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# COUNTY OF ERIE

**CHRIS COLLINS**  
COUNTY EXECUTIVE

January 20, 2011

The Honorable  
Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, NY 14202

**RE: Water Quality Improvement Project Grant Award  
Erie County Sewer District No. 3 (ECSD No. 3)**

Honorable Members:

Enclosed please find a resolution and an accompanying memorandum pertaining to Water Quality Improvement Project grant awarded to the Division of Sewerage Management.

Should your honorable body require further information, I encourage you to contact the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely,

CHRIS COLLINS  
Erie County Executive

## MEMORANDUM

To: Honorable Members of the Erie County Legislature  
From: Department of Environment and Planning  
Re: Water Quality Improvement Project Grant Award  
Erie County Sewer District No. 3 (ECSD No. 3)  
Date: January 20, 2011

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### **SUMMARY**

Authorization to enter into a State Assistance Contract and to execute any other applicable New York State Department of Environmental Conservation (NYSDEC) requirements to allow for acceptance of a \$5,000,000 grant through the New York State Water Quality Improvement Project (WQIP) program is requested. This grant award will be used towards the implementation of the Rush Creek Interceptor project, along with applicable upgrades at the Southtowns Advanced Wastewater Treatment Facility in ECSD No. 3.

### **FISCAL IMPLICATIONS**

There are no fiscal implications to the County's General Fund. The WQIP grant award for \$5,000,000 will decrease the capital costs associated with planned sanitary sewer system and wastewater treatment plant upgrade projects in ECSD No. 3. All other costs associated with this project will be paid from ECSD No. 3 capital or operating accounts.

### **REASONS FOR RECOMMENDATION**

The Erie County Division of Sewerage Management was notified by the NYSDEC that the Rush Creek Interceptor project in ECSD No. 3 was selected to receive a \$5,000,000 WQIP grant. A resolution from Your Honorable Body is required to proceed with grant acceptance.

### **BACKGROUND INFORMATION**

In October 2009, the Erie County Division of Sewerage Management submitted a WQIP grant application to the NYSDEC for the Rush Creek Interceptor project. The intended purpose of the Rush Creek Interceptor project is to eliminate permitted sanitary sewer overflows at three locations tributary to the Blasdell Wastewater Treatment Plant as well as the plant itself through construction of a gravity sewer and high flow protections. In November 2010, the Division of Sewerage Management was awarded \$5,000,000 from the NYSDEC to implement this project.

### **CONSEQUENCES OF NEGATIVE ACTION**

Erie County would not be able to receive the grant award and the entire cost of the project would be borne by the ratepayers of ECSD No. 3.

### **STEPS TO FOLLOW APPROVAL**

A suggested resolution with standard language recommended by the NYSDEC is provided. The County Executive will be requested to execute a State Assistance Contract and any other paperwork necessary to accept the grant award, process payments, and meet the NYSDEC requirements for the

WQIP program. After the projects have been bid, Your Honorable Body will be requested to award construction contracts to the lowest responsible bidder(s) tasked with implementing the improvements.



Jeffrey Hart  
Deputy County Executive

JH:JLF:ss  
Encl.

Cc: K. Konst – Department of Environment and Planning  
M. Quinn /0.11.0 Leg Ltr  
J. Carr/J. Fiegl/ S. Tirone/0.5.1.WQIP

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A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Water Quality Improvement Project Grant Award  
Erie County Sewer District No. 3 (ECSO No. 3)

WHEREAS, the Erie County on behalf of Erie County Sewer District No. 3 (hereinafter referred to as the "Municipality") submitted a grant application to the Water Quality Improvement Project program for the Rush Creek Interceptor project; and

WHEREAS, the Rush Creek Interceptor project has been identified as a viable solution to eliminate permitted sanitary sewer overflows in the Municipality; and

WHEREAS, the Municipality, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its Water Quality Improvement Project program application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Municipality has been notified that the Project has been awarded a \$5,000,000 grant through the Water Quality Improvement Project program; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive or such person's successor in office is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, the Deputy Commissioner in the Erie County Division of Sewerage Management or such person's successor or his/her designee be authorized to manage the applicable requirements for the State Assistance Contract for the Project including executing vouchers, required forms, and other pertinent paperwork; and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the New York State Department of Environmental Conservation; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael Quinn, P.E., Division of Sewerage Management and one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, Eric Ziobro, Assistant County Attorney, and the WQIP Program Coordinator for the New York State Department of Environmental Conservation (address: 625 Broadway - 4th Floor, Albany, NY 12233-3507); and be it further

RESOLVED, that this Resolution take effect immediately.