ERIE COUNTY

REQUEST FOR PROPOSALS
LOCAL LIMITS
for
Erie County / Erie County Sewer District No. 3 & 8
Southtowns and E. Aurora WWTP

RFP # 3.3.2.Local Limits

January 2015

DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT
EDWARD A. RATH COUNTY OFFICE BUILDING
95 FRANKLIN STREET – ROOM 1034
BUFFALO, NEW YORK 14202

NOTICE OF INVITATION
TO SUBMIT A PROPOSAL FOR PRETREATMENT
LOCAL LIMITS FOR
SOUTHTOWNS STP- ECSD No. 3 AND
EAST AURORA STP – ECSD No. 8

Proposals are requested by the Erie County Department of Environment and Planning, Division of Sewerage Management (DEP) to amend the Local Limits for the Southtowns STP – ECSD No. 3 and the development of the Local Limits for East Aurora STP – ECSD No. 8.

In accordance with Local Law No. 6, proposals are hereby invited for the subject project. Proposals are to be submitted in the exact format of submittal available from Erie County Department of Environment and Planning, Division of Sewerage Management, Room 1034, 95 Franklin Street, Buffalo, New York 14202, Telephone (716) 858-8383. Proposals will be due February 18, 2015. A pre-proposal conference will be held at the above address in Room 1004, at 2:00 P.M. on February 4, 2015 for the purpose of discussing the project with interested respondents.

The DEP/DSM emphasizes that declining to respond at any step of the procurement process prior to selection will not hinder firms from being solicited for future jobs.

To obtain a copy of the RFP guidelines, please visit the following website on or after January 15, 2015: http://www2.erie.gov/environment/index.php?q=DEP_RFP. Alternatively, you may call (716) 858-8383 or email beth.pfalzer@erie.gov if you would like to request a hardcopy.

This invitation does not commit Erie County Sewer District Nos. 3 and 8, Erie County, or its Department of Environment and Planning, Division of Sewerage Management, to accept any priced proposal, nor does it obligate Erie County for any costs associated with preparing or submitting proposals.

BY: Joseph L. Fiegl, P.E.
Deputy Commissioner
Erie County Department of
Environment & Planning
Division of Sewerage Management

Dated: 12/8/14
Published: 1/15/15

AGREEMENT

THIS AGREEMENT made the _____ day of _____ 20__ by and between

> **THE COUNTY OF ERIE**, a municipal corporation of the State of New York, having an office and place of business at 95 Franklin Street, Buffalo, New York 14202
> (hereafter the "County")

and

> **[Insert legal name of the CONSULTANT,]**, a **[insert state, e.g., New York State, and insert the legal status, e.g. corporation, partnership or limited liability company, if applicable]** having an office and principal place of business at **[insert address]**
> (hereafter the "Consultant")

W I T N E S S E T H :

FIRST: The Consultant shall provide **[insert brief description of work to be performed, as provided in proposal, or other documentation, on the scope of work agreed to. If there is no such documentation, delete the rest of the sentence, except for (the "Work"), and insert a detailed description of the work.]**, as more fully described in Schedule "A", which is attached hereto and made a part hereof (the "Work"). The Work shall be carried out by the Consultant in accordance current industry standards and trade practices.

The Consultant expressly agrees that the provisions set forth in the following schedules:

Schedule A	–	Guidelines for Submittal
Schedule A-1	–	Scope and Department Specific Requirements
Schedule B	–	Standard Insurance Certificate
Schedule C	–	Time of Completion
Schedule D	–	Detailed Description of Compensation
Schedule E	–	Cost Summary Form
Schedule F	–	County of Erie Local Law No. 9
Schedule "G"	–	Certification Regarding Debarment and Suspension

Schedule "H" –	Certification Regarding Drug-Free Workplace
Schedule "I –	Certification Regarding Lobbying
Schedule "J" -	Erie County Equal Pay Certification
Schedule "K" -	Erie County Legislature Resolution

which are attached hereto shall be incorporated into this Agreement as if fully set forth herein.

SECOND: The Consultant shall commence the Work immediately upon written notification from the Department (the "Commencement Date") and shall be completed no later than within the time frames set forth in Schedule "C".

The Consultant shall report to the County on its progress toward completing the Work, as the Commissioner may request, and shall immediately inform the Commissioner in writing of any cause for delay in the performance of its obligations under this Agreement.

The Consultant shall properly maintain a detailed daily log relative to the services rendered for which compensation is to be paid by the County pursuant to the terms of this Agreement, which shall be submitted on a monthly basis. This log shall include, but not be limited to, the following:

1. Date.
2. Names and titles of employees rendering service.
3. Phase of project worked on.
4. Required time expended.

The Consultant shall complete those specific Work items identified in Schedule "A" by the interim deadlines set forth therein, unless an interim deadline is extended by the Commissioner in writing, subject to any necessary legal approval of such amendment. Timely completion of the Work is of the essence. It is hereby agreed that the Consultant will complete the Work within the time as described in Scheduled C attached hereto and made a part hereof. It is further agreed that the County may invoke liquidated damages, if any, as set forth in said Schedule C, for failure on the part of the Consultant to complete the Work as specified.

The Consultant shall supply sufficient and adequate personnel to assure completion of the Work within the time agreed.

THIRD: For the Work to be performed pursuant to Paragraph "FIRST," the Consultant shall be paid an amount not-to-exceed **[insert amount]** ($**[insert numeric amount]**) Dollars, in the manner and at the rates set forth in Schedule **["D"] [If there is no Schedule "D", or if payment previsions are not set out in Schedule "D", insert a description of how often and when payments will be made and how much of the total will be paid, e.g. "which shall be paid in equal monthly installments", and delete the rest of this sentence],** which is attached hereto and made a part hereof. Except as otherwise expressly stated in this Agreement, no payment shall be made by the County to the Consultant for out-of-pocket expenses or disbursements made in connection with the services rendered or the work to be performed hereunder.

Any and all requests for payment to be made, including any request for partial payment if such is permitted hereunder, shall be submitted by the Consultant on properly executed payment vouchers of the County and paid only after approval by the County. All payment vouchers must be accompanied by a numbered invoice and must contain the invoice number where indicated. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating. In no event shall final payment be made to the Consultant prior to completion of all Work and the approval of same by the County.

The Consultant shall, at no additional charge, furnish all labor, services, materials, tools, equipment and other appliances necessary to complete the Work, unless specific additional charges are expressly permitted under this Agreement. It is recognized and understood that even if specific additional charges are expressly permitted under this Agreement, in no event shall total payment to the Consultant exceed the not-to-exceed amount set forth above.

FOURTH: Prior to the making of any payments hereunder, the County may, at its option, audit such books and records of the Consultant as are reasonably pertinent to this Agreement to substantiate the basis for payment. The County shall, in addition, have the right to audit such books and records subsequent to payment, if such audit is commenced within one year following termination of this Agreement.

FIFTH: The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to appropriations by the Erie County Legislature. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by the County Legislature during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Consultant, then the Consultant shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Consultant, then the Consultant shall have the right to terminate this Agreement upon reasonable prior written notice.

SIXTH: (a) The County, upon ten (10) days notice to the Consultant, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. In such event, the Consultant shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination at the rates specified in Schedule "D". Upon receipt of notice that the County is terminating this Agreement in its best interests, the Consultant shall stop work immediately and incur no further costs in furtherance of this Agreement without the express approval of the Commissioner, and the Consultant shall direct any approved subconsultants to do the same.

In the event of a dispute as to the value of the Work rendered by the Consultant prior to the date of termination, it is understood and agreed that the Commissioner shall determine the value of such Work rendered by the Consultant. The Consultant shall accept such reasonable and good faith determination as final.

(b) In the event the County determines that there has been a material breach by the Consultant of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on the Consultant of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the Work provided for in this Agreement, or contract for its completion, and any additional expense or cost of such completion shall be charged to and paid by the Consultant. Without limiting the foregoing, upon written notice to the Consultant, repeated breaches by the Consultant of duties or obligations under this Agreement shall be deemed a material breach of this Agreement justifying termination for cause hereunder without requirement for further opportunity to cure.

SEVENTH: The Consultant agrees to procure and maintain insurance naming the County as additional insured where indicated, as provided and described in Schedule "B", entitled "Standard Insurance Provisions", which is attached hereto and made part hereof.

The Consultant agrees: that except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the County, the Consultant shall defend, indemnify and hold harmless the County, its officers,

employees, and agents from and against the Consultant's proportional share of liability, damage, claim, demand, cost, judgment, fee, attorneys' fees, or loss which the County may sustain, be subject to, or be caused to incur because of or as a result of (a) any wrongful act, error, or omission of the Consultant or third-parties under the direction or control of the Consultant; or (b) any willful misconduct of the Consultant or third parties under the direction or control of the Consultant; or (c) any infringement of any claimed copyright or patent right of designs, plans, drawings, or specifications furnished by the Consultant or its subconsultant. Nothing contained herein shall create or give to third parties any claim or right of action against the County or the Consultant beyond such as may legally exist without regard to this provision.

EIGHTH: The Consultant expressly agrees that neither it nor any consultant, subconsultant, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status or any other status protected by New York State or Federal laws during the term of or in connection with this Agreement.

NINTH: The Consultant shall comply, at its own expense, with the provisions of all applicable local, state and federal laws, rules and regulations. The Consultant shall further comply, at its own expense, with all applicable rules, regulations and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subconsultants and others employed to render the Work hereunder.

TENTH: All records or recorded data of any kind compiled by the Consultant in completing the Work described in this Agreement, including but not limited to written reports, studies, drawings, blueprints, computer printouts, graphs, charts, plans, specifications and all other similar recorded data, shall become and remain the property of the County. The Consultant may retain copies of such records for its own use and shall not disclose any such information without the express written consent of the Commissioner. The County shall have the right to reproduce and publish such records, if it so desires, at no additional cost to the County.

ELEVENTH: The Consultant shall not delegate any duties or assign any of its rights under this Agreement without the prior express written consent of the County. The Consultant shall not subcontract any part of the Work without the written consent of the County, subject to any necessary legal approvals. Any purported delegation of duties, assignment of rights or subcontracting of Work under this Agreement without the prior express written consent of the County is void. All subcontracts that have received such prior written consent shall provide that subconsultants are subject to all terms and conditions set forth in this Agreement. It is recognized and understood by the Consultant that for the purposes of this Agreement, all Work performed by a County-approved subcontractor shall be deemed Work performed by the Consultant and the Consultant shall insure that such subcontracted work is subject to the material terms and conditions of this Agreement.

TWELFTH: The Consultant and the County agree that the Consultant and its officers, employees, agents, contractors, subcontractors and/or consultants are independent contractors and not employees of the County or any department, agency or unit thereof. In accordance with their status as independent contractors, the Consultant covenants and agrees that neither the Consultant nor any of its officers, employees, agents, contractors, subcontractors and/or consultants will hold themselves out as, or claim to be, officers or employees of the County or any department, agency or unit thereof.

THIRTEENTH: Failure of the County to insist, in any one or more instances, upon strict performance of any term or condition herein contained shall not be deemed a waiver or relinquishment of such term or condition, but the same shall remain in full force and effect. Acceptance by the County of any Work or the payment of any fee or reimbursement due hereunder with knowledge of a breach of any term or condition hereof, shall not be deemed a waiver of any such breach and no waiver by the County of any provision hereof shall be implied.

FOURTEENTH: All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice

sent by registered or certified mail postage pre-paid), as set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt. Notices shall be sent to the following:

To the County:

_____
_____
_____

with a copy to:

County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202

To the Consultant:

_____
_____
_____

FIFTEENTH: This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

SIXTEENTH: Nothing herein is intended or shall be construed to confer upon or give to any third party or its successors and assigns any rights, remedies or basis for reliance upon, under or by reason of this Agreement, except in the event that specific third party rights are expressly granted herein.

SEVENTEENTH: The Consultant recognizes that this Agreement does not grant the Consultant the exclusive right to perform the Work for the County and that the County may enter into similar agreements with other consultants on an "as needed" basis.

EIGHTEENTH: The Consultant hereby represents that, if operating under an assumed name, it has filed the necessary certificate pursuant to New York State General Business Law Section 130. The Consultant further represents and warrants that it has not employed or retained any person, other than a bona fide full time salaried employee working solely for the Consultant to solicit or secure this Agreement, and that it has not paid or agreed to pay any person (other than payments of fixed salary to a bona fide full time salaried employee working solely for the Consultant) any fee, commission, percentage, gift or other consideration, contingent upon or resulting from the award or making of this Agreement. For the breach or violation of this provision, without limiting any other rights or remedies to which the County may be entitled or any civil or criminal penalty to which any violator may be liable, the County shall have the right, in its discretion, to terminate this Agreement without liability, and to deduct from the contract price, or otherwise to recover, the full amount of such fee, commission, percentage, gift or consideration.

NINETEENTH: Pursuant to Federal Executive Order 12549, and as prescribed by federal regulations, including 48 C.F.R. Subpart 9.4, the Consultant hereby agrees to complete the Debarment and Suspension Certificate attached hereto as Schedule **["-"]** and which is made a part hereof.

TWENTIETH: The Consultant shall use all reasonable means to avoid any conflict of interest with the County and shall immediately notify the County in the event of a conflict of interest. The Consultant shall also use all reasonable means to avoid any appearance of impropriety.

TWENTY-FIRST: During the term of this Contract, the Agency shall comply with Executive Order 13 (2014), and the Agency shall make such records available, upon request, to the County's Division of Equal Employment Opportunity for review. The County shall have the

right, upon reasonable notice and at reasonable times, to inspect the books and records of the Agency, its offices and facilities, for the purpose of verifying information supplied in the Erie County Equal Pay Certification and for any other purpose reasonably related to confirming the Agency's compliance with Erie County Executive Order No. 13 (2014). Violation of the provisions of Executive Order 13 (2014), which is attached hereto and made a part hereof, can constitute grounds for the immediate termination of this contract and may constitute grounds for determining that a bidder is not qualified to participate in future county contracts.

TWENTY-SECOND The [Contractor/Consultant/Agency] shall comply with Erie County Executive Order 13 (2014) and agrees to complete the Certificate collectively attached hereto as Schedule "J"and made a part hereof. The [Contractor/Consultant/Agency] shall make such records available, upon request, to the County's Division of Equal Employment Opportunity for review. The County shall have the right, upon reasonable notice and at reasonable times, to inspect the books and records of the [Contractor/Consultant/Agency], its offices and facilities, for the purpose of verifying information supplied in the Erie County Equal Pay Certification and for any other purpose reasonably related to confirming the Agency's compliance with Erie County Executive Order 13 (2014). Notwithstanding the termination provisions contained herein, violation of the provisions of Executive Order 13 (2014) , may constitute grounds for the immediate termination of this Agreement and may constitute grounds for determining that the [Contractor/Consultant/Agency] is not qualified to participate in future County contracts.

TWENTY-THIRD: This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

LEGISLATURE MINUTES

DATE	PAGE	ITEM
_____ 20_____	_____	_____

WHEREAS, the Engineer and the County have affixed their signatures on the date and year set forth above.

THE COUNTY OF ERIE

By: _____
Name: Mark Poloncarz/Richard Tobe
Title: County Executive/Deputy County Executive
Date: _____

CONSULTANT

By: _____
Name: _____
Title: _____
Date: _____

Witness: _____

Approved as to Content

By: Electronically Signed
Name: Maria Whyte
Title: Commissioner
Date: _____

Approved as to Form

By: Electronically Signed
Name: Kristen Walder
Title: Assistant County Attorney
Doc. No. _____
Date: _____

Recommended:

By: _____
Name: Greg Gach
Title: Deputy Comptroller
Date: _____

By: _____
Name: Joseph L. Fiegl, P.E.
Title: Deputy Commissioner
Date: _____

UNIFORM CERTIFICATE OF ACKNOWLEDGEMENT

STATE OF NEW YORK)
ss.:
COUNTY OF)

On the _____ day of _____, the year _____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they/ executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

UNIFORM CERTIFICATE OF ACKNOWLEDGEMENT

STATE OF NEW YORK)
COUNTY OF ERIE)ss.:
CITY OF BUFFALO)

On the _____ day of _____, in the year 20_____, before me, the undersigned, personally appeared Mark C. Poloncarz, Erie County Executive/Richard Tobe, Deputy County Executive, personally known to me or proved to me on the basis of satisfactory evident to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the entity or individual upon behalf of which the individual acted, executed he instrument.

_____
Notary Public

SCHEDULE "A"

FORMAT OF SUBMITTAL

Proposals are to be submitted in two parts: A Written Proposal and a Priced Proposal as described above. Consultants are advised that the proposals are to be submitted in the exact format described herein. Failure to provide all information as requested may result in rejection of the proposal. Special covers or artwork in proposal are not encouraged. All future work orders will be in the cost plus fixed fee format and based on the schedule of hourly rates described above. However, the County reserves the right to designate all or parts of the work as "lump sum."

WRITTEN PROPOSALS

In one envelope, submit six (6) copies of your written proposal to include answers to the questions listed below. Resumes of key personnel and our Federal Form 254 if desired are to be submitted at the end of the proposal. The individual whose resumes are submitted are expected to substantially work of future projects.

Proposals will be evaluated, generally on your firm's response to the following categories.

A. **QUALIFICATIONS**

1) State clearly whether your main office/parent firm is currently licensed as an individual, partnership or corporation to do professional engineering in New York State. (If not licensed in New York State, please advise how you propose to execute an agreement as a licensed New York State firm.)

   Indicate if this would be a joint venture proposal with another professional organization. The reasons for a joint venture should be presented.

2) State any potential conflicts of interest. Include any employment or other relationship your firm has with regulating agencies, or any other entity which may be perceived as a conflict of interest. Explain why any such potential conflicts of interest would not impact this project.

3) State the number of Employees in the Firm - If a branch office will perform work, indicate the size of the branch office. Also indicate, in relation to this project, how size of firm would relate to performance.

4) State the location (municipality) of the design team you would assign to this project. If more than one design team is proposed or if design team support is to be provided by another office, please explain.

5) Indicate the percent of minority personnel both at the firm level and on the project team. Females, if identified as minority, must be listed as technical or clerical.

6) List any current or anticipated obligations which may affect the project or use of the identified personnel proposed for this project.

B. **EXPERTISE/EXPERIENCE**

1) Present your special expertise for the project and how your firm's qualifications would best serve the County on this Project. Note how this expertise suits the needs of the County for this particular contract. (Resumes should be attached at the end of the proposal.)

2) Indicate what professional or technical subcontractors you would utilize for such areas as pretreatment, industrial wastewater discharge permits and local limits development. Indicate where the subcontractors are located and what services they would provide. Recite any experience or familiarity of the subcontractors which is pertinent to as pretreatment, industrial wastewater discharge permits and local limits development.

3) Recite a list of no more than three (3) similar projects within the last five years giving the size of the project in dollars, the client, including the name and phone number of the person to whom you were accountable, whether DEC and/or EPA were involved.

4) Recite current and past work experience within the last five year if any, your firm has had with the County outside of the Department of Environment and Planning. Identify the other Department(s) for which the services were provided and the project title.

5) State any potential problems your firm may have with the Standard D.E.P. Engineering Agreement. If "none" state as such.

C. **Project**

1) Provide a written evaluation of the "Scope of Services" which indicates your unique approach to performing this project amend the Southtowns STP local limits and develop local limits for East Aurora STP.

2) Indicate which MBE/WBE subcontractors you would propose to use on this project and why. Show what percentage of work is proposed to be assigned to MBE and WBE subcontractors

3) The Engineer shall conform to Executive Order; Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964 and Federal Executive Oder 11246 of September 24, 1965 (Equal Employment Opportunity) and as amended under County Executive #13 November 6, 2014.

4) Indicate any personnel (either as an employee or through a contractual relationship) who, within the last year prior to the date of this proposal, had been employed by the County of Erie. Also indicate that person's County work title and the Department for which he/she worked. If any, an explanation of the significance of the employee on this project should be presented.

D. **Rate**

1) Include your estimated man-hours, rates and your firm's overhead rate for both office work and field work.

SELECTION

All Proposals, timely received and complete, will be evaluated and ranked by a selection committee of at least three (3) appointed by the Commissioner. The evaluation is based on the Written Proposals using a numerical score sheet (See Exhibit "F") related to the questions posed in the Proposal Guidelines. Interviews are generally not conducted, but may be called where determined to be appropriate for the evaluation.

When the evaluations are complete, the respondent's proposals are ranked. The proposal receiving the best overall rating in ranked first. The top ranked respondent will be selected.

After the selection procedure is complete, the Department Head, in conformance with Local Law No. 6, will make a recommendation for award and forward it to the Erie County Legislature. The Legislature then may award the Contract at its discretion.

FORM OF AGREEMENT

A copy of the standard DEP Engineering Agreement which will be utilized on this project is attached for your reference. The Agreement along with its Schedules describes in detail the scope of services to be performed, the method of payment, time of completion and insurance requirements. If there are exceptions to this Form of Agreement, they will only be considered if present in your written proposal.

Respondents are advised that failure to follow the specific instructions contained in the guidelines or to not agree on a contract are grounds for rejection of the proposal

Should you need any additional information contact Mr. Matt Salah at 858-6990.

SCHEDULE "A-1"

Scope of Work
Pretreatment Program
Local Limits
Southtowns AWTF – ECSD No. 3
and
East Aurora WWTP – ECSD No. 8

Introduction:

The County of Erie is seeking a cost[1] proposal to:

1. Review and amend per 40 CFR Part 403.18 the existing Local Limits of the Southtowns Advanced Wastewater Treatment Facility (STAWTF) Erie County Sewer District No. 3 (ECSD No.3)
2. Develop a per 40 CFR Part 403.5 Local Limits for the East Aurora Wastewater Treatment Plant (EAWWTP), Erie County Sewer District No. 8 (ECSD No.8)
3. As an optional item and in a separate cost summary form[1] include the work for the WWTP, Lackawanna ECSD No. 6 to develop a pretreatment program and Local Limits as described in said 40 CFR Part 403.5.

[1] Use the attached County cost summary form included as schedule "E."

Background:

In 1983 the Southtowns AWTF current Local Limits were developed in accordance with the Federal General Pretreatment Regulations for Existing and New Sources, 40 CFR-Part 403.5.

They are as follows:

Parameter	Discharge Limits (mg/l)
Cadmium (T)	250
Chromium (T)	250
Copper (T)	25
Mercury (T)	1.4
Zinc (T)	250

As to the East Aurora and Lackawanna Waste Water Treatment Plants, currently they do not have any Local Limits established. Only one industry is tributary to the East Aurora plant but they report directly to EPA as this plant does not have an approved pretreatment program. None are tributary to the Lackawanna Treatment Plant at this time.

However, in the SPDES Permits, the County is to comply with the pretreatment schedule. (A copy of each schedule is attached, see Exhibits A, B, and C). In addition, the County enforces

the Industrial Pretreatment by means of Articles VI and VII of the Erie County Sewer District's Rules and Regulations (copy attached, see Exhibit D).

Project Highlights:

1. Consult with EPA to obtain the latest pretreatment guidelines.
2. Review of existing limits for the Southtowns STP.
3. a. Develop limits for East Aurora STP.
   b. Develop limits for Lackawanna WWTP if the County elects to include.
4. The Engineer shall conduct a full review of the existing SPDES permits.
5. The Engineer shall prepare an Engineer's Report for each of the three (3) plants.
6. Make revision to the reports after review by the County.
7. The Engineer shall forward reports to the USEPA and obtain final approval.

Report:

The consultant shall provide a Report that consists of the following:

A. Provide monitoring data and/or evaluate available data provided by the County
B. Local Limits Development:
   a. Amend the Southtowns limits
   b. Develop limits for the East Aurora Plant and the Lackawanna WWTP if the County elects to include.
C. Review and amend the County's existing Industrial Waste Survey/Discharge Permit Application, (copy attached, see Exhibit E).
D. The Engineer shall perform the following:

   1. Identify all pollutants of concern
   2. Identify representative removal efficiencies for each pollutant
   3. Calculations shall be based on

      i. Pass through criteria
      ii. Sludge quality protection
      iii. Biological process inhabitation
      iv. POTW worker health and safety

E. The evaluation to include the following:

   i. Safety factor
   ii. Domestic source allocation
   iii. Industrial source allocation
   iv. For the Southtowns Plant only: Calculations shall consider ash quality protection

Include all pertinent tables and data collection as needed.

Also, the Engineer shall consider pertinent laws and/or regulations that can impact the development of the Local Limits i.e., Title V, Part 350, etc.

Conclusion:

1. Provide the recommended Local Limits for each plant.
2. Submit reports to the DSM for review and comments.
3. Revise reports per the DSM comments
4. Submit reports to EPA for review and approval.

EXHIBIT - A

Southtowns SPDES Permit

7.2.3. SPDES SAN

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT

Industrial Code:	4952	SPDES Number:	NY0095401
Discharge Class (CL):	05	DEC Number:	9-1448-00012/00004
Toxic Class (TX):	T	Effective Date (EDP):	10/01/2012
Major Drainage Basin:	01	Expiration Date (ExDP):	09/30/2017
Sub Drainage Basin:	04	Modification Dates:	11/01/2012
Water Index Number:	E		
Compact Area:	IJC		

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name: **Erie County**
Attention: **Mr. Joseph L. Fiegl, P.E.**
Deputy Commissioner
Street: **95 Franklin Street – Room 1034**
City: **Buffalo** State: **NY** Zip Code: **14202**

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: **ECSD No. 3 - Southtowns Advanced Wastewater Treatment Plant**
Location (C,T,V): **Hamburg (T)** County: **Erie**
Facility Address: **S-3690 Lake Shore Road**
City: **Blasdell** State: **NY** Zip Code: **14219**
NYTM -E: NYTM - N:
From Outfall No.: **001** at Latitude: **42 ° 47 ' 19 "** & Longitude: **78 ° 51 ' 51 "**
into receiving waters known as: **Lake Erie** Class: **A-Special**
and; (list other Outfalls, Receiving Waters & Water Classifications) **(International Boundary Waters)**

Outfall 002: **Overflow Retention Facility, Bypass discharge to Outfall 001; To Lake Erie (A- Special) via Outfall 001; Lat.: 42°47'39" & Long.: 78°52'30"**
Outfall 003: **Combined monitoring point for Outfalls 001 and 002**
Outfall 004: **Emergency bypass through slots between influent and effluent wet well wall. Discharge to Lake Erie via Outfall 001.**

Note: Outfalls 001, 002 and 003 are located prior to the point of entry of final effluent from the Blasdell (V) Sewage Treatment Plant, permitted under SPDES Permit No. NY 002 0681.

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: **Erie County / Southtowns Sewage Treatment Facility**
Street: **3690 Lakeshore Road**
City: **Blasdell** State: **NY** Zip Code: **14219**
Responsible Official or Agent: **Glenn H. Absolom, Jr., Chief Treatment Plant Supervisor** Phone: **716-823-8188**

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

CO BWP - Permit Coordinator
Regional Water Engineer, Reg. 9 - NYSDEC
RPA
NYSEFC
USEPA Region 2 - Michelle Josilo
NYS Office of Parks, Recreation & Historic Preservation -
Mark W. Thomas, Director Western District

Deputy Chief Permit Administrator: Stuart M. Fox	
Address: Division of Environmental Permits 625 Broadway Albany, NY 12233-1750	
Signature: Stuart M. Fox	Date: 9/20/12

OVERFLOW RETENTION FACILITY (ORF) and OTHER BYPASS:

Erie County is responsible to provide adequate capacity needed to convey and treat existing peaks flows to meet all SPDES permit effluent limitations, without recurring sanitary sewer overflows (SSOs) or wet weather bypasses at the **Southtowns Sewage Treatment Facility**. In accordance with 6 NYCRR Part 750-2.8(b)(2) and 40 CFR 122.41, discharges and bypasses of the collection and treatment system without treatment are prohibited, and the NYDEC may take enforcement action against the permittee for such discharges and bypasses unless (1) the bypass is necessary and unavoidable to prevent loss of life, personal injury, public health hazard, environmental degradation, or severe property damage and (2) there is no feasible alternative to the bypass and (3) the permittee complies with the notice requirements in 6 NYCRR Part 750-2.7, Incident Reporting. NYSDEC strongly discourages reliance on peak wet weather flow diversions around secondary treatment units as a long term wet weather management approach at a POTW serving separate sanitary sewer systems.

The following emergency bypass has been identified which discharges from the **Erie County / Southtowns Sewage Treatment Facility**. See Schedule of Compliance on Page 22 of this permit for specific requirements pertaining to this Outfall.

Outfall No.	Description	Latitude/Longitude	Receiving Stream/Class
004	Emergency Bypass through slots between influent and effluent wet wells	42° 47' 19" / 78° 51' 51"	Lake Erie via Outfall 001 / A-S

The above outfall shall be relegated for emergency use only. Discharges from an emergency overflow and all sanitary sewer overflows shall be reported on the Monthly Operating Report for the month in which it occurs. Specifically, the following information must be reported:

- the rainfall intensity, precipitation, frequency, duration and quantity of wastes discharged;
- all sampling shall be carried out on each bypass outfall at a frequency of one (1) bypass event during each month; and
- the sample type shall be grab and all permit parameters shall be tested for except total residual chlorine and fecal coliform.

Pursuant to ECL 17-0505, ORF outfalls are required to be listed in a valid SPDES permit. The following ORF outfall constitutes an approved anticipated bypass, provided that the permittee maintains compliance with the effluent limits and compliance schedules in this Permit, as well as the approved Capacity, Management, Operation and Maintenance (CMOM) Program. These discharges are only allowed after the plant's full capacity has been utilized and maximized, and the capacity of the ORF has been reached. The Department reserves the right to modify these requirements upon promulgation of the forthcoming USEPA peak wet weather flow policy to meet the requirements of that policy.

The following onsite ORF has been identified which discharges from the **Erie County / Southtowns Sewage Treatment Facility:**

Outfall No.	Description	Latitude/Longitude	Receiving Stream/Class
002	Effluent from Overflow Retention Basin	42° 47' 19" / 78 ° 51' 51"	Lake Erie via Outfall 001 / A-S

SPECIAL CONDITION FOR OUTFALLS 002 and 004:

The permittee shall adhere to the following two-hour oral reporting requirements from 6NYCRR 750-2.7(b):

TWO HOUR ORAL REPORTING OF BYPASS, UPSET OR OTHER INCIDENT. For discharges that would affect bathing areas during the bathing season, shellfishing or public drinking water intakes, the permittee shall, within two hours of becoming aware of the discharge, report orally to the Regional Water Engineer and the local health department any discharge of untreated or partially treated sewage. Such a report shall include:

(1) A brief description of the bypass, upset, or other incident;
(2) The location of the bypass, upset or other incident including the receiving water affected by the bypass, upset, or other incident;
(3) The estimated volume and characteristics of the discharge at the time of the oral report;
(4) A brief description of the measures taken to end the bypass, upset or other incident; and
(5) The estimated time when the bypass, upset, or other incident will be over and the total expected volume of the discharge.

Additional Notification: During the bathing season (June 15 to Labor Day), Mr. David Szuba, Capital Facilities Manager, OPRHP Niagara Frontier Region, Prospect State Park, P. O. Box 1132, Niagara Falls, NY 14427 shall be included in the notification according to the above Special Condition for Outfalls 002 and 004.

PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.		

PARA-METER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (PQL)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based limits, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the permittee shall use the approved EPA analytical method with the lowest possible detection limit as promulgated under 40CFR Part 136 for the determination of the concentrations of parameters present in the sample unless otherwise specified. If a sample result is below the detection limit of the most sensitive method, compliance with the permit limit for that parameter was achieved. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This PQL can be neither lowered nor raised without a modification of this permit.	Action Levels are monitoring requirements, as defined below in Note 2, that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly. All monitoring periods (quarterly, semiannual, annual, etc) are based upon the calendar year unless otherwise specified in this Permit.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Note 1: DAILY DISCHARGE: The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

DAILY MAX.: The highest allowable daily discharge.
DAILY MIN.: The lowest allowable daily discharge.
MONTHLY AVG: The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week.
30 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
7 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar week.
RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

Note 2: ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001 (WWTP)	All Year	Lake Erie (A-Special)	11/01/2012	09/30/2017

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Monthly average	16.0	MGD			Continuous	Recorder	X	X	
BOD_5	Monthly average	30	mg/l	4003	lbs/d	1 / day	24-hr. Comp.	X	X	1
BOD_5	7 day average	45	mg/l	6005	lbs/d	1 / day	24-hr. Comp.	X	X	
Solids, Suspended (TSS)	Monthly average	30	mg/l	4003	lbs/d	1 / day	24-hr. Comp.	X	X	1
Solids, Suspended (TSS)	7 Day average	45	mg/l	6005	lbs/d	1 / day	24-hr. Comp.	X	X	
Solids, Settleable	Daily maximum	0.3	ml/l			6 / day	Grab	X	X	
pH	Range	6.0 - 9.0	SU			6 / day	Grab	X	X	
Nitrogen, Ammonia (as NH_3)	Daily maximum	22.5	mg/l	3002	lbs/d	1 / day	24-hr. Comp.	X	X	5
Nitrogen, TKN (as N)	Daily maximum	Monitor	mg/l			2 / month	24-hr. Comp.	X	X	
Phosphorus, Total (as P)	Monthly average	1.0	mg/l			1 / day	24-hr. Comp	X	X	
Temperature	Daily maximum	Monitor	Deg. C			6 / day	Grab	X	X	
Effluent Disinfection required: [X] All Year [ ] Seasonal from _____ to _____										
Coliform, Fecal	30 Day geometric mean	200	No./ 100 ml			1 / day	Grab		X	2
Coliform, Fecal	7 Day geometric mean	400	No./ 100 ml			1 / day	Grab		X	2
Chlorine, Total Residual	Daily maximum	2.0	mg/l			6 / day	Grab		X	2,3
Chlorine, Total Residual	Daily maximum	0.375	mg/l			6 / day	Grab		X	4

FOOTNOTES:

1. Effluent shall not exceed 15 % and 15 % of influent concentration values for BOD_5 and TSS respectively.
2. Interim sampling procedures and techniques for Fecal Coliform and Total Residual Chlorine (TRC) are specified on Page 6 of this permit.
3. Interim Total Residual Chlorine (TRC) effluent limit: The interim TRC limit shall be at 2.0 mg/l as Daily Maximum until the date specified in the engineering report to be submitted as part of the Total Residual Chlorine Study required under the Schedule of Compliance on Page 18 of this Permit.
4. The final TRC effluent limit shall become effective on the date specified in the engineering report to be submitted as part of the Total Residual Chlorine Study required under the Schedule of Compliance on Page 18 of this Permit.
5. The permittee shall monitor and report the results for Ammonia (as NH_3) until the final effluent limits are in effect. The final effluent limits shall become effective in accordance with the implementation schedule contained in the approved Ammonia Study. The results of the Ammonia Study shall be used by this Department to evaluate the proposed Ammonia effluent limits using site-specific data. See Schedule of Compliance on Page 18 of this permit for Ammonia study requirements.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL NUMBER	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001 (WWTP)	[X] All Year	Lake Erie (A-Special)	11/01/2012	09/30/2017

PARAMETER	Effluent Limits		MONITORING ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	Location		FN
	Monthly Avg.	Daily Max.					Inf.	Eff.	
Oil & Grease		15		mg/l	2/month	Grab	X	X	
Phenolics, Total	2.0	Monitor		lbs/day	2/month	24-hr. Comp.	X	X	1
Cyanide, Free		10.5		lbs/day	2/month	24-hr. Comp.	X	X	1,2
Copper, Total			3.6	lbs/day	1 / quarter	24-hr. Comp.	X	X	
Zinc, Total			9.3	lbs/day	1 / quarter	24-hr. Comp.	X	X	
Nickel, Total			7	lbs/day	1 / quarter	24-hr Comp.	X	X	
Nitrate, as N		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Nitrite, as N		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Bromodichloromethane		Monitor		µg/l	1 / year	Grab	X	X	3
Chloroform		Monitor		µg/l	1 / year	Grab	X	X	3
Methylene chloride		Monitor		µg/l	1 / year	Grab	X	X	3
Fluoride		Monitor		mg/l	1 / year	24-hr. Comp.	X	X	

FOOTNOTES:

1. From **11/01/2012 to 11/01/2013**, the permittee shall monitor and report the results for Total Phenolics and Free Cyanide. Final permit limits for total phenolics and free cyanide shall become effective in accordance with the implementation schedule contained in the approved Phenolics and Cyanide study. See Schedule of Compliance on Page 18 for the Phenolics and Cyanide study requirements.

2. Cyanide permit limit is defined as free cyanide, the sum of HCN and CN^-. The permittee shall use EPA Method OIA-1677 [Method Detection Limit (MDL) = 0.5 ug/l with Practical Quantitation Limit (PQL) = 2.0 ug/l] to analysis for available cyanide whereas free cyanide is requested.

3. Grab sample for these parameters shall consist of three individual grab samples taken at eight-hour intervals.

Interim Sampling Procedures and Techniques for Fecal Coliform and Total Residual Chlorine

A. Fecal Coliform:

1. Collect a sample in a 125 ml capacity sterilized (preferable autoclaved) bacteriological bottle.
2. Hold sample for 15 minutes.
3. Mix samples by shaking.
4. * Carefully transfer the entire 125 ml sample to an autoclaved bacteriological bottle containing 3 - 4 drops of 10 % sodium thiosulfate solution. [Note: No spillage across neck of bottle allowed.]
5. With a sterile pipet, remove 10 ml of sample and transfer to a clean beaker.
6. Add 0.5 ml of 10 % acetic acid solution followed by 0.5 - 1.0 grams of potassium iodide solution.
7. Mix well and add 1.0 ml of starch solution.
8. If a blue color develops, discard the transferred bacteriological sample as the amount of thiosulfate it contains is insufficient to dechlorinate the sample.
9. Repeat the above procedure (with additional sodium thiosulfate being added to the autoclaved bacteriological bottle)* until the sample being tested no longer turns a blue color thereby assuring that no residual chlorine remains in the sample.
10. Perform analysis.

* Sodium thiosulfate is added to a clean bacteriological bottle before autoclaving.

B. Total Residual Chlorine:

1. Hold chlorinated sample in a clean sample container for 15 minutes, then perform analysis.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
002 (ORF)	During ORF discharges	Lake Erie via Outfall 001	11/01/2012	09/30/2017

PARAMETER	COMPLIANCE LIMIT		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	7-day avg.	Daily Max.				
Flow		Monitor	MG	Continuous	Recorder/Totalizer	1
pH (range)	6.0 (min.) -	9.0 (max.)	SU	Daily	Grab	5
Solids, Settleable		0.3	ml/l	Daily	Grab	2,5
Coliform, Fecal	400		No/100 ml	Daily	Grab	3,8,10
Oil & Grease		15	mg/l	Daily	Grab	2,5
Chlorine, Total Residual		2.0	mg/l	Daily	Grab	2,5,9,10
Solids, Total Suspended	Monitor		mg/l	Daily	Composite	4,8
BOD_5	Monitor		mg/l	Daily	Composite	4,8
Nitrogen - Ammonia (as NH_3)		Monitor	mg/l	Daily	Composite	
Phosphorus		Monitor	mg/l	Daily	Composite	
Phenolics, Total		Monitor	mg/l	Daily	Composite	
Cyanide, Free		Monitor	mg/l	Daily	Composite	
Floatable Material		None	NA	Daily	Visual Observation	6,7
Precipitation		Monitor	Inches	Hourly	On-site Rain Gauge	11

FOOTNOTES:

1. No discharge except as specified in Page 2 of this permit. All flows diverted to the ORF from the headworks of the WWTP and all flows discharged from the ORF shall be continuously recorded and totalized. The permittee may use level monitoring equipment in the ORF to determine when flows have been diverted to the ORF basins, as well as to calculate the total volume of flow diverted. All flow records shall be summarized and reported on the monthly operating report.

2. Daily Maximum and Daily Minimum values shall be calculated based on the arithmetic mean of samples taken during any calendar day.

3. No./100 ml calculated as a geometric mean of the grab samples taken during each day of overflow.

4. Representative composite samples shall be a composite of grab samples, one taken every four hours. Sampling shall begin within 30 minutes of the start of discharge from the ORF.

5. Grab samples shall be collected a minimum of once every four (4) hours during each event. Sampling shall begin within 30 minutes of the start of discharge from the ORF.

6. Visual observation is required within 30 minutes of the start of discharge, and a minimum of once every 4 hours during each event.

7. Report the number of days during the month where at least one visual observation indicates the presence of floatable material. The number of days during the month where at least one visual observation indicates the presence of floatable material shall be summarized and reported on the monthly operating report.

8. The seven day average shall be calculated as the average of the results for each of the discharge days over the seven day period. For example, if the ORF discharges for three days during the period, the average of the three days would constitute the seven day average for the purposes of compliance.

9. Total Residual Chlorine (TRC) effluent limit: The TRC limit shall be 2.0 mg/l as Daily Maximum until the proposed total residual chlorine study is submitted, approved by the Department, and any construction completed in accordance with the approved report and schedule. Any changes to the TRC limit at Outfall 002 will be made at that time. See Schedule of Compliance on page 18 of this permit for Chlorine study requirements.

10. Interim sampling procedures and techniques for Fecal Coliform and Total Residual Chlorine shall follow procedures specified on Page 6 of this permit.

11. The permittee shall report daily and monthly total precipitation values in the monthly operating report.

SPECIAL CONDITIONS FOR OPERATION OF OVERFLOW RETENTION FACILITY

(a) The permittee shall monitor the effluent from the ORF for all permitted parameters cited above at the specified monitoring frequency and sample type. These data and the sampling information required by the Monitoring and Limitations table above, shall be summarized on a Wastewater Facility Operation Report [Form 92-15-7, or similar] and submitted to the Regional Water Engineer.

(b) The facilities shall be operated in conjunction with the tributary sewer system, pump stations and the POTW Treatment Plant to maximize pollutant removal.

(c) The peak design capacity at the WWTP is 40 MGD [Source: 1984 Addendum to SSES Report: The 1982 peak capacity = 2.5 x 16 MGD (design flow) = 40 MGD]. Presently this facility cannot meet this design criterion. The permittee shall not divert to the ORF unless the peak flow to the WWTP exceeds the maximum flow rate that can be safely handled by the secondary system without solids washout. The actual existing peak capacity based on maximizing flow through the secondary treatment units shall be documented in the Interim Wet Weather Operating Plan as required in condition (g) below and by the Schedule of Compliance on page 19 of this permit.

The County may use the ORF as a wastewater storage and equalization facility (without ORF discharges) for process operational flexibility and preventative maintenance.

(d) The permittee shall not discharge from the ORF unless the tank volume is full, and the treatment process cannot accept additional wastewater.

(e) The contents of the ORF (i.e., captured wastewater) shall not be reintroduced to the POTW Treatment Plant at a rate which would exceed the peak hourly flow or loading.

(f) Flow shall not be reintroduced to the POTW Treatment Plant at a rate that will cause an upset as defined by 6 NYCRR Part 750-2, Operating in Accordance with a SPDES Permit.

(g) Wet Weather Operating Plan:

The permittee shall develop and submit a Wet Weather Operating Plan (WWOP) by **05/01/2013** for current operational conditions. The WWOP shall outline the optimum operational procedures to transition from dry weather operation mode to wet weather operation mode, and back to dry weather operation mode. These procedures shall be used to optimize the treatment of the maximum volume of wet weather flows possible at the treatment plant during wet weather events, while minimizing discharges through the permitted overflow retention facility (ORF) and meeting the effluent limitations in this permit. The permittee shall update the WWOP as appropriate whenever substantive changes, upgrades, or modifications are made to the Southtowns AWTF. The permittee shall submit the plan, and updates detailing changes to the plan as appropriate, to the NYSDEC Regional Water Engineer at the address listed on Page 23 of this permit, and to the Bureau of Water Permits, 625 Broadway, Albany, NY 12233-3505.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING	FN
003 (001 + 002)	During ORF discharges	Lake Erie (A-Special)	11/01/2012	09/30/2017	1

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Unit	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly average	Monitor	MGD			Continuous	Metered		X	
BOD_5	Monthly average	30	mg/l	Monitor	lbs/day	1 / day	24-hr. Comp.	X	X	2
BOD_5	7 day aver average	45	mg/l	Monitor	lbs/day	1 / day	24-hr. Comp.	X	X	
Solids, Suspended (TSS)	Monthly average	30	mg/l	Monitor	lbs/day	1 / day	24-hr. Comp.	X	X	2
Solids, Suspended (TSS)	7 day average	45	mg/l	Monitor	lbs/day	1 / day	24-hr. Comp.	X	X	
Solids, Settleable	Daily maximum	0.3	ml/l			1 / day	Grab	X	X	
pH (Range)	Range	6.0 - 9.0	SU			1 / day	Grab	X	X	
Nitrogen, Ammonia (as NH_3)	Daily maximum	22.5	mg/l	Monitor	lbs/day	1 / day	24-hr. Comp.	X	X	7
Nitrogen, TKN (as N)	Daily Maximum	Monitor	mg/l	Monitor	lbs/d	2 / month	24-hr. Comp.	X	X	
Phosphorus, Total (as P)	Monthly average	1.0	mg/l			1 / day	24-hr. Comp	X	X	3
Temperature	Daily maximum	Monitor	Deg C			1 / day	Grab	X	X	
Effluent Disinfection required: [X] All Year [ ] Seasonal from _____ to _____										
Coliform, Fecal	30 day geometric mean	200	No./100 ml			1 / day	Grab			4
Coliform, Fecal	7 day geometric mean	400	No./100 ml			1 / day	Grab			4
Chlorine, Total Residual	Daily Max.	0.375	mg/l			6 / day	Grab			4,5,6

FOOTNOTES:

1. The monitoring point for Outfall 003 shall be at Chamber No. 3 of the 66" outfall pipe where samples shall be representative of the combined discharges for Outfall 002 and Outfall 001. All flows diverted to the ORF from the headworks of the WWTP, and all flows discharged from the ORF shall be continuously recorded and totalized. The permittee may use level monitoring equipment in the ORF to determine when flows have been diverted to the ORF basins, as well as to calculate the total volume of flow diverted. The permittee shall append a summary of flow records collected during ORF discharge events as an attachment to the monthly operating report.

2. Effluent shall not exceed __15__ % and __15__ % of influent concentration values for BOD_5 and TSS respectively. For purpose of reporting the 7-day average and monthly average for concentrations, loadings and monthly percent (%) removals for BOD_5 and TSS, the permittee shall use data from Outfall 001 for days that there is no discharge from the ORF and include data from Outfall 003 during days the ORF discharged to calculate 7-day average, monthly average and monthly % removal for BOD_5 and TSS. The percent removal limits for this outfall shall be "Monitor Only" until the final % removal limits become effective in accordance with the implementation schedule in the approved I/I analysis and SSES according to the requirements in the Schedule on Page 19 of this permit.

3. When reporting monthly average concentration for phosphorus, use the same reporting method as described in FN 2 above.

4. Interim sampling procedures and techniques for Fecal Coliform and Total Residual Chlorine (TRC) are specified on Page __6__ of this permit. When reporting 30 day geometric mean and 7 day geometric mean for fecal coliform, the permittee shall use data from Outfall 001 for days that there is no discharge from the ORF and include data from Outfall 003 during days in which the ORF discharged.

5. Interim TRC effluent limit: **Interim TRC limit shall be at 2.0 mg/l as daily maximum** until the date specified in the engineering report to be submitted as part of the Total Residual Chlorine Study required under the Schedule of Compliance on Page 18 of this Permit.

6. The final TRC effluent limit shall become effective on the date specified in the engineering report to be submitted as part of the Total Residual Chlorine Study required under the Schedule of Compliance on Page 18 of this Permit.

7. The permittee shall monitor and report the results for ammonia until final limits are in effect. Final permit limits shall become effective in accordance with the implementation schedule contained in the approved Ammonia Study. See "Schedule of Compliance" on Page 18 of this permit.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING	FN
003 (001 + 002)	During ORF discharge	Lake Erie (A-Special)	11/01/2012	09/30/2017	1

PARAMETER	Effluent Limits		MONITORING ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	Location		FN
	Monthly Avg.	Daily Max.					Inf.	Eff.	
Oil & Grease		15		mg/l	1 / month	Grab	X	X	
Phenolics, Total		15		µg/l	1 / month	24-hr. Comp.	X	X	
Cyanide, Free		50.6		µg/l	1 / month	24-hr. Comp.	X	X	2
Copper, Total		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Zinc, Total		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Nickel, Total		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Nitrate		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Nitrite		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Bromodichloromethane		Monitor		µg/l	1 / year	Grab	X	X	3
Chloroform		Monitor		µg/l	1 / year	Grab	X	X	3
Methylene chloride		Monitor		µg/l	1 / year	Grab	X	X	3
Fluoride		Monitor		mg/l	1 / year	24-hr. Comp.	X	X	

FOOTNOTES:

1. Monitoring point for Outfall 003 shall be at Chamber No. 3 of the 66" outfall pipe where samples shall represent the combined discharges for Outfall 001 and Outfall 002.

2. Cyanide permit limit is as free cyanide, the sum of HCN and CN^-. The permittee shall use EPA Method OIA-1677 [Method Detection Limit (MDL) = 0.5 µg/l with Practical Quantitation Limit (PQL) = 2.0 µg/l] to analysis for available cyanide whereas free cyanide is requested.

3. Grab sample for these parameters shall consist of three individual grab samples taken at eight-hour intervals.

PERMIT LIMITS, LEVELS AND MONITORING - *E. Coli* during bathing season

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001	WWTF effluent during bathing season	Lake Erie	11/01/2012	09/30/2017
002	ORF discharge during bathing season	Lake Erie via Outfall 001	11/01/2012	09/30/2017
003 (001 + 002)	WWTF effluent and ORF discharge during bathing season	Lake Erie	11/01/2012	09/30/2017
004	Emergency Bypass through slots between influent and effluent wet wells	Lake Erie via Outfall 001	11/01/2012	09/30/2017

PARAMETER	Effluent Limits		MONITORING ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	Location		FN
	Monthly Avg.	Daily Max.					Inf.	Eff.	
E. Coli	NA	Monitor		No./100 ml	Daily	Grab		X	1,2,3

Footnotes:

1. Due to the proximity of Woodlawn Beach to outfalls of this facility, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) requests that daily morning samples of *E. coli* be collected and analyzed during the months of July and August. Samples shall be taken, preferably in the morning, at Outfalls 001, 002, 003 and 004. The permittee shall submit the results of these samples, as well as a copy of the DMR pages for the months of July and August, to the OPRHP office at the following address:

   David Szuba, Capital Facilities Manager
   NYS Office of Parks, Recreation and Historic Preservation
   Niagara Frontier Region, Prospect State Park
   P.O. Box 1132, Niagara Falls, NY 14427

2. A grab sample of the influent to the Southtowns AWTF is acceptable for the sampling requirements for Outfall 004.

3. Sampling of Outfalls 002, 003, and 004 is required only when these outfalls are actively discharging.

Capacity, Management, Operation and Maintenance Plan

1. **General Standards:** The permittee shall develop, maintain and implement a Capacity, Management, Operation and Maintenance (CMOM) program. The program should be effective at reducing wet weather flows with the goal of eliminating separate sanitary sewer overflows (SSOs) that receive less than secondary treatment as required by the Clean Water Act to ensure the protection of public health, receiving water(s) and the environment during wet weather period from a separate sanitary sewer system serving public owned treatment works (POTW). The primary performance measures for the CMOM program are:

   -Reductions in the number of backups and SSOs
   -Reduction in peak wet weather flows in the system
   -Minimization of pump station failures and overflows due to equipment malfunction

2. **Compliance Due Date:** **By 11/01/2013**, the permittee shall submit an approvable CMOM Program, including an implementation schedule, to the Regional Water Engineer for review and approval. The permittee shall begin implementation of the approved CMOM program within 3 months of Departmental approval. The permittee shall review, update and modify the CMOM plan annually and submit an annual report describing all actions taken in the preceding year no later than March 1 of each year. The submitted CMOM Program, once approved, shall supersede the requirements listed in this section for purposes of compliance with this Permit.

3. **Components of CMOM program:** The following components, at a minimum, shall be addressed in the development of the CMOM program. Note that while these components shall be addressed by the permittee, the permittee may address these and any additional items using organizational and implementation methods applicable to and tailored to their specific system:

   Goals
   Organization
   Legal Authority
   Measures and activities
   Design and Inspection Standards
   Overflow Emergency Response Plan
   System Evaluation and Capacity Assurance Plan
   Monitoring and evaluation the effectiveness of the CMOM program

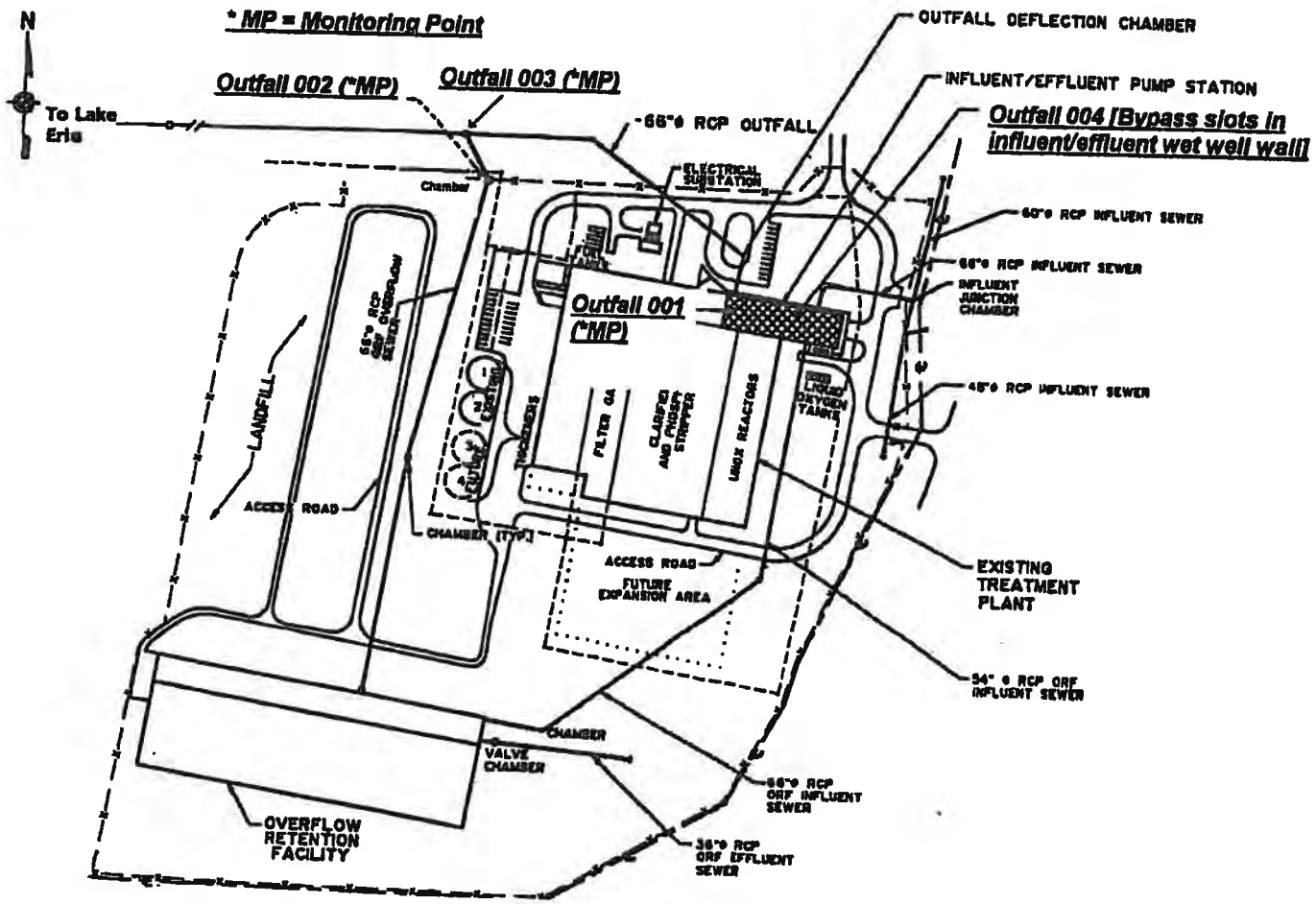
   The permittee may include measures undertaken and completed as part of other ongoing programs, as well as Asset Management planning and principles, to satisfy any applicable CMOM program requirements. The permittee may also indicate "not applicable" for any portions of the CMOM Program that do not apply to its facility or collection system based upon its knowledge of the system. Guidance for developing and evaluating CMOM programs can be found at: ttp://cfpub.epa.gov/npdes/sso/toolbox.cfm?program_id=4

4. **Compliance with CMOM Requirements:** As stated in (2) above, compliance with the submitted and approved CMOM Program shall constitute compliance with the CMOM requirements in this permit. Any future CMOM requirements promulgated by either the Department or USEPA will not go into effect for this facility, and the facility shall not be required to comply with these additional requirements, until such time as the facility's permit and approved CMOM Program are modified to include the future CMOM requirements. As part of that modification, a schedule of compliance will be included to allow adequate time for the permittee to update its approved CMOM Program to address the future CMOM requirements.

MONITORING LOCATIONS

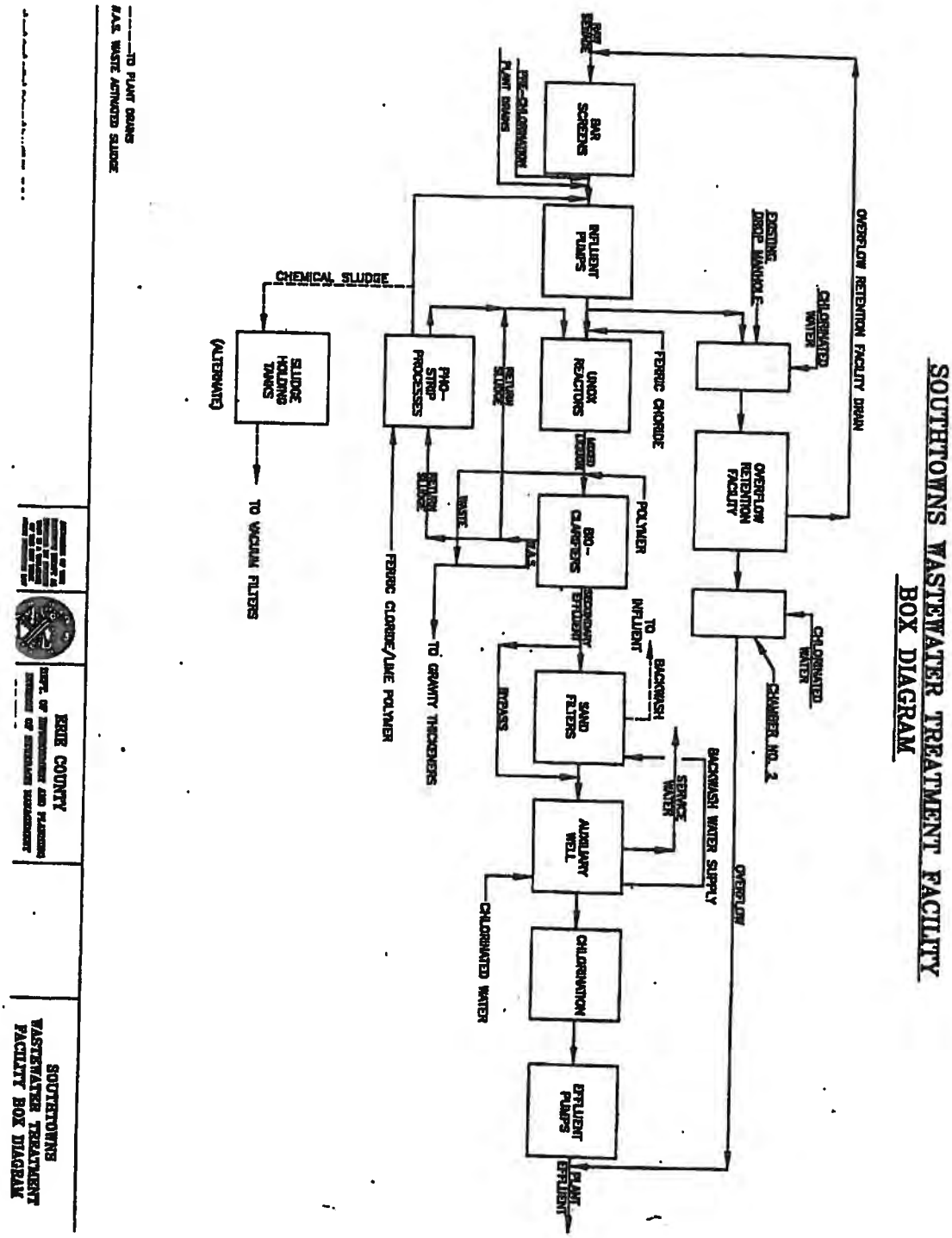
The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:

Monitoring point for Outfall 003 shall be at Chamber No. 3 of the 66" outfall pipe.



MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



Note: See Monitoring Location page for monitoring point at each outfall.

PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS

A. DEFINITIONS. Generally, terms used in this Section shall be defined as in the General Pretreatment Regulations (40 CFR Part 403). Specifically, the following definitions apply to terms used in this Section (PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS):

1. Categorical Industrial User (CIU)- an industrial user of the POTW that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;

2. Local Limits - General Prohibitions, specific prohibitions and specific limits as set forth in 40 CFR 403.5.

3. The Publicly Owned Treatment Works (the POTW) - as defined by 40 CFR 403.3(o) and that discharges in accordance with this permit.

4. Program Submission(s) - requests for approval or modification of the POTW Pretreatment Program submitted in accordance with 40 CFR 403.11 or 403.18 and approved by letter dated September 10, 1984.

5. Significant Industrial User (SIU) -

   a. CIUs;

   b. Except as provided in 40 CFR 403.3(t)(2), any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW;

   c. Except as provided in 40 CFR 403.3(t)(2), any other industrial user that contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

   d. Any other industrial user that the permittee designates as having a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.

6. Substances of Concern - Substances identified by the New York State Department of Environmental Conservation's Industrial Chemical Survey as substances of concern.

B. IMPLEMENTATION. The permittee shall implement a POTW Pretreatment Program in accordance 40 CFR Part 403 and as set forth in the permittee's approved Program Submission(s). Modifications to this program shall be made in accordance with 40 CFR 403.18. Specific program requirements are as follows:

1. Industrial Survey. To maintain an updated inventory of industrial dischargers to the POTW the permittee shall:

   a. Identify, locate and list all industrial users who might be subject to the industrial pretreatment program from the pretreatment program submission and any other necessary, appropriate and available sources. This identification and location list will be updated, at a minimum, every five years. As part of this update the permittee shall collect a current and complete New York State Industrial Chemical Survey form (or equivalent) from each SIU.

   b. Identify the character and volume of pollutants contributed to the POTW by each industrial user identified in B.1.a above that is classified as a SIU.

   c. Identify, locate and list, from the pretreatment program submission and any other necessary, appropriate and available sources, all significant industrial users of the POTW.

2. Control Mechanisms. To provide adequate notice to and control of industrial users of the POTW the permittee shall:

   a. Inform by certified letter, hand delivery courier, overnight mail, or other means which will provide written acknowledgment of delivery, all industrial users identified in B.1.a. above of applicable pretreatment standards and requirements including the requirement to comply with the local sewer use law, regulation or ordinance and any applicable requirements under section 204(b) and 405 of the Federal Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS (continued)

b. Control through permit or similar means the contribution to the POTW by each SIU to ensure compliance with applicable pretreatment standards and requirements. Permits shall contain limitations, sampling frequency and type, reporting and self-monitoring requirements as described below, requirements that limitations and conditions be complied with by established deadlines, an expiration date not later than five years from the date of permit issuance, a statement of applicable civil and criminal penalties and the requirement to comply with Local Limits and any other requirements in accordance with 40 CFR 403.8(f)(1).

3. Monitoring and Inspection. To provide adequate, ongoing characterization of non-domestic users of the POTW, the permittee shall:

a. Receive and analyze self-monitoring reports and other notices. The permittee shall require all SIUs to submit self-monitoring reports at least every six months unless the permittee collects all such information required for the report, including flow data.

b. The permittee shall adequately inspect each SIU at a minimum frequency of once per year.

c. The permittee shall collect and analyze samples from each SIU for all priority pollutants that can reasonably be expected to be detectable at levels greater than the levels found in domestic sewage at a minimum frequency of once per year.

d. Require, through permits, each SIU to collect at least one 24 hour, flow proportioned composite (where feasible) effluent sample every six months and analyze each of those samples for all priority pollutants that can reasonably be expected to be detectable in that discharge at levels greater than the levels found in domestic sewage. The permittee may perform the aforementioned monitoring in lieu of the SIU except that the permittee must also perform the compliance monitoring described in 3.c.

4. Enforcement. To assure adequate, equitable enforcement of the industrial pretreatment program the permittee shall:

a. Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in self-monitoring reports and notices or indicated by analysis, inspection and surveillance activities. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Enforcement activities shall be conducted in accordance with the permittee's Enforcement Response Plan developed and approved in accordance with 40 CFR Part 403.

b. Enforce compliance with all national pretreatment standards and requirements in 40 CFR Parts 406 - 471.

c. Provide public notification of significant non-compliance as required by 40 CFR 403.8(f)(2)(vii).

d. Pursuant to 40 CFR 403.5(e), when either the Department or the USEPA determines any source contributes pollutants to the POTW in violation of Pretreatment Standards or Requirements the Department or the USEPA shall notify the permittee. Failure by the permittee to commence an appropriate investigation and subsequent enforcement action within 30 days of this notification may result in appropriate enforcement action against the source and permittee.

5. Record keeping. The permittee shall maintain and update, as necessary, records identifying the nature, character, and volume of pollutants contributed by SIUs. Records shall be maintained in accordance with 6 NYCRR Part 750-2.5(c).

6. Staffing. The permittee shall maintain minimum staffing positions committed to implementation of the Industrial Pretreatment Program in accordance with the approved pretreatment program.

C. SLUDGE DISPOSAL PLAN. The permittee shall notify NYSDEC, and USEPA as long as USEPA remains the approval authority, 60 days prior to any major proposed change in the sludge disposal plan. NYSDEC may require additional pretreatment measures or controls to prevent or abate an interference incident relating to sludge use or disposal.

PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS (continued)

D. REPORTING. The permittee shall provide to the offices listed on the Monitoring, Reporting and Recording page of this permit and to the Chief-Water Permits and Compliance Branch; USEPA Region II; 290 Broadway; New York, NY 10007; a periodic report, prepared and submitted in accordance with the consistent periodic reporting format established by the Department in the document entitled NYSDEC POTW Periodic Pretreatment Report - 1994, that briefly describes the permittee's program activities over the previous year. This report shall be submitted to the above noted offices within 60 days of the end of the reporting period. The reporting period shall be Annual, with reporting period(s) ending on July 30.

The periodic report shall include:

1. Industrial Survey. Updated industrial survey information in accordance with 40 CFR 403.12(I)(1) (including any NYS Industrial Chemical Survey forms updated during the reporting period).

2. Implementation Status. Status of Program Implementation, to include:

   a. Any interference, upset or permit violations experienced at the POTW directly attributable to industrial users.

   b. Listing of significant industrial users issued permits.

   c. Listing of significant industrial users inspected and/or monitored during the previous reporting period and summary of results.

   d. Listing of significant industrial users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing should include for each facility the final date of compliance.

   e. Summary of POTW monitoring results not already submitted on Discharge Monitoring Reports and toxic loadings from SIU's organized by parameter.

   f. A summary of additions or deletions to the list of SIUs, with a brief explanation for each deletion.

3. Enforcement Status. Status of enforcement activities to include:

   a. Listing of significant industrial users in Significant Non-Compliance (as defined by 40 CFR 403.8(f)(2)(vii)) with federal or local pretreatment standards at end of the reporting period.

   b. Summary of enforcement activities taken against non-complying significant industrial users. The permittee shall provide a copy of the public notice of significant violators as specified in 40 CFR Part 403.8(f)(2)(vii).

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Action Code	Outfall Number(s)	Compliance Action	Due Date
	003	COMBINED SAMPLING LOCATION: The permittee shall install all necessary sampling ports which will allow the effluent from the combined discharge from the ORF and WWTP to be sampled. The permittee shall submit a progress report by **08/01/2013.**	11/01/2013
	001, 002, and 003	TOTAL RESIDUAL CHLORINE (TRC) STUDY: The Permittee shall submit three copies of an approvable engineering report prepared by a professional engineer currently licensed to practice in New York State that presents an engineering solution to meet the final TRC permit limitations. The report shall include an implementation schedule for construction of the chosen alternative. If the permittee includes chlorination and/or dechlorination in the study, the design must include chlorine contact tank(s) and/or dechlorination tank(s) according to the design criteria specified in the Recommended Standards for Wastewater Facilities (i.e., commonly refer to as Ten-State Standards). Upon approval the engineering report and schedule will become enforceable under this permit. The final effluent limits shall become effective in accordance with the implementation schedule of the approved study. The permittee shall submit progress reports every nine (9) months from **11/01/2012.**	11/01/2014
	001, 002, and 003	AMMONIA STUDY: The Permittee shall submit three copies of an approvable engineering report prepared by a professional engineer currently licensed to practice in New York State that presents an engineering solution to meet the final Ammonia - Nitrogen permit limitation. The report may include pH and/or temperature data which covers all four seasons to allow the Department to evaluate the proposed Ammonia limits using site-specific data. The report shall include an implementation schedule for construction of the chosen alternative, if necessary. The final effluent limits shall become effective in accordance with the implementation schedule of the approved study. The permittee shall submit a progress report by **08/01/2013.**	11/01/2014
	001	PHENOLICS AND CYANIDE STUDY: The Permittee shall submit three copies of an approvable engineering report prepared by a professional engineer currently licensed to practice in New York State. The permittee shall evaluate potential phenolics and cyanide sources and potential mitigation actions to be conducted during the "Monitor Only" period and proposed treatment processes to be designed for meeting the permit limits. The final effluent limits shall become effective in accordance with the implementation schedule of the approved study. The permittee shall submit a progress report by	11/01/2014

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/ RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. A description or any factors which tend to explain or mitigate the non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

c) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, unless otherwise specified in this permit or in writing by the Department.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall Number(s)	Compliance Action	Due Date
001, 002 & 003	CAPACITY, MANAGEMENT, OPERATION, and MAINTENANCE (CMOM) PROGRAM: (This program shall also include ECSD #3 - Blasdell WWTP permit, NY 002 0681) Submit an approvable CMOM program for continuous ongoing sewer system assessment, flow monitoring, correction, and maintenance, including an implementation schedule according to the requirements listed on Page 12 of this permit. The permittee shall submit a progress report by **05/01/2013.**	11/01/2013
001, 002 & 003	INFILTRATION/INFLOW (I/I) ANALYSIS AND SEWER SYSTEM EVALUATION SURVEY(SSES): (This program shall also include ECSD #3 - Blasdell WWTP, NY 002 0681) The permittee shall submit an approvable I/I analysis and SSES work plan by **03/01/2013.** The permittee shall conduct an I/I analysis and SSES according to the following Guidelines: (a) EPA Handbook for Sewer System Evaluation and Rehabilitation, EPA/625/6-91/030, Oct. 1991, Chapters 3 and 4; and (b) Existing Sewer Evaluation and Rehabilitation, 3rd Edition, WEF MOP FD-6, 2009. The permittee shall submit an approvable final I/I analysis report and SSES in accordance with the approved work plan schedule. When the Department approves the work plan, the approved schedule will become enforceable. The permittee has the option of including progress reports on I&I and SSES activities with its CMOM reporting and documentation.	03/01/2013
001, 002 & 003	WET WEATHER OPERATING PLANS: The permittee shall develop and submit a Wet Weather Operating Plan (WWOP) for current operational conditions as described in SPECIAL CONDITIONS FOR OPERATION OF OVERFLOW RETENTION FACILITY, Item (g) on Page 8 of this Permit. The permittee shall submit the plan, and updates detailing changes to the plan as appropriate, to the NYSDEC Regional Water Engineer at the address listed on Page 23 of this permit, and to the Bureau of Water Permits, 625 Broadway, Albany, NY 12233-3505.	05/01/2013
001, 002 & 003	FACILITY REPORT (FR): The permittee shall submit an approvable Facility Report work plan by **03/01/2013.** The permittee shall conduct an evaluation of all flows and recommends how Erie County will provide adequate capacity needed to convey and treat all existing peak flows to meet all SPDES permit requirements and limitations.	03/01/2013
001, 002 & 003	NO FEASIBLE ALTERNATIVE ANALYSIS: (This program shall also cover ECSD #3 - Blasdell WWTP, NY 002 0681) In accordance with Federal Statutes, 40CFR 122.41(m)(4), the permittee shall submit a No Feasible Alternative Analysis for the discharge from the ORF. This report shall be prepared by a Professional Engineer currently licensed to practice in New York State, and may include information developed as part of other required submittals under this Permit. The Department reserves the right to modify this permit pending the results of this Analysis. The permittee shall submit progress reports every nine (9) months from **11/01/2012.**	05/01/2017

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the submission. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

Note: Items b) and c) are the same as listed under other "Schedule of Compliance" pages.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall Number(s)	Compliance Action	Due Date
004	EMERGENCY BYPASS THROUGH SLOTS BETWEEN INFLUENT AND EFFLUENT WET WELL WALL: The permittee shall submit a report detailing plans to eliminate this bypass or restore its use for only emergency conditions.	05/01/2013
002	INFLUENT MONITORING OF ORF: The permittee shall establish the monitoring of flows diverted to the ORF, including measurement of flow rate and estimation of total volume diverted per event using level sensing equipment.	05/01/2013
001, 002, 003 & 004	ANNUAL SSO REPORT: The permittee shall submit annually a report by April 30th of every year, summarizing all SSO discharges for the previous year. The report shall include all pertinent information but not limited to total number of days discharged in each month, precipitation during each discharge, all sampling results of the discharges and steps taken to reducing the frequencies of the discharges.	April 30th of every year

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled SPDES NOTICE/ RENEWAL APPLICATION/PERMIT, the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of SPDES NOTICE/RENEWAL APPLICATION/PERMIT.

b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. A description or any factors which tend to explain or mitigate the non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

c) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, unless otherwise specified in this permit or in writing by the Department.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall Number(s)	Compliance Action	Due Date	Foot-note
	SAMPLING MONITORING PROGRAM		
001 & 002	Mercury: The permittee shall conduct a short term high intensity monitoring (STHIM) program for mercury. The STHIM program shall consists of two grab samples at Outfall 001 (one taken during a dry weather period, and one taken during a wet weather period), and one grab sample at Outfall 002 taken during wet weather discharges. EPA Method 1631 with a MDL detection level of 0.5 ng/l shall be used. The permittee shall submit a report summarizing the sampling procedures, dates of sampling, sampling locations, sampling results and the findings from the sampling results.	11/01/2013	1
001 & 002	PCBs: The permittee shall conduct a short term high intensity monitoring (STHIM) program for PCBs. The STHIM program shall consist of consists of two grab samples at Outfall 001 (one taken during a dry weather period, and one taken during a wet weather period), and one grab sample at Outfall 002 taken during wet weather discharges. EPA Method 608 with a MDL detection level of 0.065 µg/l shall be used. The permittee shall submit a report summarizing the sampling procedures, dates of sampling, sampling locations, sampling results and the findings from the sampling results.	11/01/2013	1

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled SPDES NOTICE/ RENEWAL APPLICATION/PERMIT, the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of SPDES NOTICE/RENEWAL APPLICATION/PERMIT.

b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. A description or any factors which tend to explain or mitigate the non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

c) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, unless otherwise specified in this permit or in writing by the Department.

Footnote: 1. The permittee shall submit interim progress reports to the Department every nine (9) months until the due date for these compliance items are met.

DISCHARGE NOTIFICATION REQUIREMENTS

(a) Except as provided in (c) and (f) of these Discharge Notification Act requirements, the permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit. Such signs shall be installed within 90 days of the Effective Date of this Modification.

Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.

The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.

(b) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have minimum dimensions of eighteen inches by twenty four inches (18" x 24") and shall have white letters on a green background and contain the following information:

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. :____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

Permittee Phone: ( ) - ### - ####

OR:

NYSDEC Division of Water Regional Office Address :

NYSDEC Division of Water Regional Phone: ( ) - ### -####

(c) For each discharge required to have a sign in accordance with a), the permittee shall, concurrent with the installation of the sign, provide a repository of copies of the Discharge Monitoring Reports (DMRs), as required by the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of this permit. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be at the business office repository of the permittee or at an off-premises location of its choice (such location shall be the village, town, city or county clerk's office, the local library or other location as approved by the Department). In accordance with the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of your permit, each DMR shall be maintained on record for a period of five (5) years.

(d) If, upon November 1, 1997, the permittee has installed signs that include the information required by 17-0815-a(2)(a) of the ECL, but do not meet the specifications listed above, the permittee may continue to use the existing signs for a period of up to five years, after which the signs shall comply with the specifications listed above.

(e) The permittee shall periodically inspect the outfall identification signs in order to ensure that they are maintained, are still visible and contain information that is current and factually correct.

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

a) 6 NYCRR Part 750 is hereby incorporated by reference and its conditions are enforceable requirements of this permit. The permittee shall comply with all conditions set forth in this permit and with 6 NYCRR Part 750, including, but not limited to: additional monitoring and reporting requirements and conditions, including noncompliance reporting.

b) In addition to a) above, all POTWs shall provide adequate notice to the Department and USEPA of the following: (1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and (2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. (3) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

c) The monitoring information required by this permit shall be summarized, signed and retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent. **Also, monitoring information required by this permit shall be summarized and reported by submitting;**

[X] (if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each one (1) month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

[X] (if box is checked) Annual SSO report (refer to Schedule of Compliance on page 20 of this permit) to the Regional Water Engineer at the address specified below. The annual report is due by April 30 and must summarize information for January to December of the previous year in a format acceptable to the Department.

[X] (if box is checked) Annual CMOM report to the Regional Water Engineer at the address specified below. The annual report is due by March 1 according to the Capacity, Management, Operation and Maintenance Plan Requirements on Page 12 of this permit in a format acceptable to the Department

[X] (if box is checked) Annual Pretreatment Report to the Regional Water Engineer at the address specified below. The annual report is due by July 30 according to the Pretreatment Program Implementation Requirements on Pages 15, 16 and 17 of this permit in a format acceptable to the Department.

[X] (if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the:
[X] Regional Water Engineer and/or [ ] County Health Department or Environmental Control Agency specified below

Send the original (top sheet) of each DMR page to:

Department of Environmental Conservation
Division of Water
Bureau of Water Compliance Programs
625 Broadway
Albany, New York 12233-3506
Phone: (518) 402-8177

Send the first copy (second sheet) of each DMR page to:

Department of Environmental Conservation
Regional Water Engineer, Region 9
270 Michigan Avenue
Buffalo, NY 14203-2999

Phone: (716) 851-7070

c) Noncompliance with the provisions of this permit shall be reported to the Department as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2.

d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.

f) Calculation for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.

h) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.

EXHIBIT - B

East Aurora SPDES Permit

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT

Industrial Code:	4952	SPDES Number:	NY- 0028436
Discharge Class (CL):	05	DEC Number:	9-1424-00010-00001
Toxic Class (TX):	N	Effective Date (EDP):	12/01/06
Major Drainage Basin:	01	Expiration Date (ExDP):	11/30/11
Sub Drainage Basin:	03	Modification Dates: (EDPM)	11/01/10
Water Index Number:	E-1-4-14		
Compact Area:	LJC		

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name: Erie County Sewer District #8 — Attention: Mr. Michael J. Quinn, P.E.
Street: 95 Franklin Street, Room 1034 — Deputy Commissioner, ECDSM
City: Buffalo — State: NY — Zip Code: 14202

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: East Aurora Wastewater Treatment Plant
Location (C,T,V): East Aurora (V) — County: Erie
Facility Address: 201 Mill Street
City: East Aurora — State: NY — Zip Code: 14052
NYTM -E: 203.9 — NYTM - N: 4739.8
From Outfall No.: 001 — at Latitude: 42 ° 45 ′ 45 ″ & Longitude: 78 ° 38 ′ 04 ″
into receiving waters known as: East Branch of Cazenovia Creek — Class: B

and; (list other Outfalls, Receiving Waters & Water Classifications)

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: Village of East Aurora WWTP, E.C.S.D. #8
Street: S-3690 Lakeshore Road
City: Buffalo — State: NY — Zip Code: 14219
Responsible Official or Agent: Mr. Glenn H. Absolom, Chief WWTP Supervisor — Phone: 716/823-8188

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:
CO BWP - Permit Coordinator
RWE
RPA
EPA Region II - Jeffrey Gratz

Permit Administrator: David S. Denk
Address: 270 Michigan Avenue
Buffalo, New York 14203-2915
Signature: [signature] Date: 9/21/10

PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.		

PARA-METER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (PQL)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based standards, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the analytical method specified in the permit shall be used to monitor the amount of the pollutant in the outfall to this level, provided that the laboratory analyst has complied with the specified quality assurance/quality control procedures in the relevant method. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This PQL can be neither lowered nor raised without a modification of this permit.	Type I or Type II Action Levels are monitoring requirements, as defined below in Note 2, that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Note 1: DAILY DISCHARGE: The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day. DAILY MAX: The highest allowable daily discharge. DAILY MIN: The lowest allowable daily discharge. MONTHLY AVG (daily avg): The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown. 7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week. 12 MRA (twelve month rolling avg): The average of the most recent twelve month's monthly averages. 30 DAY GEOMETRIC MEAN (30 d geo mean): The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of : the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. 7 DAY GEOMETRIC MEAN (7 d geo mean): The highest allowable geometric mean of daily discharges over a calendar week.

Note 2: ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards. TYPE I : The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results in excess of the stated Action Level. TYPE II: The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results that show the stated action level exceeded for four of six consecutive samples, or for two of six consecutive samples by 20 % or more, or for any one sample by 50 % or more.

PERMIT LIMITS, LEVELS AND MONITORING - MUNICIPAL

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001	[ ] All Year [X] Seasonal from 6/1 to 10/31	E. Branch Cazenovia Creek	12/01/06	11/30/2011

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Monthly average	3.14	mgd			continuous	recorded	X		
$CBOD_5$	Monitor		mg/l	-	lbs/d	1/week	24 hr comp	X	X	(2)
BOD_5	7 day average		mg/l	-	lbs/d					
UOD	daily	63	mg/l	1650	lbs/d	1/week	24 hr comp		X	(2)
Solids, Suspended	Monthly average	30	mg/l	786	lbs/d	1/week	24 hr comp	X	X	(1)
Solids, Suspended	7 day average	45	mg/l	1178	lbs/d	1/week	24 hr comp	X	X	
Solids, Settleable	Daily Max.	0.1	ml/l			2/day	grab	X	X	
pH	Range	6 - 9	SU			2/day	grab	X	X	
Nitrogen, Ammonia (as NH_3)	Monthly average	2.88	mg/l	-	lbs/d	1/week	24 hr comp	X	X	
Nitrogen, TKN (as N)	Monitor		mg/l	-	lbs/d	1/week	24 hr comp	X	X	(2)
Phosphorus, Total (as P)	Monthly average	1.0	mg/l			1/week	24 hr comp	X	X	
Temperature	Monitor		Deg. F			2/day	grab	X	X	
Visual Observation	Monitor					2/day	am/pm		X	
Effluent Disinfection required: [ ] All Year [X] Seasonal from 6/1 to 10/15										
Coliform, Fecal	30 day geometric mean	200	No./ 100 ml			1/week	grab		X	
Coliform, Fecal	7 day geometric mean	400	No./ 100 ml			1/week	grab		X	
Chlorine, Total Residual	Daily Max.	0.1	mg/l			2/day	grab		X	
Dissolved Oxygen	Monitor					2/day	grab			

FOOTNOTES:(1) and effluent shall not exceed 15 % and 15 % of influent concentration values for $CBOD_5$ & TSS respectively.
(2) Ultimate Oxygen Demand shall be computed as follows: UOD = 1.5 X $CBOD_5$ + 4.5 X TKN (Total Kjeldahl Nitrogen)

PERMIT LIMITS, LEVELS AND MONITORING - MUNICIPAL

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001	[ ] All Year [X] Seasonal from 11/1 to 5/31	E. Branch Cazenovia Creek	12/01/06	11/30/2011

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Monthly average	3.14	mgd			continuous	recorded	X		
$CBOD_5$	Monthly average	25	mg/l	655	lbs/d	1/week	24 hr comp	X	X	(1)
$CBOD_5$	7 day average	40	mg/l	1048	lbs/d	1/week	24 hr comp	X	X	
UOD			mg/l		lbs/d					(2)
Solids, Suspended	Monthly average	30	mg/l	786	lbs/d	1/week	24 hr comp	X	X	(1)
Solids, Suspended	7 day average	45	mg/l	1178	lbs/d	1/week	24 hr comp	X	X	
Solids, Settleable	Daily Max.	0.1	ml/l			2/day	grab	X	X	
pH	Range	6 - 9	SU			2/day	grab	X	X	
Nitrogen, Ammonia (as NH_3)	Monitor		mg/l		lbs/d	1/month	24 hr comp	X	X	
Nitrogen, TKN (as N)	Monitor		mg/l		lbs/d	1/month	24 hr comp	X	X	
Phosphorus, Total (as P)	Monthly average	1.0	mg/l			1/week	24 hr comp	X	X	
Temperature	Monitor		Deg F			2/day	grab	X	X	
Visual Observation	Monitor					2/day	am/pm		X	
Effluent Disinfection required: [ ] All Year [X] Seasonal from 5/15 to 5/31										
Coliform, Fecal	30 day geometric mean	200	No./ 100 ml			1/week	grab		X	
Coliform, Fecal	7 day geometric mean	400	No./ 100 ml			1/week	grab		X	
Chlorine, Total Residual	Daily Max.	0.1	mg/l			2/day	grab		X	

FOOTNOTES: (1) and effluent shall not exceed 15 % and 15 % of influent concentration values for $CBOD_5$ & TSS respectively.
(2) Ultimate Oxygen Demand shall be computed as follows: UOD = 1.5 X $CBOD_5$ + 4.5 X TKN (Total Kjeldahl Nitrogen)

SPECIAL CONDITIONS:

Discharge Notification Requirements - Sign Maintenance: In accordance with 6NYCRR Part 750-1.12, the permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

Data Retention: The permittee shall retain records for a minimum period of 5 years in accordance with 6NYCRR Part 750-1.12(b)(2) and Part 750-2.5(c)(1). These records, which include discharge monitoring reports (DMRs) and annual reports, must be retained at a repository accessible to the public. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be the business office, wastewater treatment plant, village, town, city, or county clerk's office, the local library, or other location approved by the Department.

Infiltration & Inflow (I/I) Removal: The permittee shall identify all inflow to the tributary system and remove excessive I/I to an extent that is economically feasible. 6 NYCRR Part 750-2.9(a)(3).

Sewer Use Law: In accordance with 6NYCRR Part 750- 1.7(d)(2), the permittee must have up-to-date, effective and duly enacted Sewer Use Laws that are in place and being enforced throughout the POTW service area.

Incident and Noncompliance Reporting: Shall be in accordance with 6NYCRR Part 750- 2.7.

POTW Design, Planning and Flow Management: Shall be in accordance with 6NYCRR Part 750- 2.9(c).

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule.

Action Code	Outfall Number(s)	Compliance Action	Due Date
	001	1. Short Term Monitoring - The permittee shall monitor for the following parameters in the effluent at a frequency of once per month for a period of one year. Samples shall be collected via properly preserved 24 hour composites. - Phenol, Total - Zinc, Total - Mercury, Total	EDP
		2. Reporting - The results shall be tabulated in concentration and mass, and submitted to the Department at the completion of the twelve months of monitoring. The daily flow for each sampling event shall also be tabulated. Should parameters be at levels of concern, the permit may be reopened for consideration of effluent limits.	EDP + 15 months

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT", the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. A description or any factors which tend to explain or mitigate the non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

c) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, unless otherwise specified in this permit or in writing by the Department.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule.

Action Code	Outfall Number(s)	Compliance Action	Due Date
	001	1. Short Term Monitoring - The permittee shall monitor for the following parameters in the effluent at a frequency of once per month for a period of one year. Samples shall be collected via properly preserved grab samples. - Bromodichloromethane - Chloromethane	EDP
		2. Reporting - The results shall be tabulated in concentration and mass, and submitted to the Department at the completion of the twelve months of monitoring. The daily flow for each sampling event shall also be tabulated. Should parameters be at levels of concern, the permit may be reopened for consideration of effluent limits.	EDP + 15 Months

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT", the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

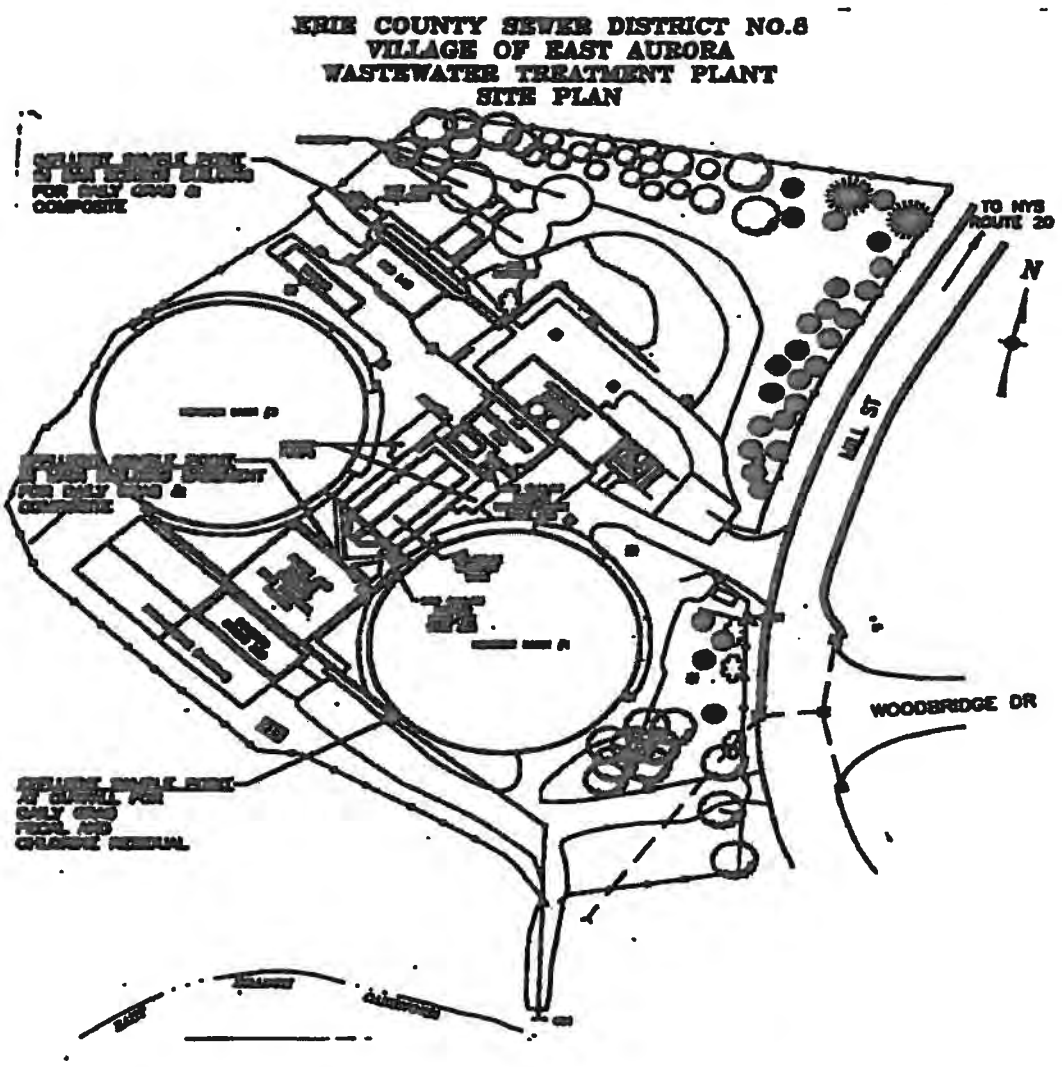
b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2.. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. A description or any factors which tend to explain or mitigate the non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

c) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, unless otherwise specified in this permit or in writing by the Department.

MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



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PRETREATMENT MINI SCHEDULE

There are Significant Industrial Users of the permittee's municipal sewerage system. Therefore the permittee shall comply with the following schedule:

Industrial Survey

Within six months of the effective date of this permit, the permittee shall submit the results of an industrial survey performed in accordance with the document entitled Guidance for Identification of Significant Industrial Users, NYSDEC 1989 The survey results shall include a final culled list of users, one Fast Report On Significant Industries completed through question 7 A including proposed industrial monitoring for each potential significant industrial user, all submitted Industrial Chemical Survey forms and proposed Sewage Treatment Plant (STP) monitoring.

Develop Procedures

Within three months of the submission of industrial survey results, the permittee shall submit documentation of procedures for obtaining and ensuring compliance with applicable standards. Such procedures shall include requirements and schedules for discharge permits, industrial self-monitoring, compliance monitoring of industries by the permittee, on going STP monitoring and an enforcement program. Such procedures shall be equivalent to procedures described in the document entitled Pretreatment Compliance Monitoring and Enforcement Guidance, USEPA - September, 1986.

Treatment Plant/Industry Monitoring

Within three months of DEC approval of proposed industrial monitoring and proposed STP monitoring, the permittee shall submit the results of that monitoring and a completed FROSIs for all SIUs.

Local Sewer Use Law

Within three months of the submission of STP/industrial monitoring results, the permittee shall submit a draft local sewer use law equivalent to the DEC Model Sewer Use Law. Local limits for substance capable of causing SPDES permit violations, endangering municipal employees or limiting sludge disposal options must be included in the local law. Such limits shall be developed in accordance with document entitled Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program USEPA November, 1987.
Within three months of approval by this Department, the permittee shall submit a copy of the enacted Law accompanied by proof of enactment.

Credit for Work Already Completed

Any of the above required tasks already completed by the permittee need not be repeated. If the permittee believes that a task or task(s) have been satisfactorily completed, documentation of the completed tasks should be submitted to NYSDEC for approval.

Implement Procedures

Within 9 months of enactment of its sewer use law, the permittee shall implement the procedures proposed under this schedule and approved by NYSDEC. At a minimum, the following activities shall be undertaken by the permittee:

1. Issue permits including limitations, monitoring requirements, and reporting requirements to its significant industrial users.
2. Enforce categorical pretreatment standards promulgated by the USEPA pursuant to Section 307 (b) and c of the Act and the local limits set forth in the POTW local sewer use law.
3. Carry out inspections and monitoring of significant industrial users to determine compliance with categorical standards and local limits.
4. Undertake enforcement actions in accordance with NYSDEC approved procedures.

PRETREATMENT MINI SCHEDULE (continued)

Reporting Requirements

On October 28th of each year, the permittee shall submit completed FROSIs for each SIU to NYSDEC. Every third year, the permittee shall submit ICS forms completed by all SIUs to NYSDEC. At the same time the permittee shall notify the NYSDEC of any proposed significant changes to its implementing procedures or local sewer use law.

All pretreatment reports shall be submitted to the offices listed on the monitoring, recording and reporting page of this permit.

Compliance actions required by the pretreatment mini schedule are one time requirements. The permittee shall comply with the compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT", the permittee is not required to repeat the submissions. The due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL

Fast Report on Significant Industries (FROSI)

Permittee: SPDES Permit Number: NY

1. Non-domestic User Name and Address	2. Detailed Process Description	3. Primary Raw Materials (Monthly Usages)	4. Production Rate (Monthly)	5. Flows to Sanitary Sewer(GPD)
				Process
				Cooling
6. Category (See FROSI Supplement)				Sanitary

7. Write N/A where not applicable or none where the listed action has not been taken

A	B	C	D	E	F	G	H	I	J
Dedicated Monitoring	Has a Permit	Compliance Schedule			Date 90 Day Comp.		Fine	Surcharge	Hearing
Station Available?	Been Issued?	Date Issued	Last Date	Date BMR submitted	Report Submitted	Date of NOV	(Amount and Date)	(Amount and Date)	(Date and Result)

Sampling Results in: (circle one) mg/l µg/l lb/d Other_____

Monthly Averages for Period ending Month: Day: Year:

Parameter	M/Yr	M/Yr	M/Yr	M/Yr	M/Yr	M/Yr	M/Yr	M/Yr	M/Yr	M/Yr	M/Yr	M/Yr	Annual Average	Local Limit	Federal Limit	Comments

DIRECTIONS FOR COMPLETING FROSI

In accordance with the POTW SPDES permit, a Fast Report On Significant Industries (FROSI) must be completed for each significant industrial user (SIU) tributary to the POTW treatment plant. An SIU is defined as follows:
(1) Except as provided in paragraph (t)(2) of this section, the term Significant Industrial User means:

(a) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N (See FROSI supplement); and

(b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Much of the required information may have to be supplied by the system user. The form should be completed as follows:
For Question 1: enter the full name including corporate affiliation and plant location along with the street address.

For Question 2: detailed process description should include a description of process techniques in the simplest terms possible and product(s) description. This information is used to determine the potential for discharges from site activities and to determine the applicable federal standard.

For Question 3: monthly usage should be in gallons or pounds and be a yearly average or seasonal peak as appropriate (i.e. food processors) and should be so noted. For substances of concern, the answer to this question may simply be 'refer to attached Industrial Chemical Survey form'. For many industries subject to federal standards, this information is necessary to assign limits.

For Question 4: for some, this will be the same as the raw material usage. Again, yearly average figures should be used. Again, this information is frequently used to determine limits in accordance with federal standards.

For Question 5: flows should be in gallons per day calculated or estimated as yearly averages. Where seasonal peak flows are available, these should also be included. These flows will be used to check loadings to the POTW and for development of local limitations. The reported flows will also be used in developing flow limitations for inclusion in significant industrial users' discharge permits.

For Question 6: if an applicable federal standard has been determined from the attachable table, enter that determination. If a determination cannot be made, enter unknown or the common name (i.e. dairy, food processor).

For Question 7 A: please note if there is a monitoring station where wastewater samples are taken. If adequate flow monitoring fixtures are in place, please so note by writing in 'FLOW'.

For Questions 7B - J: each of these sections address compliance issues. Sections E and F apply only to categorical industries. The compliance dates for these actions are summarized in the attached FROSI supplement.

For sampling results: use the average of all sample results collected in the same fashion (grab or composite) for each month noted in which sampling was performed. If both grab samples and composite samples were collected for any one parameter, report the averages of the composite samples were collected for any one parameter, report the averages of the composite samples in the columns marked mo/yr and report the results of grab sampling in the comments column or on a separate sheet. Report results in mg/l or note alternate units. Flow must be reported. Please note also in the comments column, how flow was determined.

In any case, if additional sheets are needed to accurately answer the questions posed, please attach them to this form.

FROSI SUPPLEMENT
CATEGORICAL STANDARDS

40 CFR Part	Category	Standard Industrial Classification Codes
467	Aluminum Forming	3353, 3354, 3355, 3463
	Auto and other Laundries	
461	Battery Manufacturing	3691, 3692
434	Coil Coating	3411, 3479, 3497
468	Copper Forming	3351, 3357, 3398
469	Electrical and Electronic Comp. (Phase I)	3674, 3679
469	Electrical and Electronic Comp. (Phase II)	3671, 3672, 3673
413	Electroplating	3471, 3479, 3679
457	Explosives Manufacturing	
454	Gum and Wood Chemicals	
415	Inorganic Chemicals (Phase I)	2812, 2813, 2816, 2819
415	Inorganic Chemicals (Phase II)	2812, 2813, 2816, 2819
420	Iron and Steel Manufacturing	3312, 3315, 3316, 3317
425	Leather Tanning and Finishing	3111
	Mechanical Products Manufacturing	
433	Metal Finishing	3471, 3479, 3679
464	Metal Molding and Casting	3321, 3322, 3324, 3325, 3361, 3362, 3369
471	Non-ferrous Metals Forming	3356, 3357, 3463, 3497
421	Non-ferrous Metals Manu. (Phase I)	3330-9, 3340-9
421	Non-ferrous Metals Manu. (Phase II)	3330-9, 3340-9
414	Organic Chemicals, Plastics and Synthetic Fibers	2869, 2865, 2824
446,447	Paint and Ink Formulation	
455	Pesticide Chemicals	2879
419	Petroleum Refining	2911
439	Pharmaceuticals	2831, 2833, 2834, 2844
459	Photographic Equipment and Supplies	
466	Porcelain Enameling	3431, 3469, 3264
430	Pulp and Paper	2611, 2621, 2631, 2646, 2647, 2649, 2661
428	Rubber Processing	
417	Soap and Detergent Manufacturing	
423	Steam Electric	4911, 4931
410	Textiles	
429	Timber Products Processing	

Standard Industrial Classification (SIC) Code - A Four digit code classification for industrial categories pursuant to the Office of Management and Budget Standard Industrial Classification Manual

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

a) The permittee shall also refer to the General Conditions (Part II) of this permit for additional information concerning monitoring and reporting requirements and conditions.

b) The monitoring information required by this permit shall be summarized, signed and retained for a period of three years from the date of the sampling for subsequent inspection by the Department or its designated agent. Also, monitoring information required by this permit shall be summarized and reported by submitting;

[X] (if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each 1 month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

[ ] (if box is checked) an annual report to the Regional Water Engineer at the address specified below. The annual report is due by February 1 and must summarize information for January to December of the previous year in a format acceptable to the Department.

[X] (if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the:
[X] Regional Water Engineer and/or [ ] County Health Department or Environmental Control Agency specified below

Send the original (top sheet) of each DMR page to:

Department of Environmental Conservation
Division of Water
Bureau of Watershed Compliance Programs
625 Broadway
Albany, New York 12233-3506

Phone: (518) 402-8177

Send the first copy (second sheet) of each DMR page to:

Department of Environmental Conservation
Regional Water Engineer
270 Michigan Avenue
Buffalo, New York 14203

Phone: (716) 851-7070

Send an additional copy of each DMR page to:

c) Noncompliance with the provisions of this permit shall be reported to the Department as prescribed in the attached General Conditions (Part II)

d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.

f) Calculation for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.

h) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.

EXHIBIT – C

Lackawanna SPDES Permit

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT

Industrial Code: 4952
Discharge Class (CL): 05
Toxic Class (TX): T
Major Drainage Basin: 01
Sub Drainage Basin: 04
Water Index Number: E-2
Compact Area: IJC

SPDES Number: NY0022136
DEC Number: 9-1409-00008/00001
Effective Date (EDP): 10/01/2012
Expiration Date (ExDP): 09/30/2017
Modification Dates: 11/01/2012

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name: Erie County
Street: 95 Franklin Street, Room 1034
City: Buffalo
Attention: Mr. Joseph L. Fiegl, P.E.
Deputy Commissioner
State: NY Zip Code: 14202

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: ECSD No. 6 – Lackawanna Wastewater Treatment Plant
Location (C,T,V): Lackawanna (C) County: Erie
Facility Address: 260 Lehigh Avenue
City: Lackawanna State: NY Zip Code: 14219
NYTM -E: NYTM - N:
From Outfall No.: 001 at Latitude: 42 ° 49 ′ 11 ″ & Longitude: 78 ° 50 ′ 22 ″
into receiving waters known as: Smokes Creek Class: C
and; (list other Outfalls, Receiving Waters & Water Classifications)

Outfall 003: Overflow Retention Facility; Lat.: 42°48'46" & Long.: 78°50'18"; Smokes Creek (C)
Outfall 004: Bypass secondary treatment and secondary settling tanks: Lat.: 42°49'11" & Long.: 78°50'22"; Smoke Creek (C) via Outfall 001

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: Erie County Sewer District No. 3
Street: S - 3690 Lake Shore Road
City: Blasdell State: NY Zip Code: 14219
Responsible Official or Agent: Glenn H. Absolom, Jr., Chief Treatment Plant Supervisor Phone: 716-823-8188

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

CO - Bureau of Water Permits
NYSDEC Reg. 9 - DOW, Regional Water Engineer
RPA
NYCEFC
USEPA, Region 2 - Michelle Josilo
NYS Office of Parks, Recreation & Historic Preservation, Mark W. Thomas, Director Western District

Deputy Chief Permit Administrator: Stuart M. Fox
Address: Division of Environmental Permits
625 Broadway
Albany, NY 12233-1750
Signature: Stuart M. Fox
Date: 9/20/12

OVERFLOW RETENTION FACILITY (ORF) AND OTHER BYPASS

Erie County is responsible to provide adequate capacity needed to convey and treat existing peaks flows to meet all SPDES permit effluent limitations, without recurring sanitary sewer overflows (SSOs) or wet weather bypasses at the Erie County SD #6 POTW. In accordance with 6 NYCRR Part 750-2.8(b)(2) and 40 CFR 122.41, discharges and bypasses of the collection and treatment system without treatment are prohibited and the NYSDEC may take enforcement action against the permittee for such discharges and bypasses unless (1) the bypass is necessary and unavoidable to prevent loss of life, personal injury, public health hazard, environmental degradation, or severe property damage and (2) there is no feasible alternative to the bypass and (3) the permittee complies with the notice requirements in 6 NYCRR Part 750-2.7, Incident Reporting. NYSDEC strongly discourages reliance on peak wet weather flow diversions around secondary treatment units as a long term wet weather management approach at a POTW serving separate sanitary sewer systems.

The following bypass has been identified which discharges from the Erie County Sewer District No. 6 POTW:

Outfall No.	Description	Latitude/Longitude	Receiving Stream/Class
004	Bypass secondary treatment and secondary settling tanks	42° 49' 11" / 78° 50' 22"	Smokes Creek via Outfall 001 / C

Pursuant to ECL 17-0505, ORF outfalls are required to be listed in a valid SPDES permit. The following ORF outfall constitute an approved anticipated bypass, provided that the permittee maintains compliance with the attached effluent limits, compliance schedules, and approved Capacity, Management, Operation and Maintenance (CMOM) Program. These discharges are only allowed after the plant's full capacity has been utilized and maximized, and the capacity of the ORF has been reached. The Department reserves the right to modify these requirements upon promulgation of the forthcoming USEPA peak wet weather flow policy to meet the requirements of that policy.

The following offsite ORF has been identified which discharge from the Erie County Sewer District No. 6 POTW:

Outfall No.	Description	Latitude/Longitude	Receiving Stream/Class
003	Effluent from Overflow Retention Basin	42°48'46" / 78°50' 18"	Smokes Creek / C

PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.		

PARA-METER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (PQL)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based limits, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the permittee shall use the approved EPA analytical method with the lowest possible detection limit as promulgated under 40CFR Part 136 for the determination of the concentrations of parameters present in the sample unless otherwise specified. If a sample result is below the detection limit of the most sensitive method, compliance with the permit limit for that parameter was achieved. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This PQL can be neither lowered nor raised without a modification of this permit.	Action Levels are monitoring requirements, as defined in Note 2 below, which trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly. All monitoring periods (quarterly, semiannual, annual, etc) are based upon the calendar year unless otherwise specified in this Permit..	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Note 1: DAILY DISCHARGE: The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.

DAILY MAX.: The highest allowable daily discharge.
DAILY MIN.: The lowest allowable daily discharge.
MONTHLY AVG: The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week.
30 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
7 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar week.
RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

Note 2: ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001 (WWTP)	[X] All Year; [ ] Seasonal from ___ to _____	Smokes Creek (C)	11/01/2012	09/30/2017

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Monthly average	4.5	MGD			Continuous	Recorder	X	X	1
BOD_5	Monthly average	30	mg/l	1126	lbs/day	2 / week	24-hr. Comp.	X	X	1,2
BOD_5	7 day average	45	mg/l	1689	lbs/day	2 / week	24-hr. Comp.	X	X	1
Solids, Suspended (TSS)	Monthly average	30	mg/l	1126	lbs/day	2 / week	24-hr. Comp.	X	X	1,2
Solids, Suspended (TSS)	7 Day average	45	mg/l	1689	lbs/day	2 / week	24-hr. Comp.	X	X	1
Solids, Settleable	Daily Maximum	0.3	ml/l			3 / day	Grab	X	X	1
pH	Range	6.0 - 9.0	SU			3 / day	Grab	X	X	1
Nitrogen, Ammonia (as NH_3) - (Interim)	Monthly average	Monitor	mg/l	540	lbs/d	2 / week	24-hr. Comp.	X	X	1,3
Nitrogen, Ammonia (as NH_3)	Daily Maximum	Monitor	mg/l	Monitor	lbs/d	2 / week	24-hr. Comp.	X	X	1
Nitrogen, Ammonia (as NH_3) - summer (June 1 - Oct. 31)	Monthly average	0.84	mg/l	32	lbs/d	2 / week	24-hr. Comp.	X	X	1,4
Nitrogen, Ammonia (as NH_3) - winter (Nov. 1 - May 31)	Monthly average	1.3	mg/l	40	lbs/day	2 / week	24-hr. Comp.	X	X	1,4
Phosphorus, Total (as P)	Monthly average	1.0	mg/l			2 / week	24-hr. Comp	X	X	1
Temperature	Daily Maximum	Monitor	Deg C			3 / day	Grab	X	X	1
Effluent Disinfection required: [X] All Year; [ ] Seasonal from _____ to _____										
Coliform, Fecal	30 Day geometric mean	200	No./ 100 ml			1 / day	Grab		X	1
Coliform, Fecal	7 Day geometric mean	400	No./ 100 ml			1 / day	Grab		X	1
Chlorine, Total Residual (Interim)	Daily min.	0.5	mg/l			3 / day	Grab		X	1,5
	Daily max.	2.0	mg/l			3 / day	Grab		X	1,5
Chlorine, Total Residual	Daily max.	0.1	mg/l			3 / day	Grab		X	1,6

Footnotes: See page 6 of this permit.

FINAL PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL NUMBER	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001 (WWTP)	[X] All Year [ ] Seasonal from ___ to ___	Smokes Creek (C)	11/01/2012	09/30/2017

PARAMETER	Effluent Limits		Calculated Limit	MONITORING ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	Location		FN
	Monthly Avg.	Daily Max.						Inf.	Eff.	
Oil & Grease		15			mg/l	2/month	Grab	X	X	1
Phenolics, Total	9.89	Monitor			µg/l	2 / month	24-hr. Comp.	X	X	1,7,9
Cyanide, Free	51.4	Monitor			µg/l	2 / month	24-hr. Comp.	X	X	1,7
Selenium, Dissolved		45.5			ug/l	1 / month	24-hr. Comp.	X	X	1
Selenium, Total		Monitor			ug/l	1 / month	24-hr. Comp.	X	X	1
Total Kjeldahl Nitrogen (TKN) as N		Monitor			mg/l	1 / quarter	24-hr. Comp.	X	X	1
Nitrate, as N		Monitor			mg/l	1 / quarter	24-hr. Comp.	X	X	1
Nitrite, as N		Monitor			mg/l	1 / quarter	24-hr. Comp.	X	X	1
Nitrogen, Total, as N		Monitor			mg/l	1 / quarter	24-hr. Comp.	X	X	1
Chloroform				0.35	lbs/day	2 / year	24-hr. Comp.		X	1,8
Copper, Total				1.5	lbs/day	2 / year	24-hr. Comp		X	1
Iron, Total				1.0	mg/l	2 / year	24-hr. Comp.		X	1
Lead, Total				0.76	lbs/day	2 / year	24-hr. Comp.		X	1
Silver, Total				0.5	lbs/day	2 / year	24-hr. Comp.		X	1

Footnotes: See page 6 of this permit.

Footnotes:

1. The permittee shall monitor the combined discharge at Outfall 004 (Bypasses secondary treatment and secondary settling tanks) and WWTP for the footnoted parameters on a daily basis whenever the Outfall 004 is discharging. For grab samples, a second grab sample of the combined discharge shall be collected if the daily sample had already been collected prior to the Outfall 004 discharging. No discharges except as caused by wet weather flows in exceedance of the secondary system demonstrated peak flow capacity of 6.75 million gallons per day (MGD) are permitted. All flows diverted to the Outfall 004 after the primary settling tanks and all flows discharged from Outfall 004 shall be recorded and totalized. The permittee shall append a summary of all sampling results, including flow records, collected during Outfall 004 discharge events as an attachment to the monthly operating report.

2. Interim limits for percent removal: Effluent shall not exceed 30 % and 30 % of influent concentration values for BOD_5 & TSS respectively. Final effluent limits for percent removal: effluent shall not exceed 15 % and 15 % of influent concentration values for BOD_5 and TSS respectively.

   For the purpose of reporting the 7-day average and monthly average for concentrations, loadings and monthly percent (%) removals for BOD_5 and TSS, the permittee shall use data from Outfall 001 for days that there is no discharge from Outfall 004 and include data from Outfall 004 during days when Outfall 004 discharges to calculate 7-day average, monthly average and monthly % removal for BOD_5 and TSS. The permittee shall meet the interim % removal limits above until the final % removal limits become effective in accordance with the implementation schedule in the approved I/I analysis and SSES according to the requirements in the Schedule of Compliance on Page 13 of this permit.

3. The Ammonia limit of 540 lbs/day as NH_3 is an interim limit. The permittee shall comply with the requirement in the Schedule of Compliance on Page 14 for an Ammonia Study to achieve the final ammonia limits. The seasonal permit limit shall be in effect until completion of all activities specified in the implementation schedule contained in the approved Ammonia Study.

4. These seasonal ammonia limits are final limits. The permittee shall monitor and report the results for ammonia until final limits are in effect. Final permit limits shall become effective in accordance with the implementation schedule contained in the approved Ammonia Study. The results of the Ammonia Study shall be used by the Department to evaluate the proposed Ammonia effluent limits using site-specific data. See Schedule of Compliance on Page 14 of this permit for Ammonia study requirements.

5. These total residual chlorine (TRC) limits are carried over from the current permit and are the interim limits. The interim TRC permit limits shall be effective until completion of construction of the approved design as specified in the Total Residual Chlorine Study requirement in the Schedule of Compliance on Page 14 of this permit.

6. The permittee shall comply with the requirement in the Schedule of Compliance on Page 14 of this permit for a Total Residual Chlorine Study. The permittee shall conduct an approvable Total Residual Chlorine study, prepared by a professional engineer currently registered to practice in New York State, and submit this study to the Department for approval in accordance with the requirements in the schedule of compliance page of this Permit. This study may include analysis of the decay time in the outfall pipe at design and average flows to demonstrate additional TRC decay prior to discharge to the receiving water. The final TRC permit limit shall become effective following completion of construction of the approved design.

7. The following analytical methods shall be used for:

   - Phenolics, Total: EPA Method 420.2 [Manual distillation followed by automated colorimetric (4AAP)] with Practical Quantitation Limit (PQL) = 8 µg/l.
   - Free Cyanide: Cyanide permit limit is for free cyanide, the sum of HCN and CN^-. The permittee shall use and report results from EPA Method OIA-1677- Available Cyanide [MDL = 0.5 µg/l and PQL = 2.0 µg/l] for free cyanide.

8. The 24-hr composite sample for these parameters shall consist of three (3) grab samples, with one sample taken every eight hours.

9. The permit limit shall be "Monitor Only" from November , 2012 to the time that the Phenolics Study is approved by the Department. The permittee shall achieve the Total Phenolics limit when the Phenolics Study is submitted to and approved by the Department in accordance with the requirement in the Schedule of Compliance on page 14 of this permit.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
003 (ORF)	During ORF discharges	Smokes Creek	11/01/2012	09/30/2017

PARAMETER	COMPLIANCE LIMIT			ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	7 Day Avg.	Daily Max.	30-day Avg					
Flow		Monitor			MG	Continuous	Recorder/Totalizer	1
pH		6.0 - 9.0			SU	Daily	Grab	2,5
Solids, Settleable		0.3			ml/l	Daily	Grab	2,5
Coliform, Fecal	400	Monitor	NA		No/100 ml	Daily	Grab	3, 5
Oil & Grease		15			mg/l	Daily	Grab	2
Chlorine, Total Residual		2.0			mg/l	Daily	Grab	2,5,10
Chlorine, Total Residual		0.19			mg/l	Daily	Grab	2,5,10
Solids, Total Suspended				45	mg/l	Daily	Composite	4,8
BOD_5				45	mg/l	Daily	Composite	4,8
Percent removal, TSS			Monitor		percent	Daily	Calculated	9
Percent removal, BOD_5			Monitor		percent	Daily	Calculated	9
Ammonia, Nitrogen (as NH_3)		Monitor			mg/l	Daily	Composite	4
Phosphorus (as P)		Monitor			mg/l	Daily	Composite	4
Phenolics, Total		Monitor			µg/l	Daily	Composite	4,11
Cyanide, Free		Monitor			µg/l	Daily	Composite	4,11
Selenium, Total Recoverable		Monitor			µg/l	Daily	Composite	4
Mercury, Total		Monitor			ng/l	Daily	Composite	4,11
Floatable Material		None			NA	Daily	Visual Observation	6,7
Precipitation		Monitor			Inches	Hourly	On-site Rain Gauge	

OVERFLOW RETENTION FACILITY FOOTNOTES:

1. No discharge except as caused by flows in excess of the design capacity of the ORF of 5 MG. All flows discharged into and from the ORF shall be continuously recorded and totalized. The permittee may use level monitoring equipment in the ORF to determine when flows have been diverted to the ORF basins, as well as to calculate the total volume of flow diverted. All flow records shall be summarized and reported on the monthly operating report. The County may use the ORF as a wastewater storage and equalization facility (without ORF discharges) for process operational flexibility and preventative maintenance.

2. Daily Maximum and Daily Minimum values shall be calculated based on the arithmetic mean of samples taken during any calendar day.

3. The No./100 ml shall be calculated as the geometric mean of the grab samples taken during each day of overflow.

4. A representative composite sample shall be a composite of grab samples, one taken every four hours. Samples shall be collected from the effluent of the ORF. Sampling shall begin within 30 minutes of the start of discharge from the ORF. Should the discharge from the ORF last more than one 24 hour period, separate composite samples shall be collected for each 24 hour period of discharge.

OVERFLOW RETENTION FACILITY FOOTNOTES (continued):

5. Grab samples shall be collected a minimum of once every FOUR hours during each event.

6. Visual observation is required within 30 minutes of the start of discharge, and a minimum of once every four hours during each event.

7. The number of days during the month where at least one visual observation indicates the presence of floatable material shall be summarized and reported in the monthly operating report.

8. Should this action level be exceeded, the permittee shall evaluate the ORF in accordance with its maintenance procedures, approved CMOM Program, and other established practices to determine the cause of the action level exceedance. If a cause is identified, the permittee shall address the cause as soon as practicable and shall submit a written notification to the Regional Water Engineer at the address listed on the Recording Reporting and Monitoring page of this Permit with a summary of the actions taken, if any. This requirement supersedes the Action Level requirements listed on page 3 of this Permit for these parameters.

9. The percent removal limit of "Monitor Only" is an interim limit. The final permit limits shall become effective in accordance with the implementation schedule of the No Feasible Alternative, ORF Study and Percent Removal Requirements for TSS and BOD_5 submitted to and approved by the Department according to the requirements in the Schedule of Compliance on Page 14 of this permit.

10. The effluent limit of 2.0 mg/l for TRC is an interim limit. The final limit for TRC is 0.19 mg/l. The permittee shall achieve the TRC final limit when an approvable Total Residual Chlorine study, prepared by a professional engineer currently registered to practice in New York State, is submitted to and approved by the Department and construction of the proposed design is completed according to the requirements in the Schedule of Compliance on Page 14 of this permit.

11. Analytical methods for these parameters shall use Methods listed in Footnote 7 on Page 6 of this permit.

SPECIAL CONDITIONS FOR OPERATION OF OVERFLOW RETENTION FACILITY:

(a) The permittee shall monitor the effluent from the ORF for all permitted parameters cited above at the specified monitoring frequency and sample type. These data and the sampling information required by the" Monitoring and Limitations" table above, shall be summarized on a "Wastewater Facility Operation Report" [Form 92-15-7, or similar] and submitted to the Regional Water Engineer.

(b) The facility shall be operated in conjunction with the tributary sewer system, pump stations and the POTW Treatment Plant to maximize pollutant removal.

(c) The permittee shall not divert wastewater to the retention basin unless the peak capacity of 6.75 MGD at the WWTP has been exceeded. The design flow at the WWTP is 4.5 MGD. The County may use the ORF as a wastewater storage and equalization facility (without ORF discharges) for process operational flexibility and preventative maintenance.

(d) The permittee shall not discharge from the ORF unless the tank volume is full and the treatment process cannot accept additional wastewater.

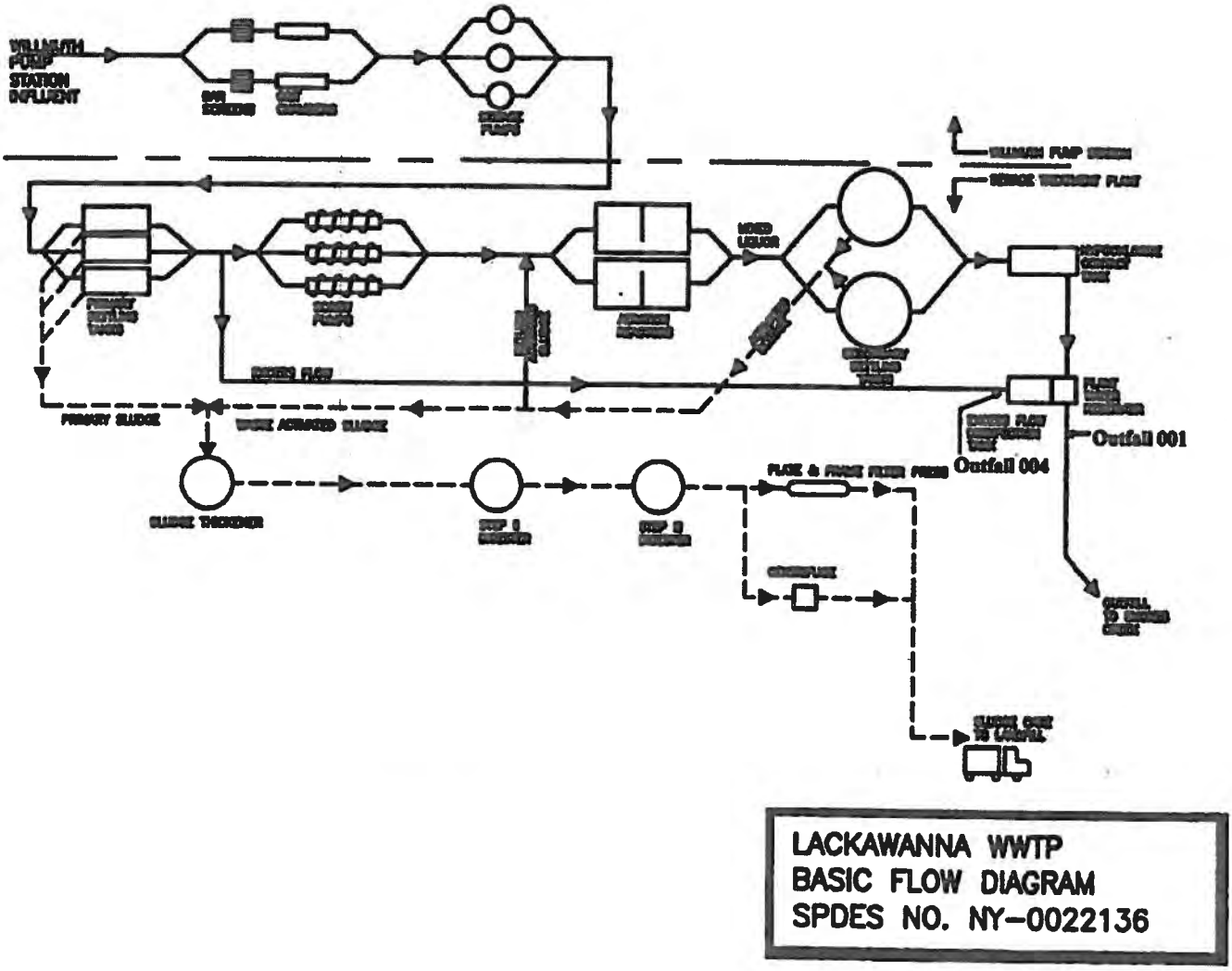
(e) The contents of the ORF (i.e., captured wastewater) shall not be delivered to the POTW Treatment Plant at a rate which would exceed the peak daily or peak hourly flow or loading.

(f) Flow shall not be delivered to the POTW Treatment Plant at a rate that will cause an upset as defined by 6 NYCRR Part 750-2, "Operating in Accordance with a SPDES Permit."

(g) Wet Weather Operating Plan:
The permittee shall develop and implement a Wet Weather Operating Plan (WWOP). The WWOP shall outline the optimum operational procedures to transition from dry weather operation mode to wet weather operation mode, and back to dry weather operation mode. These procedures shall be used to optimize the treatment of the maximum volume of wet weather flows possible at the treatment plant during wet weather events, while minimizing discharges through the permitted overflow retention facility (ORF) and meeting the effluent limitations in this permit. The WWOP shall be submitted to the NYSDEC Regional Water Engineer at the address listed on page 16 of this Permit, and to the Bureau of Water Permits, 625 Broadway, Albany NY 12233-3505, within 24 months of the effective date of this Permit.

MONITORING LOCATIONS

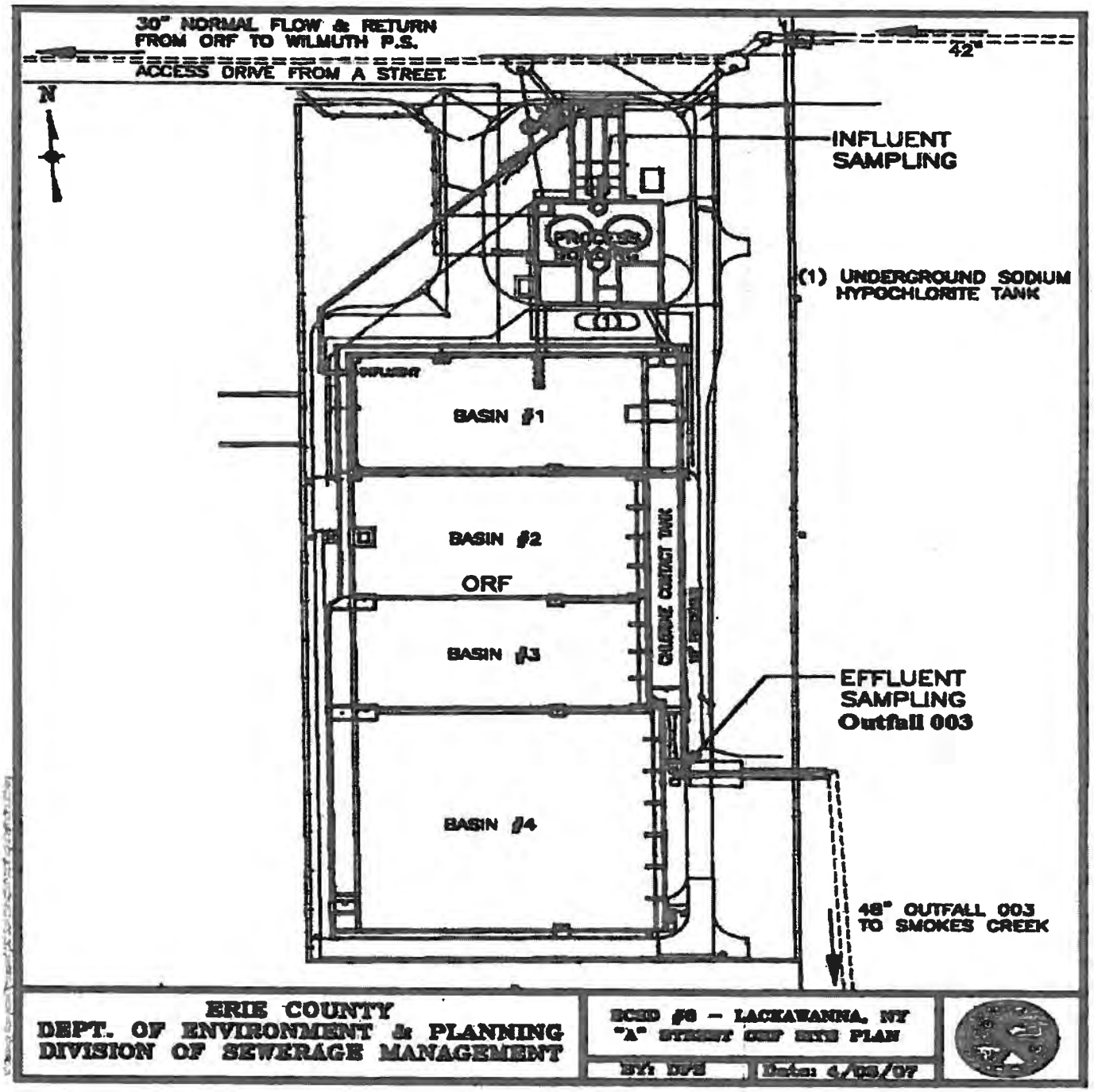
The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:

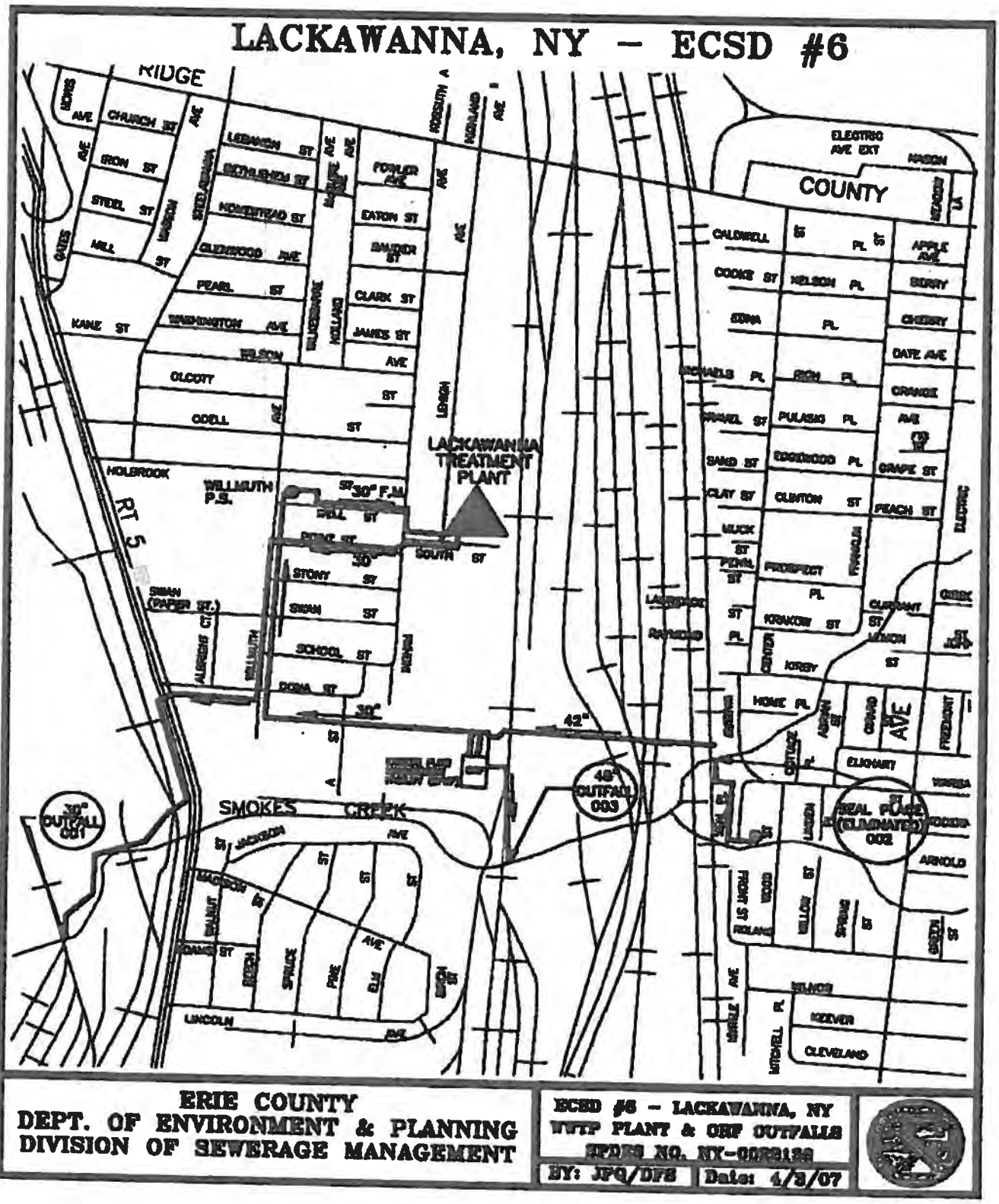


Note: Monitoring point for Outfall 001 is at the downstream side of the disinfection tanks and catches flow from effluents of the Lackawanna WWTP and Outfall 004 from the excess flow disinfection tank.

MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:




LACKAWANNA, NY – ECSD #6
RIDGE
COUNTY
LACKAWANNA TREATMENT PLANT
WILLMUTH P.S.
RT 5
SMOKES CREEK
30" OUTFALL 001
48" OUTFALL 003
REAL PLANT (ELIMINATED) 002
ERIE COUNTY
DEPT. OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT
ECSD #6 – LACKAWANNA, NY
WWTP PLANT & ORF OUTFALLS
BY: JFQ/DFS
Date: 4/3/07

SPECIAL CONDITIONS:

Mercury Minimization Program for Low Priority POTWs - The permittee shall inspect each tributary dental facility at least once every five years to verify compliance with the wastewater treatment operation, maintenance, and notification elements of 6NYCRR Part 374.4. Inspection and/or outreach to other industrial/commercial sectors which may contribute mercury is also recommended. All new or increased tributary discharges, including hauled wastes, which are from sources that are industrial in nature must be evaluated for mercury content and if levels exceed 500 ng/L then authorization must be obtained from the Department prior to acceptance. Equipment and materials which may contain mercury shall also be evaluated by the permittee and replaced with mercury-free alternatives where environmentally preferable. A file shall be maintained containing the notices submitted by dental offices and all other pertinent information. This file shall be available for review by DEC representatives and copies shall be provided upon request. A permit modification may be necessary to include more stringent requirements for POTWs which do not maintain low mercury effluent levels. Note – the mercury-related requirements in this permit conform to the mercury Multiple Discharge Variance specified in NYSDEC policy *DOW 1.3.10*.

Capacity, Management, Operation and Maintenance Plan

1. **General Standards:** The permittee shall develop, maintain and implement a Capacity, Management, Operation and Maintenance (CMOM) program. The program should be effective at reducing wet weather flows with the goal of eliminating separate sanitary sewer overflows (SSOs) that receive less than secondary treatment as required by the Clean Water Act to ensure the protection of public health, receiving water(s) and the environment during wet weather period from a separate sanitary sewer system serving public owned treatment works (POTW). The primary performance measures for the CMOM program are:

   -Reductions in the number of backups and SSOs
   -Reduction in peak wet weather flows in the system
   -Minimization of pump station failures and overflows due to equipment malfunction

2. **Compliance Due Date:** By 11/01/2013, the permittee shall submit an approvable CMOM Program, including an implementation schedule, to the Regional Water Engineer for review and approval. The permittee shall begin implementation of the approved CMOM program within 3 months of Departmental approval. The permittee shall review, update and modify the CMOM plan annually and submit an annual report describing all actions taken in the preceding year no later than March 1 of each year. The submitted CMOM Program, once approved, shall supersede the requirements listed in this section for purposes of compliance with this Permit.

3. **Components of CMOM program:** The following components, at a minimum, shall be addressed in the development of the CMOM program. Note that while these components shall be addressed by the permittee, the permittee may address these and any additional items using organizational and implementation methods applicable to and tailored to their specific system:

   Goals
   Organization
   Legal Authority
   Measures and activities
   Design and Inspection Standards
   Overflow Emergency Response Plan
   System Evaluation and Capacity Assurance Plan
   Monitoring and evaluation the effectiveness of the CMOM program

   The permittee may include measures undertaken and completed as part of other ongoing programs, as well as Asset Management planning and principles, to satisfy any applicable CMOM program requirements. The permittee may also indicate "not applicable" for any portions of the CMOM Program that do not apply to its facility or collection system based upon its knowledge of the system. Guidance for developing and evaluating CMOM programs can be found at:
   http://cfpub.epa.gov/npdes/sso/toolbox.cfm?program_id=4

4. **Compliance with CMOM Requirements:** As stated in (2) above, compliance with the submitted and approved CMOM Program shall constitute compliance with the CMOM requirements in this permit. Any future CMOM requirements promulgated by either the Department or USEPA will not go into effect for this facility, and the facility shall not be required to comply with these additional requirements, until such time as the facility's permit and approved CMOM Program are modified to include the future CMOM requirements. As part of that modification, a schedule of compliance will be included to allow adequate time for the permittee to update its approved CMOM Program to address the future CMOM requirements.

EXHIBIT - D

ECSD Rules and Regulations Articles VI & VII

ECSD Rules and Regulations Articles VI & VII

ARTICLE VI
PRETREATMENT

Section 601 Pretreatment of Industrial Wastewaters

Users shall comply with National Pretreatment Standards and Pretreatment Requirements.
Pretreatment prior to discharge to the Sewerage System is required for Wastewaters which exceed the effluent limitations established by these Rules and Regulations or which fail to meet any State or Federal standards which may govern a particular Industrial Waste and any other limits established by the Board. The District may require any Industrial User to install and operate an Industrial Wastewater Pretreatment system to treat industrial flows prior to discharge to the District Sewerage System when it is necessary to measure, sample, restrict or prevent the discharge to the Sewerage System of certain wastes and constituents, to more equally distribute peak discharges of Industrial Wastewater or to accomplish any Pretreatment results required by the District.

When Pretreatment is required, three sets of a report and plans of the proposed system, prepared and signed by a professional engineer licensed in the State of New York, shall be submitted to the District for review and approval. The report shall contain the basis of design for the proposed facilities or processes. Plans shall include schematics or diagrams sufficient to describe the proposed facilities or processes. Such approval shall not relieve the User of the responsibility of meeting any required effluent limitations or complying with these Rules and Regulation or any other regulations, laws and codes. Where Pretreatment facilities are provided for Wastewater, they shall be maintained continuously in satisfactory and effective operation, by the User at the User's expense.

ARTICLE VII
INDUSTRIAL WASTEWATER DISCHARGE PERMIT

Section 701 - Industrial Wastewater Discharge Permit

The Board may issue Industrial Wastewater Discharge Permits for any Wastewater discharge to the Sewerage System. Prior to discharge of Industrial Waste to the District's Sewerage System the User shall make application for an Industrial Wastewater Discharge Permit. Application shall be made by completing an application form provided by the District. The completed application along with an application fee established by the Board shall be filed with the District. If after review of the application it is determined that a permit is necessary, the applicant shall provide any additional information necessary including, but not limited to, analyses of the Wastewater and measurement or estimate of Flow Rates. Where spill potential has been identified by the District, the Industrial Wastewater Discharge Permit shall contain provisions for spill prevention requirements. An Industrial Wastewater Discharge Permit may be required even if no Wastewater is proposed to be discharged. Spill prevention requirements shall include submitting a Spill Prevention and Control Plan and reporting yearly and upon significant change in conditions, that the plan has been followed. The plan shall contain, at a minimum, the following elements:

a. Description of discharge practices, including non routine batch discharge, wash waters and rinses;
b. Description of stored materials, chemicals and Toxic Pollutants if any;
c. Steps for immediately notifying the Sewage Treatment Plant of spills or any discharge that is prohibited under Section 501 herein;
d. Procedures for submitting a written notification within five days of a spill or prohibited discharge to the District; and
e. Procedures used to prevent adverse impact from accidental spills or prohibited discharges to include, at a minimum, information on the following:
    1.) Inspection and maintenance of storage areas;
    2.) handling and transfer of materials;
    3.) loading and unloading operations;
    4.) control of plant site run off;
    5.) employee training;
    6.) containment structures or equipment including means to prevent entry to the Sanitary Sewer;
    7.) equipment available for spill response;
    8.) measures for containing, intercepting, absorbing and collecting pollutants;
    9.) Slug Control Plan - procedures to prevent Slug Discharge;
    10.) wash-up/cleanup operation; and
    11.) disposal of spilled materials.

Section 702 - Transfer of Permit

Industrial Wastewater Discharge Permits are issued to a specific User for a specific operation or process. An Industrial Wastewater Discharge Permit shall not be reassigned, transferred or sold to a new owner, new User, different premises, or a new or changed operation without the written approval of the District.

Section 703 - Permit Duration

All Industrial Wastewater Discharge Permits shall be for maximum three (3) year duration. The User shall apply for a permit reissuance no later than 90 days prior to the expiration of the User's existing permit. If the User fails to apply for a permit reissuance is not later than 90 days prior to the expiration of the User’s permit, the User shall make a new application for an Industrial Wastewater Discharge Permit.

Section 704 - Changes of Industrial Wastewater Discharge Permits

As USEPA or NYSDEC adds or amends specific effluent guidelines, or as the Board deems necessary to protect employees, the Sewerage System, operations of the sewerage treatment plant, or to comply with the Sewage Treatment Plant's discharge permit requirements, the conditions of an Industrial Wastewater Discharge Permit may be amended by the Division of Sewerage Management. Written notice of proposed changes shall be sent to the permittee. USEPA or NYSDEC mandated changes shall be complied within the time limits prescribed by the documents requiring the change. Changes required by the Board may include a reasonable time for compliance. No fee shall apply to any amendment to a permit initiated by the Board. When changes in permit conditions are necessary, the permittee shall submit a compliance

schedule within thirty days of the notice of the proposed changes. If such compliance schedule extends beyond the time set by the Board, such compliance schedule shall be subject to approval by the Board.

Section 705 - Substantial Changes in Wastewater Character
Whenever a User substantially alters the volume, character or strength of its Wastewater discharge to the Sewerage System as a result of production process change, process addition or subtraction, or other change in conditions, the User must notify the Board 30 days prior to altering the discharge. If this change or alteration significantly alters an existing Industrial Wastewater discharge Permit, the permittee shall apply for a new permit as outlined in Section 701.

Section 706 - Industrial Waste Survey/Discharge Permit Application
Users shall, when requested, complete an Industrial Waste Survey/Discharge Permit Application. The District may request the survey/application to be updated annually.

Section 707 - Reporting Requirements
The following reports are required to be submitted by the User to the District within the time period stated:

a. Baseline Monitoring Report: A Baseline Monitoring Report is required from all New Sources and Industrial Users who fall under new Categorical Pretreatment Standards. Requirements for existing sources are that within one hundred eighty (180) days after the EPA's final administrative decision made upon a Categorical Pretreatment Standard, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a sewerage treatment plant are required to submit to the District the information listed in items (1) through (8) below.

Requirements for New Sources are that at least ninety (90) days prior to commencement of discharge, New Sources and sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the District a report which contains the information listed in items (1) through (5) as well as item (7) as listed below. New Sources shall also be required to submit information on the method of Pretreatment that the User intends to Use to meet applicable Pretreatment standards. 1) The name and address of the facility, including the name of the operator and owners. 2) A list of any environmental control permits held by or for the facility.
3) A brief description of the nature, average rate of production and standard industrial classification of the operations carried out by the User. The description shall include a schematic process diagram showing the point of discharge to the Sewage Treatment Plant from the regulated processes. 4) The average daily and maximum daily flow of all regulated process streams and all nonregulated process streams which are combined with the regulated process streams prior to discharge to the Sewage Treatment Plant. The time, date, place and method of flow monitoring shall be indicated. 5) The results of sampling and analysis showing the nature and concentration in parts per million by weight (mg/l) (or mass units when required by the standard or the District) of all regulated pollutants for each regulated process. The daily average and maximum shall be reported for each regulated pollutant. The time, date, place, method of sampling, and analysis shall be indicated. 6) For existing Users, a statement shall be included by an authorized representative of the Industrial User and certified by a professional engineer registered in the State of New York as to whether the Categorical Pretreatment Standards or other Pretreatment Requirements are being met on a consistent basis and, if not, whether additional operation, maintenance or additional Pretreatment or treatment is required to consistently meet the standards or requirements. 7) For new Users, a statement shall be included by an authorized representative of the Industrial User and certified by a professional engineer registered in the State of New York that the User will meet all Categorical Pretreatment Standards and other applicable Pretreatment Requirements on a consistent basis. 8) For existing Users that require increased operations and maintenance to achieve compliance or which require additional treatment or Pretreatment prior to discharge to the Sewage Treatment Plant, a compliance schedule shall be included. This compliance schedule shall contain increments of progress such as completion dates of major events leading to the construction and operation of the additional treatment or Pretreatment facilities. No increment of the schedule shall exceed nine (9) months. Final acceptance of this compliance schedule is dependent on the prior approval of the District.

b. Ninety (90) Day Compliance Monitoring Report: A Ninety day Categorical Report is required for all Users subject to Categorical Pretreatment Standards. An initial report of compliance is required beginning ninety (90) days after the final issuance of Pretreatment standards as established by the EPA for existing Users, or for New Sources, ninety (90) days after commencement of discharge to the Sewage Treatment Plant.

c. Operation and Maintenance/Pretreatment Certification:
An operation and maintenance/Pretreatment certification is required from a categorical Industrial User or non-categorical Significant Industrial User. This certification must consist of a Baseline Monitoring Report and a ninety (90) day categorical report, and the Industrial User must obtain a statement reviewed by an authorized representative of the Industrial User and certified by a New York State Licensed Professional Engineer, indicating whether Pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional Pretreatment is required by the Industrial User to meet the Pretreatment standards.

d. Changed Conditions Report: Each Industrial User must notify the District of any planned significant changes to the User's operation or system which might alter the nature, quality, or volume of its Wastewater at least thirty (30) days before the change. Immediate notification must be provided to the Division of Sewerage Management for any changes affecting the potential for a slug discharge, thereby allowing the District to reevaluate the need for a slug control plan or other actions to prevent such discharges.

1. The District may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater discharge permit application.
2. The District may issue an Industrial Wastewater Discharge Permit or modify an existing Industrial Wastewater Discharge Permit, in response to changed conditions or anticipated changed conditions.
3. For purposes of this requirement, significant changes include, but are not limited to, flow or mass loadings changes of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

e. Periodic Compliance Report: All Users subject to Categorical Pretreatment Standards and all significant non categorical Users shall submit to the District a periodic compliance report twice yearly, unless more frequent reporting is required by their Industrial Wastewater Discharge Permit. Periodic compliance reports containing the information specified in Paragraphs a. 4) and a. 5) of this section.

f. Notice of Violation/Resampling Requirements: If sampling or analyses indicates a violation of the Industrial Wastewater Discharge Permit, the User subject to Categorical Pretreatment Standards or a significant non-categorical User shall notify the District immediately. The User shall also repeat the sampling and analysis and submit a written report with the results of the repeat analysis to the District within 30 days after becoming aware of the violation.

g. Compliance Schedule Progress Reports: All Users who have submitted a compliance schedule as part of the Baseline Monitoring Report shall, within fourteen (14) days of a compliance schedule milestone date and within 14 days of the final date for compliance, submit a progress report to the District indicating whether or not the milestone or final compliance date was met and, if not, when compliance with the milestone event is expected and its probable effect on the remainder of the compliance schedule.

h. Notification of Discharge of Hazardous Wastes: All Industrial Users shall notify the District, the EPA Regional Waste Management Division Director and the State Hazardous Waste Authority, in writing, of any discharge into the Sewage Treatment Plant of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261.

i. Additional Reports: Additional reporting requirements including, but not limited to, all water Uses, off-site Wastewater disposal and mass balances, may be specifically required by the Industrial Wastewater Discharge Permit, or by the District.

j. Record Keeping: All Industrial Users must keep records of monitoring activities and results for a minimum of three (3) years. In the case of pending litigation or when requested by the District, a longer retention period may be required.

Section 708 - Discharge Monitoring

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these Rules and Regulations shall be determined in accordance with procedures approved in 40 CFR, Part 136 and conform with the New York State Department of Health, Environmental Laboratory Approval Program for Environmental and Wastewater samples. The sampling procedures and reports shall conform to the District's Sampling, Measurement and Analytical Guidelines.

Section 709 - Refusal to Sample and Analyze

If a User refuses to sample and analyze the Wastewater as requested, the Board may arrange to have the sampling and analysis performed. The User shall be liable for all costs for the sampling and analysis of the Wastewater in addition to any penalties which may apply under Article XI.

Section 710 - Control Manhole

An Industrial User shall provide an approvable sampling manhole(s) or other sampling point(s) if required by the District. Measurement of Wastewater Flow Rates at the sampling point, and/or the set up and maintenance on the premises of sampling devices in a manner approved by the District, shall be provided if required by the District. Sampling required under an Industrial Wastewater Discharge Permit shall be obtained from the approved sampling point(s). The Industrial User shall ensure unrestricted access by District personnel to any sampling point.

Section 711 - Calibration of Flow Rate Measuring Equipment

Devices to measure Flow Rates shall be calibrated and certified at least once per year by a service Person authorized by the equipment manufacturer or otherwise by an independent Person qualified to calibrate and certify the device to measure Flow Rates. A copy of the certification shall be provided to the District. The cost of the certification shall be paid by the User. Temporary Flow Rate measuring devices shall be installed and calibrated in a manner acceptable to the District.

EXHIBIT - E

Industrial Waste Survey Form

COUNTY OF ERIE

INDUSTRIAL WASTE SURVEY/DISCHARGE PERMIT APPLICATION

SOUTHTOWNS SEWAGE TREATMENT PLANT
BIG SISTER SEWAGE TREATMENT PLANT
LACKAWANNA SEWAGE TREATMENT PLANT
BLASDELL SEWAGE TREATMENT PLANT
EAST AURORA SEWAGE TREATMENT PLANT
HOLLAND SEWAGE TREATMENT PLANT

I GENERAL INFORMATION

A. Standard Industrial Classification Code (S.I.C.) for Primary Activity (If not known, leave blank) _____

B. Company Name _____

C. Address of Premises _____

D. Mailing Address (If different than above)_____

E. Section, Block and Lot Number _____

F. Person to be contacted about this application:

Name: _____ Title: _____
Phone: _____

G. The information contained in this application is familiar to me and the best of my knowledge and belief, such information is true, complete and accurate.
Date: _____ Signature _____
(Owner or Corporate Official)

II PLANT OPERATION CHARACTERISTICS

A. Brief description of manufacturing or service activity on premises:

_____
_____
_____

B. Standard Industrial Classification (S.I.C.) Codes for Principal Products or Services (if S.I.C. Code is not known leave that portion of the answer blank)

Product or Services	S.I.C. Code (4 Digit)
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____

C. Is your production Batch _____ Continuous _____

D. Is there a scheduled shutdown? Yes _____ No _____ If yes, when? _____

E. Is production seasonal? Yes _____ No. _____ If yes, explain, indicating month(s) of peak production: _____

_____

F. Total number of employees working on premises: _____

G. Average number of employees per shift: 1st _____ 2nd _____ 3rd ____

H. Shifts normally worked each day:

	Sun.	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.
1st	_____	_____	_____	_____	_____	_____	_____
2nd	_____	_____	_____	_____	_____	_____	_____
3rd	_____	_____	_____	_____	_____	_____	_____

III. WATER USAGE AND DISCHARGE

A. Raw Water Sources

Source	Check Source(s)	Quantity Per Year	Account #
Erie County Water Authority	_____	_____	_____
Wanakah Water Works	_____	_____	_____
Well Water	_____	_____	_____
Other	_____	_____	_____

B. Are any liquid wastes other than sanitary waste (i.e., sinks, showers, toilets) discharged from the premises? Yes _____ No. _____
If the answer is No, proceed to Question III G.
If the answer is Yes, answer Questions III C, D, E and F.

C. Check water uses in the plant

	Yes	No	Gal/Day
Cooling Water	_____	_____	_____
Boiler Feed	_____	_____	_____
Water Used in Process(es)	_____	_____	_____
Is water contained in the Product	_____	_____	_____
Other _____			

D. What other than sanitary waste is discharged from the premises?

Check (X) applicable Items(s)	Discharge to:
_____ Cooling Water	_____
_____ Boiler Blow Down	_____
_____ Water Used in the Process(es)	_____
_____ Other _____	_____

E. Provide a sketch of the premises indicating all points of discharge and label type of discharge. Show where connection is made to sanitary sewers, storm sewer, surface (ditches, creeks, etc.) if known.

F. Is your non-sanitary discharge intermittent _____ or steady _____

G. Is your facility permitted to discharge liquid wastes under a State (S.P.D.E.S.) permit?
Yes ___ No _____ Permit No. _____

IV. SUBSTANCES OF CONCERN (Refer to attached Table I)

A. Complete all information for those substances which are present at your facility. Do not include chemicals used only in analytical laboratory work. Enter the name and code from Table I. If facility uses a substance in any of the Classes A-M which is not specified in the list, enter it as code class plus 99, e.g. B99 with name, usage, etc. (Use additional sheets if necessary).

Name of Substance	Class	Average Annual Usage	Amount Now on Hand	Purpose of Use (State whether produced, reacted, blended, packaged, distributed, no longer used, etc.

TABLE I
SUBSTANCE OF CONCERN

Class A – Halogenated Hydrocarbons

A01. Methyl chloride
A02. Methylene chloride
A03. Chloroform
A04. Carbon tetrachloride
A05. Frenon/Genatron
A06. Other halomethanes
A07. 1,1,1-Trichlorethane
A08. Other haleothanes
A09. Vinyl fluoride
A10. Vinyl chloride
A11. Dichlorethylene
A12. Trichloroethylene
A13. Tetrachloroethylene
A14. Chlorinated propane
A15. Chlorinated propene
A16. Hexachlorobutadiene
A17. Hexachlorocyclopentadiene
A18. Chlorinated benzene
A19. Chlorinated tolunen
A20. Fluorinated toluene
A21. Polychlorinated biphenyl (PCB)
A22. Chlorinated naphthalene
A23. Dechloran ($C_{10}C1_{12}$)
A99. Halogenated hydrocarbons not Specified above

Class B – Halogenated Organics (Other Than Hydrocarbons)

B01. Phosgene
B02. Methyl chloromethyl ether
B03. Bis-chloromethyl ether
B04. Other chloroalkyl ethers
B05. Benzoyl chloride
B06. Chlorothymol
B07. Chlorinated phenol
B08. Chlorinated cresols or xylenols
B09. Chlorendic acid
B10. Chloraryl ethers
B11. Dichlorophene or hexachlorophene
B12. Chlorinated aniline (including methylene bis (2-chloroaniline))
B13. Dichlorobenzidine
B14. Chlorinated diphenyl oxide
B15. Chlorinated toluidine
B16. Kepone ($C_{10}C1_{10}^{0)}$
B17. Dichlorovinyl sulfonyl pyridine
B18. Chloropicrin
B20. Tricloro-propylsulfonyl pyridine
B21. Tetrachloro-methylsulfonyl pyridine
B22. Tetrachloro-isophthalonitrile
B99. Halogenated organics not specified above

Class C – Pesticides (Including herbicides, algaecides, biocides, slimicides and mildewcides)

C01. Aldrin/Dieldrin
C02. Chlordane & metabolites
C03. DDT and metabolites
C04. Endosulfan/Thiodan and Metabolites
C05. Endrin and Metabolites
C06. Heptachlor and Metabolites
C07. Malathion
C08. Methoxychlor
C09. Parathion
C10. Toxaphene
C11. Sevin
C12. Kelthane
C13. Diazinon
C15. Carbaryl
C16. Silvex
C17. Dithiocarbamates
C18. Maneb
C19. Dioxathion
C20. Tandex/Karutilate
C21. Carbofurans
C22. Pentac
C23. Folpet
C24. Dichlone
C25. Rotenone
C26. Lindane/Isotox
C27. Simazine
C28. Methoprene
C99. Pesticides not specified above

Class D – Aromatic Hydrocarbons

D01. Benzene
D02. Toluene
D03. Xylene
D04. Biphenyl
D05. Naphthalene
D06. Ethylbenzene
D07. Styrene
D08. Acenaphthene
D09. Fluoranthene
D99. Aromatic hydrocarbons not specified above

Class E – Tars

E01. Coal tar
E02. Petroleum tar

Class F – Substituted Aromatic (other than hydrocarbons and nonhalogenated

F01. Phenol, cresol, or xylenol
F02. Catechol, resorcinol, or hydroquinone
F03. Nitrophenols
F04. Nitrobenzenes
F05. Nitrotoluenes
F06. Aniline
F07. Toluidines
F08. Nitroanilines
F09. Nitroanisole
F10. Tolune disoryanate
F11. Dimethylaminoazobenzene
F12. Benzoic Acid (and Benzoate salts)
F13. Phthalic, isophthalic or terephthalic acid
F14. Phthalic anhydride
F15. Phthalate Esters
F16. Phenoxyacetic acid
F17. Phenylphenols
F18. Nitrobiphenyls
F19. Aminobiphenyls
F20. Diphenylhydrazi ne
F21. Naphthylamines
F22. Carbazole
F23. Acetylaminofluorene
F24. Dyes and organic pigments
F25. Pyridine
F99. Substituted aromatics not specified above

Class G - Miscellaneous

G01. Asbestos
G02. Acrolein
G03. Acrylonitrile
G04. Isophorone
G05. Nitrosamines
G06. Ethyleneimine
G07. Propiolactone
G08. Nitrosodimethylamine
G09. Dimethyl hydrazine
G10. Maleic anhydride
G11. Methyl isocyanate
G12. Epoxides
G13. Nitrofurans
G14. Cyanide

Class M – Metals and Their Compounds

M01. Antimony
M02. Arsenic
M03. Beryllium
M04. Cadmium
M05. Chromium
M06. Copper
M07. Lead
M08. Mercury
M09 Nickel
M10. Selenium
M11. Silver
M12. Thallium
M13. Zinc
M14. Boron
M15. Manganese
M99. Metals not specified

B. If you use chemical of unknown composition, list trade name or other identification, name of supplier and complete information.

Name of Substance	Class	Average Annual Usage	Amount Now on Hand	Supplier	Purpose of Use (State whether produced, reacted, blended, package, distributed, no longer used, etc.

V. MISCELLANEOUS OPERATIONAL DATA

A. Is this facility subject to Categorical Pretreatment Standard? (Leave blank if you do not know).
Yes ___ No ___

B. Does your facility pretreat any wastewater prior to discharge to a sanitary sewer?
Yes ___ No ___

C. Is there a Hazardous Waste Management Plan in effect for this plant?
Yes ___ No ___

D. Is there a Spill Prevention Control and Countermeasure Plan in effect for this plant?
Yes ___ No ___

E. Do you generate any liquid or solid waste such as solvents, electroplating sludges, thinners, oils, still bottoms, fly ash, filler, etc.
Yes ___ No ___
If yes, please fill out the following table.

Type of Waste	If this Waste is Produced by Pre-Treatment Check Here	Amount per Year (Specify lbs, tons, or gals)	Method of Disposal (Check one and Describe Below				
			On-site	Muncipal Landfill	Hazardous Waste Hauler	Reclaimed or Reused	Other

F. Hazardous Waste Hauler – Please give name and address _____
_____

G. Reclaimed or Reused – Please describe process, if on-site, or give name and address of reclaimer _____
_____

H. Do you store any hazardous wastes on-site? Yes _____ No _____

I. Have you filed on EPA Form 8700-12 (Notification of Hazardous Waste Activity)?
Yes _____ No_____

If yes, please attach.

J. What is your Hazardous Waste Number? _____

MS:PR:ss
4/2010
V:\Sewerage Management\Forms\Pretreatment\Industrial Waste Survey.docx

EXHIBIT “F”

Rating Sheet

EXHIBIT "F"
QUALIFICATIONS REVIEW RATING SHEET

DIVISION OF SEWERAGE MANAGEMENT
PROPOSAL REVIEW RATING SHEET
LOCAL LIMITS SOUTHTOWNS AND EAST AURORA STPs
ERIE COUNTY SEWER DISTRICT NOS. 3 and 8

ITEMS		FIRMS				
A. Qualifications 1. Licensed Firm	NNR					
2. Conflict of Interest	NNR					
3. Size of Firm vs. Project Size	10					
4. Location of Team(s)	10					
5. Percent Minority within Firm/ Project Team	10					
6. Current Obligations (Effect on Project Described)	10					
B. Expertise/Experience 1. Special Expertise – Personnel	35					
2. Professional/Technical Subcontractors In-House	10					
3. Similar Projects	35					
4. Experience with other County Departments	NNR					
5. ECDEP – Standards Agreement	15					
C. Project 1. Evaluation of Scope of Services	30					
2. MBE/WBE Subcontractor Equal Pay Law	15 NNR					
3. Past County Employee	NNR					
D. Rate 1. Overhead Rate(s)	20					
E. Proposer Certification	**NNR**					
TOTAL SCORE	**200**					

NNR – No Numerical Rating ; however, response is required from Proposer

SCHEDULE "B"

STANDARD INSURANCE PROVISIONS

County of Erie Standard Insurance Certificate

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME	
	PHONE (A/C No. Ext)	FAX A/C No:
	EMAIL ADDRESS	
	PRODUCER CUSTOMER ID #:	

INSURED	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A:	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO T E INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY T E POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP MM/DD/YYYY)	LIMITS	
	GENERAL LIABILITY						EACH OCCURRENCE	$
	☐ COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
	☐ CLAIMS-MADE ☐ OCCUR						MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$
	☐ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS COMP/OP AGG	$
								$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	☐ ANY AUTO						BODILY INJURY (Per person)	$
	☐ ALL OWNED AUTOS						BODILY INJURY (Per accident)	$
	☐ SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident)	$
	☐ HIRED AUTOS							$
	☐ NON-OWNED AUTOS							$
	☐ UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE	$
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE	$
	☐ DEDUCTIBLE							$
	☐ RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						☐ WC STATUTORY LIMITS ☐ OTHER	$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? (Mandatory in NH) Y/N ☐	N/A					E.L. EACH ACCIDENT	$
	If yes describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L.DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

County of Erie
95 Franklin St
Buffalo NY, 14202

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

X. FOR COUNTY USE ONLY:

Name of County Dept. Requesting Certificate _____

Purchase Order or Contact Number _____

Vendor Insurance Classification _____

(Rev 3/11)

INSTRUCTIONS FOR COUNTY OF ERIE STANDARD INSURANCE CERTIFICATE

I. Insurance shall be procured and certificates delivered before commencement of work or delivery of merchandise or equipment.

II. CERTIFICATES OF INSURANCE

A. Shall be made to the "County of Erie, 95 Franklin St, Buffalo NY, 14202"

B. Coverage must comply with all specifications of the contract.

C. Must be executed by an insurance company, agency or broker, which is licensed by the Insurance Department of the State of New York. If executed by a broker, notarized copy of authorization to bind or certify coverage must be attached.

III. Forward the completed certificate to: County of Erie, (Department or Division) responsible for entering into the agreement for construction, purchase, lease or service.

IV. Minimum coverage with limits are as follows:

Vendor Classification	A Construction and Maintenance	B Purchase or Lease of Merchandise or Equipment	C Professional Services	D Property Leased To Others Or Use Of Facilities Or Grounds	E Concession-aires Services	F Livery Services	G All Purposes Public Entity Contracts
Commercial Gen. Liab.	$1,000,000 per occ.	$1,000,000 CSL	$1,000,000 CSL	$1,000,000	$1,000,000 CSL	$1,000,000	$1,000,000 CSL
General Aggregate	$2,000,000	$2,000,000	$2,000,000	$2,000,000	$2,000,000	$2,000,000	$2,000,000
Products Completed Operations Liability	$2,000,000	$2,000,000	$2,000,000	$2,000,000	$2,000,000	$2,000,000	$2,000,000
Blanket Broad Form Contractual Liability	INCLUDE						
Contractual Liability		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
Broad Form P.D.	INCLUDE						
X.C.U. (explosion, collapse, Underground)	INCLUDE						
Liquor Law				INCLUDE	INCLUDE		
Auto Liab.	$1,000,000 CSL		$1,000,000 CSL	$1,000,000 CSL	$1,000,000 CSL	$1,000,000 CSL	$1,000,000 CSL
Owned	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
Hired	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
Non-Owned	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
Excess/Umbrella Liab.	$5,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$5,000,000	$1,000,000
Worker's Compensation & Employer's Liability	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY
Disability Benefits	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY
Professional Liability			$5,000,000				
Erie County, To Be Named Add'l Insd.	Gen. Liab., Auto Liab., & Excess	Broad Form Vendors May Be Required	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess

V. Construction contracts require excess Umbrella Liability limits of $5,000,000.

VI. Coverage must be provided on a primary-noncontributory bases.

VII. Designated Construction Project General Aggregate Limit Per Project Endorsement CG 25 03 is required.

VIII. If the concessionaire is required to have a N.Y.S. license to dispense alcoholic beverages an endorsement for liquor liability is required.

IX. Waiver of Subrogation: Required on all lines unless noted.

X. Transportation of people in buses, vans or station wagons requires $5,000,000 excess liability.

XI. Workers Compensation: State Workers' Compensation / Disability Benefits Law — Use Applicable Certificates Below:

Workers Compensation Forms

CE-200	Exemption
C105.2	Commercial Insurer
SI-12	Self Insurer
GSI-105.2	Group Self Insured
U-26.3	New York State Insurance Fund

DBL (Disability Benefits Law) Forms

CE-200	Exemption
DB-120.1	Insurers
DB-155	Self Insured

XII. The "ACORD" form certificate may be used in place of the County of Erie Standard Insurance Certificate, provided that all of the above referenced requirements are incorporated into the "ACORD" form certificate.

SCHEDULE "C"

TIME OF COMPLETION

A. Time Schedule

Assuming a "Notice to Proceed" is issued by April 1, 2015, the engineer shall complete the work as listed in Schedules "A" and "A-1" of the Agreement according to the following schedule:

Final Report of EPA's approval	**18 Months**

SCHEDULE "D"

DETAILED DESCRIPTION OF COMPENSATION

The Engineer shall be compensated for completion of the services as described in Schedules "A" and "A-1", as follows.

I. Total Compensation Breakdown

Payment for services is broken down into contract phases with payment for each phase being separately authorized.

(1) The contract phase costs are as follows:

		Total Cost	Cost Ceiling*	Fixed Fee (Profit)*
(a)	Preliminary Reports			
(b)	Final Reports per DSM Comments			
(c)	Final Reports Approved By EPA			
Totals		_____	_____	_____

NOTE:
* Cost Ceiling and Fixed Fee (Profit) are for cost plus fixed fee basis.
**(Schedules A-IA, etc.) refers to the Phases of the work as designated in Schedule A.

(2) The costs listed above assume that the Notice to Proceed for the earliest phase of the project as listed above is given by the County to the Engineer by _____. In the event the Notice to Proceed is given after the date, the Engineer is to notify the County within two weeks if the delayed Notice to Proceed will result in increased engineering costs. Any increase in costs as a result of a delayed Notice to Proceed is subject to negotiations.

II. Cost Computation Method

The methods of Computing Cost are specified in section II (1) thru II (8) herein and in the attached Cost Summary Format for Engineering Agreements.

(1) Direct Labor Cost

Direct Labor cost shall be the actual wages paid to technical employees for the time actually devoted to the work on the project. Technical employees shall include the following categories:

Officers*
Engineers
Technicians
Surveyors
Draftsmen
Secretarial Staff

***NOTE:**

Officers and administrative staff salaries may be billed and paid as a direct expense for the time such officer/administrative staff is engaged in productive technical services on the project under this Agreement. An officer is defined as a Vice-President or higher ranked officer, owner, partner or any other person empowered to sign contracts on behalf of the Engineer.

The following categories of employees shall be included in indirect costs (overhead):

Officers
(engaged in administrative or supervisor activities)

Accounting Staff

Other employees, such as, secretarial, CAD operators, etc. shall be included in indirect costs unless identified in the Engineer's cost summary form as Direct Labor and approved by the County.

(2) Direct/Indirect Overhead Cost

Overhead Costs shall be computed as a percentage rate of the actual wages paid to employees associated with the project. This overhead cost is to cover employee benefits such as holiday pay, vacation, sick leave, unemployment insurance, excise and payroll taxes, social security, employee medical and life insurance and retirement benefits, all as normally provided to the Engineer's employees. Also, the composite overhead rate shall consider all "indirect" expenses associated with the operation of the engineering office such as rent, utilities, office equipment, computers (Hardware/Software), telephone equipment and usage fees, printing, internet and web hosting fees, CAD Workstations, xerox copying, supplies, executive salaries, accounting, legal, clerical support salaries, etc. The following composite overhead rates have been established for this contract:

a. For the Engineer's employees whose basic work assignments are in the offices of the Engineer, the Engineer's overhead shall be computed at a rate of _____ percent of the actual wages paid to the employees associated with the project.

b. For the Engineer's employees whose basic work assignments are not in the offices of the Engineer, such as at the County's offices or at the construction field offices supplied by a Contractor (resident engineering services), the Engineer's overhead shall be computed at a rate of _____ percent of the actual wages paid to employees associated with the project.

c. For the Engineer's employees on overtime (defined as work time exceeding 40 hours per week), if prior approved in writing by the County, the overhead costs shall be computed at a rate of:

Office Personnel _____

Field Personnel _____

of the straight time wages paid to employees associated with the project. Overhead will not be applied to premium wages.

(3) Overhead Rates

The above stated overhead rates are fixed for the period of time indicated on Schedule "C" and further defined below. Thereafter, the rates are subject to adjustment upon audit, except that the maximum increase in overhead rate shall be fifteen percent (15%) of the rate(s) listed above.

The overhead rate(s) contained in the attached cost summaries are for the period from _____ to _____.

.

(4) Other Direct Costs

Direct identifiable Project related costs, subject to prior approval by the County shall be reimbursed as follows:

Travel, Auto	at current Erie County rate
Travel, Other	at cost

(5) Travel

During the construction phase of the project, the Project Engineer and/or Construction Inspector will be required to report directly to the assigned construction site, field trailer or District Office. Mileage from the Engineer's Office and/or the inspector's home to the work site/field office, will not be a billable item under the terms of this agreement. Also, mileage associated with the personal travel and mileage to and from lunch is NOT billable under this agreement.

(6) Subcontracts

The following County approved subcontracts to this Agreement will be paid by the Engineer and billed to the County at cost plus mark-up as listed in the attached "Cost Summary Format for Engineering Subagreements":

Subcontractor Name	Cost w/o Mark-Up
_____	$ _____
_____	$ _____
_____	$ _____

The use of substitute or additional subcontractors are subject to prior written approval by the County.

(7) Other Costs

Other direct costs (if any) not heretofore identified are specifically enumerated hereinafter.

(8) Profit

(a) Profit for Facility Planning, Preliminary & Final Design and General Services During Construction

For these specific phases of the Agreement, profit, sometimes called a fixed fee, shall be a fixed amount. In the billing for profit, the Engineer understands the amount of billed profit shall be prorated based on the percentage of the work completed to date as determined by the County. The fixed fee is only paid in full for completed Phases in which the agreed upon work products are delivered to the County. At the completion of each Engineering Phase and subject to the approval of the County, the Engineer may bill for the profit remaining in that specific contract phase.

(b) Profit for Resident Engineering, Startup and Post Operation Services

For these specific phases of the Agreement, profit shall be included as a percentage of direct and indirect costs. The Engineer's allowable profit should be an amount equal to the approved percentage as applied to the technical services provided by the Engineer and approved by the County. The approved percentage for this project is _____. The Engineer understands the amount of profit listed for these phases is not to be construed as a fixed fee.

(c) Special Conditions for Profit on All Contract Phases

The amount of profit identified in the Agreement cannot be increased unless there is a formal amendment/change order increasing the scope of work.

Profit is computed on straight time wages and no profit is paid on the overtime premium portion of wages.

Profit on other Direct Costs, such as subcontractors, other than travel is limited to 5%. Profit on travel is zero.

(d) Total

The sum of direct labor, indirect/direct overhead, other direct costs, subcontracts, other costs (if any) and profit shall not exceed the total price entered in the Agreement. The total price of this agreement cannot be exceeded unless there is a formal amendment/change order to the agreement.

(9) Lump Sum Method

Whenever a Lump Sum method of compensation is stipulated in Schedule "D", of the Agreement, the Engineer shall submit monthly invoices for services rendered. The invoices shall be based upon the Engineer's estimate of the services actually completed at the time of the billing, subject to the approval of the County.

(10) Per Diem Rate Method

Whenever the Per Diem Rate method of compensation is stipulated in Schedule "D", of the Agreement, the Engineer shall submit monthly invoices for the services rendered. The invoices shall be based upon the actual accrued engineering manhours at the time of billing, subject to the approval of the County.

In the case of the on-site Resident Engineer and Project Inspectors, the Engineer will be compensated at the per diem rate of _____ for the Resident Engineer, and _____ for the Project Inspectors. To establish the payroll record, the Engineer shall maintain a daily sign in/out attendance sheet in the Construction Field Office. Further, the Resident Engineer and Project Inspectors overtime hours will be at the above noted per diem rates. No premium rates will be considered.

The Engineer's approved miscellaneous expenses such as mileage or specialty subcontractors will be handled in a fashion as described in Section II of Schedule "D".

III. Project Costs/Total Compensation

The Engineer's reimbursement under this Agreement shall be subdivided by contract phase as listed in Section I of this Schedule "D" and as listed on the attached "Cost Summary Format for Engineering Agreements" and attachments.

Total Compensation

1. The total amount of compensation to be paid by the Owner, and which the Engineer agrees to accept as full compensation for all services under this Agreement is _____ . The above compensation shall be subdivided as indicated below.

2. It is agreed that the total compensation for services rendered for Phases I and II, as detailed in Schedule A, shall be at a cost plus fixed fee. The total compensation for services rendered for these phases of the work shall not exceed $_____ which is made up of a cost ceiling in the amount of _____, a fixed fee (profit) in the amount of _____ and a contingency amount of _____. The contingency may only be applied to services rendered during Phases I and II.

3. It is agreed that the total compensation for services rendered for Phase IIIA, as detailed in Schedule A, shall be at cost plus a fixed fee. The total compensation for services rendered for this Phase of the work shall not exceed $_____ which is made up of a cost ceiling in the amount of $ _____ and a fixed fee (profit) in the amount of $_____.

4. It is agreed that the total compensation for services rendered for Phase IIIB as detailed in Schedule A, shall be on an hourly rate basis computed to include direct labor cost, direct/indirect overhead cost and profit. Other direct costs, subcontractors costs and travel costs may be applied to calculate total compensation for this phase but only to the extent that prior written approval has been provided by the County. The hourly rate shall be developed for each employee that provides service for this phase based on actual direct labor cost, direct/indirect overhead cost and profit. The allowable direct/indirect overhead rate and percent profit shall be as defined in Schedule D. The total compensation for services rendered for this phase of the work shall not exceed $_____.

5. The total compensation for any Phase of the project cannot be increased without a formal amendment/change order to the contract. The formula and rates which will be utilized in billing is detailed in Schedule C attached hereto and made part hereof.

*NOTE: The above listed costs are assuming the Notice to Proceed to the Engineer is issued by

_____

SCHEDULE “E”
COST ESTIMATE

SCHEDULE "E" COST SUMMARY FORM

COST SUMMARY FORMAT FOR ENGINEERING SUBAGREEMENTS	
PART I - GENERAL	
1. OWNER	2. PROJECT NO.
3. NAME OF ENGINEER	4. DATE OF PROPOSAL
5. ADDRESS OF ENGINEER (Include Zip Code)	6. TYPE OF SERVICE TO BE FURNISHED

PART II - COST SUMMARY				
7. DIRECT LABOR (specify labor categories)	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
DIRECT LABOR TOTAL				
8. INDIRECT COSTS (specify indirect cost pools)	RATE	x BASE	ESTIMATED COST	
INDIRECT COST TOTAL				
9. OTHER DIRECT COSTS			ESTIMATED COST	
a. TRAVEL				
TRAVEL SUBTOTAL				
b. EQUIPMENT, MATERIALS, SUPPLIES (specify categories)	QTY.	COST	ESTIMATED COST	
EQUIPMENT SUBTOTAL				
c. SUBCONTRACTS			ESTIMATED COST	
SUBCONTRACTS SUBTOTAL				
d. OTHER (specify categories)			ESTIMATED COST	
OTHER SUBTOTAL				
e. OTHER DIRECT COSTS TOTAL				
10. TOTAL ESTIMATED COST				
11. PROFIT				
12. TOTAL PRICE				

PART III - PRICE SUMMARY

13. COMPETITOR'S CATALOG LISTINGS, IN-HOUSE ESTIMATES, PRIOR QUOTES (Indicates basis for price comparison)	MARKET PRICE(S)	PROPOSED PRICE

PART IV - CERTIFICATIONS

14. ENGINEER

14a. HAS A FEDERAL, AGENCY OR A FEDERALLY CERTIFIED STATE OR LOCAL AGENCY PERFORMED ANY REVIEW OF YOUR ACCOUNTS OR RECORDS IN CONNECTION WITH ANY OTHER FEDERAL GRANT OR CONTRACT WITHIN THE PAST TWELVE MONTHS?

☐ YES ☐ NO (If YES, give name address and telephone number of reviewing office)

14b. THIS SUMMARY CONFORMS WITH THE FOLLOWING COST PRINCIPLES

14c. This proposal is submitted for use in connection with and in response to: (1) _____. This is to certify to the best of my knowledge and belief that the cost and pricing data summarized herein are complete, current and accurate as of (2) _____ and that a financial management capability exists to fully and accurately account for the financial transactions under this project. I further certify that I understanding that the subagreement price may be subject to renegotiation and/or recoupment where the above costs and pricing data have been determined, as a result of audit, not to have been complete, current and accurate as of the above date.

(3) _____ (4)

DATE OF EXECUTION SIGNATURE OF PROPOSER

TITLE OF PROPOSER

15. OWNER

I certify that I have reviewed the cost/price summary set forth herein and the proposed costs/price appear acceptable for subagreement award.

DATE OF EXECUTION SIGNATURE OF REVIEWER

TITLE OF REVIEWER

SCHEDULE "F"
COUNTY OF ERIE LOCAL LAW NO. 9

RECEIVED
ERIE COUNTY LEGISLATURE

COUNTY OF ERIE
LOCAL LAW NO. 9 2005 2005 JUL -6 P 1:10
LOCAL LAW INTRO NO. 8 2005
PRINT NO. 2

A LOCAL LAW in relation to the utilization by the County of Erie of minority-owned businesses and woman-owned businesses for professional, technical or other consultant services.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Short Title. This local law shall be known as the Erie County MBE/WBE Utilization Commitment Act.

Section 2. Legislative Intent. As a direct result of Local Law #1,of 1987 the County of Erie has significantly increased its utilization of businesses owned by minority group members and women, and especially locally owned and operated businesses, on construction contracts and has thereby significantly enhanced the opportunities and entrepreneurial skills of minority group members and women in Erie County. The growth and development of such businesses have a substantial positive impact on the economic health of the County. The County's utilization of minority and women-owned professional, technical and other consultant services, such as in the areas of law, finance, information technology, accounting and engineering, outside of construction projects, has not achieved the same level of success, notwithstanding the increased growth of minority and women owned business and firms in these areas and professions.

Section 3. Definitions: For the purposes of this local law, the following terms shall have the following meanings:

A. Minority-Owned Business Enterprise (MBE) shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by minority group members or, in the case of a publicly-owned business, at least fifty-one percent (51%) of all stock is owned by minority group members, with such ownership certified by the Erie County Office of Equal Employment Opportunity and who is doing business and maintains an office in the County of Erie. For the purposes of this paragraph, minority group members are citizens of the United States who are African American, Hispanic, Asian-American and Native American (American-Indian).

B. Women-Owned Business Enterprise (WBE) shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by a woman or women or, in the case of publicly-owned business, at least fifty-one percent (51%) of all stock is owned by a woman or women, with such ownership certified by the Erie County Office of Equal Employment Opportunity and who is doing business and maintains an office in the County of Erie.

C. Department shall mean every County Department, Agency or Administrative Unit, , including but not limited to the County Executive, the Legislature, Sheriff's Department, Comptroller's Office, County Clerk's Office and District Attorney's Office.

Section 4. Minority And Women-Owned Business Enterprise Utilization Commitment

(A) Every Department shall annually prepare and implement a written plan for the utilization of bona-fide minority and women owned businesses on County contracts let by or on behalf of such Department for professional, technical, or other consultant services. The plan must include a goal of awarding to MBE's, directly or through subcontracts, in each fiscal year, at least fifteen percent (15%) of the total value of all contracts intended to be let by the Department and a goal of awarding to WBE's at least five percent (5%) of the total value of all contracts intended to be let by the Department. The plan shall be submitted to the Erie County Division of Equal Employment Opportunity for review and approval by September 15th, preceding the calendar year covered by such plan.

(B) If the Department determines that the goals set forth in Section 4 (A) cannot be met, the Department's annual plan must include a justification why the policy goals are unobtainable. The written justification must include the Department's reasonable good faith efforts to meet the utilization goals and which may include the utilization of minority and women professionals in non-minority and non-women owned businesses.

(C) The County Executive must submit a summary of each Department's plan pursuant to this local law to the Legislature simultaneously with the annual proposed Budget. The plans are not to be considered as a part of the proposed budget.

Section 5. Reporting

A. Every Department shall prepare and submit an initial plan by September 15, 2005 that will cover the period January 1, 2006 to December 31, 2006. Annual plans, including the initial plans, will be modified as appropriate to reflect the Department's final adopted budget for the applicable year and subsequent modifications to the Department's budget during the applicable year.

B. On or before the 30th day of April, and quarterly thereafter, each Department head shall prepare a status report in such standard form as shall be periodically established by the Division of Equal Employment Opportunity, on the implementation and results of its utilization of minority owned business and women owned businesses during the three-month period ending one month before the due date of the report. Each report shall be submitted to the Division of Equal Employment Opportunity. Failure by any Department to submit any reports required by this section shall be grounds for discipline by the County Executive, except that for those Departments whose head are elected, the legislature shall determine the appropriate remedy for non-compliance with of the provisions of this law.

C. As evidence of a Department's good faith efforts to attain the goals set forth in its annual policy, a Department seeking approval by the Legislature of a matter which may involve the utilization by the County of professional, technical or other consultant services, must attach to each such request, a copy of its current status report on its policy goals.

D. The Division of Equal Employment Opportunity shall: (1) monitor the achievement of the annual goals established by each Department and (2) prepare a quarterly report on each Department's goal achievement, including each Department's good faith efforts to each those goals. The report shall be submitted to each Department that submitted a report, the County Executive, the Department and the Legislature.

E. Reasonable efforts shall include, but not limited to:

1. Utilizing a source list of MBEs and WBEs;
2. Solicitation of bids, RFQS and RFPs from WBEs and MBEs
3. Providing MBEs and WBEs sufficient time to submit proposals in response to solicitations;
4. Maintaining records showing utilization of MBEs and/or WBEs, as well as the specific efforts to identify and utilize these companies;
5. Causing its prime contractors to enter into sub-contracts with MBE/WBE firms, if appropriate and feasible, to effectuate the policy goal set forth herein;
6. Building the capacity of local and regional MBE and/or WBE firms to provide quality technical and professional services.

F. The Division of Equal Employment Opportunity shall prepare an annual report to the County Executive and the Legislature on the compliance of Departments with the requirement of this law.

Section 6. Applicability to contractual agreements for professional, technical or other consultant services. Notwithstanding any other application, this local law shall apply to any and all contractual agreements for professional, technical or other consultant services made in accordance with Section 19.08 of the Erie County Administrative Code. Waiver of Section 19.08, in accordance with the Erie County Legislature's authority to make a finding of necessity that the special service or skill must be provided immediately, or a determination that the procedure is impracticable, shall not constitute waiver or inapplicability of the provisions of this local law.

Section 7. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

GEORGE A. HOLT, JR. DEMONE SMITH

ALBERT DEBENEDETTI LYNN M. MARINELLI

SCHEDULE "G"

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

1) As required by Federal Executive Order 12549, and prescribed by federal regulations, including 48 C.F.R. Subpart 9.4, the Consultant certifies that it, and its principals:

(a) Are not presently disbarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any Federal department or agency;

(b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction, including any violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a Government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) above; and

(d) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2) Where the Consultant is unable to certify to any of the statements in this paragraph, the Consultant shall attach an explanation to this certification.

Date:_____

_____
Signature

_____
Title

_____
Organization

SCHEDULE "H"

Certification Regarding
Drug-Free Workplace Requirements
Grantees Other Than Individuals

This certification is required by regulations implementing Sections 5151-5160 of the Drug-Free Workplace Act of 1988, 41 U.S.C. § 701 et seq. *See* 48 C.F.R. Subpart 23.5.

The grantee certifies that it will provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing a drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;
(2) The grantee's policy of maintaining a drug-free workplace;
(3) Any available drug counseling, rehabilitation, and employee assistance programs; and,

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and,

(2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraph (a), (b), (c), (d), (e) and (f).

_____

Organization

_____

Authorized Signature Title
Date

SCHEDULE "I"

Certification Regarding Lobbying
Certification for Contracts, Grants, Loans,
and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member or Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, A Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____
Organization

_____
Authorized Signature Title Date

NOTE: If Disclosure Forms are required, please contact: Mr. Will Sexton, Deputy Director, Grants and Contracts Management Division, Room 341F, HHH Building, 200 Independence Avenue, SW, Washington, D.C. 20201-0001

SCHEDULE "J"
Erie County Equal Pay Certification

Erie County Equal Pay Certification

In order to comply with Executive Order 13 dated November 6, 2014, we hereby certify that we are in compliance with federal law, including the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, Federal Executive Order 11246 of September 24, 1965 and New York State Labor Law Section 194 (together " Equal Pay Law"). The average compensation for female employees is not consistently below the average compensation for male employees, taking into account mitigating factors. We understand that this certification is a material component of this contract. Violation of the provisions of Executive Order 13, which is attached hereto and made a part hereof, can constitute grounds for the immediate termination of this contract and may constitute grounds for determining that a bidder is not qualified to participate in future county contracts.

We have evaluated wages and benefits to ensure compliance with the Federal Equal Pay Law.

_____
Signature

Verification

STATE OF _____)
COUNTY OF _____) SS:
A)
_____, being duly sworn, states he or she is the owner of (or a partner in) _____, and is making the foregoing Certification and that the statements and representations made in the Certification are true to his or her own knowledge.

B)
_____, being duly sworn, states that he or she is the Name of Corporate Officer _____, of _____, Title of Corporate Officer Name of Corporation the enterprise making the foregoing Certification, that he or she has read the Certification and knows its contents, that the statements and representations made in the Certification are true to his or her own knowledge, and that the Certification is made at the direction of the Board of Directors of the Corporation.

Sworn to before me this _____
Day of _____, 20__
_____

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

Executive Order #13
Pay Equity Certification on County Contracts

WHEREAS, federal law, including the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964 and Federal Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity) (together "Federal Equal Pay Law"), requires that men and women in the same workplace be given equal pay for equal work; and

WHEREAS, Section 194 of New York State Labor Law ("NYS Equal Pay Law") prohibits compensating men and women differently for the same work; and

WHEREAS, on average, a full-time working woman in New York State earns just 85 cents for every dollar that a man earns and the pay gap is even greater for African-American and Latina women; and

WHEREAS, females make up nearly fifty-two percent of Erie County's population; and

WHEREAS, women make up nearly half of the U.S. labor force and are a growing number of breadwinners in their families; and

WHEREAS, this pay differential shortchanges women and their families by thousands of dollars a year, and potentially hundreds of thousands of dollars over a lifetime, presenting a lifelong threat to those families' economic security and reducing their earnings through Social Security and other post retirement plans; and

WHEREAS, poverty is recognized as a leading cause of or contributing factor to many social problems, including but not limited to substance abuse, domestic violence, child abuse, improper nutrition, obesity, improper health care and criminal conduct; and

WHEREAS, the impact of pay differentials is exacerbated as workers age, causing underpaid workers to disproportionally rely upon various forms of public support in their retirement years; and

WHEREAS, pay inequity can significantly impact the County, necessitating the provision of various public subsidies for low income residents and leading to the lack of receipt of income by women residents which would be spent in our local economy; and

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WHEREAS, through the enforcement of current state and federal laws that ban unequal pay for equal work, Erie County can help ameliorate the many negative consequences of pay inequality, thereby improving the lives of those who might otherwise be underpaid, strengthening families and protecting children, and reducing the demand for public services, all positively impacting county, state and federal budgets.

NOW, THEREFORE, I MARK C. POLONCARZ, Erie County Executive, by virtue of the authority vested in me by the Erie County Charter § 302, do hereby order as follows:

1. It is ordered that on and after January 1, 2015, all Erie County offices, departments and administrative units, including but not limited to the Division of Purchase, fully implement a requirement in all bids, requests for proposals and other contract solicitations that the contractor submit an Erie County Equal Pay Certification which certifies the contractor's compliance with Federal Equal Pay Law and New York State Equal Pay Law (together, the "Equal Pay Laws"). Such certification shall be required prior to execution of the contract; and it is,

2. Further ordered that such certification shall include a representation by the contractor that it has not been the subject of an adverse finding under the Equal Pay Laws within the previous five years and shall include disclosure of any currently pending claims against the contractor; and it is,

3. Further ordered that violation of any provision of the Equal Pay Laws during the effective period of such a contract or the filing of a false or misleading Erie County Equal Pay Certificate may constitute grounds for immediate termination of such a contract; and it is,

4. Further ordered that violation of any provision of the Equal Pay Laws during the effective period of such a contract or the filing of a false or misleading Erie County Equal Pay Certificate may constitute grounds for determining a bidder or responder is not qualified to participate in future County contracts; and it is,

5. Further ordered that the Law Department prepare an Erie County Equal Pay Certification for use by Erie County offices, departments and administrative units and assure compliance with this Executive Order in the contract approval process; and it is,

6. Further ordered that the County Division of Equal Employment Opportunity ("EEO") establish a procedure for compliance monitoring and periodic auditing of certification records; and it is,

GIVEN, under my hand and the Privy Seal of the County of Erie in the City of Buffalo this 6th day of November, in the year two thousand fourteen.

COUNTY OF ERIE

BY: _____

MARK C. POLONCARZ
ERIE COUNTY EXECUTIVE