

**AGENDA**  
**BOARD OF MANAGERS**  
**ERIE COUNTY SEWER DISTRICT NO. 3**  
**OCTOBER 2, 2013, 8:00 A.M.**  
**SOUTHTOWNS TREATMENT PLANT OFFICES**  
*\*Revised\**

1. Call the Meeting to Order
2. Approval of Meeting Minutes
  - a. June 19, 2013
  - b. June 26, 2013
3. Items from the Public
4. New Business
  - a. Payments (Handout)
  - b. 2014 Meeting Schedule (Handout)
  - c. Contract 71 – Close Out (Handout)
  - d. I/I Compliance
    - i. Confirmation of Telephone Poll – Approval for Compliance Hearing (Handout)
    - ii. Approval for Compliance Hearing (Handout)
    - iii. Approval for Fine Stages (Handout)
  - e. User Charges
    - i. User Charges for 2014 Budget (Handout)
    - ii. Notice of Public Hearing ( Handout)
    - iii. Minutes form Public Hearing (Handout)
    - iv. Approval of Resolution (Handout)
  - f. Engineering Agreement URS – Change Order No. 5
  - g. CRA Work Assignment – Rogers Road PS Elimination, Flow Evaluation (Handout)
  - h. Award of Agreement Facility Report Update RFP (Handout)
  - i. Truckers Discharge Permit (Handout)
5. Old Business
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. 40 – Resident Letter: Road Re-Construction (Handout)
    - ii. Contract No. 40 – Final Walk (Handout)
    - iii. Contract No. 70 – Contract Extension for 2014-15 (Handout)
  - d. NYSDEC Approval– Robin Lane Sanitary Sewer Improvements (Handout)
  - e. Ltr. to NYSDEC
    - i. Facility Report Work Plan Schedule (Handout)
    - ii. SPDES Permit Schedule of Compliance – 9 Month Progress Report – STs & Blasdell (Handout)
    - iii.
      - a. I/I & SSES Work Plan Response (Handout)
      - b. I/I & SSES Work Plan Response Approval (Handout)
  - f. Request for Intermunicipal Agreement between (T) Orchard Park & ECSD 3 (Handout)
  - g. Basement Backup Claim – 4759 Lakeshore Road (Handout)
  - h. Ltr. to NYSOEM: FEMA 1857-DR-NY Large Project Final Accounting (Handout)
  - i. Article: Erie County, Village of Hamburg Cooperate to Eliminate Sewer Overflows (Handout)
  - j. NACWA SSI Update
  - k. New Environmental Bond Act (Handout)
  - l. Property License Request
7. Adjournment & Next Meeting

**Wednesday, December 11, 2013 @ 8:00 a.m.**  
**Southtowns Sewage Treatment Plant**

ERIE COUNTY SEWER DISTRICT NO. 3  
BOARD OF MANAGERS MEETING  
WEDNESDAY JUNE 19, 2013  
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM

MEMBERS PRESENT: Gerry Kapsiak, Michael Kasprzyk, , Dave Millar, Chairman John Mills, Karl Simmeth, John Wilson, Don Witkowski

MEMBERS ABSENT: David Kaczor, Glenn Nellis  
(Mr. Kaczor was absent for medical reasons.)

OTHERS PRESENT: Glenn Absolom, Steve Canestrari, Joe Fiegl, Kevin Kaminski, Jill Krafft, Larry Krug

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:02 a.m.

ITEM NO. 2 – APPROVAL OF MINUTES OF PREVIOUS MEETING

On a motion by Mr. Kasprzyk, seconded by Mr. Wilson, the Board voted to approve the minutes from the April 10, 2013 meeting. The motion carried 7 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None.

ITEM NO. 4 – NEW BUSINESS

a. Payments (Handout)

Mr. Millar presented the payments handout for the month of June 2013. On a motion by Mr. Simmeth, seconded by Mr. Witkowski, the Board voted to approve the June 2013 payments. The motion carried 7 – 0.

b. Contracts 12ST-A & 12ST-D – Close Out (Handout)

Mr. Millar presented suggested resolutions for the close out of the general and electrical contracts for the Dewatering Sludge Pump Replacement Project at the Southtowns AWTF, Contracts 12ST-A and 12ST-D, respectively. Mr. Millar informed the Board that this project increased the efficiency and flexibility of dewatering and incineration operations at the plant. Contract 12ST-A was completed in the final amount of \$1,874,347.41 which includes Change Order No. 2 (final), an increase of \$32,494 necessary to add stiffeners to existing press hoppers for structural reinforcement. Contract 12ST-D was completed in the final amount of \$98,129.95

*Item 2(a)*

which includes Change Order No. 1 (final), a decrease of \$17,270.05. All work was satisfactorily completed.

On a motion by Mr. Kasprzyk, seconded by Mr. Wilson, the Board voted to approve the Contracts 12ST-A and 12ST-D Close Out handout. The motion carried 7 – 0.

c. Confirmation of Telephone Poll – Contract 23 – Close Out (Handout)

The Board considered confirmation of the May 2, 2013 telephone poll approving close out of the Pinecrest Terrace/Valley Circle Lane Sanitary Sewer Replacement Project, Contract No. 23. The project was completed in the final amount of \$1,847,577.66 which includes Change Order No. 1 (final), a decrease of \$33,573.44. All work has been satisfactorily completed.

On a motion by Mr. Simmeth, seconded by Mr. Millar, the Board voted to approve the telephone poll confirmation. The motion carried 7 – 0.

d. Award of Engineering Agreement – GHD Consulting (Handout)

Mr. Millar presented a suggested resolution for award of an engineering agreement with GHD Consulting Services, Inc. for general services during construction and resident inspection services associated with upgrades at the Southtowns AWTF in the amount of \$688,700.00. The related services are necessary to implement influent pumping station and ORF improvements at the treatment plant to accommodate flow from the Rush Creek Interceptor (RCI) Project. The Division of Sewerage Management (DSM) recommends award of this agreement for these purposes. Mr. Fiegl explained the history of the project and noted the DSM performed parallel estimates to verify the services fee. Mr. Fiegl added that the County's MBE/WBE requirements were considered during GHD's development of the budget.

On a motion by Mr. Millar, seconded by Mr. Mills, the Board voted to approve award of engineering agreement to GHD Consulting Services, Inc. The motion carried 7 – 0.

e. Change Order No. 1 – GHD Consulting (Handout)

Mr. Millar presented a copy of the Change Order No. 1 to GHD Consulting Service's October 6, 2004 engineering agreement. This change order is necessary to design upgrades at the Southtowns AWTF necessary to accommodate flows from the RCI project, specifically, influent pumping and ORF related upgrades. Mr. Fiegl informed the Board that part of this change order includes development of a technical memorandum to address New York State Department of Environmental Conservation comments related to the RCI Water Quality Improvement Project grant.

On a motion by Mr. Mills, seconded by Mr. Millar, the Board voted to receive and file Change Order No. 1. The motion carried 7 – 0.

f. Recent Buffalo News Article

Mr. Fiegl discussed a May 26, 2013 article that appeared in the Buffalo News entitled "Heavy Rains Turn Lake Erie into a Toilet". The article focused on wastewater discharges to Lake Erie and the associated impact on water quality and beach closings. ECSD No. 3 was referenced in the article. Mr. Fiegl noted that the article was incomplete as it did not address all potential sources throughout the watershed that contribute to water quality and the beach closure issue. Mr. Fiegl stated the article also made reference to sanitary sewers leaking into the ground, also known as exfiltration, and then into the Lake. While this condition may occur in private sanitary sewer lateral connections, Mr. Fiegl stated he has never seen a study to substantiate exfiltration in the Western New York area for public sanitary sewers – particularly because of the groundwater levels and subsequent infiltration issues. He added that many significant details were left out of the article and that no comments from sanitary sewer service providers were included.

Mr. Fiegl continued by stating that ECSD No. 3 recently assumed responsibility for several sanitary sewer systems, many with known problem areas or overflows that have existed for decades. There was no information in the article on solutions employed to eliminate overflows (such as all four (4) overflows eliminated in the Village of Hamburg), the millions of dollars spent in these areas since the mergers in the 2000's, or the County's plans (i.e. the RCI project). Mr. Fiegl then stated the message that should be shared with the public is that the ECSD No. 3 personnel and Board of Managers have done a tremendous job improving water quality.

This is an informational item. No action is required by the Board.

ITEM NO. 5 – OLD BUSINESS

None

ITEM NO. 6 – MISCELLANEOUS/INFORMATIONAL ITEMS

a. Operational Report

Kevin Kaminski reported that grit cleaning of Bio Reactor No. 4 was being completed and, once that is done, the entire cleaning project will be finished. He also reported that changes had been made to the odor control system which involved replacing plastic parts with stainless steel parts.

Mr. Absolom reported a recent rain event of 1.5" - 2" over a 2-hour period which caused problems in the collection system.

Item 6.m., presented below, was discussed at this point in the meeting.

b. Pretreatment Report

Industrial Survey

An Industrial Waste Survey (IWS) was sent to all businesses tributary to the Southtowns and Blasdell Treatments Plants having the potential for industrial wastewater discharges, as required by the new SPDES Permit. IWS's will be reviewed and any prone discharges will be inspected. Industrial Wastewater Discharge Permits will be issued as necessary. Completed IWSs were due June 7<sup>th</sup>. As of June 11<sup>th</sup>, the Blasdell plant sent 13 letters with 5 received complete. The Southtowns Plant sent 96 letters, receiving 34 complete. Two businesses had moved or were no longer operating.

Industrial Pretreatment

Mr. Millar reported that Steuben Foods is continuing to use chlorine dioxide (ClO<sub>2</sub>) for odor control. To date, no odor complaints have been received while using this method. Steuben continues to keep sodium hypochlorite on-site and available as a backup should any problems arise.

i. Letter to local businesses – Industrial Waste Survey (Handout)

Mr. Millar presented a copy of the transmittal letter and a list of ECSD No. 3 commercial businesses that were sent and industrial waste survey per the terms of the new SPDES Permit. He informed the Board that the surveys were due by June 7<sup>th</sup>.

c. Construction Report

Mr. Millar reported that the Roseview, South Davis and West Quaker Sewer Rehabilitation Project, Contract 71, is complete. Also, the Elma Force Main Air Release Valves Replacement Project is 60% complete. Approximately 50% of the new sewer line has been installed on the Charlotte, Sherburn, McKinley Pump Station Elimination Project, Contract 40, and the McKinley Pump Station has been decommissioned and removed.

i. Contract No. 70 CIPP Lining – Issuance of Work Order 4 (Handout)

The Board reviewed a copy of Work Order No. 4, issued to United Survey, Inc., for Cured-in-Place Pipe (CIPP) lining work to be completed under the 2013 budget allocation in ECSD No. 3. This Work Order is a continuation of lining work that has been completed in the District. This assignment will focus on areas in the Village of Orchard Park and Wanakah.

d. EPA Sanitary Sewer System Compliance Evaluation Inspection (Handout)

The Board reviewed a copy of a report from the EPA Compliance Evaluation Inspection of ECSD No. 3 conducted on February 25<sup>th</sup>. The inspection was part of a nationwide assessment

of collection systems focused on minimizing SSOs. The report recommended that the District focus on abating reoccurring SSOs.

e. Ltr. to Steuben Foods – Violation Response Letter (Handout)

The Board reviewed a copy of a letter from the DSM to Steuben Foods acknowledging receipt of Steuben's April 26, 2013 response the April 10, 2013 Notice of Violation. The letter stated that Steuben's efforts to improve its discharge have been substantial.

f. Ltr. to NYSDEC – Wet Weather Operation Plan (Handout)

The Board reviewed a copy of an April 30, 2013 transmittal letter from the DSM to the DEC for submission of the Wet Weather Operating Plan that was required by the Southtowns AWTF SPDES Permit, Schedule of Compliance.

g. Ltr. to NYSDEC – Influent Monitoring of ORF (Handout)

The Board reviewed a copy of a letter detailing information pertaining to influent monitoring for the ORF at the treatment plant. This letter was submitted to the DEC as a requirement of the Southtowns AWTF SPDES Permit, Schedule of Compliance.

h. Ltr. to NYSDEC – Emergency Bypass/Outfall 004 (Handout)

The Board reviewed a copy of a letter summarizing planning efforts to address slot flows at the newly designated Outfall 004. This letter was submitted to the DEC as a requirement of the Southtowns AWTF SPDES Permit, Schedule of Compliance.

i. Ltr. from NYDEC – Acceptance and Approval of ECSD 3 CMOM plan (Handout)

The Board reviewed a copy of an approval letter from the DEC for "collection System Program for the Erie County Sewer Districts" plan submitted by DSM to satisfy the Capacity, Management, Operation, and Maintenance (CMOM) requirement of the Southtowns AWTF SPDES Permit, Schedule of Compliance. The plan calls for preparation of an annual report detailing collection system I/I abatement efforts.

j. Sewer Backup Claim Response – 154 Brookwood Drive (Handout)

Mr. Millar presented a letter from the DSM to the resident at 154 Brookwood Drive in the Village of Hamburg denying a claim for damages resulting from a sewer backup. The denial is based on the grounds that the DSM was not negligent in this matter.

k. Ltr. to Assemblyman Ryan – Woodlawn Beach State Park (Handout)

The Board reviewed a copy of a letter sent from the DSM to Assemblyman Sean Ryan in response to correspondence from his office concerning water quality issues at Woodlawn Beach. A presentation and tour of the Southtowns AWTF was subsequently given to the Assemblyman's staff to provide them with a better understanding of the facility's capabilities.

l. Compliance Hearings & Retainer Agreement (Handout)

The Board reviewed a copy of a Retainer Agreement with the new compliance hearing officer, Feldman Kieffer, LLP. A compliance hearing has been set for Wednesday, August 14, 2013, from 1:30 to 3:30 p.m. at the Southtowns AWTF to address outstanding sewer violations.

m. Sewage Pollution Right to Know Act

Mr. Fiegl reported that the first phase of the Sewage Pollution Right to Know Act went into effect on May 1, 2013. Under the new law, notification is required within two hours for all discharges by publically owned treatment works and publically owned sewer systems. The DEC is developing regulations under a second phase of the law for reporting to be directly to the public. Mr. Fiegl added that a letter was sent in April to the elected officials of all areas serviced by County sewers to be notified under the Right to Know Act. All are notified, in full compliance of the law, within two hours of a discharge.

n. Ltr. to Town of Elma – Elma Pumping Station Update (Handout)

Mr. Millar presented a letter sent, at the request of the Board at its last scheduled meeting, to the Town of Elma. The letter was sent to communicate the status of the Elma Pump Station and Force Main, as it relates to the Maple/Jamison Rd/ RT. 400 corridor, for commercial regional expansion serviced by municipal wastewater services.

On a motion by Mr. Millar, seconded by Mr. Simmeth, the Board voted to receive and file the miscellaneous/informational items above. The motion carried 7 – 0.

Mr. Kasprzyk questioned whether or not other Erie County Sewer Boards of Managers conduct business in similar fashion to the District No. 3 Board. Mr. Absolom and Mr. Fiegl noted that all of the Boards operate in a similar fashion; however, the District 3 Board of Managers is one of the more proactive and supportive.

Mr. Wilson questioned whether or not the DSM could send a representative to attend a meeting of the Association of Erie County Governments to make supervisors and Mayors aware of what is going on with infrastructure issues. Mr. Fiegl responded by stating he is willing to attend and participate in one of those meetings.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Wilson, seconded by Mr. Kasprzyk, the meeting was adjourned at 9:14 a.m. The motion carried 7 – 0.

Next meeting is scheduled for Wednesday June 26, 2013 at 8:00 a.m.

Respectfully submitted



Secretary  
ECSD No. 3 – Board of Managers

DM:jk

Motion to Approve June 19, 2013 Minutes

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

App./Disapp.: \_\_\_\_\_

Date: \_\_\_\_\_

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David C. Millar, Secretary  
ECSD No. 3 Board of Managers

**BOARD OF MANAGERS  
ERIE COUNTY SEWER DISTRICT NO. 3 & 8  
JUNE 26, 2013  
SOUTHTOWNS SEWAGE TREATMENT PLANT  
BUDGET MEETING**

**MEMBERS PRESENT:** John Wilson, Michael Kasprzyk, Gerry Kapsiak, David Millar, John Mills, Glenn Nellis, Edward Paolini (District 8), Karl Simmeth

**OTHERS PRESENT:** Glenn Absolom, Steve Canestrari, Joe Fiegl, Kevin Kaminski, Larry Krug, and Courtney Kurtz

**MEMBERS ABSENT:** David Kaczor, Don Witkowski  
(Mr. Kaczor was absent for medical reasons.)

**1. Open Meeting**

Chairman John Mills called the District No. 3 meeting to order at 8:04 a.m.

**2. Items from the Public**

None.

**3. Old Business**

Mr. Fiegl discussed two potential funding options for general services and construction inspection services related to the Southtowns AWTF portion of the Rush Creek Interceptor project, for the Board's consideration. The first option involves use of capital reserves to fund engineering services; the second funding option involves a New York State Environmental Facilities Corporation (EFC) borrowing. After discussions, the Board agreed to use capital reserves for the stated purpose.

**4. New Business**

None.

**Adjournment**

On a motion by Chairman Mills, seconded by David Millar, the ECSD No. 3 Board of Managers meeting was procedurally adjourned at 8:10 a.m. in order to conduct the combined ECSD No. 3 and No. 8 budget meeting. The motion carried 7 – 0.

**2014 Combined Budget Meeting**

Chairman John Mills called the combined budget meeting of ECSD Nos. 3 and 8 to order at 8:10 a.m.

**a. Presentation and Approval of 2014 Budget**

**i. Proposed 2014 Budget (Handout)**

*Item 2(b)*

Mr. Fiegl presented the proposed ECSD Nos. 3 and 8 Budget to the Board. For ECSD No. 3, the 2014 appropriations are expected to increase \$1.2 million or 6.5%; however, there are offsetting revenues that temper the expected increase to the typical ratepayer down to 3 – 5%.

ECSD No. 3 is part of the combined ECSD Nos. 3 and 8 budget. The ECSD Nos. 3 and 8 budget is developed based upon a Memorandum of Understanding dated 6/17/08. Essentially, the Memorandum of Understanding outlines which costs or expenses are shared items and which items are exclusive to individual districts and their respective budgets. In summary:

- Costs such as supplies, equipment, “District-wide” expenses etc. are shared based upon the ratio of units in each sewer district and the total units in the ECSD Nos. 3 and 8 service areas.
- Debt service, revenues, fund balance, and capital reserve are exclusive to each sewer district.

On June 25, 2013, the ECSD No. 8 Board of Managers approved its portion of this budget. Mr. Edward Paolini, Secretary of the ECSD No. 8 Board of Managers, was present to represent that Board. ECSD No. 8 unanimously approved this budget, with the understanding that further review would occur at this meeting.

Mr. Fiegl continued the discussion by stating that, for this year, Central Region shares in approximately 39.5% of the Division-wide expenses. Within Central Region, ECSD No. 3 is responsible for approximately 90 – 91% of the costs.

Reviewing the overall summary for the ECSD No. 3, total appropriations are projected to increase over \$1.2 million when compared to 2013, with increases in both the operation and maintenance and debt service accounts. Major components of the operation and maintenance increase consists of the proposed capital reserve allocation, additional cured in place lining, purchase of a new flusher, and personnel costs. Mr. Fiegl stated that he is proposing one new position for 2014, a Senior Sanitary Chemist. This person will eventually take over position of lab director under the NYSDOH ELAP certification program in order to maintain the lab’s certification for testing in New York State. Due to the new SPDES permit requirements, additional lab supervision is important. Furthermore, this position will provide better succession planning in a critical area of operations.

On the revenue side, the most significant changes from the budget passed last June are charges to contracting communities (Mount Vernon Sewer District O&M), approximately \$294,000 of additional fund balance use, and increased fees to be collected from Steuben Foods based on the greater volume of wastewater discharge from that facility.

As stated previously, the typical ratepayer (single family home) in ECSD No. 3 will pay approximately 3 – 5% more in 2014 when compared to 2013 budget. It is important to note that 2013 rates were essentially the same as the 2012 levy.

Fringe benefits for employees are being calculated at 67% in this budget. Actual numbers are not available at this time. Increases in pension and medical insurance are projected, influencing the change from the 2013 budget. Chairman Mills stated that this number is not realistic. Mr. Fiegl stated

that the Division of Sewerage Management (DSM) does not have influence with regard to fringe benefits; this number is provided by the County based on best projections at this time. Better projections are developed by the Budget office later in the year. Mr. Kapsiak requested a comparison of budgeted vs. actual fringe benefit costs for past years. Mr. Fiegl stated he will attempt to provide that information to the Board.

The 2013 equipment line items represent over \$1.1 million of the Central Region budget. The major items includes various treatment plant equipment replacements throughout the Region, replacement of underground fuel storage tanks at three (3) pumping stations, replacement of a truck mounted flusher, three (3) vehicles, and the Central Region's standard unanticipated replacement item. Mr. Kasprzyk requested a code for the abbreviations under the 2014 Equipment items, making it easier for the Board while reviewing.

While the Board reviewed the items of equipment, Mr. Kasprzyk requested clarification about the tool storage and control system. Mr. Kaminski explained that this piece of equipment will keep better track of tools and allow employees to share tools across each shift. Originally there was an increase in the tool replacement code in the budget detail, which was subsequently cut. Mr. Absolom informed the Board of the request for a new truck mounted flusher, as the current condition of the 1997 GMC has been experiencing increasing maintenance costs and nearing the end of its useful life. Mr. Wilson asked if the District maintains an equipment replacement schedule. Mr. Absolom stated that the District attempts to replace 10% of fleet every year.

Before going into specific details of the budget line codes, Mr. Fiegl explained that the budgets are developed conservatively, with the understanding that monies left over at year end are transferred to the fund balance and then can be utilized as revenue to offset future rate impacts. Items listed in the budget as "DSM" are expenses for the Downtown office. Central Region contributes 39.5% of these Downtown office expenses.

A review of the individual budget codes was provided. Specific items highlighted included the budgeting on fuel, various changes in Maintenance and Repair supply codes, the \$250,000 increase in I/I repair, AVL monitoring, an increase of \$100,000 in miscellaneous construction projects, explanation of the increase in rental equipment, breakdown on capital reserve allocation (\$350,000 increase, for total of \$1,000,000), utility costs, and personnel costs.

Chairman Mills questioned why the cost and usage of chemicals did not change from last year. Mr. Kaminski stated that, for budget purposes, he reviews usage from the previous 2-years and added any unused chemicals carry over into stock/storage. The numbers in this budget reflect the result of his review. Mr. Simmeth asked for clarification regarding the increase in rental charges. Mr. Fiegl stated that this increase was for rental of a backup pump at the Elma pumping station. Steuben Foods will actually pay the \$4,000 a month for a pump that will be located at the station. Currently the station does not have redundancy at peak flows, so if one of the two existing pumps fails there is not sufficient capacity.

Fund balance usage as an offsetting revenue is budgeted as 55%. The available district fund balance at 12/31/2012 represents approximately 3.6 months of 2014 budgeted appropriations. Observing recent trends on amount available and amount used, along with anticipated projects on the horizon, it is believed that this allocation of fund balance is prudent. That being said, next year trends should be reviewed to see if additional monies from the fund balance should be allocated.

It is recommended for the 2014 budget that the flat charge be increased to \$215.00 per unit and the base footage charge be increased to \$0.55/foot.

On a motion by Dave Millar, seconded by Edward Paolini, the Board voted to approve the budget presented for both ECSD Nos. 3 and 8. The motion carried 8 – 0.

**The 2014 Combined Budget meeting was closed and the District No. 3 Board of Managers meeting resumed.**

**i. 271 Resolution**

It was resolved that approximately 35%, 10% and 55% of the total sanitary sewer tax levy of \$13,704,049 shall be raised from the assessed value, footage and flat charges, respectively, for ECSD No. 3.

On a motion by Mr. Nellis, seconded by Mr. Wilson, the Board voted to approve the 271 Resolution. The motion carried 7 – 0

**5. Adjournment and Next Meeting**

The Board discussed the need to hold the next regularly scheduled meeting on July 10, 2013. On a motion by Chairman Mills, seconded by Mr. Simmith, the meeting scheduled for July 10, 2013 was cancelled. The motion carried 7 – 0.

On a motion by Chairman Mills, seconded by Mr. Kasprzyk, the meeting was adjourned at 9:20 am. The motion carried 7 – 0.

**The next Board of Managers Meeting is  
Wednesday, October 2, 2013 at 8:00 am  
Southtowns Treatment Plant**

DM:ck

**Motion to Approve June 26, 2013 Budget Meeting Minutes**

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

App./Disapp.: \_\_\_\_\_

Date: \_\_\_\_\_

*Respectfully submitted,*

*David C. Millar*  
Secretary, ECSD No. 3 BOM

David C. Millar, Secretary  
ECSD No. 3 Board of Managers

**TABULATION OF PAYMENTS  
TO BE APPROVED BY ECSD # 3  
BOARD OF MANAGERS**

October 2, 2013

<u>DATE</u>	<u>BOND ACC</u>	<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
10/2/13	C.00038	GHD (Stearns)	Stowns Plant Upgrade Design Inv 8616214	18,385.30
			8615115	1,963.75
			8615116	537.44
			93702473	37,171.31
			93702912	35,716.62
10/2/13	C.00062	Milherst	3 PS Elimination Inv 40-06	115,587.73
			40-07	182,190.38
			40-08	166,979.32
10/2/13	C.00062	Hydrolawn	Spot Repairs Inv 3299	23,011.08
			3315	30,237.90
10/2/13	C.00038	CRA	Stowns Bioclarifiers Inv 10434	784.89
			10523	1,934.12
10/2/13	C.00073	CRA	Crescent Ave PS Relocation Inv 10522	3,694.86
			10524	705.65

MOVED BY :

SECONDED BY

APPROVED/DISAPPROVED

DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECRETARY

*Item  
4(a)*

**BOARD OF MANAGERS**  
**ERIE COUNTY SEWER DISTRICT NO. 3**  
**2014 MEETING SCHEDULE**

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Wednesday, February 12	8:00 a.m.	Treatment Plt. Ofcs.
Wednesday, April 9	8:00 a.m.	Treatment Plt. Ofcs.
Wednesday, June 18	8:00 a.m.	Treatment Plt. Ofcs.
Wednesday, June 25 (Budget)	8:00 a.m.	Treatment Plt. Ofcs.
Wednesday, July 9	8:00 a.m.	Treatment Plt. Ofcs.
Wednesday, October 1	8:00 a.m.	Treatment Plt. Ofcs.
Wednesday, December 10	8:00 a.m.	Treatment Plt. Ofcs.

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

APPROVED/DISAPPROVED \_\_\_\_\_

DATE \_\_\_\_\_

\_\_\_\_\_  
David Millar  
SECRETARY

DM/bp  
9/13

*Item  
4(b)*

**COUNTY OF ERIE**  
**DEPARTMENT OF ENVIRONMENT & PLANNING**  
**DIVISION OF SEWERAGE MANAGEMNT**  
**\*\* MEMORANDUM \*\***

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**TO:** David Millar, P.E., Secretary ECSD No. 3 Board of Managers  
**FROM:** Rosaleen B. Nogle, P.E., Asst. Public Health Engineer   
**DATE:** September 6, 2013  
**RE:** Erie County Sewer District No. 3 Board of Managers  
Contract No. 71  
Close Out – Hydrolawn of Buffalo, Inc.

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Attached for the District No. 3 Board of Manager's action is a suggested resolution for the close out of Contract No. 71, Roseview, W. Quaker, South Davis, Iroquois, and Broezel Sewer Rehabilitation Project, in the final amount of \$ 109,262.95 which includes Change Order No. 1, a decrease of \$63,327.61. All work has been satisfactorily completed.

As the Board will not be meeting until Wednesday, October 2, 2013, please phone poll the Board for approval of the resolution to close out Contract No. 71

Should you require anything further on this matter, please let me know.

RBN;ms

Encl.

CC: J.Carr/M.Salah/0.3.3.71 (w/encl.)

*Item 4(c)*

RESOLUTION  
ERIE COUNTY SEWER DISTRICT NO. 3  
BOARD OF MANAGERS

WHEREAS, the Erie County Sewer District No. 3 Board of Managers has been advised that Contract No. 71, Roseview, W. Quaker, South Davis, Iroquois, and Broezel Sanitary Sewer Rehabilitation Project, has been satisfactorily completed; and

WHEREAS, the Erie County Department of Environment and Planning, recommends the final acceptance of Contract No. 71, Roseview, W. Quaker, South Davis, Iroquois, and Broezel Sanitary Sewer Rehabilitation Project, in the final contract amount as follows:

<u>District</u>	<u>Original Contract</u>	<u>Change Order No. 1</u>	<u>Final Contract</u>
ECSD #3	\$72,057.45	(\$4,470.93)	\$67,586.53
ECSD #4	\$100,533.11	(\$58,856.68)	\$41,676.43
Total	\$172,590.56	(\$63,327.61)	\$109,262.96

WHEREAS, the Erie County Department of Environment and Planning further recommends final payment to Hydrolawn of Buffalo, Inc. at the final contract amount of:

ECSD #3 Portion:	\$67,586.53
ECSD #4 Portion:	\$41,676.43
Total	\$109,262.96

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 71, Roseview, W. Quaker, South Davis, Iroquois, and Broezel Sanitary Sewer Rehabilitation Project, between Erie County and Hydrolawn of Buffalo, Inc., be finally accepted in the final contract amount of \$109,262.96; and be it further

RESOLVED, that the Erie County Sewer District No. 3 Board of Managers hereby recommends that the Erie County Legislature move to direct the Erie County Comptroller to make final payment for Contract No. 71, Roseview, W. Quaker, South Davis, Iroquois, and Broezel Sanitary Sewer Rehabilitation Project to Hydrolawn of Buffalo, Inc., at the final contract amount of \$109,262.96.

Respectfully submitted,

David Millar, P.E.  
Secretary to Board of Managers  
Erie County Sewer District No. 3

Moved by:  
Seconded by:

Ayes:        Nays:

Date:

File: 0.3.3.71

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

• • MEMORANDUM • •

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TO: DAVID C. MILLAR, P.E., Secretary, ECSD 3 Board of Managers  
FROM: *JMA* ANGELA M. HORTON, P.E., Coordinator of Sewer Construction Projects  
DATE: June 28, 2013  
SUBJECT: ECSD 3 Board of Managers – Approval for Compliance Hearing

---

Please present at your next Board of Managers meeting the attached list of property owners that 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](mailto:angela.horton@erie.gov).

APPROVAL OF 7/2/2013 EMAIL POLL

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

APPROVED/DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

---

David C. Millar, P.E.  
SECRETARY

Encl.  
cc: 3.2.2.I&I

APPROVED VIA EMAIL POLL, 9-0  
JULY 2, 2013  
*David C. Millar*

*Item 4(d)(i)*



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

June 28, 2013

RACHEL CASTRICONE  
4239 SHEVA LN  
HAMBURG, NY 14075-1315

Re: **FINAL VIOLATION NOTICE**  
Erie County Sewer District No. 3, Mini System 8  
For Property Located at: 4239 SHEVA LN

Dear Property Owner,

A recent review of our records indicate that you were advised by letters dated 5/3/2012, 9/6/2012, and 10/17/2012, that the above mentioned property was inspected on 10/21/2010, 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 & REPLACE PERFORATED CAP W/A MUSHROOM CAP**

As a result of your failure to comply with these notifications, your name has been referred to the 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 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  
Sewer District Manager

cc: Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.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](http://www.erie.gov/dsm).



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

June 28, 2013

JENNIFER L HOUSTON  
4020 SOUTH PARK AVE  
BLASDELL, NY 14219-2420

Re: **FINAL VIOLATION NOTICE**  
Erie County Sewer District No. 3, Mini System 28  
For Property Located at: **4020 SOUTH PARK AVE**

Dear Property Owner,

A recent review of our records indicate that you were advised by letters dated 5/3/2012, 9/6/2012, and 10/17/2012, that the above mentioned property was inspected on 4/7/2009, and the following apparent violation of Section 305 and/or 501 of the "RULES AND REGULATIONS FOR ERIE COUNTY SEWER DISTRICTS" was observed:

**INSTALL CAST IRON MUSHROOM CAP ON VENT**

As a result of your failure to comply with these notifications, your name has been referred to the 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 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  
Sewer District Manager

cc: Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.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."

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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

June 28, 2013

RONALD P GOLDEN  
5048 ROSEVIEW AVE  
BLASDELL, NY 14219

Re: **FINAL VIOLATION NOTICE**  
Erie County Sewer District No. 3, Mini System 6  
For Property Located at: **5048 ROSEVIEW AVE**

Dear Property Owner,

A recent review of our records indicate that you were advised by letters dated 5/3/2012, 9/6/2012, and 10/17/2012, 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:

**INSTALL MUSHROOM CAP ON VENT**

As a result of your failure to comply with these notifications, your name has been referred to the 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 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  
Sewer District Manager

cc: Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.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."

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# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

June 28, 2013

TIMOTHY A ECKERT  
5156 OLYMPIC AVE  
BLASDELL, NY 14219

Re: **FINAL VIOLATION NOTICE**  
Erie County Sewer District No. 3, Mini System 6  
For Property Located at: **5156 OLYMPIC AVE**

Dear Property Owner,

A recent review of our records indicate that you were advised by letters dated 5/3/2012, 9/6/2012, and 10/17/2012, that the above mentioned property was inspected on 10/27/2011, and the following apparent violation of Section 305 and/or 501 of the "RULES AND REGULATIONS FOR ERIE COUNTY SEWER DISTRICTS" was observed:

**REPLACE PLASTIC OR SOLID CAP WITH MUSHROOM CAP ON VENT**

As a result of your failure to comply with these notifications, your name has been referred to the 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 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  
Sewer District Manager

cc: Board of Managers  
A. Horton / 3.2.2.1&I, 8.2.2.1&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."

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# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

June 28, 2013

PAUL J O'BRIEN  
JULIE M O'BRIEN  
23 HILLVIEW PL  
HAMBURG, NY 14075

Re: **FINAL VIOLATION NOTICE**  
Erie County Sewer District No. 3, Mini System 21  
For Property Located at: **23 HILLVIEW PL**

Dear Property Owner,

A recent review of our records indicate that you were advised by letters dated 5/3/2012, 9/6/2012, and 10/17/2012, that the above mentioned property was inspected on 6/30/2011, and the following apparent violation of Section 305 and/or 501 of the "**RULES AND REGULATIONS FOR ERIE COUNTY SEWER DISTRICTS**" was observed:

**DISCONNECT DOWNSPOUT FROM THE SANITARY SEWER**

As a result of your failure to comply with these notifications, your name has been referred to the 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 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  
Sewer District Manager

cc: Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.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."

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

• • MEMORANDUM • •

---

TO: DAVID C. MILLAR, P.E., Secretary, ECSD 3 Board of Managers  
FROM: *JMH* ANGELA M. HORTON, P.E., Coordinator of Sewer Construction Projects  
DATE: September 13, 2013  
SUBJECT: ECSD 3 Board of Managers – Approval for Compliance Hearing

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Please present at your next Board of Managers meeting the attached list of property owners that are in one of the following categories and require a Compliance Hearing:

- 1) Have not completed a house inspection.
- 2) Have not corrected a violation found during their house inspection.

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](mailto:angela.horton@erie.gov).

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

APPROVED/DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

---

David C. Millar, P.E.  
SECRETARY

Encl.

cc: 3.2.2.I&I

*Item  
4(d)*



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

**MARIA R. WHYTE**  
COMMISSIONER  
September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

**JOSEPH L. FIEGL, P.E.**  
DEPUTY COMMISSIONER

KYLE A KILGER  
2798 CLOVERBANK RD  
HAMBURG, NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **2798 CLOVERBANK RD**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 4/22/2013, 7/11/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding 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 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 non compliance continues.

Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: **ECSD 3 Board of Managers**  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

*SECTION 1001 – Powers and Authority of Inspectors: "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."*



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

September 10, 2013

ANTHONY DESALVO  
4927 CHAPMAN PKWY  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **4927 CHAPMAN PKWY**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding 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 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 non compliance continues.

Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

*SECTION 1001 – Powers and Authority of Inspectors: "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."*



# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

ROBERT J BIGAJ  
AMY M BIGAJ  
4956 CHAPMAN PKY  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **4956 CHAPMAN PKWY**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding 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 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 non compliance continues.

Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

**SECTION 1001 – Powers and Authority of Inspectors:** "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

SARAH ST JOHN  
5026 CHAPMAN PKWY  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **5026 CHAPMAN PKWY**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding 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 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 non compliance continues.

Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Castrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

***SECTION 1001 – Powers and Authority of Inspectors:** "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."*



# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

COLLIN D CHRISTIE  
5013 MORGAN PKWY  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **5013 MORGAN PKWY**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding 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 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 non compliance continues.

Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

***SECTION 1001 – Powers and Authority of Inspectors:** "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."*



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

KAREN CELOTTO  
5028 MORGAN PKY  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **5028 MORGAN PKWY**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding 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 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 non compliance continues.

Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

***SECTION 1001 – Powers and Authority of Inspectors:** "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."*



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

MARIA R. WHYTE

COMMISSIONER

September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

MICHAEL MANZELLA  
5032 MORGAN PKWY  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **5032 MORGAN PKWY**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding 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 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 non compliance continues.

Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

**SECTION 1001 – Powers and Authority of Inspectors:** "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."



# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

EMILY B PARK  
5076 MORGAN PKWY  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **5076 MORGAN PKWY**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding 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 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 non compliance continues.

Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

***SECTION 1001 – Powers and Authority of Inspectors:** "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."*



# COUNTY OF ERIE

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COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

ROBERT J KIBLER  
5089 MORGAN PKWY  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **5089 MORGAN PKWY**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

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Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

MARI LOU BEBAK  
4962 MT VERNON BLVD  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **4962 MT VERNON BLVD**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding 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 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 non compliance continues.

Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

***SECTION 1001 – Powers and Authority of Inspectors:** "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."*



# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

KEVIN J MEEK  
DONALD E MEEK  
4973 MT VERNON BLVD  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **4973 MT VERNON BLVD**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding a hearing to obtain compliance with this request.

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Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

**SECTION 1001 – Powers and Authority of Inspectors:** "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."



# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER

September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

JOHN SOBOL  
CAROL SOBOL  
4983 MT VERNON BLVD  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **4983 MT VERNON BLVD**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding a hearing to obtain compliance with this request.

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Sincerely,

Steven J. Capistrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

**SECTION 1001 – Powers and Authority of Inspectors:** "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

MARIA R. WHYTE

COMMISSIONER

September 10, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

JENNIFER L MOLLNAR  
5001 MT VERNON BLVD  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **5001 MT VERNON BLVD**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 6/4/2013, 7/9/2013, and 8/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

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Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER  
August 9, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

ROBERT M CLIFFORD  
5069 MT VERNON BLVD  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **5069 MT VERNON BLVD**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 4/22/2013, 6/4/2013, and 7/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding a hearing to obtain compliance with this request.

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Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

*SECTION 1001 – Powers and Authority of Inspectors: "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."*



# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MARIA R. WHYTE  
COMMISSIONER  
August 9, 2013

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

LISA M PITTMAN  
4970 CLIFTON PKWY  
HAMBURG NY 14075

Re: **FINAL INSPECTION NOTICE**  
Erie County Sewer District No. 3, Mini System 29  
Property inspection required at: **4970 CLIFTON PKWY**

Dear Property Owner:

Our records indicate that we have notified you on three separate occasions: 4/22/2013, 6/4/2013, and 7/9/2013, that it was necessary for you to schedule an inspection of the above noted property in order to comply with Section 1001 of the "Rules and Regulations For Erie County Sewer Districts" [www.erie.gov/dsm](http://www.erie.gov/dsm).

As a result of your failure to comply with these notifications, your name has been referred to the Erie County Sewer District No. 3 Board of Managers for consideration of holding 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 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 non compliance continues.

Should you have any questions on this matter, or wish to schedule an inspection, please contact our office at (716) 823-8188, during normal business hours, Monday through Friday 8 am to 4 pm.

Sincerely,

Steven J. Canestrari Sr.  
Sewer District Manager

cc: ECSD 3 Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

**SECTION 1001 – Powers and Authority of Inspectors:** "Authorized representatives of the District, bearing proper identification, shall be permitted to enter all properties in the District and contracting areas which are served by a sanitary sewer for the purpose of inspection, observation, records examination and copying, measurement, sampling and testing...in accordance with the provisions of these Rules and Regulations."



# COUNTY OF ERIE

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DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE  
COMMISSIONER

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

September 10, 2013

DAWN R MIGAS  
WILLIAM J MIGAS  
5676 WEST LN  
LAKEVIEW NY 14085

Re: **FINAL VIOLATION NOTICE**  
Erie County Sewer District No. 3, Mini System 31  
For Property Located at: **5676 WEST LN**

Dear Property Owner,

A recent review of our records indicate that you were advised by letters dated 4/22/2013, 7/9/2013, and 8/9/2013, that the above mentioned property was inspected on 10/29/2012, and the following apparent violation of Section 305 and/or 501 of the "RULES AND REGULATIONS FOR ERIE COUNTY SEWER DISTRICTS" was observed:

**DISCONNECT SUMP PUMP FROM THE SANITARY SEWER, INSTALL 4" MUSHROOM CAP ON VENT**

As a result of your failure to comply with these notifications, your name has been referred to the 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 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  
Sewer District Manager

cc: Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.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](http://www.erie.gov/dsm).



# COUNTY OF ERIE

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MARIA R. WHYTE  
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

July 9, 2013

MARY L MANN  
PHILIP MANN  
4 ROCK DOVE LN  
ORCHARD PARK NY 14127

Re: **FINAL VIOLATION NOTICE**  
Erie County Sewer District No. 3, Mini System 31  
For Property Located at: **5698 WEST LN**

Dear Property Owner,

A recent review of our records indicate that you were advised by letters dated 10/17/2012, 4/22/2013, and 6/4/2013, that the above mentioned property was inspected on 7/25/2012, and the following apparent violation of Section 305 and/or 501 of the "**RULES AND REGULATIONS FOR ERIE COUNTY SEWER DISTRICTS**" was observed:

**DISCONNECT SUMP PUMP FROM THE SANITARY SEWER**

As a result of your failure to comply with these notifications, your name has been referred to the 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 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  
Sewer District Manager

cc: Board of Managers  
A. Horton / 3.2.2.I&I, 8.2.2.I&I

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

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

• • MEMORANDUM • •

---

TO: DAVID C. MILLAR, P.E., Secretary, ECSD 3 Board of Managers (BOM)  
FROM: ~~David C. Millar~~ ANGELA M. HORTON, P.E., Coordinator of Sewer Construction Projects  
DATE: October 1, 2013  
SUBJECT: ECSD 3 BOM – Approval for Compliance Hearing Premium Assessments

---

Please find attached the compliance hearing summaries to be presented at your next Board of Managers meeting for the property owners listed below. If the violation is not corrected within 30 days of the notification letter being sent, this property will receive a \$100 premium assessment. For each month following non-compliance a \$100/ month will be assessed.

1. **Jerome and Kathy Noworyta, 41 Crescent Ave, Hamburg (mailing address 6457 Taylor Road),** to date has not corrected a violation: raise low lying vent 6 inches above grade and install a mushroom cap.
2. **David and Donna Kloc, 131 Crescent Ave, Hamburg,** to date has failed to correct the violation: locate and raise (buried) low lying vent 6 inches above grade and install cast iron mushroom cap on vent.
3. **Amanda Thouling and Cody Arrigo, 5012 Roseview Ave, Blasdell,** to date has failed to correct the violation: locate and raise (buried) low lying vent 6 inches above grade and install cast iron mushroom cap on vent.

Should you have any questions, please contact me at 858-8437 or [angela.horton@erie.gov](mailto:angela.horton@erie.gov).

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

APPROVED/DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

---

David C. Millar, P.E.  
SECRETARY

cc: 3.2.2.I&I

V:\Sewerage Management\I&I Program\House Inspection Program\BOMtemplateD3Fines.doc



FELDMAN KIEFFER, LLP  
ATTORNEYS AT LAW

(716) 852-5875 • FAX (716) 852-4253

MATTHEW S. FELDMAN  
ATTORNEY  
WRITER'S EXTENSION 219  
[mfeldman@feldmankieffer.com](mailto:mfeldman@feldmankieffer.com)

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

September 25, 2013

Board of Managers  
Erie County Sewer District No. 3 (ECSD 3)

Re: Enforcement Hearing - Failure to Correct Violation  
Jerome and Kathleen Noworyta, 41 Crescent Ave, Hamburg, NY 14075, SBL 196.09-4-6

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(a)(v)*

- 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. 41 Crescent Ave, Hamburg, NY 14075 (Jerome and Kathleen Noworyta)

Ms. Horton submitted into evidence the following documents:

1. A map demonstrating that 41 Crescent Ave, Hamburg, NY 14075, is located within ECSD 3.
2. A printout from the Erie County Department of Real Property Tax Service, dated June 2013, demonstrating that 41 Crescent Ave, Hamburg, NY 14075, is owned by Jerome and Kathleen Noworyta since 1978. Real Property lists a mailing address of 6457 Taylor Road, Hamburg, NY 14075.
3. Following an inspection on October 13, 2011, an Initial Violation Notice was sent via U.S. mail, dated November 30, 2011, stating violation to be corrected: *Raise low lying vent 6 inches above grade and install a mushroom cap.*
4. Second Violation Notice, via U.S. mail, dated May 3, 2012.
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 Ms. Cuebas on October 12, 2012.
7. Notice of Hearing, via U.S. mail and certified mail, dated July 15, 2013. Said U.S. certified mail has not been returned, and first class mail was not returned. Said letter advised Jerome and Kathleen Noworyta 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 Jerome and Kathleen Noworyta were also on the hearing list for house inspection in 2011, but complied with inspection just before the hearing.

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

41 Crescent Ave

All remained present at the Compliance Hearing until 3:30 p.m. At which time, it was determined that Jerome and Kathleen Noworyta 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 41 Crescent Ave, Hamburg, NY 14075, owned by Jerome and Kathleen Noworyta, as Hearing Officers, we find that:

1. The subject premises is located within ECSD 3;
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 3 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  
41 Crescent Ave

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

Sincerely,



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Matthew S. Feldman, ESQ.



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Matthew J. Kibler, ESQ.

cc: Kristen Walder, Esq., Assistant County Attorney  
J. Fiegl / A. Horton / B. Pfalzer / 3.2.2.I&I  
S. Canestrari / R. Rehac / J. Krafft  
David C. Millar, P.E., BOM Secretary ECSD 3



FELDMAN KIEFFER, LLP  
ATTORNEYS AT LAW  
(716) 852-5875 • FAX (716) 852-4253

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

MATTHEW S. FELDMAN  
ATTORNEY  
WRITER'S EXTENSION 219  
[mfeldman@feldmankieffer.com](mailto:mfeldman@feldmankieffer.com)

September 25, 2013

Board of Managers  
Erie County Sewer District No. 3 (ECSD 3)

Re: Enforcement Hearing - Failure to Correct Violation  
David and Donna Kloc, 131 Crescent Ave, Hamburg, NY 14075, SBL 196.09-4-26

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. 131 Crescent Ave, Hamburg, NY 14075 (David and Donna Kloc)

Ms. Horton submitted into evidence the following documents:

1. A map demonstrating that 131 Crescent Ave, Hamburg, NY 14075, is located within ECSD 3.
2. A printout from the Erie County Department of Real Property Tax Service, dated June 2013, demonstrating that 131 Crescent Ave, Hamburg, NY 14075, is owned by David and Donna Kloc since 1989.
3. Following an inspection on October 26, 2011, an Initial Violation Notice was sent via U.S. mail, dated November 30, 2011, stating violation to be corrected: *Locate and raise (buried) low lying vent 6 inches above grade and install a mushroom cap.*
4. Second Violation Notice, via U.S. mail, dated May 3, 2012.
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 Ms. Cuebas on October 12, 2012.
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. United States Postal Service website indicates that multiple notices have been left for the homeowner. First class mail was not returned. Said letter advised David and Donna Kloc 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 David and Donna Kloc were also on the hearing list for house inspection in 2011, but complied with inspection the day before the hearing.

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 and Donna Kloc 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 131 Crescent Ave, Hamburg, NY 14075, owned by David and Donna Kloc, as Hearing Officers, we find that:

1. The subject premises is located within ECSD 3;
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 3 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.

September 25, 2013  
Page 4 of 4  
131 Crescent Avenue

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,



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Matthew S. Feldman, Esq.



---

Matthew J. Kibler, Esq.

cc: Kristen Walder, Esq., Assistant County Attorney  
J. Fiegl / A. Horton / B. Pfalzer / 3.2.2.I&I  
S. Canestrari / R. Rezac / J. Krafft  
David C. Millar, P.E., BOM Secretary ECSD 3



FELDMAN KIEFFER, LLP  
ATTORNEYS AT LAW

(716) 852-5875 • FAX (716) 852-4253

MATTHEW S. FELDMAN  
ATTORNEY  
WRITER'S EXTENSION 219  
[mfeldman@feldmankieffer.com](mailto:mfeldman@feldmankieffer.com)

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

September 25, 2013

Board of Managers  
Erie County Sewer District No. 3 (ECSD 3)

Re: Enforcement Hearing - Failure to Correct Violation  
Amanda Thouling and Cody Arrigo, 5012 Roseview Avenue, Blasdell, NY 14219, SBL 160.36-2-70

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. 5012 Roseview Avenue, Blasdell, NY 14219 (Amanda Thouling and Cody Arrigo)

Ms. Horton submitted into evidence the following documents:

1. A map demonstrating that 5012 Roseview Avenue, Blasdell, NY 14219, is located within ECSD 3.
2. A printout from the Erie County Department of Real Property Tax Service, dated June 2013, demonstrating that 5012 Roseview Avenue, Blasdell, NY 14219, is owned by Amanda Thouling and Cody Arrigo since 2009.
3. Following an inspection on June 15, 2011, an Initial Violation Notice was sent via U.S. mail, dated July 13, 2011, stating violation to be corrected: *Locate and raise (buried) low lying vent 6 inches above grade and install a mushroom cap.*
4. Second Violation Notice, via U.S. mail, dated October 14, 2011.
5. Third Violation Notice, via U.S. mail, dated May 3, 2012.
6. Final Violation Notice, via U.S. certified mail, dated June 15, 2012.  
Said U.S. certified mail signed on delivery by Amanda Thouling.
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. United States Postal Service website indicates that multiple notices have been left for the homeowner. First class mail was not returned. Said letter advised Amanda Thouling and Cody Arrigo 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.

Mr. Canestrari noted that ECSD staff has been driving by the properties daily to verify if violations have been corrected.

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 Amanda Thouling and Cody Arrigo 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 5012 Roseview Avenue, Blasdell, NY 14219, owned by Amanda Thouling and Cody Arrigo, as Hearing Officers, we find that:

1. The subject premises is located within ECSD 3;
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 3 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  
5012 Roseview Avenue

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

Sincerely,



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Matthew S. Feldman, ESQ.



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Matthew J. Kibler, ESQ.

cc: Kristen Walder, Esq., Assistant County Attorney  
J. Fiegl / A. Horton / B. Pfalzer / 3.2.2.I&I  
S. Canestrari / R. Rezac / J. Krafft  
David C. Millar, P.E., BOM Secretary ECSD 3

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

**\* \*MEMORANDUM\* \***

---

**TO: MATT SALAH, P.E., Sr. Coordinator Sewer Construction Projects**

**FROM: GLENN H. ABSOLOM JR., Chief Treatment Plant Supervisor**

**DATE: August 20, 2013**

**SUBJ: USER CHARGES FOR 2014 BUDGET YEAR**

---

Attached are the calculated User Charges for budget year 2014 covering the County Sewer Districts. The charges for the Central Region for District 3 and District 8 are combined into one charge, as was done last year. Attached is also a summary of the charges for the last five years. The individual reports with the backup data is filed in my office..

The costs have been done this year using the same format that has been used the last several years. This year's calculations base the costs on the pounds of pollutant treated. A summary of the five year average for all is also included..

Again, I did not calculate the wastehauler charges this year. As the user charges did not change substantially, I would not expect the wastehauler charges to change much from previous calculations. Furthermore, we do not do very much wastehauler business. I would continue to maintain the same charge.

If you need any further information or wish to discuss this further, please let me know.

**ATTACHMENTS**

cc: file: 0.4.2.9 - 12 (w/att.)  
L. Surdej (w/att.)  
Sewer District Managers (w/att.)

*Item  
4(e)(i)*

**ERIE COUNTY-DIVISION OF SEWERAGE MANAGEMENT  
SUMMARY OF USER CHARGES FOR BUDGET YEAR 2014  
DATA YEAR 2012**

Cost per Pound Treated

**\$/LB.**

<b>DISTRICT / PARAMETER</b>	<b>BOD</b>	<b>SUSP. SOLIDS</b>	<b>PHOSPHORUS</b>
<b>District 1 &amp; 4</b>	0.1471	0.1895	0.0378**
<b>District 2</b>	0.12*	0.08	0.71
<b>Central Region - District 3 &amp; 8</b>	0.03	0.06	0.93
<b>District 6</b>	0.15	0.06	0.79

\*Based on CBOD data

\*\* Based on TPO<sub>4</sub>

**COUNTY-DIVISION OF SEWERAGE MANAGEMENT FIVE YEAR  
SUMMARY OF USER CHARGES**

**\$/LB. TREATED**

<b>District / Parameter</b>	<b>Budget Yr/ Data Yr.</b>	<b>2013 #4 2014</b>	<b>2013 #4 2011</b>	<b>2012 #4 2010</b>	<b>2011 #4 2009</b>	<b>2010 #4 2008</b>
( 5 yr avg. in parenthesis)						
<b>District 1 and District 4 (Charges calculated by BSA)</b>						
BOD <sub>5</sub>	(0.1333)	<b>0.1471</b>	0.1226	0.1226	0.1370	0.1370
S.S.	(0.1678)	<b>0.1895</b>	0.1666	0.1666	0.1582	0.1582
TP0 <sub>4</sub>	(0.0260)	<b>0.0378</b>	0.0203	0.0203	0.0257	0.0257
<b>District 2</b>						
CBOD	(0.144)	<b>0.12</b>	0.13	0.15	0.17	0.15
S.S.	(0.114)	<b>0.08</b>	0.09	0.16	0.16	0.08
P	(0.768)	<b>0.71</b>	0.70	0.88	0.96	0.59
<b>District 3 &amp; 8</b>						
BOD <sub>5</sub>	(0.038)	<b>0.03</b>	0.04	0.05	0.03	0.04
S.S.	(0.112)	<b>0.06</b>	0.08	0.11	0.13	0.18
P	(1.018)	<b>0.93</b>	0.66	1.21	1.40	0.89
<b>District 6</b>						
BOD <sub>5</sub>	(0.166)	<b>0.15</b>	0.15	0.16	0.16	0.21
S.S.	(0.07)	<b>0.06</b>	0.06	0.07	0.08	0.08
P	(0.792)	<b>0.79</b>	0.84	1.08	0.47	0.78

Notes:

#2- Revised method No. 2 of calculating costs. Costs based on Pounds of pollutants treated. Previous calculations based on Pounds removed.

#3 – Includes Blasdell and Holland with the Southtowns charge.

#4 – Includes East Aurora, with Blasdell and Holland in the Southtowns charge.



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

September 12, 2013

The Honorable  
Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> 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

LEGISNPHEA-AR.SAV

*Item  
11 (e)(i)*

## 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

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### **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.

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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.

  
\_\_\_\_\_  
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

LEGISNPHEA-AR.SAV

**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING**

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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 (e)(iii)

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, 4<sup>th</sup> 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:** <sup>WPS</sup> 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(e)(iv)

**ERIE COUNTY SEWER DISTRICT NO. 3  
USER CHARGE RESOLUTION**

WHEREAS, Erie County Sewer District No. 3 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. 3 did at their meeting of October 2, 2013 review and approve new rates for the 2014 budget year as follows:

Flow (water use):	\$ 3.00 /1000 gallons
Biochemical Oxygen Demand (BOD <sub>5</sub> ):	\$ 0.03 /lb.
Suspended Solids (SS):	\$ 0.06 /lb.
Phosphorous (P):	\$ 0.93 /lb.
Waste Hauler	\$ 60.00 /1000 gallons

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Managers for Erie County Sewer District No. 3 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: \_\_\_\_\_

\_\_\_\_\_  
DAVID C. MILLAR, P.E.  
SECRETARY

DM:ms

c: 3.4.2.User Charge (2014)

V:\Sewerage Management\Administration\Documents\Group\Senkers\WPDOCS\User Charge\Resolution-BOM2014.doc

ERIE COUNTY SEWER DISTRICT NOS.3  
WORK ORDER NO.CRA-1

ENGINEER: CRA Infrastructure & Engineering, Inc.

CONTRACT DATE: November 8, 2012

1. Title of Proposal:  
Rogers Road Pump Station Elimination and Southwest Interceptor  
Evaluation

2. Name and Business Address of Proposer:  
CRA Infrastructure & Engineering, Inc.  
285 Delaware Avenue, Suite 500  
Buffalo, NY 14202

3. Name, Title and Address of Principal Bearing Technical  
Responsibility:  
Christopher P. Martin, P.E.  
Sr. Project Manager  
285 Delaware Avenue, Suite 500  
Buffalo, NY 14202

4. Effective Dates of Proposal:  
September 13, 2013

5. Brief Description of Work for Which Proposal is Submitted.  
The Engineer will provide evaluation of the Rogers Road Pumping  
Station elimination as detailed in the scope of work listed in  
CRA's letter dated 9/13/13.

6. Engineering Cost: \$ 59,927.00

7. Source of Funds: ECSD No. 3 Capital Bond Account #C.00039.

8. Project No.: CRA-1

9. Attachments: CRA Proposal (10 pages) dated 9/13/13

10. File: 0.3.2 CRA (13-15)

DATE: September 16, 2013

Prepared by: M. Salah  
Matt A. Salah, P.E.  
Sr. Coor. Sewer Construction Projects

Accepted By: [Signature]

Authorized By: [Signature]  
Joseph L. Fiegl, P.E.  
Deputy Commissioner

Item 4(9)

September 13, 2013

Reference No. 630976-98

David Millar, P.E.  
Assistant Deputy Commissioner  
Erie County Department of Environment & Planning  
Division of Sewerage Management  
95 Franklin Street, Room 1034  
Buffalo, New York 14202

Dear Mr. Millar:

**Re: Rogers Road Pump Station Elimination and Southwest Interceptor Evaluation**

CRA Infrastructure & Engineering, Inc. (CRA) is pleased to offer this proposal to provide assistance to the Erie County Department of Environment & Planning, Division of Sewerage Management (DSM) with evaluating the potential elimination of the Rogers Road Pumping Station within Erie County Sewer District (ECSD) No. 3. Our proposal reflects issues discussed with the DSM during our July 25, 2013 meeting and subsequent correspondence. CRA has assembled an experienced project staff and developed an approach, which will result in compliance with the Scope of Work requirements in a cost efficient manner.

**PROJECT UNDERSTANDING/BACKGROUND**

In the early 2000s, CRA conducted a detailed study of the Rogers Road trunk sewer service area, which is tributary to the Rogers Road Pumping Station (RRPS), in response to frequent surcharging and back-ups during wet weather events. The referenced study led to the rehabilitation and replacement of several segments of collection and trunk sewers along Rogers Road. At the time of the evaluations and subsequent improvements, CRA did not conduct an investigation of the upstream portion of the Southwest Interceptor (south of Rogers Road), which is the primary tributary to the RRPS.

The RRPS was once was a small wastewater treatment facility that was converted into the present day pumping station. We understand that the current RRPS capacity can be less than tributary flows during significant wet weather events, which can impact the upstream portions of the Southwest Interceptor and the Rogers Road trunk sewer. Due to these concerns, the age of the facility, and the opportunity to reduce operating costs, the DSM is considering elimination of the RRPS and effluent 14-inch and 20-inch diameter force mains by replacement with a single gravity sewer.

September 13, 2013

2

Reference No. 630976-98

We understand that the ability to replace the RRPS with a gravity sewer was confirmed by the DSM. This new sewer would traverse within existing Rights-of-Ways and easements, paralleling the two existing force mains, and connecting to the existing ECSD No. 3 Southwest Interceptor along Camp Road in the Town of Hamburg. However, the flow characteristics of the sewers tributary to the RRPS have not been fully defined, nor has the potential impact to the downstream segments of the Southwest Interceptor (north of Rogers Road). Therefore, the DSM has requested CRA to evaluate the flow impact eliminating the RRPS would have on the Southwest Interceptor (north of Rogers Road), and verify that sufficient excess capacity is available in the Southwest Interceptor (north of Rogers Road) to handle these flows. Additionally, CRA will evaluate the projected new hydraulic grade of the RRPS tributary trunk sewers resulting from facility elimination.

### **SCOPE OF WORK**

CRA's proposed scope of work for this project is detailed below. We have developed this scope based on discussions with the DSM, our prior experience with the Rogers Road trunk sewer, and a review of existing available information.

#### **Task 1- Data Collection**

One of the initial steps of the evaluation will be to determine dry and wet weather flows tributary to the RRPS, as well as the 42-inch Southwest Interceptor and Route 75 Interceptor. CRA will install velocity-area type flow meters at the six locations identified below and as shown in Figure 1:

- Rogers Road trunk sewer
- Southwest Interceptor upstream of the RRPS. Note that two flow meters are assumed necessary, as two trunk sewers converge just upstream of the RRPS.
- Route 75 Interceptor
- Southwest Interceptor upstream of connection to Route 75 Interceptor
- Southwest Interceptor downstream of connection to Route 75 Interceptor

We will also install a rain gauge with recorder at the RRPS. Final meter locations will be verified based on a kick-off meeting with the DSM. We also recommend presenting the flow monitoring plan to the New York State Department of Environmental Conservation (NYSDEC). Flow monitoring will be performed for a period of up to 3 months. CRA proposes to retain TECsmith, Inc. to assist with flow monitoring. Flow data collection, along with verification of proper flow meter operation, will be conducted weekly. We also will review data quality weekly. Should sufficient dry and wet weather flow data be collected within a shorter duration,

September 13, 2013

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Reference No. 630976-98

the monitoring period may be shortened. We also will request historic flow data from the RRPS to identify wet and dry flows currently discharged to the Southwest Interceptor.

**Task 2- RRPS Elimination and Southwest Interceptor Impact Analysis**

Upon completion of Task 1, CRA will use the flow data collected to define the dry and wet weather flows tributary to the RRPS, as well as the Southwest Interceptor between the proposed connection with the new gravity sewer and the Southtowns Advanced Wastewater Treatment Facility (Southtowns AWTF). Using existing sewer mapping, we will calculate the existing unsurcharged capacity of the Southwest Interceptor (north of Camp Road). We will compare the dry and wet weather flows measured under Task 1 to estimate available excess capacity of the interceptor. Using historical RRPS data and flow data measured under Task 1, CRA will estimate the additional flow that would be discharged to the Southwest Interceptor should the RRPS be eliminated. Additionally, CRA will project the future domestic flow tributary to the Southwest Inceptor assuming that 100 percent of the current vacant parcels will be developed. These additional flows will be compared to the available excess interceptor capacity to determine the impact of the RRPS elimination on the Southwest Interceptor; CRA will also develop a hydraulic profile (see Task 3) to graphically show flow the impacts on downstream and upstream segments. The basis of comparison will be a 2-year, 6-hour storm event. Please note that depending upon the precipitation events experienced during data collection, the flow data may need to be "normalized" using the Western New York Rainfall Intensity-Duration graph to facilitate the analysis.

Additionally, we will review the currently proposed gravity sewer alignment and sizing. CRA will provide recommendations to adjust the alignment, potential construction methods, and develop a budgetary cost estimate for installation. To provide the budgetary estimate, CRA requests the use of existing soil boring and any other pertinent information available.

**Task 3 - Modeling to Develop Hydraulic Profile**

A numerical hydraulic sewer model will be developed to evaluate the flow impacts (downstream and upstream) on the Southwest Interceptor resulting from eliminating the RRPS. Computer software built upon the EPA-SWMM engine will be used as the modeling platform. This includes software programs known as SWMM5, PC-SWMM, and XP-SWMM. These programs are appropriate as they utilize event and continuous simulation capabilities, have the ability to model dry and wet weather flows, and utilize dynamic wave routing to achieve the best accuracy.

The sewer model will be setup for the Southwest Interceptor upstream and downstream of the RRPS, and will include the Rogers Road trunk sewer and Route 75 Interceptor (study area shown in Figure 1). The model will be built using available design information, as well as a

September 13, 2013

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Reference No. 630976-98

supplemental survey conducted by CRA to confirm rim and invert elevations. Quality assurance/quality control (QA/QC) tools will be used to verify the model setup and identify inconsistent data within the network system. Ground elevations, if not available in a digital form, will be approximated using a Digital Terrain Model (DTM) or as-built drawings, and verified by survey. Sewage flow rates will be determined from flow monitoring data. Future flows from vacant parcels that would be tributary to RRPS when developed will be estimated from population, land use, and development information. The sewer system model will be linked to a Geographic Information System (GIS), which will allow spatial representation of model outputs (e.g., flow rates and sewer capacities) on two-dimensional maps. The linkage will also serve as a visualization and optimization tool for various future what-if design scenarios, as well as easy updating of the model in the future.

A calibrated model is essential for the development of an accurate hydraulic profile for the system. Calibration of the sewer model will be performed in two phases; the first phase will involve dry weather flow calibration and the second phase will involve wet weather flow calibration. Dry weather flow calibration will utilize sewer flow data collected during periods of no rain. Wet weather flows will be calibrated using a systematic manual calibration that will rely on the measured and estimated values of the model parameters available from the study area. The calibration will include the timing and magnitude of peaks, and hydrograph shape and volume. Wet weather calibration will also utilize sewer flow data collected for at least three independent rainfall events. The validity of the model will be tested by running the calibrated model using sewer flow data collected for at least two independent rainfall events that have not been previously used for model calibration.

The calibrated and validated sewer model will be used to construct hydraulic grade lines (hydraulic profile) in the Southwest Interceptor for observed and design storm events, and to confirm excess flow capacity in the Interceptor. The grade lines will be constructed for existing conditions scenario, as well as for future conditions scenario with RRPS eliminated and future development flows added to the system.

#### **Task 4 - Reporting**

CRA will prepare a draft Technical Memorandum summarizing the results of the flow monitoring activities, Southwest Interceptor excess capacity evaluation, impact to the Interceptor from eliminating the RRPS, and a budgetary cost estimate of the proposed gravity sewer alignment. Following the issuance of the draft Technical Memorandum (up to six copies), CRA will meet with DSM to discuss the findings and comments. The Technical Memorandum will be revised based upon DSM comments and CRA will issue ten copies of the final Technical Memorandum. We understand that CRA will meet with the NYSDEC to present the evaluation results.

September 13, 2013

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Reference No. 630976-98

**PROJECT COST**

CRA proposes to furnish the above Scope of Work for a not-to-exceed fee of \$59,927 summarized as follows:

<u>Task</u>	<u>Proposed Cost</u>
1	\$30,970
2	\$11,721
3	\$10,375
4	\$ 6,861
<hr/> Total	<hr/> \$59,927

The ECDEP's Standard Cost Estimating Forms are attached for you review. Please note the installation, maintenance, and monitoring of six flow meters is assumed for a duration of 12 weeks. Should sufficient wet and dry weather data be collected within a shorter duration, the monitoring period may be shortened if approved by the DSM. The DSM will only be charged for the actual number of meters installed and corresponding installation duration.

Thank you for the opportunity to submit this proposal. Please call me at (716) 856-2142 if you have any questions or require additional information.

Yours truly,

CRA INFRASTRUCTURE  
& ENGINEERING, INC.



Christopher P. Martin, P.E.  
Sr. Project Manager

CPM/WWW/las/001

Attachments

cc: Bryan T. Smith, P.E.

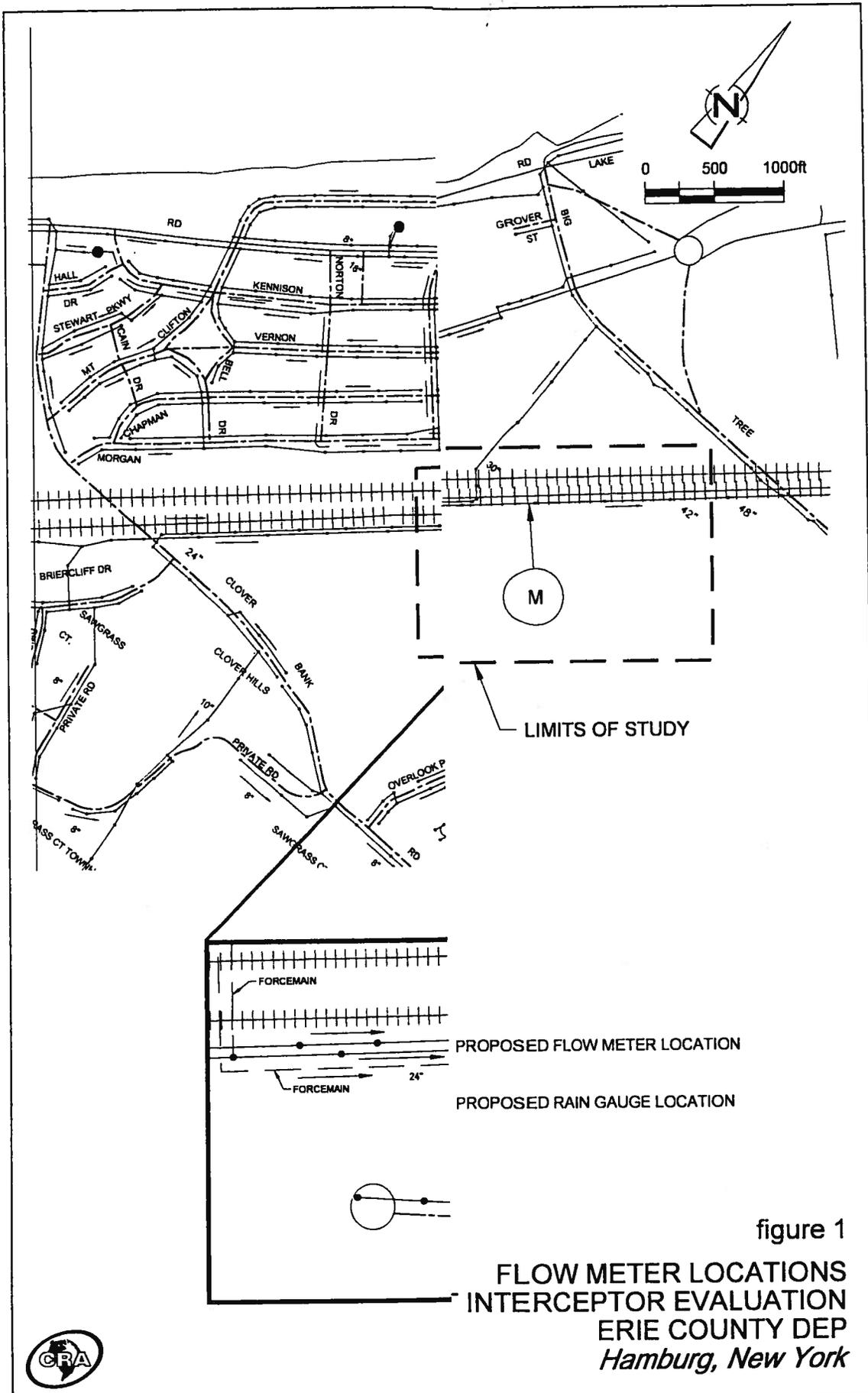


figure 1  
**FLOW METER LOCATIONS**  
**INTERCEPTOR EVALUATION**  
**ERIE COUNTY DEP**  
*Hamburg, New York*



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

**\*\* MEMORANDUM \*\***

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**FROM:** *DCM* David C. Millar, P.E., ASST. DEPUTY COMMISSIONER  
**TO:** **BOARD OF MANAGERS ERIE COUNTY SEWER DISTRICT NO. 3**  
**DATE:** September 30, 2013  
**RE:** Erie County Sewer District No. 3  
Southtowns AWTF Facility Report Update  
Award of Engineering Services Agreement

---

Enclosed for the Board's approval is a resolution from the Division of Sewerage Management recommending the award of an agreement with ARCADIS U.S., Inc. (ARCADIS) to provide consulting engineering services associated with the Southtowns Advanced Wastewater Treatment Facility (AWTF) Facility Report Update Project, required as a condition of New York State Department of Environment and Planning (NYSDEC) State Discharge Pollutant Discharge Elimination System (SPDES) Permit NY0095401.

The Division of Sewerage Management received and reviewed five engineering services proposal packages for this project. The proposals were rated using a consistent scoring matrix to select the firm being recommended. The total amount of the contract with ARCADIS for this project is a not-to-exceed amount of \$225,000.00.

Should you require anything further on this matter, please let me know.

Enc.

cc: J. Fiegl/D. Millar/S. Tirone/7.3.2.Southtowns Facility Report Update

*Item 4(h)*

**RESOLUTION  
BOARD OF MANAGERS  
ERIE COUNTY SEWER DISTRICT NO. 3**

WHEREAS, the County of Erie advertised for and received responses to a request for proposals from consulting firms to perform professional services associated with the Southtowns Advanced Wastewater Facility (AWTF) Facility Report Update Project; and

WHEREAS, a review committee consisting of representatives from the Erie County Division of Sewerage Management evaluated all responses to the County's request for proposals, using a consistent scoring matrix, and recommended retaining ARCADIS U.S., Inc. to complete the requested consulting services; and

WHEREAS, the County of Erie is bound to fulfill the terms of New York State Department of Environment and Planning (NYSDEC) State Discharge Pollutant Discharge Elimination System (SPDES) Permit NY0095401, including preparation of this Facility Report Update; and

WHEREAS, there is available cash in Erie County Sewer District No. 3 Capital Reserve Account C.00007; and

WHEREAS, the Division of Sewerage Management wants to utilize a portion of the cash balance in Capital Reserve Account C.00007 to fund contracts; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the award of an agreement with ARCADIS U.S., Inc. in a contract amount not-to-exceed \$225,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sewer District No. 3 Board of Managers recommends the award of an agreement with ARCADIS U.S., Inc., in an amount not-to-exceed \$225,000.00, to perform professional services associated with the Southtowns AWTF Facility Report Update Project; and be it further

RESOLVED, that the Erie County Comptroller and Director of Budget and Management be authorized to establish budgets as necessary and directed to transfer \$225,000.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 for this project.

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved/Disapproved: \_\_\_\_\_

Date: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
David C. Millar, P.E.  
Secretary, Board of Managers  
Erie County Sewer District No. 3

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

**\*\*\*MEMORANDUM\*\*\***

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**TO:** David C. Millar, P.E., Assistant Deputy Commissioner  
Angela M. Horton, P.E., Coordinator Sewer Construction Projects

**FROM:** *AS* Laura Surdej, Industrial Wastewater Specialist

**DATE:** September 30, 2013

**RE:** Trucker's Discharge Permits- 2014

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Please consider the following list for Discharge Permit approval at the next District Board meeting. Applications and Insurance Forms are currently being sent to the previous Permit holders listed below.

<u>Name</u>	<u>District 2</u>	<u>District 3</u>
1. Delo Drain & Septic Service Holland, New York	X	X
2. JB Enterprises, Inc. DBA, Ball Toilets & Septic Blasdell, New York	X	X
3. Modern Portable Toilets Model City, New York		X

cc: G. Absolom  
2.2.4.5  
3.2.4.5

*Item 4(i)*



## 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

Gold Star Fab  
Owner/Manager  
250 Lake Ave  
Blasdell, NY 14219

RE: Erie County Sewer District #3 (ECSD #3)  
Industrial Waste Survey-2<sup>nd</sup> Notice

Dear Owner/Manager:

The Division of Sewerage Management (DSM) has been issued a renewed/modified SPDES permit for the **Blasdell** 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/P. Sawicki/3.2.4 Pretreat (Blasdell)  
S. Canestrari/R. Rehac  
D. Millar (ECSD No. 3 BOM)

Item  
(b)(6)

Superior Pallets  
c/o Owner/Manager  
250 Lake Ave  
Blasdell, NY 14219

Cobey Energy  
c/o Owner/Manager  
250 Lake Ave  
Blasdell, NY 14219

Gold Star Fab  
c/o Owner/Manager  
250 Lake Ave  
Blasdell, NY 14219

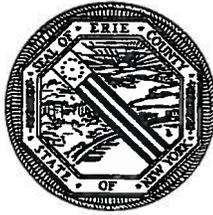
Phoenix International Recovery  
c/o Owner/Manager  
135 Miriam  
Blasdell, NY 14219

Klein Steel Services of WNY  
c/o Owner/Manager  
250 Lake Ave.  
Blasdell, NY 14219

Sotek/Belrix Industries  
c/o Owner/Manager  
3590 Jeffrey Blvd.  
Blasdell, NY 14219

NEI  
c/o Owner/Manager  
3725 Jeffrey Blvd.  
Blasdell, NY 14219

Reeds Container Rental/Welding  
c/o Owner/Manager  
4404 south Park  
Blasdell, NY 14219



## 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

Polymer Conversions  
Owner/Manager  
5732 Big Tree Road  
Orchard Park, NY 14127

RE: Erie County Sewer District #3 (ECSD #3)  
Industrial Waste Survey-2<sup>nd</sup> Notice

Dear Owner/Manager:

The Division of Sewerage Management (DSM) has been issued a renewed/modified SPDES permit for the **Southtowns** 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/D. Boss/3.2.4 Pretreat  
S. Canestrari/R. Rehac  
**D. Millar (ECSD No. 3 BOM)**

New Global System  
c/o Owner/Manager  
3523 Abbott Rd.  
Orchard Park, NY 14127

Polymer conversions  
c/o Owner/Manager  
5732 Big Tree Road  
Orchard Park, NY 14127

RM Hardlee Co., Inc.  
c/o Owner/Manager  
3649 California Rd  
Orchard Park, NY 14127

TMI Taylor Metal Works  
c/o Owner/Manager  
3925 Californai Rd.  
Orchard Park, NY 14127

Value Centric  
c/o Owner/Manager  
23 Cobham  
Orchard Park, NY 14127

Pumpcrete Corp.  
c/o Owner/Manager  
7126 Ellicott Rd  
Orchard Park, NY 14127

North American Carbide  
c/o Owner/Manager  
5720 Ellis Rd  
Orchard Park, NY 14127

B.J. Muirhead Co. Inc.  
c/o Owner/Manager  
115 Mid County Rd.  
Orchard Park, NY 14127

Aurora Industrial Machine  
c/o Owner/Manager  
3380 North Benzing Rd.  
Orchard Park, NY 14127

Jaccard Corp.  
c/o Owner/Manager  
3421 North Benzing Rd.  
Orchard Park, NY 14127

JH Buscher Inc.  
c/o Owner/Manager  
227 Thorn Ave.  
Orchard Park, NY 14127

BMG Systems  
c/o Owner/Manager  
227 Thorn Ave.  
Orchard Park, NY 14127

Drive Systems Inc.  
c/o Owner/Manager  
227 Thorn Ave.  
Orchard Park, NY 14127

S&K Counter Tops  
c/o Owner/Manager  
273 Thorn Ave  
Orchard Park, NY 14127

Worldwide Protective Products  
c/o Owner/Manager  
3345 North Benzing Rd.  
Orchard Park, NY 14127

Great American Tool  
c/o Owner/Manager  
7223 Boston State Rd.  
Hamburg, NY 14075

Hartford Engraving  
c/o Owner/Manager  
7314 Boston State Rd  
Hamburg, NY 14075

Red Barrel Cider Mill  
c/o Owner/Manager  
8978 Boston State Rd.  
Boston, NY 14025

Mainline Utility  
c/o Owner/Manager  
5647 Herman Hill Rd.  
Hamburg, NY 14075

Republic Engineered Products  
c/o Owner/Manager  
3049 Lakeshore Rd.  
Blasdell, NY 14219

North East Fluid Power  
c/o Owner/Manager  
3176 Abbott Rd.  
Hamburg, NY 14075

Accelent  
c/o Owner/Manager  
3176 Abbott Rd.  
Hamburg, NY 14075

United Covers  
c/o Owner/Manager  
5700 Maelou  
Hamburg, NY 14075

Private systems  
c/o Owner/Manager  
3773 Lakeshore Rd.  
Blasdell, NY 14219

Arcelor Mittal  
c/o Owner/Manager  
3175 Lakeshore Rd.  
Blasdell, NY 14219

Cataract Steel  
c/o Owner/Manager  
3774 Hoover Rd  
Blasdell, NY 14219

Avesta Welding  
c/o Owner/Manager  
4950 Camp Rd. Suite 100  
Hamburg, NY 14075

Southtowns Welding & Fab  
c/o Owner/Manager  
3505 Big Tree Rd.  
Hamburg, NY 14075

Gateway Printing & Graphics  
c/o Owner/Manager  
3970 Big Tree Rd.  
Hamburg, NY 14075

First Wind  
c/o Owner/Manager  
4910 Camp Rd.  
Hamburg, NY 14075



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE  
COMMISSIONER

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

July 2, 2013

Resident/Homeowner

Re: Erie County Sewer District No. 3  
Charlotte/Sherburn/McKinley Pumping Station Elimination  
and Brookwood Pumping Station Demolition Project  
Contract No. 40  
Cherry Place Road Re-Construction

Dear Resident:

The new mainline sanitary sewer installation on Cherry Place has been completed. Your house has been reconnected to the new mainline sanitary sewer through installation of a new sanitary sewer lateral. The new sanitary sewer lateral was connected to your house lateral at a clean out installed at the right of way in front of your property.

The contractor will be reconstructing the Cherry Place roadway starting this week. This will involve removal of remaining portions of the original roadway by milling, grading of the stone sub-base, installation of asphalt binder and blacktop. Today, the contractor intends to mill and grade the stone sub-base and possibly install the binder by July 3, 2013. If binder is not installed on July 3, 2013, the asphalt binder and blacktop will be installed during the week of July 8, 2013. This schedule is weather dependent. Driveway approaches and areas adjacent to the new pavement will be restored after the new roadway is installed. Access to your driveway will be maintained while the roadway is reconstructed. The roadway will be reconstructed to preconstruction elevations, as requested by the Town of Hamburg.

Erie County Department of Environment and Planning/Division of Sewerage Management personnel have staked out the Cherry Place right of way in preparation for the road reconstruction. Please **DO NOT** disturb the wooden stakes that have been installed. They will be removed when the paving is completed.

Installation of sewers on Cherry Place was a difficult task, and the County appreciates your patience and understanding exhibited during this time.

*Item  
10/11/13*

Homeowners/Residents

July 2, 2013

Page 2

Please call the person at the number listed below if you have any particular questions and/or concerns regarding the project. Please do not call the Town or Village of Hamburg as this is an Erie County/Erie County Sewer District No. 3 project.

- **Construction Inspector – Bill Bernacik** – Phone # 777-2453
- **Construction Supervisor – Jim Russell** – Phone #858-8386
- **Project Manager – Edward A. Paolini, P.E.** – Phone #858-7407
- **Contractor – Milherst Construction Inc.** – Phone #688-9098
- **Emergencies** – In case the above-mentioned individuals cannot be reached, please contact the Central Region, Erie County Sewer District No. 3 Office at 823-8188. If any evening or weekend emergencies occur, please call our Southtowns Treatments Plant's 24-hour number at 823-8188.

Thank you for your continued cooperation in this matter.

Sincerely,



Edward A. Paolini, P.E.  
Senior Sanitary Engineer

EAP: ms

Cc: Board of Managers, ECSD No. 3 ✓  
G. Kapsiak (T) Hamburg  
M. Shuttleworth (V) Hamburg DPW  
Milherst Construction Inc.  
J. Fiegl / J. Carr / J. Russell / B. Bernacik / 3.3.3.40 (w/Cherry Place address list)  
S. Canestrari, ECSD No. 3 (w/address list)  
G. Absolom

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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE  
COMMISSIONER

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

September 18, 2013

Ron Mauer  
Milherst Construction, Inc.  
10025 County Road  
Clarence Center, NY 14032

RE: Erie County Sewer District No. 3  
Contract 40  
Charlotte, Sherburn, McKinley Pumping Station  
Elimination and Brookwood Pumping Station Demolition

Dear Mr. Mauer:

The County has determined that Milherst Construction, Inc. has successfully completed the above referenced sanitary sewer construction project effective September 13, 2013, based on our successful final walk performed on that date. The one year guarantee begins on that date.

This correspondence has been issued with the understanding that Milherst Construction, Inc. will address and resolve all items on the attached punch list established during the final walk.

Finally, this Office will be in contact with you shortly to request additional items that are required for contract closeout. In the meantime, should you have any questions, please call me at 858-7407.

Sincerely,

Edward A. Paolini, P.E.  
Senior Sanitary Engineer

Encl.

EAP: bs

Cc: J. Carr/J. Russell/W. Bernacik/W. Lardo/3.3.3.40(w/encl.)  
ECSD No. 3 Board of Managers  
S. Canestrari  
G. Kapsiak (T) Hamburg  
Mayor Tom Moses (V) Hamburg

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11/18/13  
10/10/13



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE  
COMMISSIONER

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

June 20, 2013

Daniel Judd, P.E.  
New York State Department of Environmental Conservation (NYSDEC)  
Region 9  
270 Michigan Avenue  
Buffalo, New York 14203

RE: Facility Report Work Plan Schedule  
Erie County Sewer District (ECSD) No. 3 –  
Southtowns Advanced Wastewater Treatment Facility (AWTF)  
State Pollutant Discharge Elimination System (SPDES) Permit No. NY0095401

Dear Mr. Judd:

In response to your request for a timeline in the Facility Report Work Plan approval letter dated June 14, 2013, the Erie County Department of Environment and Planning/Division of Sewerage Management (ECDSM) offers the following table itemizing Work Plan tasks and corresponding anticipated dates. The details listed below mirror items referenced in the ECDSM's original February 25, 2013 correspondence on this topic:

Item	Date/Timeframe	Facility Report Work Plan Task
1	April 30, 2013 (COMPLETED)	Submission of Southtowns AWTF Influent Pumping and Overflow Retention Facility (ORF) Technical Memorandum to NYSDEC.
2	Upon NYSDEC approval of Item #1	Proceed with Final Design of Southtowns AWTF Influent Pumping and ORF Upgrades associated with the Water Quality Improvement Project (WQIP) grant work plan.
3	16 weeks after Item #2	Submission of Final Design of Southtowns AWTF Influent Pumping and ORF Upgrades associated with the WQIP grant work plan to NYSDEC.
4	July 2013	Issue Request for Proposals (RFP) soliciting assistance to assess recommended alternatives in the "Basis of Design" report (Stearns and Wheeler, LLC, July 2005) within context of Southtowns AWTF SPDES permit, including evaluation of total residual chlorine, ammonia, and phenolics/cyanide loadings.

*Item  
6(e)(1)*

5	Fall 2013	Issue Notice to Proceed to consultant selected via previous task.
6	6 weeks after Item #3	Anticipated NYSDEC approval of WQIP project design documents.
7	5 weeks after Item #6	Anticipated Bid of WQIP project.
8	6 weeks after Item #7	Anticipated award of contracts to construct WQIP project.
9	4 weeks after Item #8	Anticipated Notice-to-Proceed to construct WQIP project upgrades.
10	November 1, 2014	Submission of Total Residual Chlorine, Ammonia, and Phenolics/Cyanide Studies to NYSDEC per Southtowns AWTF SPDES permit.
11	To be determined	Anticipated submission of Final Facility Update Report to NYSDEC.

Timeframes, details, and specific dates associated with completion of Item #11 will be driven by the scope of work that will be finalized with the consultant, chosen through a RFP selection process, to assist the ECDSM with preparation of the report. At this time, it is anticipated that evaluation of all recommended alternatives referenced in the February 25, 2013 Facility Report Work Plan will be completed roughly 6-months following completion of Item #10 (or May 1, 2015).

Timeframes to construct WQIP project upgrades are noted in the WQIP Project Work Plan; however, specific project milestone dates are contingent upon NYSDEC review and approval of the Southtowns AWTF Influent Pumping and ORF Technical Memorandum and project design documents. The schedule for Items #7, #8, and #9 may be shifted slightly to allow for the WQIP project to be advertised in more favorable bidding market conditions.

If you have any questions regarding the work plan schedule, please contact me at (716) 858-6499 or david.millar@erie.gov.

Sincerely,



David C. Millar, P.E.  
Asst. Deputy Commissioner

cc: ECSD No. 3 Board of Managers ✓  
J. Konsella, NYSDEC – Region 9  
B. Baker, NYSDEC – Bureau of Water Permits  
J. Stearns, NYSEFC  
G. Absolom/K. Kaminski  
J. Fiegl/J. Carr/M. Salah/7.2.3.SPDES SAN



# 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 NY0020681  
Blasdell 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 NY0020681:

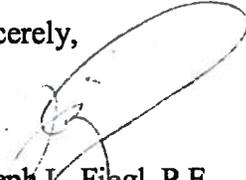
- Total Residual Chlorine (TRC) Study: the NYSDEC has approved the following documents associated with the Rush Creek Interceptor project:
  - Elimination of Pumping Stations and the Blasdell Wastewater Treatment Plant (report and addendum) – approved on September 25, 2012
  - New Submersible Pumping Station and ORF Improvements technical memorandum for the Southtowns Advanced Wastewater Treatment Facility (AWTF) – approved on July 9, 2013

With the endorsement of these two documents, the ECDSM has obtained technical concept approval for the Rush Creek Interceptor project and the associated elimination of the Blasdell WWTP. The Rush Creek Interceptor project will satisfy the TRC requirements for this SPDES permit.

- Mercury: the ECDSM will be scheduling the required sampling in the near future.
- Emergency Bypasses and Blasdell Pumping Station and Labelle Pumping Station: please see TRC Study progress report listed above. The Rush Creek Interceptor project includes provisions to address these emergency bypasses.
- Annual SSO Report: the first report required under this SPDES permit is to be submitted on April 30, 2014.

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. 3 Board of Managers  
Bureau of Water Permits – NYSDEC Albany  
D. Judd – NYSDEC Region 9  
M. Whyte – Commissioner  
G. Absolom/K. Kaminski/S. Canestrari  
J. Carr/D. Millar/M. Salah/3.2.3.SPDES Sanitary

**New York State Department of Environmental Conservation**  
**Division of Water, Region 9**  
270 Michigan Avenue, Buffalo, New York 14203-2915  
Phone: (716) 851-7070 • FAX: (716) 851-7009  
Website: www.dec.ny.gov



Joe Martens  
Commissioner

September 20, 2013

Mr. Joseph L. Fiegl, P.E.  
Deputy Commissioner  
Erie County Division of Sewerage Management  
95 Franklin Street, Room 1034  
Buffalo, NY 14202

Dear Mr. Fiegl:

**I/I Analysis and SSES Work Plans**  
**Southtowns AWTF, Town of Hamburg, Erie County (SPDES Permit Nos. NY0095401)**  
**Lackawanna WWTP, City of Lackawanna, Erie County (SPDES Permit No. NY0022136)**

The Department has reviewed your letter of August 30, 2013 on the above-referenced submittals, which are required in the respective SPDES permits for these facilities. As agreed in our meeting of August 1, 2013, and as summarized in your letter, the Department approves a revised date of January 1, 2014 for the County's submission of approvable I/I and SSES work plans for these facilities.

If you have any questions, please feel free to contact me at 851-7070.

Sincerely,

Jeffrey A. Konsella, P.E.  
Regional Water Engineer.

ecc: Mr. Daniel Judd, DOW  
Mr. Bruce Wager, DOW  
Mr. Brian Baker, DOW- Albany

Handwritten notes: Hen 6-1-11/10



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE  
COMMISSIONER

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 NY0095401  
Southtowns Advanced Wastewater Treatment Facility (AWTF)  
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 NY0095401:

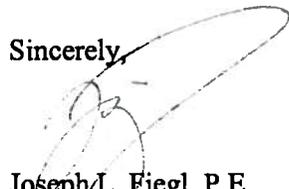
- Combined Sampling Location: the required infrastructure has been installed to allow for Outfall 003 to be sampled in the Southtowns AWTF laboratory. Preliminary testing and quality assurance on the new sampling setup is presently ongoing.
- Total Residual Chlorine (TRC) Study: the ECDSM issued a request for proposals (RFP) on July 17, 2013 for this and other items listed in the schedule of compliance. A copy of the RFP may be found on the Erie County website.
- Ammonia Study: the ECDSM issued a RFP on July 17, 2013 for this and other items listed in the schedule of compliance.
- Phenolics and Cyanide Study: the ECDSM issued a RFP on July 17, 2013 for this and other items listed in the schedule of compliance.
- 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 Plans: the wet weather operating plan was submitted to the NYSDEC on April 30, 2013.

*Item  
Index*

- **Facility Report:** a facility report work plan was submitted to the NYSDEC on February 25, 2013. In accordance with the facility report work plan, a New Submersible Pumping Station and ORF Improvements technical memorandum was submitted to the NYSDEC on April 30, 2013. The NYSDEC approved the facility report work plan on June 14, 2013. In the approval letter, a request was made for an updated timeline. The ECDSM transmitted the updated timeline on June 20, 2013. On July 9, 2013, the NYSDEC approved the New Submersible Pumping Station and ORF Improvements technical memorandum. In accordance with the facility report work plan, the ECDSM issued a RFP on July 17, 2013 for this and other items listed in the schedule of compliance.
- **No Feasible Alternative Analysis:** no substantial work performed to date.
- **Emergency Bypass Through the Slots Between the Influent and Effluent Wet Well:** the New Submersible Pumping Station and ORF Improvements technical memorandum was submitted by the ECDSM on April 30, 2013 and approved by the NYSDEC on July 9, 2013.
- **Influent Monitoring of ORF:** a letter detailing the steps taken to address this item was submitted to the NYSDEC on April 30, 2013.
- **Annual SSO Report:** the first report required under this SPDES permit is to be submitted on April 30, 2014.
- **Sampling Monitoring Program – Mercury:** the required wet weather grab samples have been taken at Outfall 001 and Outfall 002. Dry weather sampling will be completed for Outfall 001 prior to the November 1, 2013 deadline.
- **Sampling Monitoring Program – PCBs:** the required wet weather grab samples have been taken at Outfall 001 and Outfall 002. Dry weather sampling will be completed for Outfall 001 prior to the November 1, 2013 deadline.

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. 3 Board of Managers**  
**Bureau of Water Permits – NYSDEC Albany**  
**D. Judd – NYSDEC Region 9**  
**M. Whyte – Commissioner**  
**G. Absolom/K. Kaminski/S. Canestrari**  
**J. Carr/D. Millar/M. Salah/7.2.3.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  
take (iii)*

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



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE  
COMMISSIONER

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

August 19, 2013

Mr. Wayne L. Bieler, P.E.  
Town of Orchard Park Engineer  
S-4295 South Buffalo Street  
Orchard Park, New York 14127-2609

Re: Request for Intermunicipal Agreement between the Town of Orchard Park and  
Erie County Sewer District No. 3 – Disposal of Sewage Debris

Dear Mr. Bieler,

The Erie County Division of Sewerage Management (County) is in receipt of your July 29, 2013 letter requesting that Erie County Sewer District (ECSD) No. 3 enter into an intermunicipal agreement with the Town of Orchard Park (Town) for disposal of sewage debris collected during the Town's sanitary sewer flushing and vactoring activities. Unfortunately, the Southtowns Advanced Wastewater Treatment Facility (AWTF) does not have the infrastructure or regulatory permits in place to accept this debris and therefore, ECSD No. 3 cannot proceed with this type of intermunicipal relationship.

The Southtowns AWTF does accept materials on a very limited basis from commercial waste haulers that pay for disposal at the plant. The waste haulers are only allowed to discharge liquids and materials from portable toilets or septic tanks and hence, do not dispose of the grit, rocks, and other debris you reference. In fact, ECSD No. 3 does not discharge its vactor debris into the Southtowns AWTF.

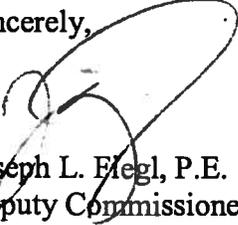
The County's current protocol is to decant the liquids from the vactor and subsequently unload the remaining debris in the incinerator ash dewatering facility located behind the Southtowns AWTF. The incinerator ash dewatering facility is a former landfill that has since been shutdown. As this is no longer an active landfill nor permitted as such, the New York State Department of Conservation requires very limited use of the area for County purposes only, with a prescriptive disposal schedule for materials stored there. Due to regulatory requirements, no other municipal entities or otherwise can dispose of debris at this location.

In discussing vector disposal recently with several local municipalities, one of the two procedures listed below were followed by each after decanting:

- Unloading the debris on the ground/floor and using hand shovels or mechanical equipment to place the materials into a disposal container; or
- Unloading the debris in a designated area and mixing/covering with soil for future disposal or fill.

I hope the above information is helpful for the Town in developing its own protocols for disposal. It is my understanding that the Town will be meeting with County staff as part of its research of various combination flusher/vector units. If the Town would like assistance with the bid specifications or has questions regarding the equipment after a unit is purchased, please contact us. I can be reached at (716) 858-7537 and staff at ECSD No. 3 can be reached at (716) 823-8188.

Sincerely,



Joseph L. Fiegl, P.E.  
Deputy Commissioner

Encl. (original letter)

Cc: ECSD No. 3 Board of Managers  
G. Absolom/K. Kaminski/S. Canestrari  
L. Krug  
J. Carr/D Millar/M. Salah/3.2.0.OP 18

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# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

**Phone:** (716) 662-6425  
**Fax:** (716) 662-6488  
**Email:** [openg@orchardparkny.org](mailto:openg@orchardparkny.org)

TOWN ENGINEER  
**WAYNE L. BIELER, P.E.**

July 29, 2013

Joseph L. Fiegl, P.E.  
Deputy Commissioner  
Erie County Division of Sewerage Management  
95 Franklin Street  
Buffalo, New York 14202

**Re: Request for Inter-municipal Agreement  
Between Town of Orchard Park and ECSD #3  
Disposal of Collected Sewage Debris**

Dear Mr. Fiegl:

The Town of Orchard Park is in the process of purchasing a combination (hydraulic/vacuum) sewer truck to replace the existing 1993 Flushing Truck. The Town owned system consists of only conveyance appurtenances and therefore has no means to properly dispose of any regulated wastes collected using the vacuum with the combination truck. As the Town is within the boundaries of Sewer District #3 (SD#3) and all flows are treated at the Southtowns Advanced Wastewater Treatment Facility (AWTF), we believe that there is a mutual benefit for an agreement between the Town and SD#3 for the Town to bring the collected materials to the AWTF.

The flushing truck is used to hydraulically maintain approximately 135 miles of sewer line. The maintenance crew currently uses a basket at the downstream end of the sewer line being cleaned with removal of the debris from the system as the primary goal. However, the baskets can be ineffective in addition to challenges associated with personnel hauling a full basket up from the bottom of a manhole. The capabilities of the combination truck will help overcome the personnel challenges and more importantly have the ability to effectively collect material that would otherwise be flushed downstream into the trunk lines and ultimately to the AWTF.

The agreement would be for the AWTF to accept only the material vacuumed from the publically owned sewer system and would not include waste from septic or storm systems. In addition the material would consist of debris typically found during sewer line preventative maintenance activities that may include grit, rocks, roots, grease, etc. The quantity and frequency will still have to be determined in the conditions of any potential agreement.

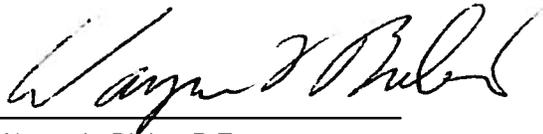
**Visit the Town's website at [www.orchardparkny.org](http://www.orchardparkny.org)**

Mr. Joseph L. Fiegl, P.E.

Page 2

Please consider this a formal request from the Town of Orchard Park for an inter-municipal agreement for the Town to use the AWTF to dump the accumulated sewer material collected by use of a combination truck. I believe that the advantages of a combination truck will benefit both the Town and SD#3 in addition to the Town becoming more proactive with the forthcoming requirements of CMOM. Once you have discussed this request internally, please contact me to discuss any further details and conditions that may be needed to facilitate this agreement.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne L. Bieler", written over a horizontal line.

Wayne L. Bieler, P.E.

Town Engineer

cc: File



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE  
COMMISSIONER

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

July 2, 2013

Edward McKibbin  
4759 Lakeshore Road  
Hamburg, NY 14075

Re: June 13, 2013  
Basement Backup  
4759 Lakeshore Road  
Hamburg, NY 14075

Dear Mr. McKibbin:

The Division of Sewerage Management (DSM) received your letter on July 1, 2013 pertaining to the above noted premises for damage to basement caused by a sewer backup on June 13, 2013.

Sewer backup is an unfortunate incident and one which the Sewer District has no control over. The Sewer District's response to the complaint call was appropriate and timely. District personnel dispatched to the scene found the public sewer blocked, and flushed the line clean. The Sewer District was not negligent in this matter. Sanitary sewers are a utility that cannot guarantee service to any system user since it is impossible to predict blockages or monitor what is being flushed into the sewer that may cause a blockage.

If you wish to file a claim, please call the Department of Property Claims at 858-2234, and listen to the process for filing a claim including the list of required documents.

Should you have any questions, please call me at 858-6990.

Sincerely,

Matt A. Salah, P.E.  
Sr. Coord. Sewer Construction Projects

Cc: District 3 – Board of Managers  
J.Fiegl/3.4.5.Claims (w/encl)  
S. Canestrari  
M. Pacifico (CA)

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# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE  
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE  
COMMISSIONER

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

September 16, 2013

Susan A. Picarillo  
Alternate Governor's Authorized Representative  
New York State Office of Emergency Management (NYSOEM)  
1220 Washington Avenue – Building 22, Suite 101  
Albany, New York 12226-2251

Re: Federal Emergency Management Agency (FEMA) 1857-DR-NY  
Erie County Department of Environment and Planning (ECDEP)  
PA ID #029-UT3XH-00  
Project Worksheet (PW) #1200  
Large Project Final Accounting

Dear Ms. Picarillo,

The ECDEP – Division of Sewerage Management is in receipt of your August 9, 2013 letter transmitting FEMA's final accounting for PW #1200 from disaster FEMA-1857-DR-NY. The purpose of this letter is to formally appeal FEMA's decision to fund only \$127,527.72 of the total amount submitted for payment. In accordance with 44 CFR §206.206, this appeal has been submitted within 60 days after receipt of a notice of the action.

In December 2009 and January 2010, PW #1200 was prepared for various damages sustained by Erie County Sewer District (ECSD) No. 3 pumping stations during FEMA-1857-DR-NY. The original documentation for PW #1200 included the following costs submitted for reimbursement:

• Labor:	\$ 16,115.14
• Equipment:	\$ 190.50
• Material:	\$ 88,080.00
• Direct Administrative Cost:	\$ 3,197.00
• Contract Costs:	\$ 1,046.08
• Hazard Mitigation Proposal	\$ 18,899.00
TOTAL	\$127,527.72

FEMA's August 1, 2013 final accounting letter for PW #1200 indicates that the Agency's reimbursement decision is based on the dollar amounts initially submitted in January 2010. Please be advised that the costs included in the original documentation for PW #1200 were preliminary estimates for this large project. Specifically, a construction project at the ECSD No. 3 Boston Valley Pumping Station to replace the generator, transfer switch, and appurtenances, along with the required flood control measures (hereinafter referred to as "generator and flood control work") had not yet commenced at that time.

*Item  
(6/1)*

Substantial paperwork has been submitted to the NYSOEM since January 2010, a portion of which is provided in the attachments of this letter.

The initial cost estimates for the generator and flood control work at the Boston Valley Pumping Station were documented in a December 17, 2009 letter provided herein as **Attachment #1**. These estimates were included in the original PW #1200 paperwork (under the 'Material' and 'Hazard Mitigation Proposal' items) and the approximate costs were developed by ECDEP engineers based upon the best available information at that time. FEMA and NYSOEM staff noted to the ECDEP that actual dollar amounts should be submitted after the project was constructed so that PW#1200 could be updated to reflect the final amounts.

**Attachment #2** presents a March 26, 2010 letter transmitted by the ECDEP providing information to the NYSOEM on the status of the generator and flood control work. The letter reaffirmed the need for equipment replacement, as the generator experienced another failure after initial repairs were completed in response to disaster FEMA-1857-DR-NY. The letter also clarified an error in the PW #1200 documentation regarding the listed "percent complete" and addressed the manner in which the generator and flood control work would be bid.

After the completion of topographic survey and detailed engineering investigations, ECDEP engineers determined that the initial concept developed in December 2009 for the generator and flood control work (based on preliminary information) was not a complete solution. Specifically, the following items were identified as necessary to allow for the replacement of the generator and better protect the equipment from future flooding:

- Generator and transfer switch
  - Wall cuts and subsequent restoration
  - Concrete pad work
  - New muffler and fuel fill port installation
  - Additional electrical work
  - Temporary power during construction
- Flood mitigation
  - New sump and sump pump
  - Elevating exterior louvers
  - Sealing of additional penetrations below the flood line

In a July 16, 2010 letter to the NYSOEM (included herein as **Attachment #3**), the ECDEP provided additional information on the project. At the June 3, 2010 bid opening for the generator and flood control work, O'Connell Electric, Inc. (O'Connell) was the lowest apparent bidder at \$264,500.00. As this amount was above the final engineers estimate and O'Connell was the only bidder on this publicly advertised project, the ECDEP attempted to negotiate a lower contract cost. A revised total cost of \$239,800.00 was negotiated, with a breakdown of approximately \$153,800.00 associated with the generator and transfer switch replacement, approximately \$71,000.00 in flood control work, and \$15,000.00 in contingency monies that would only be used as necessary. **Attachment #4** includes a copy of the notice of award, the construction contract, payment request processing documents, and the contract closeout package for O'Connell's work. All told, the total for services provided by O'Connell Electric during the construction project was \$227,231.77, with approximately \$152,300.00 paid towards replacement of the generator/transfer switch/appurtenances, \$73,581.91 paid towards flood mitigation measures, and \$1,349.86 paid towards additional upgrades identified during the construction project that were necessary to have the new installation conform with current codes and standards.

After a series of e-mails in August 2011 (several of which are included in **Attachment #5**), an updated breakdown of the costs to be submitted for PW #1200 was developed by the NYSOEM based upon information provided by the ECDEP. Additional details explaining the differences between the original and updated project worksheet are provide below:

- Labor: Original \$16,115.14; Updated \$16,115.14
- Equipment: Original \$190.50; Updated \$190.50
- Material: Original \$88,080.00; Updated \$3,553.98
  - Originally, this item included the costs associated with the generator, transfer switch, and appurtenances.
  - In the updated version, only miscellaneous materials from L.A. Woolley, Frey Heavy Duty, Southside Trailer Service, Superior Lubricants, Graybar Electric, Automation Direct, Siewert Equipment, Home Depot, NOCO Energy, Grainger, and Car Quest were accounted for under this item.
  - O'Connell's generator and flood control work was moved to 'Contract Costs' by the NYSOEM.
- Direct Administrative Cost: Original \$3,197.00; Updated \$5,516.46
  - Originally, only straight labor costs were included (along with mileage). Updated numbers were provided to include fringe benefits.
- Contract Costs: Original \$1,046.08; Updated \$241,878.21
  - The updated amount included the following:
    - \$1,046.08 from the original PW #1200 paperwork for Safety Kleen, Commonwealth, and Penn Power
    - \$227,231.77 for construction work completed by O'Connell
    - \$1,724.86 for Buffalo News construction bid advertisement (see **Attachment #4**)
    - \$11,875.50 for LiRo Engineers for construction inspection services (see **Attachment #4**)
- Mitigation: Original \$18,899.00; Updated \$0
  - In the "Final Inspection Report" for this project (see **Attachment #5**), the NYSOEM inspector noted the following: "Hazard Mitigation cost of \$73,581.91 is included in the final contract costs. These costs were interspersed in the O'Connell contract." Therefore, mitigation costs were accounted for by the NYSOEM under the contract costs.
  - The original amount included preliminary estimates for installing a new fuel tank below the generator and installing flood doors.
  - The final work included additional scope that was necessary to protect the pumping station, including installation of a new sump and sump pump, elevating exterior louvers, and sealing of additional penetrations below the flood line.

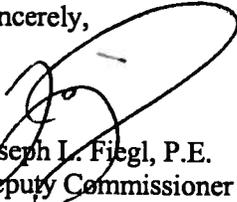
The revised total amount documented for PW #1200 in response to disaster FEMA-1857-DR-NY was \$267,254.20. New PW #1200 sheets supporting this updated amount were signed and transmitted to the NYSOEM on August 24, 2011 (see **Attachment #6**). As the Erie County Sewer Districts had a \$250,000.00 deductible per its insurance policy at that time, the total request for reimbursement from the damages sustained in ECSD No. 3 was capped at that amount.

In November 2011, the NYSOEM issued comments from its quality control review of the revised project worksheet information (see **Attachment #7**). After a meeting with the NYSOEM, the ECDEP provided additional information in response to the comments. **Attachment #8** includes the revised administrative labor sheets developed by the NYSOEM and signed by the ECDEP. As the changes made to the administrative labor sheets represented a relatively minor change that did not decrease the total amount below the Erie County Sewer District No. 3's insurance deductible, the total amount requested for reimbursement remained at \$250,000.00.

This letter includes only a small portion of the information previously sent to NYSOEM and FEMA regarding disaster FEMA-1857-DR-NY and PW #1200. As FEMA's final accounting letter specifically notes that documents supporting the contract costs associated with O'Connell's work were not available during their review, this response has focused on that information with the assumption that the NYSOEM has provided FEMA other items previously transmitted by the ECDEP. If after the NYSOEM's or FEMA's review of this letter it is identified that supplemental documentation is required, please notify me and the ECDEP will produce the records from our files.

The ECDEP trusts that this letter, the enclosed attachments, and other previously submitted information is sufficient documentation to support a full reimbursement of \$250,000.00 for the damages documented in PW #1200. If you have any questions or require additional information, please contact me at (716) 858-7537 or joseph.fiegl@erie.gov. The ECDEP appreciates the assistance that FEMA and NYSOEM has provided throughout this entire process.

Sincerely,



Joseph L. Fiegl, P.E.  
Deputy Commissioner

Encl.

Cc: L. Lopez – FEMA Region II (w/out enclosure)  
J. Casey – NYSOEM  
ECSD No. 3 Board of Managers (w/out enclosure)  
M. Whyte – Commissioner (w/out enclosure)  
G. Absolom/K. Kaminski/S. Canestrari  
L. Krug  
J. Carr/D. Millar/M. Salah/S. Tirone/0.1.5.FEMA August 2009

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## 7/24/13: Erie County, Village of Hamburg Cooperate to Eliminate Sewer Overflows

*Crescent Avenue Pumping Station, Other System Improvements Lower Costs, Benefit Environment*

**ERIE COUNTY, NY**— Erie County (“the County”) and the Village of Hamburg (“the Village”) have announced the completion of the Crescent Avenue Pumping Station, eliminating the last sanitary sewer overflow in the Village portion of Erie County Sewer District (“ECSD”) No. 3. The completion of the Station is the latest initiative implemented to address sewer issues in the Village since ECSD No. 3 assumed ownership, operation, and maintenance of the Village’s sanitary sewer system following a merger in 2005. At that time, there were four sanitary sewer overflows in the Village’s system and the Village was under an Order on Consent with the New York State Department of Environmental Conservation.

Over the past seven years, cooperative efforts involving the County and Village have resulted in several positive outcomes addressing sewer issues. In 2005, 1,400 lineal feet of sanitary sewer pipe lining along Boston State Road/ East Main Street was addressed using trenchless rehabilitation methods; in 2006, the Pleasant Avenue overflow weir structure was eliminated; in 2007, approximately 12,900 lineal feet of sewer rehabilitation/replacement was incorporated in the New York State Department of Transportation’s reconstruction of U.S. Route 62, along with the elimination of the connection to the Woodview Avenue overflow. In 2009, another 12,667 lineal feet of sanitary sewer was rehabilitated or replaced, including upgrades in the vicinity of Browning Drive that eliminated the overflow in that area, while most recently the Hillview pumping station and its associated overflow were eliminated with the new Crescent Avenue Pumping Station. Numerous other improvements were completed by the County during the course of its operation and maintenance services. As a result of these efforts, there was not a single sanitary sewer overflow in the Village in 2012 or 2013. The total cost for the construction of these projects amounted to \$3.9 million.

“Partnerships between municipalities are an effective and efficient way to provide services that residents demand while performing necessary upgrades to aging infrastructure,” said **Erie County Executive Mark Poloncarz**. “These improvements have resulted in a better system, with savings for ratepayers, elimination of duplicative services, and a greener economy. They will also help greatly in protecting nearby 18 Mile Creek. As I said in my [“Initiatives for a Smart Economy”](#) address, our water resources are a vital part of our economy and need to be preserved and restored. The elimination of all four overflows is a tremendous step in the right direction, and I would like to thank our partners in Village government and ECSD No. 3 for their help in getting this done.”

“This sewer project is an excellent example of intergovernmental cooperation. Erie County and ECSD No. 3 have been great to work with,” said **Village of Hamburg Mayor Thomas J. Moses, Sr.** “The projects have helped eliminate sanitary sewer overflows and have improved the access to 18 Mile Creek in the Village, resulting in a definite benefit for the residents. By eliminating overflows into 18 Mile Creek from the Village and removing a pump station from the creek bank these projects are not only helping the environment, they are also helping the Village to attain one of the strategies in our Comprehensive Plan—which is to increase access and recreational opportunities along 18 Mile Creek for residents and visitors so that we can all enjoy the natural resource that flows through our community.”

**ECSD No.3 Chairman and Erie County legislature Minority Leader John Mills** added, “This is a good example of local government working with county government to share costs and make a safer environment for the residents of the Village of Hamburg.”

Additional work scheduled to be completed this year includes a pumping station elimination project to address three aging facilities and replace them with gravity sewers. This project, made possible through the consolidation of services, is called the “Charlotte/Sherburn/McKinley Pumping Station Eliminations” and was bid in June 2012 at a cost of \$958,598. As with all the work completed since the merger in 2005, ratepayers will see benefits in reduced costs as a single entity is responsible for the infrastructure, lowering future operation, maintenance, and capital expenses.

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*Item  
6(1)*



**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, 2<sup>nd</sup> 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 2008 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  
6(L)*



# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE  
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE  
COMMISSIONER

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

July 26, 2013

Mr. and Mrs. Cassillo  
5048 Hall Drive  
Hamburg, NY 14052

Re: Erie County Sewer District No. 3  
Mt. Vernon No. 1 Pumping Station  
**Property License Request**

Dear Mr. and Mrs. Cassillo:

The Erie County Department of Environment and Planning/Division of Sewerage Management (ECDSM) is in receipt of your July 20, 2013 letter requesting that ECDSM grant you license to use a portion of the Mount Vernon Pumping Station No. 1 property for private use. While we understand and appreciate the nature of your appeal, the ECDSM must respectfully deny the request. Mount Vernon Pumping Station No. 1 is situated on property that belongs to the Mt. Vernon Sewer Commission. Erie County operates and maintains the pumping station facilities through an arrangement with the Town of Hamburg for the benefit all sewer users in the Sewer District. While the facility presently functions well as situated, limits of the existing property must be maintained for future use should it be needed to address unforeseen operational issues.

If you have any questions regarding this matter, please contact me at 858-6499.

Sincerely,

David C. Millar, P.E.  
Asst. Deputy Commissioner

cc: ECSD No. 3 Board of Managers  
J. Fiegl/M. Salah  
G. Absolom/K. Kaminski/S. Canestrari  
L. Krug

*Item (a.1.)*

July 20, 2013

Joseph and Mary Cassillo  
5048 Hall Dr.  
Hamburg, N.Y. 14052

David Millar, P.E.  
95 Franklin St. Room 1034  
Buffalo, N.Y. 14202

Dear Sir,

We are the owners of 5048 Hall Dr. in Hamburg where we have lived for the past twenty five years.. Our residential property abuts the Mount Vernon #1 pumping station owned operated and maintained by Erie County. (Please see enclosed map) This pumping station has a 100 gallon diesel fuel tank used to power the back up generator. The generator is tested monthly. The fuel tank has a hazardous material warning label affixed to the side which faces our backyard. We really have no problem with the station the fuel tank the testing or the warning label. The pump station operators have proven to be good neighbors.

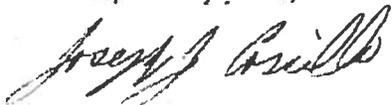
The station has a small grassy area between the tank and our backyard. The chain link fence we believe to be the property of Erie County comes right up against the concrete pad in our backyard.

We are asking that Erie County grant us license to use the small grassy area between the fuel tank and our backyard. This would allow the placement of a privacy fence which would block our view of the fuel tank as well as a chain link fence along the edge of the access road to the pump station. We believe that our use of this area would not adversely impact the operation and or maintenance of the pump station. We would be willing to pay the cost of removing the existing sections of fence and for the construction of a new fence of similar height and quality.

We realize that ownership of the property would remain with Erie County and that we would be required to grant access to the owner. We also acknowledge that Erie County retains the right to revoke the license at any time for any reason.

The use of the grassy area would certainly enhance the enjoyment of our property as well as mitigate some of the problems associated with living next to the pump station.

Respectfully yours,



Joseph & Mary Cassillo  
716-627-3889