a warrant from a court of competent jurisdiction to enter the subject premises to conduct an Initial Inspection pursuant to Section 1001 of the Rules and Regulations for Erie County Sewer Districts; and
6. Pursuing a warrant to enter these premises shall not limit the application of other remedies under the Rules and Regulations for Erie County Sewer Districts.

We trust that the BOM will concur with the Findings and Recommendations as presented herein. If any questions or further information is required, please do not hesitate to contact us at 716-852-5875.

September 25, 2013
Page 4 of 4
59 Verel Avenue

Thank you for the opportunity to serve on your behalf as Hearing Officers.

Sincerely,



Matthew S. Feldman, ESQ.



Matthew J. Kibler, ESQ.

cc: Kristen Walder, Esq., Assistant County Attorney
J. Fiegl / A. Horton / B. Pfalzer / 6.2.2.I&I
S. Canestrari / R. Rehac / J. Krafft



FELDMAN KIEFFER, LLP
ATTORNEYS AT LAW

(716) 852-5875 • FAX (716) 852-4253

MATTHEW S. FELDMAN
ATTORNEY
WRITER'S EXTENSION 219
mfeldman@feldmankieffer.com

THE DUN BUILDING
110 PEARL STREET
SUITE 400
BUFFALO, NY 14202

September 26, 2013

Board of Managers
Erie County Sewer District No. 6 (ECSD 6)

Re: Enforcement Hearing - Failure to Permit Inspection
Timothy Eckert – 47 Modern Avenue, Lackawanna, NY 14218, SBL 142.70-4-15.1

Honorable Board Members:

Pursuant to a request by the Board of Managers (BOM) of Erie County Sewer District (ECSD) Nos. 1, 2, 3, 5 and 6 enforcement actions against the individuals referenced on the cover letter were held on August 14, 2013, to determine whether there were violations of Sections 305, 501 or 1001 of the Rules and Regulations for Erie County Sewer Districts.

Feldman Kieffer, LLP, was appointed to act as a Hearing Officer with respect to the referenced matter, and this report constitutes a summary of the Compliance (Enforcement) Hearing.

- I. DATE: Wednesday, August 14, 2013
- II. TIME: 1:30 p.m. to 3:30 p.m.
- III. PLACE: Southtowns Advanced Wastewater Treatment Facility (AWTF)
S-3690 Lake Shore Road, Buffalo, New York 14219
- IV. AUTHORITY: Rules and Regulations for Erie County Sewer Districts
(Revised and Adopted March 26, 2009, Erie County Legislature)
- V. RELEVANT PROVISIONS: Article X, Inspections
Section 1001 - Powers and Authority of Inspectors

Article XI, Enforcement
Section 1101 - Notice of Violations
Section 1103 - Enforcement Hearing
Section 1104 - Penalties
- VI. BOARD RESOLUTION: Feldman Kieffer, LLP was retained by the Erie County Division of Sewerage Management (DSM) and Erie County Sewer Districts (ECSDs) as the Hearing Officer per an Agreement dated May 8, 2013.

VII. PRESENT:

Matthew S. Feldman, Esq., Hearing Officer from Feldman Kieffer, LLP
Matthew J. Kibler, Esq., Hearing Officer from Feldman Kieffer, LLP
Angela M. Horton, P.E., Coordinator Sewer Construction Projects,
representing all ECSDs
Roger Lalli, Sewer District Manager, representing ECSDs 1 & 5
Steven Canestrari, Sewer District Manager, representing ECSDs 3 & 6
Patrick Breier, Sewer District Manager, representing ECSD 2
David C. Millar, P.E., Asst. Deputy Commissioner, representing all
ECSDs
Beth M. Pfalzer, Data Processing Control Clerk, representing all ECSDs
John Johnson, Representing Homeowner Eliana Johnson of 9354
Clarence Center Road, Clarence, NY, ECSD 5
Mario Pellicano, Homeowner representing 5937 Pinehurst Ct, Lakeview,
NY, ECSD 2

VIII.

47 Modern Avenue, Lackawanna, NY 14218 (Timothy Eckert) – Failure to permit inspection.

Ms. Horton introduced into evidence the following documents:

1. A map demonstrating that 47 Modern Avenue, Lackawanna, NY 14218, is located within ECSD 6.
2. A printout from the Erie County Department of Real Property Tax Service, dated June 2013, demonstrating that 47 Modern Avenue, Lackawanna, NY 14218, is owned by Timothy Eckert since 2009.
3. Initial Inspection Request, via U.S. mail, dated October 1, 2012.
4. Second Inspection Request, via U.S. mail, dated November 7, 2012.
5. Third Inspection Request, via U.S. mail, dated April 22, 2013.
6. Final Inspection Request, via U.S. certified mail, dated June 4, 2013.
Said U.S. certified mail was returned unsigned and hand delivered by ECSD staff Mr. Balcarczyk on July 2, 2013.
7. Notice of Hearing, via U.S. mail and certified mail, dated July 15, 2013.
Said U.S. certified mail has not been returned to ECSD offices at the time of the hearing. United States Postal Service website indicates multiple notices have been left for the homeowner. First class mail has not been returned. Said letter advised Mr. Eckert of a Compliance Hearing to be held on August 14, 2013 between 1:30 p.m. and 3:30 p.m. at the Erie County Southtowns AWTF, S-3690 Lake Shore Road, Buffalo, New York 14219.
8. A DSM database tracking form summarizing property & owner information, inspection letters sent and comments pertaining to the property.

The inspection has not been completed as per the Rules and Regulations for Erie County Sewer Districts, adopted March 26, 2009.

All remained present at the Compliance Hearing until 3:30 p.m. At which time, it was determined that Timothy Eckert failed to appear as requested in the Notice of Hearing letter dated July 15, 2013.

IX. FINDINGS:

Considering all evidence presented and testimony heard concerning the premises at 47 Modern Avenue, Lackawanna, NY 14218, owned by Timothy Eckert, as Hearing Officers, we find that:

1. The subject premises is located within ECSD 6;
2. That the property owner was given proper Inspection Notices on four occasions pursuant to Section 1001 of the Rules and Regulations for Erie County Sewer Districts;
3. That the property owner was given proper Notice of Hearing for Failure to Permit Inspection pursuant to Section 1103(a) of the Rules and Regulations for Erie County Sewer Districts;
4. That a public Sanitary Sewer is and was available to the building on the property to be inspected;
5. That there is a building on the property which is intended to be used for human occupancy; and
6. That based on Respondent property owner's failure to appear at the Compliance Hearing, as requested, a violation of Sections 1001 and 1101 of the Rules and Regulations for Erie County Sewer Districts does therefore exist.

X. RECOMMENDATIONS:

As Hearing Officers, duly appointed pursuant to Section 1103(b) of the Rules and Regulations for Erie County Sewer Districts, we do hereby recommend to the ECSD 6 BOM that:

1. The BOM concur with the findings presented herein;
2. That a "premium assessment" of \$100 be levied for non-compliance;
3. That the Respondent property owner be given 30 days within which to comply. If compliance is made before the 30-day period concludes, the fine may be suspended;
4. If Respondent property owner remains in violation of the duty of permit Initial Inspection, a fine of \$100 shall be levied per month pursuant to Section 1104 - Penalties - of the Rules and Regulations for Erie County Sewer Districts with a maximum penalty of \$10,000;
5. In the event that access is denied or otherwise prevented, the BOM may seek a warrant from a court of competent jurisdiction to enter the subject premises to conduct an Initial Inspection pursuant to Section 1001 of the Rules and Regulations for Erie County Sewer Districts; and
6. Pursuing a warrant to enter these premises shall not limit the application of other remedies under the Rules and Regulations for Erie County Sewer Districts.

We trust that the BOM will concur with the Findings and Recommendations as presented herein. If any questions or further information is required, please do not hesitate to contact us at 716-852-5875.

September 25, 2013
Page 4 of 4
47 Modern Avenue

Thank you for the opportunity to serve on your behalf as Hearing Officers.

Sincerely,



Matthew S. Feldman, ESQ.



Matthew J. Kibler, ESQ.

cc: Kristen Walder, Esq., Assistant County Attorney
J. Fiegl / A. Horton / B. Pfalzer / 6.2.2.I&I
S. Canestrari / R. Rehac / J. Krafft



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 12, 2013

The Honorable
Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

**RE: Notice of Public Hearing
Erie County Sewer Districts
2013 Assessment Rolls (2014 Levy)**

Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to a Notice of Public Hearing, Erie County Sewer Districts, 2013 Assessment Rolls.

Should your honorable body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JF:ms

Encs.

CC: J. Fiegl – Environment and Planning

LEGIS\NPHEA-AR.SAV

*Item
4(c)*

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Notice of Public Hearing - Erie County Sewer Districts
2013 Assessment Rolls (2014 Levy)
Date: September 12, 2013

SUMMARY

The Erie County Legislature calls a Public Hearing on the 2013 Assessment Rolls (2014 Levy) as prepared by the Division of Sewerage Management at 1:30 p.m., local time, on November 1, 2013 in the Legislature Chambers. It is also requested that the Clerk of the Legislature be directed to have the attached Public Notice published in the official County newspapers and the Buffalo News.

The Notice of Public Hearing must be published in the official papers prior to the Public Hearing. Since the official papers are published only once during the week, it is requested that notice be published the week of October 14, 2013.

FISCAL IMPLICATIONS

There is no cost to the County's General Fund associated with holding the Public Hearing on the 2013 Assessment Rolls. However, if the Public Hearing is not held, then the County will not have the legal authority to levy sewer charges against the lots and parcels of land within the Erie County Sewer Districts.

REASON FOR RECOMMENDATIONS

Sections 270 and 271 of Article 5A, County Law, require the Erie County Legislature to annually hold a Public Hearing on the Assessment Rolls.

BACKGROUND INFORMATION

Pursuant to Article 5A, Sections 270 and 271 of the County Law of New York, the Erie County Legislature has annually held a Public Hearing on the Assessment Rolls for the Erie County Sewer Districts. In order for the Sewer Districts to raise the sewer tax levies against the lots and parcels of properties within the Sewer Districts, it is first necessary to hold a Public Hearing on the Assessment Rolls. The purpose of the Public Hearing is to allow the public an opportunity to voice their objections, if any, in the manner in which various lots and parcels have been assessed. Then, once the Public Hearing has been held, the Legislature may adopt and affirm the Assessment Rolls, or they can request the Assessment Rolls be revised.

CONSEQUENCES OF NEGATIVE ACTION

If the Public Hearing on the Assessment Rolls is not held, the Erie County Legislature, and therefore, the Erie County Sewer Districts, will not have the legal authority to raise the sewer district tax levies. As a result, funds would not be available in 2014 to carry out Sewer District operations, nor to pay annual principal and interest due on Sewer District Bonds.

STEPS FOLLOWING APPROVAL

1. The Clerk of the Legislature must have the Public Hearing Notice published in the official County newspapers and the Buffalo News no later than the week of October 14, 2013.

2. A Public Hearing will be held by the Erie County Legislature on November 1, 2013 at 1:30 p.m. local time.
3. The Legislature will be requested to adopt and affirm the Assessment Rolls.
4. The Sewer Districts Budgets must be approved in conjunction with the Erie County Budget.
5. The Sewer District tax levies must be approved in conjunction with the 2014 Budget.
6. After approval of the Budget, the Commissioner of Finance must raise the Sewer District tax levies from the various lots and parcels of land within the Erie County Sewer Districts.

35


Maria Whyte
Commissioner

JLF:ss

Encl.

c: Kristen Walder, Asst. County Attorney
R. Graber, Clerk of the Legislature
Boards of Managers, SD #s 1-6 & 8
Director, Budget and Management
0.11.0.Leg. Ltr.
Annual File
R. Ferber/ 0.4.2. Tax Rolls

LEGIS\NPHEA-AR.SAV

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Notice of Public Hearing
2013 Assessment Rolls
Erie County Sewer Districts (2014 Levy)

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2013 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 1:30 p.m., local time, on November 1, 2013 for the purpose of meeting to hear and consider any objections which may be made to the 2013 Sewer District Assessment Rolls (2014 Levy) for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 14, 2013; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, Erie County Comptroller, Kristen Walder, Assistant County Attorney and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning,

JLF:ms
9/13

LEGIS\NPHEA-AR.SAV

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Assessment Rolls for 2013 (2014 Levy) have been completed for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8 and will be on file in the Office of the Division of Sewerage Management, Department of Environment & Planning, 95 Franklin Street, Buffalo, NY 14202, and open for public inspection during business hours on and after the first of October, 2013.

The County Legislature will hold a Public Hearing on the Assessment Rolls at 1:30 p.m., local time, on November 1, 2013, in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, to hear all persons interested in the subject concerning the same.

DATED: October 14, 2013

Buffalo, New York

Robert M. Graber
CLERK
Erie County Legislature

MINUTES
PUBLIC HEARING
USER CHARGE
ERIE COUNTY SEWER DISTRICT NOS. 1-6 & 8
SEPTEMBER 24, 2013

PRESENT: Matt Salah and Mary Sweet of the Erie County Department of Environment & Planning

Mr. Salah opened the hearing at 10:30 A.M. He then stated the purpose of the hearing is to present the proposed user charge rates for the Erie County Sewer Districts for 2014 and to hear all interested members of the public regarding any concerns over the proposed rates.

Mr. Salah then reviewed the rates as published in the Buffalo News and the official County newspapers. Mr. Salah mentioned the Notice of Public Hearing, a copy of which was read and is attached to these Minutes.

It was explained, by Mr. Salah, how users are surcharged on the basis of flow and pollutant loadings. The charges are more accurately assessed for sewage service to the users of the sewer systems of Erie County Sewer District Nos. 1-6 & 8, Mr. Salah commented. Historical cost data from the appropriate treatment plants is used to estimate the actual cost the Districts will incur for treating high strength or high volume wastewater.

Actual sewage flow may be used if it is materially different from water use and it can be otherwise measured or determined. The burden, however, is on the property owner to justify that water consumption is not a reasonable and cost effective means to describe sewage flow.

Mr. Salah commented further that District Nos. 6 and 8 are the only Districts where all users are charged based on water use. In the other five Districts, flow is a surcharge only for those non-residential properties, which use more than the single family home equivalent flow. The single family home equivalent flow is 91,250 gallons per year.

Mr. Salah then pointed out in the third paragraph of the Public Notice, the 91,250 gallons per year is with reference to non-residential users in Sewer District Nos. 1-5, but not District Nos. 6 and 8. As stated previously, all users in District Nos. 6 and 8 pay a flow charge based on water use.

With regard to wastehaulers, Erie County Sewer District Nos. 2 and 3 (Southtowns) are the only Districts that accept septage from wastehaulers. The charges for wastehaulers will remain at \$60/1000 gallons.

Mr. Salah noted that user charges are collected annually with the regular County Sewer (special) District charges.

The figures will then be adjusted as new data becomes available each Budget Year.

Item 4/6/13

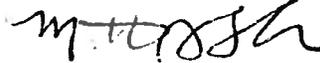
It was then explained by Mr. Salah the next step is for the individual Boards of Mangers to adopt the rates. After this step and subsequent publication in the official County newspapers and the Buffalo News, property owners have 30 days to appeal the adopted schedule of rates and charges to the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York.

Mr. Salah asked if anyone else was present to speak for or against adoption of said User Charge Rates.

The effective date of the rates is January 1, 2014.

The Public Hearing closed at 10:45a.m.

Respectfully submitted,



Matt A. Salah, P.E.

Sr. Coor. Sewer Construction Projects

MAS:ms

Encl.

Cc: 0.4.2.User Charge 2014 (w/encl)
0.8.0.Public Hearings, Affid. & Advert. (w/encl)
Boards of Managers 1-6 & 8

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT**

**** MEMORANDUM ****

FROM: *WMS* Matt A. Salah, Sr. Coordinator of Sewer Construction Projects
TO: Angela M. Horton, Secretary, ECSD No. 2 Board of Managers
David C. Millar, Secretary, ECSD No. 3 Board of Managers
Thomas M. Batt, Secretary, ECSD No. 4 Board of Managers
Kevin Zynda, Secretary, ECSD No. 5 Board of Managers
James A. Carr, Secretary, ECSD No. 6 Board of Managers
Edward A. Paolini, Secretary, ECSD No. 8 Board of Managers
DATE: August 26, 2013
RE: 2014 User Charges

Please place the attached resolution on the next Board of Managers agenda for approval.

Cc: 0.4.2. User Charge (2014)

*Item
4(d)(ii)*

**ERIE COUNTY SEWER DISTRICT NO. 6
USER CHARGE RESOLUTION**

WHEREAS, Erie County Sewer District No. 6 has submitted and has received approval of their User Charge System from E.P.A.;

WHEREAS, a formula has been established, a system of rates established and collection of said charges was initiated for a surcharge of flow and pollutants in 1981;

WHEREAS, from time to time, Out-of-District Customer Agreements are negotiated with certain property owners to provide sewer service to properties outside of the Sewer District;

WHEREAS, after public notice in the official County newspapers, a public hearing to discuss the user charges was held on September 24, 2013; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 6 did at their meeting of October 8, 2013 review and approve new rates for the 2014 budget year as follows:

Flow (water use):	\$ 3.35 /1000 gallons
Biochemical Oxygen Demand (BOD ₅):	\$ 0.15 /lb.
Suspended Solids (SS):	\$ 0.06 /lb.
Phosphorous (P):	\$ 0.79 /lb.
Waste Hauler	\$ N/A /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 6 does hereby agree to adopt the aforementioned system of user charges more fully defined as the system of charges approved by the E.P.A. pursuant to Section 266 of the County Law; and be it further

RESOLVED, that the user charge for flow will be based on water use unless the property owner(s) can substantiate actual sewage volumes; and be it further

RESOLVED, that pursuant to Section 266, Out-of-District Customers be assessed sewer charges as if the properties were located within the Sewer District using the same system of charges assessed against properties within the Sewer District; and be it further

RESOLVED, that it is determined the collection of such revenues shall be in the same manner and fashion as the regular sewer district tax bills collected pursuant to Section 271 of the County Law with the existing tax bill; and be it further

RESOLVED, that the Erie County Legislature be directed to request the Director of Budget and Management to collect said user charges from subject properties and parcels of land at the same time as the regular tax bills for the Sewer District and the County are collected.

MOVED BY: _____
SECONDED BY: _____
APPROVED/DISAPPROVED: _____
DATE: _____

JAMES A. CARR, P.E.
SECRETARY

JAC/ms

c: 6.4.2.User Charge (2014)



County of Erie

MARK C. POLONCARZ

County Executive

MARIA R. WHYTE
Commissioner

DEPARTMENT OF ENVIRONMENT AND PLANNING

JOSEPH L. FIEGL, P.E.
Deputy Commissioner

July 30, 2013

Lake Shore Metals Inc.
Owner/Manager
24 Dona St.
Lackawanna, NY 14218

RE: Erie County Sewer District #6 (ECSD #6)
Industrial Waste Survey-2nd Notice

Dear Owner/Manager:

The Division of Sewerage Management (DSM) has been issued a renewed/modified SPDES permit for the **Lackawanna** Sewage Treatment Plant by the New York State Department of Conservation. In accordance with the renewed permit conditions, and federal and state pretreatment regulations, we are required to survey the commercial businesses that are tributary to the treatment facility.

As of the date of this letter, we have not received a completed Industrial Waste Survey (IWS) from your facility. Enclosed please find another copy of the Survey for your completion. As this is a general form, there may be sections that do not pertain to your specific business. For these sections, you may write "not applicable." The completed form is due to this office by August 23, 2013.

If you should have any questions or concerns regarding this matter, please feel free to contact me at 823-8188 ext. 227.

Sincerely,

Laura A. Surdej
Industrial Wastewater Specialist

Enc.

Cc: J. Fiegl/M. Salah/file
G. Absolom/K. Kaminski/ 6.2.4 Pretreat
L.Pohl/M. Walker
S. Canestrari/R. Rehac
J. Carr (ECSD No. 6 BOM)

*Tom
6/30/13*



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE
COMMISSIONER

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

July 17, 2013

Mr. Michael Kerl
United Survey, Inc.
310 Tudor Blvd.
West Seneca, NY 14220

RE: Cured in Place Pipe Lining 2-yr Term Agreement 2012-13
Contract No. 70
Work Order No. 5
Central Region – Erie County Sewer District No. 6, 2

Dear Mr. Kerl:

Please consider this the formal issuing of **Work Order No. 5** effective July 17, 2013 for the Erie County Sewer Districts No. 1, 2, 3, 4, 5, 6, 8 Cured-in-Place Pipe Lining 2-yr Term Agreement, Contract 70. This Work Order covers work to be complete in the Erie County Sewer Districts 6 and 2 under the 2013 Lackawanna and Southern Region budget allocations.

Attached is a list of the sewer sections to be investigated and lined for this Work Order under the above mentioned contract. An electronic version of the list will be provided as well via email to facilitate your planning and record keeping. Maps of the locations of these lines and preliminary condition reports from the County were provided at the pre-construction meeting on December 12, 2012. You are reminded that condition reports provided by the County are for informational purposes only and are not a substitute for investigation work required under this contract. If any maps are missing from the provided information please inform me and I will forward them to you promptly. Please provide me with a proposed work schedule, homeowner notification procedure, and any other pre-investigation submittals, as required per the contract, prior to beginning the investigation work under this Work Order.

If you have any questions please contact me at 716-858-6267.

Very truly yours,

Garry S. Pecak, P.E.
Sanitary Engineer

CC: G. Absolom
ECSD No. 6, 2 BOM
J. Fiegl/J. Carr/W. Lardo/J. Russell/0.3.3.70 (w/enc)
L. Krug/S. Canestrari/P. Breier (w/enc)
M. Matesic (w/enc)
R. Ferber
V:\Sewerage Management\Project Files\Construction\070 CIPP 2012\Work Orders\CIPP WO-70.5.docx

Item
6(c)(6)

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT**

**** MEMORANDUM ****

FROM: *JAC* James A. Carr, P.E., Assistant Deputy Commissioner
TO: Joseph L. Fiegl, P.E, Deputy Commissioner
DATE: September 20, 2013
RE: ECSD No. 1, 2, 3, 4, 5, 6 & 8 Cured In Place Pipe Lining
Contract 70 Two year Agreement; Bid Number 212299-002
United Survey Inc.

Bids for the above contract were received and opened by the Department of Purchasing on September 12, 2012 and awarded to United Survey Inc. (USI). This contract covered work orders for calendar years 2012 and 2013, a two year agreement. We are nearing the end of the two year agreement and in review of the work performed by USI the Division observed excellent work in the form of competent liners, crew knowledge, workmanship and timely responses to questions the Division has posed to USI. USI has been asked if they would hold their 2012 bid prices for years 2014 & 2015. I have attached their letter acknowledging their willingness to extend the current contract prices for two years, 2014 and 2015. It is my understanding that since this contract was bid through Purchasing, that department can choose to extend the contract. Any extension would require a recommendation from our department/division. After discussions with our project engineer, Garry Pecak, P.E. and our chief inspector, James Russell, I am recommending the Division extend Contract 70 CIPP, bid number 212299-002 with United Survey Inc. for the contract years 2014 and 2015 at the 2012 bid prices.

If you have any questions or require more information, Please let me know.

jac

cc: G. Pecak/J. Russell/0.3.3.70 (w/enc.)
D. Millar

*Item
10/10/13*



**UNITED
SURVEY,
INC.**

July 25, 2013

Mr. Garry S. Pecak, P.E.
Erie County Division of Sewerage Management
95 Franklin Street, Room 1034
Buffalo, New York 14202

RE: Cured-In-Place Pipe Lining 2-yr Term Agreement 2012-2013
Contract No. 70

Dear Mr. Pecak:

As we near the end of the 2012-2013 contract for Cured-In-Place Pipe Lining we would be willing to extend our contract for another two years 2014-2015. We agree to offer our services and we are willing to extend our current contract prices for the additional two years, 2014-2015.

We hope you look favorable upon our request, however if you should have any questions, or require any additional information, please feel free to contact us.

Sincerely,

UNITED SURVEY, INC.



Joseph Tartabini, Jr.
President

CC: Michael Kerl

**Sewer Rehabilitation,
Inspection & Maintenance**

25145 Broadway Avenue
Cleveland, Ohio 44146
Phone: (440) 439-7250
Fax: (440) 439-7255



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MARIA R. WHYTE
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

July 30, 2013

Jeffrey A. Konsella, P.E.
New York Department of Environmental Conservation (NYSDEC)
Regional Water Engineer, Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999

Re: State Pollutant Discharge Elimination System (SPDES) Permit NY0022136
Lackawanna Wastewater Treatment Plant (WWTP)
Flow Meter Installation at Locations of Primary Effluent Bypass
SPDES Permit Schedule of Compliance

Dear Mr. Konsella:

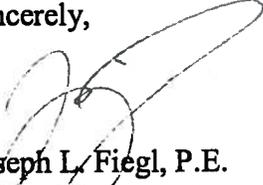
In accordance with the schedule of compliance listed in SPDES Permit NY0022136, the Erie County Division of Sewerage Management (ECDSM) is pleased to submit the following information pertaining to monitoring the primary effluent bypass for the Erie County Sewer District No. 6 Lackawanna WWTP.

After researching available options, ECDSM staff have identified a single location to measure primary effluent bypass flow rates. A new non-contacting MJK ultrasonic level sensor (Shuttle®) was installed at the location of the Lackawanna WWTP excess flow tank. The new level sensor measures the height of liquid in the tank on a continuous basis. When the tank level exceeds the existing weir height, the difference is used to calculate primary effluent bypass flow. This flow rate is displayed, totalized, and logged in the WWTP supervisory control and data acquisition (SCADA) system. The new flow monitoring setup has been calibrated and tested using flow from Outfall 001. The Lackawanna WWTP daily operator "checklist" and the ECDSM's computerized maintenance management system (CMMS) will be updated to ensure that the equipment is checked on a regular basis and maintained as necessary.

*Item
(a)(6)(i)*

The ECDSM trusts that this information will meet with the NYSDEC's approval. If you have any questions, please contact me at (716) 858-7537.

Sincerely,



Joseph L. Fiegl, P.E.
Deputy Commissioner

Encl.

Cc: Erie County Sewer District No. 6 Board of Managers
Bureau of Water Permits – NYSDEC Albany
B. Wager – NYSDEC Region 9
M. Whyte – Commissioner
G. Absolom/K. Kaminski
J. Carr/D. Millar/M. Salah/6.2.3.SPDES Sanitary



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MARIA R. WHYTE
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

July 30, 2013

Jeffrey A. Konsella, P.E.
New York Department of Environmental Conservation (NYSDEC)
Regional Water Engineer, Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999

Re: State Pollutant Discharge Elimination System (SPDES) Permit NY0022136
Lackawanna Wastewater Treatment Plant (WWTP)
Nine (9) Month Progress Report – SPDES Permit Schedule of Compliance

Dear Mr. Konsella:

The Erie County Division of Sewerage Management (ECDSM) has prepared the following nine (9) month progress report for the schedule of compliance listed in SPDES Permit NY0022136:

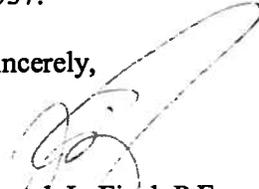
- Capacity, Management, Operation, and Maintenance (CMOM) Program: the "Collection System Program for the Erie County Sewer Districts" was submitted on September 11, 2012 and approved by the NYSDEC on April 18, 2013.
- Infiltration/Inflow (I/I) Analysis and Sewer System Evaluation Survey (SSES): the I/I and SSES work plan was submitted to the NYSDEC on February 27, 2013. The NYSDEC issued a comment letter on the work plan on May 29, 2013. The NYSDEC and the ECDSM are meeting on August 1, 2013 to discuss the next steps.
- Wet Weather Operating Plan: the facility continues to operate under long-standing wet weather operating protocols. An updated written plan will be submitted in advance of the November 1, 2014 deadline.
- No Feasible Alternative Analysis: no substantial work performed to date.
- Annual SSO Report: the first report required under this SPDES permit is to be submitted on April 30, 2014.
- Flow Meter Installation at Locations of Primary Effluent Bypass: a letter detailing the steps taken to address this item was submitted to the NYSDEC on July 30, 2013.
- Percent Removal Requirements for TSS and BOD₅: one option being considered to address the percent removal limitations is the elimination of the Lackawanna WWTP and redirecting said flows to the Buffalo Sewer Authority for treatment. The consultant working on this study is currently analyzing SWMM simulation results using updated information from the Buffalo Sewer Authority long-term control plan. The ECDSM will contact the NYSDEC once data are available to discuss.

*Item
10(9)(ii)*

- Ammonia Nitrogen Study: one option being considered to address the final ammonia limitations is the elimination of the Lackawanna WWTP and redirecting said flows to the Buffalo Sewer Authority for treatment. The consultant working on this study is currently analyzing SWMM simulation results using updated information from the Buffalo Sewer Authority long-term control plan. The ECDSM will contact the NYSDEC once data are available to discuss.
- Total Residual Chlorine (TRC): one option being considered to address the final TRC limitations is the elimination of the Lackawanna WWTP and redirecting said flows to the Buffalo Sewer Authority for treatment. The consultant working on this study is currently analyzing SWMM simulation results using updated information from the Buffalo Sewer Authority long-term control plan. The ECDSM will contact the NYSDEC once data are available to discuss.
- Total Phenolics Study: after one (1) year of data has been collected, the ECDSM will analyze and determine if further study is required.

If you have any questions regarding this nine (9) month progress report, please contact me at (716) 858-7537.

Sincerely,



Joseph L. Fiegl, P.E.
Deputy Commissioner

Cc: Erie County Sewer District No. 6 Board of Managers
Bureau of Water Permits – NYSDEC Albany
B. Wager – NYSDEC Region 9
M. Whyte – Commissioner
G. Absolom/K. Kaminski/S. Canestrari
J. Carr/D. Millar/M. Salah/6.2.3.SPDES Sanitary



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE
COMMISSIONER

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

August 30, 2013

Jeffrey A. Konsella, P.E.
New York Department of Environmental Conservation (NYSDEC)
Regional Water Engineer, Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999

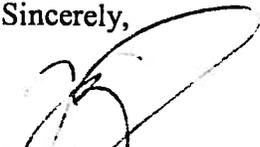
Re: State Pollutant Discharge Elimination System Permits NY0095401 and NY0022136
Infiltration/Inflow (I/I) Analysis and Sewer System Evaluation Survey (SSES) Work Plan
Response to May 29, 2013 Letter

The Erie County Division of Sewerage Management (ECDSM) would like to thank you, Dan. Judd, and Bruce Wager for meeting with us on August 1, 2013 to discuss the NYSDEC's May 29, 2013 letter regarding the I/I and SSES work plans for Erie County Sewer District (ECSD) Nos. 3 and 6. The ECDSM found the meeting helpful to garner a better understanding of the NYSDEC's perspective on these work plans and to provide a forum where the ECDSM could provide additional information on our programs.

At the close of the meeting, the ECDSM and NYSDEC agreed that formal documentation of collection system work already completed in ECSD Nos. 3 and 6 would be the next logical step in the process of finalizing the work plans. The NYSDEC requested that the ECDSM review its records and propose a schedule for submission of the next iteration of these documents. In accordance with that request, the ECDSM commits to submitting updated work plans to the NYSDEC by January 1, 2014.

The ECDSM asks that the NYSDEC confirm that this date is acceptable. If you have any questions, please contact me at (716) 858-7537.

Sincerely,


Joseph L. Fiegl, P.E.
Deputy Commissioner

*Item
(6/6/13)*

Cc: ECSD No. 3 Board of Managers
ECSD No. 6 Board of Managers
Bureau of Water Permits – NYSDEC Albany
D. Judd – NYSDEC Region 9
B. Wager – NYSDEC Region 9
M. Whyte – Commissioner
G. Absolom/K. Kaminski/S. Canestrari
L. Krug
J. Carr/D. Millar/M. Salah/6.2.3.SPDES Sanitary
A. Horton/C. Fiume/7.2.3.SPDES Sanitary

V:\Sewerage Management\Permits\SPDES Permit\11-2012 SPDES Compliance\Letter - Konsella - SSES Update.docx



**ASSEMBLY STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION
ASSEMBLY SUBCOMMITTEE ON OVERSIGHT OF THE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

NOTICE OF PUBLIC HEARING

SUBJECT: Impacts of the 2013-14 State Budget on the Department of Environmental Conservation (DEC) and the Need for a New Environmental Bond Act.

PURPOSE: To review DEC's implementation of the State Budget and to examine the need for a new Environmental Bond Act.

Albany
Friday
September 6, 2013
9:30 a.m.
Roosevelt Hearing Room C, 2nd Floor
Legislative Office Building

The Department of Environmental Conservation (DEC) is responsible for conserving and improving New York's natural resources, managing the State's fish, wildlife and marine resources, and controlling water, land and air pollution to enhance the health, safety and general welfare of the State's residents. The State Fiscal Year (SFY) 2013-14 State Budget provides over \$900 million for the environment.

A 2006 assessment of the costs to repair, replace and update New York's wastewater infrastructure estimated the total funding need to be \$36.2 billion over a 20 year period. A similar assessment for drinking water infrastructure found a need of \$38.7 billion over a 20 year period. In the past, the issuance of environmental bonds has helped to provide funding for capital projects; however, the last environmental bond act was approved in 1996.

The purpose of this hearing is to review the DEC's implementation of programs and the overall impact of the SFY 2013-14 State Budget on the State's environmental programs and to examine the need for a new Environmental Bond Act.

Persons wishing to present pertinent testimony to the Committee at the above hearing should complete and return the enclosed reply form as soon as possible. It is important that the reply form be fully completed and returned so that persons may be notified in the event of emergency postponement or cancellation. Oral testimony will be limited to ten minutes duration. Ten copies of any prepared testimony should be submitted at the hearing registration desk. The Committee would appreciate advance receipt of prepared statements.

In order to meet the needs of those who may have a disability, the Assembly, in accordance with its policy of non-discrimination on the basis of disability, as well as the 1990 Americans with Disabilities Act (ADA), has made its facilities and services available to all individuals with disabilities. For individuals with disabilities, accommodations will be provided, upon reasonable request, to afford such individuals access and admission to Assembly facilities and activities.

Robert K. Sweeney
Member of Assembly
Chair
Committee on Environmental
Conservation

Sean M. Ryan
Member of Assembly
Chair
Subcommittee on Oversight of the
Department of Environmental
Conservation

*Item
(a)(b)*