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COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

March 3, 2011

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

Re: Grant Funding - WNY Stormwater Coalition: MS4 Mapping Project

Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning authorizing the County Executive to enter into the necessary agreements to accept grant funding for the WNY Stormwater Coalition: MS4 Mapping Project.

The New York State Department of Environmental Conservation has granted Erie County \$1,055,969 to assist the regulated municipalities that belong to the WNYSC with developing a comprehensive GIS storm sewer conveyance system map.

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,

CHRIS COLLINS
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Grant Funding - WNY Stormwater Coalition: MS4 Mapping Project
Date: March 3, 2011

SUMMARY

It is recommended that the Legislature approve the attached resolution prepared by the Department of Environment and Planning (DEP) authorizing the County Executive to enter into the necessary agreements to accept \$1,055,969 in grant funding from the New York State Department of Environmental Conservation (NYSDEC) to commence the WNY Stormwater Coalition: MS4 Mapping Project. It is necessary that the attached resolution authorizing the County of Erie to accept the grant receives approval from the legislature before the NYSDEC will issue the contracts for the funding. The Department of Environment and Planning will return to the legislature after the contracts are issued to receive authorization to establish the grant budget and project staffing.

The new grant effort will be used to assist the regulated municipalities that belong to the WNY Stormwater Coalition with developing a comprehensive GIS storm sewer conveyance system map and database with GPS point data. Storm sewer system mapping is required under the New York State SPDES General Permit for Stormwater Discharges (GP-0-10-002). Both the Department of Public Works – Division of Highways and the Department of Environment and Planning – Division of Sewerage Management are regulated municipal entities and, therefore, subject to the mapping requirement.

FISCAL IMPLICATIONS

The NYSDEC grant will provide 75 percent of the funding for the WNY Stormwater Coalition: MS4 Mapping Project – in the amount of \$1,055,969. The remaining 25 percent will be provided through in-kind services from regulated municipalities.

REASONS FOR RECOMMENDATION

Approval of this resolution will enable Erie County to access the \$1,055,969 in State funding and assist regulated municipalities with developing a comprehensive GIS storm sewer conveyance system map and database with GPS point data to support their Stormwater Management Programs.

BACKGROUND INFORMATION

National Pollutant Discharge Elimination System (NPDES) requirements were first introduced by the Clean Water Act of 1972 to regulate point sources that discharge pollutants into waters of the United States. In December 1999, the US EPA promulgated NPDES Phase II stormwater requirements. As a result, many smaller localities not required under previous NPDES requirements, municipal separate storm sewer systems (MS4s) servicing populations under 100,000 in urbanized areas (more than 1000 people per square mile), were required to obtain permit coverage for stormwater discharges. In New York the permit coverage is administered by the New York State Department of Environmental Conservation (NYS DEC) in the form of a State Pollutant Discharge Elimination System (SPDES) General Permit.

In 2002, the Erie County Department of Environment and Planning initiated a regional strategy to assist local municipal governments in Erie and Niagara County in understanding and complying with the U.S. Environmental Protection Agency's Phase II stormwater regulations. This strategy included formation of the Western New York Stormwater Coalition (WNYSC), a group consisting of representatives from Erie County, Niagara County, several local and state government agencies, 43 regulated entities and environmental consultants. For the past eight years, the members of the WNYSC have met on a monthly basis to collaborate on a comprehensive stormwater management program that complies with State and Federal regulations. The phase II stormwater requirements include mapping storm sewer conveyance systems in accordance with the NYS DEC SPDES General Permit (GP-0-10-1002). The *Western New York Stormwater Coalition: MS4 Mapping Project* grant program is structured to assist the WNYSC membership meet this aspect of their General Permit requirement.

CONSEQUENCES OF NEGATIVE ACTION

Without approval of the attached resolution, Erie County will be unable to access the \$1,055,969 in State grant funding earmarked for mapping storm sewer conveyance systems. Erie County will then incur the expense of mapping its storm sewer conveyance system to meet State requirements without State financial assistance.

STEPS FOLLOWING APPROVAL

The County Executive will enter into the necessary agreements to receive \$1,055,969 in grant funding from the New York State Department of Environmental Conservation, and will seek necessary approvals from the Legislature to establish grant budgets.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: Grant Funding
WNY Stormwater Coalition:
MS4 Mapping Project

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for stormwater compliance assistance projects; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, granted Erie County \$1,055,969 to commence the WNY Stormwater Coalition: MS4 Mapping Project; and

WHEREAS, the local match will be provided by Erie County DEP staff and the Western New York Stormwater Coalition membership in in-kind services; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York, herein called the "State", and Erie County be executed for such State aid; and

WHEREAS, the County of Erie herein called 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 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 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 the County Executive is authorized to enter into the necessary agreements with the New York State Department of Environmental Conservation to accept and implement the *WNY Stormwater Coalition: MS4 Mapping Project* in an amount not to exceed \$1,055,969 in grant resources; and be it further

RESOLVED, that Chris Collins, County Executive, or such person's successor in office, is the representative authorized to act on 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. The representative is also authorized 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, 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 Department of Environmental Conservation; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Director of the Division of Budget and Management; and the County Attorney.