



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF ENVIRONMENT & PLANNING

MARIA R. WHYTE  
COMMISSIONER

JOSEPH L. FIEGL, P.E.  
DEPUTY COMMISSIONER

December 24, 2013

Daniel Judd – P.E. Environmental Engineer II  
NYSDEC  
270 Michigan Avenue  
Buffalo, N.Y. 14203-2999

RE: Village of Hamburg  
Order on Consent

The Erie County Department of Environment and Planning/Division of Sewerage Management (County) as the agent for the Village of Hamburg (Village) respectfully requests the New York State Department of Environment Conservation (NYSDEC) close out the Order on Consent, File Number 02-07 R9-20020221-15, (Order) between the Village and the NYSDEC. All of the conditions of the Order have been satisfied as documented within this letter and which reference the successful efforts that have been achieved in eliminating all of the Sanitary Sewer Overflows (SSOs) identified within the Order.

The NYSDEC and the Village of Hamburg entered into the Order in January 2003. The Order referenced sanitary sewer discharges into Eighteen Mile Creek without a State Pollutant Discharge Elimination System (SPDES) permit and a reconnection of a former overflow pipe from Woodlawn Avenue also into Eighteen Mile Creek. The Village of Hamburg was required to comply with Schedule A of the Order. (See Attachment 1)

Erie County Sewer District No. 3 entered into Agreement with the Village of Hamburg to operate and maintain the Village of Hamburg's sanitary sewer collection system on June 1, 2005. The date of this Agreement was February 17, 2005 and transfer of ownership of the sanitary sewers was effective on January 1, 2006. The agreement stipulated that the Village of Hamburg would invest at least \$3,250,000 into the Village of Hamburg's sanitary sewer collection system. The Order on Consent has stayed with the Village of Hamburg while Erie County Sewer District No. 3 took over the Operation and Maintenance and ultimately the ownership of the collection system.

Per the agreement with the Village of Hamburg, the County was to serve as the Village's agent for the completion of the engineering work associated with the Order.

Following in the format of the "Order" are the actions that have been taken for compliance:  
The Village of Hamburg's former SSO locations were at:

*Item  
1/2/13*

December 24, 2013

1. Browning at Berkshire
2. South Buffalo Pumping Station
3. Woodview Avenue
4. Pleasant Avenue

1. Notifications – all SSO's that have occurred from 2005 to present have been reported by ECSD No. 3 personnel. These have been reported orally within the required 24 hr. time period and have been followed up in writing after each event.

2. SSO Abatement - The Village of Hamburg commenced with an Inflow/Infiltration study for the abatement of all sanitary sewer overflows (SSO) within the Village prior to the County's involvement. This study was completed by Parsons titled, Village of Hamburg, Inflow/Infiltration Study and Sanitary Sewer Rehabilitation Program, dated, January 2005 and was approved by the NYSDEC on March 9, 2005. The implementation schedule for the Recommended Rehabilitation Measures contained in Table 7.4 (see attachment 2) of the Parson's study was incorporated into the Order and became binding on the Village of Hamburg as stated in Schedule A.

Referencing Table 7.4, please note that priorities 1 through 3 & 6 were completed by the Village of Hamburg, and priority 5 was completed by the property owner, Sunset Court Apartment Complex, prior to the County's takeover of the Village of Hamburg's system. Additionally, prior to Erie County Sewer District No.3 entering into the Agreement with the Village of Hamburg, the Village solicited the homeowners on Crescent Avenue to televise their sewer laterals. The Village made a local plumber available that the property owners could use to televise their sewers. Some homeowners made arrangements with the plumber and had repairs made to their sewer laterals.

The Village of Hamburg's sanitary sewer collection system became part of ECSD No. 3 system on January 1, 2006. Erie County, as agent for the Village of Hamburg engaged URS Corporation to provide engineering study, design and construction phase services for the sanitary sewer system improvements to reduce the I&I as outlined in the approved Parsons Study. The approved URS report and work plan addressed Table 7.4 (priorities 7, 8, 9 and 11) of the Parson's study (see Attachment 2). As the Village of Hamburg's agent the County bid, awarded and constructed the approved/recommended improvement, under the Village of Hamburg's Contract 2007-1. This project addressed deficiencies throughout various mini-systems (MS) within the Village.

In addition to Contract 2007-1, the following additional work was completed to abate Village SSO's

- 2007- The County coordinated with the New York State Department of Transportation (NYSDOT) to physically eliminate the by-pass pump manhole (and thus the SSO) on Woodview Ave.
- 2008 – A permanent bulkhead was installed in the manhole on Pleasant Ave. to physically eliminate the Pleasant Avenue SSO.

- July 2010 – The County engaged CRA Engineers for the design and construction of the new Crescent Ave. Pump Station to replace the South Buffalo (Hillview) Pumping Station. The construction proceeded in September 2011 and was completed in July 2012. The construction of the Crescent Ave. Pump Station along with the abandonment of the South Buffalo (Hillview) Pumping Station and sanitary sewer under Eighteen Mile Creek mitigated the SSO at the South Buffalo (Hillview) Pumping Station. Since the time of this project, there have been no SSOs at this location. Note that this partially addressed priority is in Table 7.4 of the Parson's Report.

Restating accomplishments of SSO Abatement since the start of Order on Consent.

- The **Woodview SSO** was physically eliminated in 2007. There has not been a recordable SSO since that date.
- The **Pleasant Ave. SSO** was physically eliminated in 2008. There has not been a recordable SSO since that date.
- The **Browning Ave. SSO** was physically eliminated with the construction of a new sanitary sewer, laterals to the R.O.W. of Browning Ave., the removal of storm cross connections along with numerous spot repairs, cured-in-place pipe (CIPP) lining and manhole rehabilitations. This work finalized in 2009 and no recordable SSO's have occurred at the Browning at Berkshire site since implementation.
- The **South Buffalo (Hillview) Pumping Station SSO** was addressed with the construction of the Crescent Ave. Pumping Station, Contract 43PS and the physical removal of the South Buffalo (Hillview) Pumping Station and the gravity sewer under Eighteen Mile Creek in 2012. No recordable SSO's have occurred since that date.
- In addition – The County bid, awarded and constructed the Charlotte, Sherburn & McKinley Pumping Stations Elimination Project, Contract 40 in 2012. This project installed approximately 1,500 linear feet of new 8 and 10 inch replacement sanitary sewer main, 23 manholes and replaced approximately 56 wye connections and approximately 1,200 linear feet of 6 inch sanitary laterals along with clean outs at the Right of Way (ROW). This work was identified as priority 12 in Table 7.4 of the Parson's report. (Attachment 2)

This leaves Priority 4 and 10 listed in Table 7.4 of the Parson's report. Priority 10 required the *"Village to pursue correction of I/I through faulty/leaking service laterals on private property. Includes installation of residential lateral liners."* According to New York State Law, municipalities cannot invest public money on private property and as such pursuing corrections on private property is not feasible. However, the County will, to the extent possible, coordinate the replacement of deficient laterals through the New York State Department of Environmental Conservation approved I/I Developer Program which allows for corrections of service laterals implemented by developers on private property. In addition, the County has enacted a program that replaces existing laterals with new PVC pipe from the main within the street Right of Way (ROW) to a clean out at the edge of the ROW. This program is utilized when the existing

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sanitary sewer main has failed, reached the end of its' useful life, and needs to be replaced with new sanitary sewer pipe.

The County's "Rules and Regulations for Erie County Sewer Districts," (R & R's) allows for a house inspection to identify extraneous flows into the sanitary sewer system from private sources. The R&R's require downspouts and sump pumps be disconnected from sanitary laterals and low lying vents to be raised and covered with mushroom caps to prevent storm runoff from entering the sanitary laterals and other improvements. This addresses priority 4 of Table 7.4. (Attachment 2)

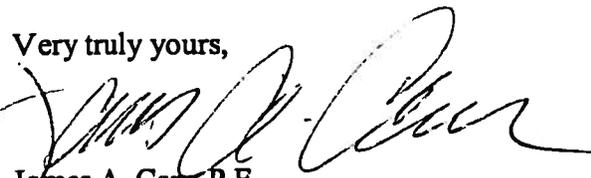
Finally, 3a of the Order requires a plan to be submitted to the NYSDEC for continuous system assessment, flow monitoring, correction and maintenance. 3b requires the plan to start and 3c requires an annual report of 3a's plan be submitted to the NYSDEC no later than January 31<sup>st</sup> of each year. The County, on behalf of the Village of Hamburg, has monitored the SSO locations and has submitted the required annual report each and every year to the NYSDEC since 2005.

In conclusion, the County and Village diligently and methodically addressed the Order on Consent. The goal of the Order, to mitigate the sanitary sewer flaws within the Village of Hamburg has been successfully completed as outlined above. Erie County/Erie County Sewer District No.3/Division of Sewerage Management will continue to implement the R&R's throughout the Village as well as ECSD No.3. The Division of Sewerage Management under the requirements of the Southtowns WWTP SPDES permit will provide the NYSDEC an annual report that will include the Village of Hamburg.

Therefore, it is requested that the NYSDEC acknowledge the mitigation of these SSO's and consequently close out the Order.

If you need more information or a clarification, please do not hesitate to contact me.

Very truly yours,



James A. Carr, P.E.

Assistant Deputy Commissioner

cc: Mayor Moses (w/encl.)  
ECSD No. 3 BOM (w/encl.)  
J. Fiegl / D. Millar / E. Paolini / A. Horton / 3.2.6. (V) Hamburg w/encl.)  
G. Absolom / K. Kaminski (w/encl.)  
L. Krug / S. Canestrari (w/encl.)  
3.7.0. Municipal, 3.2.2 I&I

**ATTACHMENT I**

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Violations of Article 17 of the Environmental Conservation Law (ECL) by:

VILLAGE OF HAMBURG  
100 Main Street  
Hamburg, NY 14075  
(Erie County)

Respondent

ORDER  
ON  
CONSENT

FILE NO. 02-07  
R9-20020221-15

WHEREAS:

1. Article 17 of the Environmental Conservation Law of the State of New York (hereinafter "ECL") sets forth certain provisions governing the control and prevention of water pollution in the State of New York and provides for the adoption of implementing codes, rules, and regulations therefore.
2. Respondent owns, operates and/or maintains control of a sanitary sewer collection system within the corporate limits of the Village of Hamburg, County of Erie, New York which system is subject to the aforesaid laws, codes, rules and regulations.
3. Respondent, on or about April 20, 2000 and April 21, 2000, discharged sanitary sewage from a manhole in Eighteenmile Creek near Crescent Avenue without a State Pollutant Discharge Elimination System permit (SPDES) in violation of ECL Section 17-0803.
4. Respondent operated its sewer system without a SPDES permit, in violation of ECL Section 17-0803 by virtue of discharges from the above cited manhole in Eighteenmile Creek on twenty-one additional occasions in the year 2000 and fourteen occasions in the year 1999.
5. Respondent has operated its sanitary sewer system in violation of ECL Section 17-0509 which provision mandates minimum effective secondary treatment.
6. Respondent, during the year 1992, re-connected a former overflow pipe for discharge into Eighteenmile Creek from Woodview Avenue, thus creating a discharge point source, in violation of ECL Section 17-0505 and 17-0511..
7. Respondent, having affirmatively waived its right to a hearing on these matters as provided by law, consents to issuance and entry of this Order and agrees to be bound by the

provisions, terms, and conditions contained herein.

NOW, having considered this matter and being duly advised, it is ORDERED:

I. THAT Respondent is hereby assessed a civil penalty in the amount of Twenty Thousand Dollars (\$20,000.00). Upon execution of this Order, Respondent shall pay Twenty Thousand Dollars (\$20,000.00) to the Commissioner by check or money order payable to the Commissioner of Environmental Conservation and sent to the Region 9 Office at 270 Michigan Avenue, Buffalo, New York 14203-2999.

II. THAT should Respondent fail to comply with the terms and time requirements of Schedule A attached hereto and made apart hereof, a stipulated penalty of Twenty Five Thousand Dollars (\$25,000.00) will be imposed upon Respondent.

III. THAT Respondent's compliance with this Order and Schedule A is not a contingent activity that can be avoided by the payment of stipulated penalties. In the event Respondent breaches any provisions, term or condition of this Order, the Department reserves the right to take any other actions to which it is entitled by law including actions for penalties in addition to those delineated in Paragraph II.

IV. THAT this Consent Order shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

V. THAT Respondent shall be immediately be bound as here and after provided by this Order and Schedule A.

VI. THAT if Respondent's failure to meet the compliance dates or to otherwise comply with this Order was caused by circumstances beyond its reasonable control, Respondent shall promptly notify the Department in writing of the circumstances and the compliance dates or terms may be reasonably adjusted by the Department.

VII. THAT Respondent shall send all documentation required by this Order to the Department at the following address, unless otherwise noted:

New York State Department of Environmental Conservation  
Region 9 Office - Division of Water  
270 Michigan Avenue  
Buffalo, New York 14203-2999

VIII. THAT the provisions, terms and conditions of this Order shall be deemed to bind the Department of Environmental Conservation and Respondent and their agents, servants,

employees, successors, and assigns.

IX. THAT the effective date of this Order shall be the date this Order is signed by the Commissioner or her designated representative.

X. THAT Respondent shall permit duly designated officers, employees, consultants or agents of the Department to enter upon the facilities or areas in the facilities which may be under the control of the Respondent, and any areas necessary to gain access thereto for purposes of such sampling and tests as the Department may deem necessary in order to ascertain Respondent's compliance with the provisions of this Order.

DATE: \_\_\_\_\_, 2002  
Buffalo, New York

ERIN M. CROTTY, Commissioner  
New York State Department of  
Environmental Conservation

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

Gerald F. Mikol  
Regional Director, Region 9

EFFECTIVE DATE OF ORDER JANUARY 2003  
SCHEDULE A

Respondent shall, on or before the dates indicated:

Item	Deadline
1. NOTIFICATION REQUIREMENTS	Immediately
Report to Regional Office of NYSDEC any sanitary sewer overflow occurring from any location within Village of Hamburg by telephone within 24 hours; provide written notification of such overflow within five days.	
2. SANITARY SEWER OVERFLOW ABATEMENT	
Submit Engineering Report, for Department approval, for abatement of all sanitary sewer overflows: report shall include schedule for implementation. Upon approval, this schedule shall be binding upon Respondent under this Order.	
(Done)	
3. COLLECTION SYSTEM MONITORING AND MAINTENANCE	
a. Submit, for Department approval, plan for continuous system assessment, flow monitoring, correction and maintenance; plan shall include schedule for implementation of said program. The schedule of actions shall be binding upon Respondent under this Order.	6 months from effective date of the Order.
b. Begin implementation of the approved plan in accordance with the schedule.	3 months from Department approval of the plan.
c. Submit report no later than January 31 <sup>st</sup> of each year detailing actions taken during preceding year in accordance with schedule of plan implementation.	Annually

START  
1/2003



**ATTACHMENT II**

**Table 7.4  
Village of Hamburg  
Sanitary Sewer Rehabilitation  
Proposed Implementation Schedule**

A=Completed by Village  
B=Completed by ECSD No.3  
C=Will be addressed by Village w/grant funding when available  
D=Completed by property owner

The Village finances the minimum public property improvements identified to mitigate SSOs (meet I/I Abatement Goals) and address structural/safety issues related to sewers and pump stations. Private property improvements are also required to abate SSOs in the Village, namely in MS-4 upstream of the South Buffalo Pump Station, and in MS-5. This schedule assumes that private property improvements will be financed by a private source. Necessary public property improvements will be financed over a 10-year period through a sewer rent increase. Funding in the form of grants and loans, if obtained, would serve to reduce the and potentially the impact on rate-payers.

	Planned Activity (Priority corresponds to activities as identified on Table 7.3)	Available Funding <sup>1</sup>	Cost of Capital Improvement Activity	Capital Project Fund Balance	Activities Funded by Private Sources	
					Planned Activity (Priority corresponds to activities as identified on Table 7.3)	Cost to Private Sources
<b>2002</b>						
A	MH Lid Liners (Priority 1) Complete (2002)	Funded from 2002 Sewer Fund O&M Budget	Approximately \$3,000	\$		NA
	Manhole Rehab Complete (2002)					
	Storm Sewer Repair Complete (2002)					
	Plug Interconnection					
	Apply for Grants					
<b>2003</b>						
A	Priority 2					Priority 4 B (R&R's) Village to pursue correction of illicit connections on private property including downspout connections to the sanitary sewer and low-lying lawn vents in MS-4 U/S of South Buffalo Pump Station and in MS-5. (see table K.2 & K.3)
	Storm Sewer Rehabilitation (see table j.1)	\$ 134,400	\$ 2,605	\$ 131,795		
A	Priority 3					Priority 5 (subset of chemical grout sewer repairs) Village to pursue correction of I/I within Sunset Court Apartment Complex, including grout injection to repair leaking joints/pipes <sup>1,2</sup> and repair of low-lying lawn vents.
	Pipe Cleaning/Root Removal (see table I.3 & I.5)	\$ 131,795	Funded from O&M budget	\$ 131,795		
	Priority 5 (not including Sunset Court Apartments)					
A	Chemical Grout Injection	\$ 131,795	\$ 106,609	\$ 25,186		\$ 1,660
	Priority 6					
	Mechanical Sleeve	\$ 25,186	\$ 12,744	\$ 12,442		\$ 9,268
<b>2004</b>						
	Hold Public Capital Improvements for 2004, insufficient fund balance	\$ 146,842	NA	\$ 146,842		Priority 10 Village to pursue correction of I/I through Faulty/Leaking Service Laterals on private property. Includes installation of residential lateral liners. C \$ 308,122
<b>2005</b>						
A/B 2007	Priority 7					NA
	Manhole Repairs	\$ 281,242	\$ 174,954	\$ 106,288		
<b>2006</b>						
B-2009	Priority 8					NA
	Cured-in-Place Pipe Segment Repair	\$ 240,688	\$ 212,696	\$ 27,992		
<b>2007</b>						
B-2009	Priority 9					NA
	Cured-in-Place Spot Pipe Repair	\$ 162,392	\$ 108,228	\$ 54,164		
<b>2008</b>						
B-2009	Priority 11 (subset of total priority grouping)					NA
	Open Excavation in MS-5 and MS-4 DS	\$ 188,564	\$ 123,500	\$ 65,064		
<b>2009</b>						
	Hold Public Capital Improvements for 2009, insufficient fund balance	\$ 199,464	NA	\$ 199,464		NA
<b>2010</b>						
B-2009	Priority 11 (balance of total priority grouping)					NA
	Open Excavation in MS-3b	\$ 133,864	\$ 201,000	\$ 132,864		
<b>2011</b>						
	Hold Public Capital Improvements for 2011, insufficient fund balance	\$ 267,264	NA	\$ 267,264		NA
<b>2012</b>						
B-2011 S.Bflo (Hillview)	Priority 12					NA
	Pump Station Upgrades	\$ 401,664	\$ 365,111	\$ 36,553		
		Capital projects fund balance is based upon a \$28/unit increase for 4800 sewer rent units, or \$134,400/year funding.			Village Financed Public Property Repair Cost Total \$ 1,307,447	
		2. Cost assumes chemical grout injection will be performed in conjunction with the Village's contract.			Privately Financed Repair Cost Total \$ 319,050	
					Total Cost \$ 1,626,497	

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Village of Hamburg  
 I/I Study and Sanitary Sewer Rehabilitation  
 Storm Sewer Repairs to Be Implemented by the Village

Storm Sewer Defect	Defect Location	Repair Method	Materials Cost (\$)
<b>Storm Sewer Repairs Resulting from Interconnection Investigation</b>			
Abandoned pipe	East side of intersection of Lake and Pleasant Avenue south side of sanitary MH-D	Plug/seal abandoned pipe in sanitary manhole	\$30
Break Below Pipe on the North Side of Storm Manhole	Intersection of Hillview and Long Avenue	Seal area around pipe on north side of storm manhole	\$25
Broken Storm Line	17' south of storm manhole in front of house 27 Hillview Avenue	Excavate and replace storm line (assume 12"D x 13"L)	\$250
Broken/Crushed Storm Line	Storm line on south side of Lake and Pleasant intersection	Excavate and replace storm line (assume 12"D x 13"L)	\$250
Broken Storm Line	222' south of the end of the corrugated pipe storm line on West Crescent Avenue (in the vicinity of sanitary MH-128)	Excavate and replace storm line (assume 8"D x 13"L)	\$250
Defective Catch Basin Lateral	100 Long Avenue	Replace CB lateral (assume 8"D x 13"L)	\$170
Defective Catch Basin Lateral	Just east of sanitary MH-140 in the circle at the end of Center Street	Replace CB lateral (assume 8"D x 13"L)	\$170
Defective Catch Basin Lateral	Intersection of Browning and Blake, replace CB lateral from CB on Browning to the storm line on Browning AND from the CB on Browning kiddy-corner to the CB on Blake	Replace CB lateral, 2 directions (assume 8"D x 13"L)	\$340
Defective Catch Basin Lateral	Southwest corner of Crescent and S. Buffalo intersection	Replace CB lateral (assume 8"D x 13"L)	\$170
Defective Catch Basin Lateral	South side of E. Main Street just west of intersection with Veit	Replace CB lateral (assume 8"D x 13"L)	\$170
Direct Pipe Connection	187' west of the storm manhole located in front of house 136 Pleasant Avenue	Plug pipe in storm sewer	\$30
<b>Storm Sewer Repairs Resulting from CCTV Inspection on Pleasant Avenue</b>			
Joint Offset	70.1' west of 236 Pleasant Ave (12" vcp) <i>(Pipe Crack @ 69.8' west should be included in repair)</i>	Excavate and replace storm line (assume 12"D x 13"L)	\$250
Broken Pipe	177' east of 195 Pleasant Avenue (12" vcp)	Excavate and replace storm line (assume 12"D x 13"L)	\$250
Pipe Crack	17.8' west of storm manhole at the southwest corner of Pleasant Avenue and S. Lake Street intersection (12" vcp). <i>(Pipe broken at 9.9' west should be included in repair)</i>	Excavate and replace storm line (assume 12"D x 13"L)	\$250
Total Storm Sewer Repair Cost (Materials Only)			\$2,605
Total Number Storm Sewer Repairs to be Implemented by Village			14

