

COUNTY OF ERIE

LOCAL LAW NO. 3-1974

LOCAL LAW INTRO. NO. 32 (Print #4)

1973

A LOCAL LAW amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, by addition of a new Article IX, providing for an environmental quality policy and a Department of Environmental Quality.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Legislative Purpose. It is the purpose of the Legislature by this Charter Amendment to establish an environmental quality policy and to reorganize the environmental management functions now vested in county government so as to assure the highest degree of public accountability, coordination within county government, and effective leadership and representation of the county in relation to the federal, state, and other local governments.

Section 2. Local Law No. 1-1959, as amended, constituting the Erie County Charter, is hereby amended by adding thereto a new Article IX, to read as follows:

ARTICLE IX

Environmental Management

- Section 901. Environmental Quality Policy.
- Section 902. Department of Environmental Quality; Commissioner; Qualifications.
- Section 903. Powers and Duties of Commissioner.
- Section 904. Organization of Department.
- Section 905. County Environmental Quality Code.

§ 901. Environmental Quality Policy.

It is hereby declared to be the policy of the County of Erie to conserve, improve and protect its natural resources and environment and to develop and manage its natural resources so as to enhance the health, safety and welfare of the people of the County and their social and economic well being, within its available legal and fiscal means, and with due regard to the rights and privileges of city, town and village governments. In respect to all actions that may have a significant environmental impact, the legislature and all county agencies shall, within the limits of their lawful authority, give due regard to this policy in the exercise of their respective functions.

§ 902. Department of Environmental Quality; Commissioner; Qualifications.

There shall be a Department of Environmental Quality headed by a Commissioner. He shall be appointed by the County Executive, subject to confirmation by the County Legislature. He shall have suitable experience in public administration or environmental matters and shall possess the minimum of a baccalaureate degree from an accredited institution.

§ 903. Powers and Duties of Commissioner.

The Commissioner of Environmental Quality shall have the following powers and duties:

- a) He shall administer the air and water quality control, drainage, flood control, sanitation and sewerage planning and management functions vested in the executive branch of the county government, provided, however, that this

provision shall not be deemed to restrict the powers or duties of the administrative body appointed, designated, or established in accordance with Article 5-A of the County Law and the Erie County Charter and Administrative Code.

- b) He shall head the Department of Environmental Quality and supervise and control its officers and employees.
- c) He shall promulgate, administer, enforce and may from time to time amend a County Environmental Quality Code, pursuant to § 905 of this Charter.
- d) He may enforce the County Environmental Quality Code through procedures prescribed in § 9.07 (b) of the Erie County Administrative Code or by entering into consent orders and/or conciliation agreements.
- e) He may, if authorized to do so by appropriate federal or state authorities, administer or enforce federal or state laws, rules, regulations, orders, or programs in relation to the control, enhancement and preservation of environmental resources.
- f) He shall appoint a Deputy Commissioner for Sewerage Management, a Deputy Commissioner for Air and Water Quality, a Director for Program Development, and a Director for Solid Waste Programs.

g) He may, with the concurrence of the Commissioner of Health, authorize and direct employees of the Department of Health to make inspections for the Department of Environmental Quality.

h) He shall, under the direction of the county executive and upon the request of one or more municipalities within the county, assist such local governments by furnishing technical advice, information, and recommendations concerning environmental matters.

i) He shall exercise such additional powers and duties as may be prescribed by the County Legislature by local law or by the County Executive.

j) He shall have all powers necessary or proper to the exercise of any of the duties or functions of the Commissioner or the Department of Environmental Quality.

§ 904. Organization of Department.

There shall be within the Department of Environmental Quality a Division of Sewerage Management, a Division of Air and Water Quality, an Office of Program Development, and an Office of Solid Waste Programs.

§ 905. Erie County Environmental Quality Code.

To the extent applicable to the control and enhancement of the quality, use or enjoyment of air and water resources, the authority conferred upon a board of health by the Public Health Law to formulate, promulgate, adopt and publish rules, regulations, orders and directions for the security of

life and health to be known as a sanitary code shall be exercised by the Commissioner of Environmental Quality. The Commissioner may also promulgate such other and additional rules and regulations as he shall consider appropriate to enhance the quality, use and enjoyment of air and water resources within the county, pursuant to the environmental quality policy declared in § 901 of this Charter and in furtherance of the public health, safety and welfare. This shall not be deemed to limit the authority of the board of health to promulgate such additional regulations for the security of life and health as may be necessary. Before adopting any provision or amendment of the Erie County Environmental Quality Code, the Commissioner shall conduct a public hearing, pursuant to the procedures set forth in § 9.07 (a) of the Erie County Administrative Code. Following such public hearing, if the Commissioner's decision is to adopt said proposed code or amendment, he shall file a copy of the said preliminary decision with the Clerk of the Legislature. If the County Legislature shall so direct, pursuant to § 9.07 (a) of the Erie County Administrative Code, the Commissioner shall conduct a second public hearing.

Section 3. The County Sanitary Code shall continue in full force and effect except to the extent that provisions thereof shall be transferred to the Environmental Quality Code by joint order of the Commissioner of Environmental Quality and the Board of Health. Orders issued by the Commissioner of Health, prior to the date of the above mentioned transfer, pursuant to those provisions of the County Sanitary Code which are transferred to the Environmental Quality Code shall remain in full force and effect as orders of The Commissioner of Environmental Quality.

Section 4. This local law shall take effect one (1) month after final approval.

April 16, 1974, Meeting No. 9, Item No. 11, adopted by Legislature
April 16, 1974, Meeting No. 9, Item No. 19, adopted by Committee
May 7, 1974, Meeting No. 11, Item No. 93, approved by Co. Executive

May 2, 1974, Public Hearing held in County Executive's Office.
May 3, 1974, copies of LOCAL LAW NO. 3 - 1974 filed with
secretary of State.

May 13, 1974, acknowledgment from Secretary of State of filing.