



COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

October 26, 2011

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Immediate Consideration Requested

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

RE: Western New York Stormwater Coalition: Rainwater Harvesting Installation 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 Western New York Stormwater Coalition: Rainwater Harvesting Installation Project.

The New York State Environmental Facilities Corporation has awarded the Department \$626,000 through the Green Innovation Grant Program to coordinate the Western New York Stormwater Coalition: Rainwater Harvesting Cistern Installation Project. The Department will coordinate this grant for the Western New York Stormwater Coalition. The Environmental Facilities Corporation recently requested that all Legislative approvals be received by November 1, 2011 in order to execute grant contracts by December 31, 2011.

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,

A handwritten signature in black ink, appearing to read "CRK", is written over the signature line.

CHRIS COLLINS
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Western New York Stormwater Coalition: Rainwater Harvesting Installation Project
Date: October 26, 2011

SUMMARY

It is recommended that the Legislature approve the attached resolution prepared by the Department of Environment and Planning authorizing the County Executive to enter into the necessary agreements to accept \$626,000 in grant funding from the New York State Environmental Facilities Corporation (NYSEFC) to commence the Western New York Stormwater Coalition: Rainwater Harvesting Installation Project. This new grant will provide for installation of five (5) municipal rainwater cisterns at the following locations:

- Erie County Aurora Highway Garage
- Erie County Botanical Gardens
- Tonawanda Highway Garage
- Tonawanda Senior Center
- Village of Orchard Park Highway Garage

FISCAL IMPLICATIONS

The NYSEFC grant will provide \$626,000 (90%) of the funding for the Western New York Stormwater Coalition: Rainwater Harvesting Installation Project. The remaining 10% will be provided through in-kind services from the grant partners (Erie County Departments of Public Works and Environment and Planning, Town of Tonawanda, and Village of Orchard Park) in the form of engineering and construction services.

REASONS FOR RECOMMENDATION

Approval of this resolution will enable Erie County to accept the \$626,000 in State funding to install the five cisterns. It will reduce the need for these municipalities to pay for approximately two million (2,000,000) gallons of potable water per year which is used for asphalt operations, street sweeping, and vegetation watering. It will also decrease the amount of stormwater discharge and therefore reduce flooding, erosion, sedimentation, and pollutant loads.

BACKGROUND INFORMATION

New York State has made green infrastructure implementation a priority. The New York State Stormwater Management Design Manual update released in August 2010 specifies increased use of green infrastructure as a way to manage stormwater flows. By reducing the amount of stormwater entering stormwater systems contaminated overflows into local water bodies will be reduced.

The Western New York Stormwater Coalition's 42 municipalities have worked collaboratively to comply with state and federal stormwater management requirements since 2002. This project will create five (5) demonstration sites for rainwater harvesting and will serve as a case study for other regulated municipalities in both Western New York and statewide.

CONSEQUENCES OF NEGATIVE ACTION

Without approval of the attached resolution, Erie County will be unable to accept the \$626,000 in State grant funding earmarked for green infrastructure projects. Municipalities will continue to pay for and use potable water in municipal operations when it is not required. Additionally, without acceptance of these grant dollars and installation of cisterns there would municipalities would not realize a reduction in stormwater discharges.

STEPS FOLLOWING APPROVAL

The County Executive will enter into the necessary agreements to receive \$626,000 in grant funding from the New York State Environmental Facilities Corporation.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Western New York Stormwater Coalition:
Rainwater Harvesting Installation Project

WHEREAS, New York State has recently updated the Stormwater Management Design Manual making the implementation of green infrastructure a priority; and

WHEREAS, the Western New York Stormwater Coalition has decided to lead by example by constructing five (5) stormwater cisterns to capture rainwater for reuse and to reduce the need for potable water in municipal operations (The "Rainwater Harvesting Installation Project" or "Project"); and

WHEREAS, the Erie County Department of Environment and Planning coordinates the activities of the Coalition; and

WHEREAS, the total estimated maximum cost of the Project is \$732,220; and

WHEREAS, the DEP has submitted a grant application on behalf of the WNYSC to the New York State Environmental Facilities Corporation (EFC) Green Innovation Grant Program (GIGP) for this Project and has been awarded \$626,000; and

WHEREAS, the terms of the grant award under the GIGP require the commitment of a minimum of 10% local match of in kind services; and

WHEREAS, the required in-kind match for this award, in the form of engineering and construction services, will be provided by the municipal partners the Town of Tonawanda, the Village of Orchard Park as well as by the Erie County Department of Public Works and the Erie County Department of Environment and Planning; and

WHEREAS, it is necessary to execute agreements with EFC and the Town of Tonawanda and the Village of Orchard Park to accept the grant award and implement the project; and

WHEREAS, the Department of Environment and Planning accepted lead agency status and conducted a coordinated State Environmental Quality Review Act (SEQR) review which did not reveal any significant environmental impacts from any of these projects.

NOW, THEREFORE, BE IT

RESOLVED, that the Department, on behalf of the Coalition, is authorized to participate in all aspects of the New York State Environmental Facilities Corporation's 2010 GIGP for the Project; and be it further

RESOLVED, that the County Executive is authorized to execute the necessary agreements with EFC, the Town of Tonawanda, and the Village of Orchard Park to execute the

grant agreement, secure necessary commitments from our project partners as well as the authorization to coordinate and implement the installation of the proposed systems on the municipal partners sites; and be it further

RESOLVED, the maximum local in kind contribution committed subject to any changes agreed to by the County Executive shall not exceed \$73,220 based upon 10% of total estimated maximum project costs of \$732,220. The Commissioner of Environment and Planning may increase this local match of in kind services provided by Erie County, the Town of Tonawanda and the Village of Orchard Park without further approval from the County Legislature; and be it further

RESOLVED that the Commissioner of Environment and Planning is authorized to execute all other documents and instruments outside of the Grant Agreement with EFC and the agreements with the Town of Tonawanda and the Village of Orchard Park to implement the project that are necessary to bring about the Project and to fulfill the County's obligations under the GIGP Agreement; and be it further

RESOLVED that the County of Erie, New York hereby determines that the proposed projects will not have a significant adverse effect on the environment based upon the completed environmental assessments and reviews conducted by the Department of Environment and Planning and coordinated with all of the involved agencies; and be it further

RESOLVED that the Deputy Commissioner of Environment and Planning is authorized to take all actions reasonable and necessary to file the Negative Declaration and discharge the County of Erie's responsibility as lead agency for this action; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies of this resolution to the Erie County Executive, the Comptroller's Office, the Director of the Division of Budget and Management, the County Attorney, the GIGP Project Coordinator (address: Katie M. Syron, Project Coordinator, New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997), the NYSDEC Region 9 Regional Permit Administrator, and the Commissioner of the Department of Environment and Planning.