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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 12, 2018

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

**RE: New York State Department of Environmental Conservation (DEC) &
Environmental Facilities Corporation (EFC)
Erie County Sewer District No. 2 (ECSD No. 2)
Engineering Planning Grant: #74230**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning requesting authorization to enter into the necessary agreements to accept Engineering Planning grant funding for ECSD No. 2.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Joseph L. Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in blue ink, reading "Mark Poloncarz".

Mark Poloncarz, Esq.
Erie County Executive

MCP:DCM:cs

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: New York State Department of Environmental Conservation (DEC) &
Environmental Facilities Corporation (EFC)
Erie County Sewer District No. 2 (ECSD No. 2)
Engineering Planning Grant: #74230
Date: January 5, 2018

SUMMARY

The Department of Environment and Planning requests authorization to enter into the necessary agreements to accept \$100,000.00 in grant funding from the New York State DEC/EFC to commence a Flow Monitoring and Infiltration/Inflow (I/I) Quantification Project in ECSD No 2.

FISCAL IMPLICATIONS

The DEC/EFC grant will provide \$100,000 in funding for the ECSD No. 2 Flow Monitoring & Infiltration/Inflow (I/I) Quantification Project. The local match is a minimum of 20% and will be provided through ECSD No. 2 accounts.

REASONS FOR RECOMMENDATION

Approval of this resolution will enable Erie County to access \$100,000 in State funding and provide ECSD No. 2 with a report that identifies the I/I in the collection system and prioritize rehabilitation projects.

BACKGROUND INFORMATION

A draft State Pollutant Discharge Elimination System (SPDES) permit was developed by the DEC for ECSD No. 2 in 2017 that indicated the final permit will require flow monitoring and I/I investigatory work to address wet weather issues in the District. As a result, the Division of Sewerage Management submitted a "Consolidated Funding Application" in an attempt to access funding in DEC's/EFC's Engineering Planning Grant Program. ECSD No. 2's application to complete the Flow Monitoring and Infiltration/Inflow (I/I) Quantification Project was accepted for award. A resolution is necessary to accept the grant.

CONSEQUENCES OF NEGATIVE ACTION

Without approval of the attached resolution, Erie County will not be able to access \$100,000 in State grant funding.

STEPS TO FOLLOW APPROVAL

The County Executive will enter into an agreement with the New York State Environmental Facilities Corporation to receive \$100,000 in grant funding. A grant budget will be established for this project.



Thomas R. Hersey, Jr.
Commissioner

DCM:cs

enc.

cc: J. Fiegl/ 0.11.0 LegLtr (w/encl)
D.Millar/M.Salah/2.5.1 Grant 74230

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: New York State Department of Environmental Conservation (DEC) &
Environmental Facilities Corporation (EFC)
Erie County Sewer District No. 2 (ECSD No. 2)
Engineering Planning Grant: #74230

WHEREAS, the State of New York through its DEC and EFC provides financial assistance through the Engineering Planning Grant program; and

WHEREAS, the State of New York has awarded Erie County a maximum of \$100,000.00 to commence the ECSD No. 2 Flow Monitoring and Infiltration/Inflow (I/I) Quantification Project; and

WHEREAS, a 20% minimum local match is required for the grant award; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to review under the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby determines that the proposed Flow Monitoring and I/I Quantification Project is a Type II action in accordance with 6 NYCRR Section 617.5 (c) (18) and (21) and therefore is not subject to further review under 6 NYCRR Part 617; and be it further

RESOLVED, that the County Executive is authorized to execute a Grant Agreement with the DEC or EFC for the project; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management or their designee is authorized to execute all other contracts, documents and instruments with the DEC or EFC to bring about the Project and to fulfill the obligations under the Engineering Planning Grant Agreement; and be it further

RESOLVED, that a minimum of 20% local match as required by the Engineering Planning Grant Program for the project will be provided through ECSD No. 2 Accounts; and be it further

RESOLVED, that upon award of an Engineering Agreement for the project and a determination of final scope and budget, the grant budget shall be adjusted with the understanding that the local match share shall be at a minimum 20%; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of the Division of Budget and Management, Kristen Walder, Assistant County Attorney, Joseph L. Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning, and the Albany offices of the New York State DEC and EFC.