



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE
COMMISSIONER

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

June 30, 2015

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

Re: State Pollutant Discharge Elimination System (SPDES) Permit NY0022136
Lackawanna Wastewater Treatment Plant (WWTP)
Time Extension Request – Ammonia Nitrogen Study and Total Residual Chlorine (TRC) Study

Dear Mr. Konsella:

As the NYSDEC is aware, over the last several years the Erie County Division of Sewerage Management (ECDSM) has been evaluating the concept of eliminating the Lackawanna WWTP and redirecting flows to the Buffalo Sewer Authority (BSA) for conveyance, treatment, and disposal. This important initiative has been vetted as a means to satisfy several "Schedule of Compliance" items listed in SPDES Permit NY0022136, including the Ammonia Nitrogen Study and Total Residual Chlorine (TRC) Study requirements. Considering several factors out of the ECDSM's control, the ECDSM respectfully requests a time extension for the submission of these two studies. Rationale and background information pertaining to this request is detailed below.

On September 18, 2014, the ECDSM submitted the "Final Draft Feasibility Study, Lackawanna Wastewater Treatment Plant (WWTP) Elimination Study – Phase 2" (Phase 2 report). The Phase 2 report was transmitted approximately 13.5 months before the November 1, 2015 deadline for the Ammonia Nitrogen and TRC studies. Since the time of this submission, the ECDSM and BSA:

- Provided the NYSDEC a formal presentation of the Phase 2 report during a December 5, 2014 meeting,
- Reviewed and considered general comments the NYSDEC offered in a March 2, 2015 letter, and
- Formally replied with additional technical information in an April 13, 2015 response letter.

In a recent update meeting, the NYSDEC noted that the Phase 2 report's interconnection with the BSA's long-term control plan requires additional coordination with United States Environmental Protection Agency staff and the BSA before comments / guidance could be provided on the April 13, 2015 correspondence. As additional input from the NYSDEC is necessary to properly finalize the Phase 2 report, the ECDSM expressed concerns relative to the November 1, 2015 SPDES Permit NY0022136 deadline for submission of the Ammonia Nitrogen and TRC studies. The NYSDEC acknowledged the ECDSM's concerns and a potential time extension was discussed.

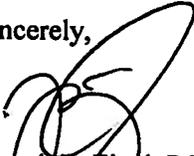
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In response, the ECDSM formally requests a time extension for Ammonia Nitrogen and TRC study requirements in SPDES Permit NY0022136, with a new deadline of May 1, 2016. With this time extension, the deadlines for these two studies will align with other items in the Schedule of Compliance that are impacted by the Phase 2 report, such as the No Feasible Alternative Analysis and the Percent Removal Requirements for TSS and BOD₅ study.

Please confirm in a written response that this time extension request is acceptable. If you have any questions, please contact me at (716) 858-7537. Thank you for your consideration.

Sincerely,



Joseph L. Fiegl, P.E.
Deputy Commissioner

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

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Region 9
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July 22, 2015

Joseph L. Fiegl, P.E.
Deputy Commissioner
Erie County Department of
Environment and Planning
95 Franklin Street
Buffalo, New York 14202

Dear Mr. Fiegl:

**Lackawanna Wastewater Treatment Plant (WWTP)
SPDES Permit NY0022136
Ammonia Nitrogen and TRC Study
Schedule of Compliance Time Extension Request**

This letter is in response to the County's June 30, 2015 letter to the Department which requested a time extension for the due dates for the above-referenced items. The County requested that the current common due date of November 1, 2015 be extended until May 1, 2016. As mentioned in the letter, doing so would align these two deliverables with the same due date for the other remaining deliverables in the Schedule of Compliance.

The County's justification for this time request, as explained in the letter, is to allow for additional time for the County to pursue an alternative which would eliminate the Lackawanna WWTP and convey flows into the BSA collection system. The Department has taken this opportunity to provide a brief summary of the review process of this proposal to date.

In September 2014, the County submitted a "Final Draft Feasibility Study - Phase 2" (Phase 2 report) for the elimination of the Lackawanna WWTP. The report's proposed closure of that WWTP, and new routing of the ECSD#6 flows into the BSA collection system was presented as a preferred alternative over upgrading the WWTP to meet the final effluent limits in the SPDES permit.

The Department's letter of March 2, 2015 articulated the Department's position on the preferred alternative, which would introduce significant additional wet weather flows to the BSA collection system. Summarizing that letter, the Department's position is that such a plan could be approved only if BSA made a commitment to undertaking sufficient additional CSO control measures so that there would be no net increases to CSO discharges (volume) and Bird Island WWTP bypasses.



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A meeting was held on June 26, 2015 between the Department, USEPA, and BSA representatives to discuss BSA LTCP related issues. During those discussions, BSA agreed to develop and submit several items to supplement the Phase 2 report. Among these items are: calculations of the volumes of additional wet weather flows from ECSD#6 that would be released during BSA CSO activations; and modifications of CSO control elements and/or implementation schedule dates which would offset predicted additional wet weather flow volumes. At that meeting, BSA set a target date of August 1, 2015 for submission of these items.

The meetings between the Department, the County, and BSA on the Phase 2 report and plant elimination concept have been productive to date. However, the approval of such a concept is largely dependent on the ability of BSA to mitigate predicted increases in CSO volumes that would result from the plant elimination. Such mitigation measures must meet the Department's conditions for no net increase in wet weather flows from ECSD#6, and must be consistent and approvable under the current EPA Administrative Order.

In consideration of both the productive nature of these discussions, and the need for additional time to both develop and review additional supporting material, the Department agrees to the County's time extension requested for SPDES permit NY0022136. Accordingly, the following items in the SPDES permit Schedule of Compliance are due on May 1, 2016:

- No Feasible Alternative Analysis;
- Percent Removal Requirements for TSS and BOD₅;
- Ammonia Nitrogen Study;
- Total Residual Chlorine (TRC) Study.

The Department looks forward to additional discussions with the County and BSA when the requested supporting materials are provided. If you have any further questions, please contact me at 851-7070.

Sincerely,



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

ecc: Mr. OJ McFoy, BSA
Mr. James Strickland, DEC Regional Engineer
Mr. Daniel Judd, Division of Water, Region 9
Mr. Robert Locey, Division of Water, Region 9
Mr. Robert Smythe, Division of Water, Region 9
Mr. Brian Baker, Division of Water, Albany
Mr. Joseph DiMura, Division of Water, Albany
Mr. Larry Gaugler, USEPA, Region 2
Ms. Katherine Mann, USEPA, Region 2