

THE ERIE COUNTY LEGISLATURE

**ENERGY &  
ENVIRONMENT  
COMMITTEE**

Timothy J. Meyers  
Chair

Jeanne M. Vinal  
Vice-Chair

Meeting No. 5 – March 11, 2021 –  
11:00 AM

TAB R&F APP

1.	<a href="#"><u>COMM. 5E-2 (2021)</u></a> Session 5	<b>BASKIN</b> <i>“Letter to Republican Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”</i>			
2.	<a href="#"><u>COMM. 5E-3 (2021)</u></a> Session 5	<b>BASKIN</b> <i>“Letter to Conservative Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”</i>			
3.	<a href="#"><u>COMM. 5E-4 (2021)</u></a> Session 5	<b>BASKIN</b> <i>“Interviews for Position of Commissioner of the Erie County Water Authority”</i>			
4.	<a href="#"><u>COMM. 5E-5 (2021)</u></a> Session 5	<b>BASKIN</b> <i>“Letters of Interest &amp; Resumes for Position of Commissioner of the Erie County Water Authority”</i>			
5.	<a href="#"><u>COMM. 5E-6 (2021)</u></a> Session 5	<b>BASKIN</b> <i>“Public Notice Concerning Position of Commissioner of the Erie County Water Authority”</i>			

6.	<a href="#"><u>COMM. 5E-12 (2021)</u></a> Session 5	<b>COUNTY EXECUTIVE</b> <i>“Extension of Household Hazardous Waste &amp; Conditionally Exempt Small Quantity Generator Contracts”</i>			
7.	<a href="#"><u>COMM. 5D-6 (2021)</u></a> Session 5	<b>CLERK OF LEGISLATURE</b> <i>“Letters of Interest &amp; Resumes for Position of Commissioner of the Erie County Water Authority”</i>			
8.	<a href="#"><u>COMM. 5M-1 (2021)</u></a> Session 5	<b>EC SOIL &amp; WATER CONSERVATION DISTRICT</b> <i>“2021 Budget Submission”</i>			
9.	<a href="#"><u>COMM. 5M-3 (2021)</u></a> Session 5	<b>NYSDEC</b> <i>“Fact Sheet - Brownfield Cleanup Program Application for 293 Grote St., Buffalo”</i>			
10.	<a href="#"><u>COMM. 5M-6 (2021)</u></a> Session 5	<b>NYSDEC</b> <i>“Fact Sheet - Certification of Cleanup Requirements Achieved at Brownfield Site - Superfund Site, Genesee St., Cheektowaga”</i>			
11.	<a href="#"><u>COMM. 5M-7 (2021)</u></a> Session 5	<b>NYSDEC</b> <i>“Invitation for Public Comment - Brownfield Cleanup Program for 293 Grote St., Buffalo”</i>			
12.	<a href="#"><u>COMM. 5M-11 (2021)</u></a> Session 5	<b>NYS AGRICULTURE &amp; MARKETS</b> <i>“Notice of Mandatory Review Process of EC Agricultural District No. 5”</i>			

# ERIE COUNTY LEGISLATURE

HON. APRIL N.M. BASKIN  
CHAIR OF THE LEGISLATURE  
2<sup>ND</sup> DISTRICT LEGISLATOR



☐ 792 E. Delavan Ave.  
Buffalo, NY 14215  
716/895-1849  
FAX: 716/895-1910

☐ 92 Franklin St., 4th Fl.  
Buffalo, NY 14202  
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☐ *Legislative Assistant*  
Pedro Gonzalez-Ortiz  
E-Mail:

*Pedro.Gonzalez-Ortiz@erie.gov*

February 19, 2021

Joseph Lorigo, Minority Leader  
Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

**Re: Letter to Republican Party Caucus Regarding Position of Commissioner of the Erie County Water Authority**

Dear Legislator Lorigo:

I am writing you to inform your caucus of their opportunity to submit a petition and potential candidates to be considered for Commissioner of the Erie County Water Authority pursuant to Section 1053 of the New York Public Authorities Law and Section 5.01 of the Erie County Legislature's Rules of Order.

I have directed the Chairman of the Energy and Environment Committee to schedule interviews on Thursday, March 25, 2021.

Please provide any submissions for the position to Robert M. Graber, Clerk of the Legislature by 10:00 am on Tuesday, March 16, 2021.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin  
Chair  
Erie County Legislature

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Pedro Gonzalez-Ortiz  
E-Mail:

*Pedro.Gonzalez-Ortiz@erie.gov*

February 19, 2021

Joseph Lorigo  
Legislator, Conservative Party  
Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

**Re: Letter to Conservative Party Member Regarding Position of Commissioner of the Erie County Water Authority**

Dear Legislator Lorigo:

I am writing you to inform you of your party's opportunity to submit a petition and potential candidates to be considered for Commissioner of the Erie County Water Authority pursuant to Section 1053 of the New York Public Authorities Law and Section 5.01 of the Erie County Legislature's Rules of Order.

I have directed the Chairman of the Energy and Environment Committee to schedule interviews on Thursday, March 25, 2021.

Please provide any submissions for the position to Robert M. Graber, Clerk of the Legislature by 10:00 am on Tuesday, March 16, 2021.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin  
Chair  
Erie County Legislature

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*Pedro.Gonzalez-Ortiz@erie.gov*

February 19, 2021

Hon. Timothy Meyers  
Chairman, Energy and Environment Committee  
Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

**Re: Interviews for Position of Commissioner of the Erie County Water Authority**

Dear Legislator Meyers:

Pursuant to Section 5.01 of the Erie County Legislature's Rules of Order, all candidates for the position of Commissioner of the Erie County Water Authority must be interviewed by the Energy and Environment Committee before they are acted upon and a candidate approved by the Legislature.

Pursuant to New York State Public Authorities Law, Section 1053, please convene the Energy and Environment Committee on Thursday, March 25, 2021 to conduct interviews for Commissioner of the Erie County Water Authority.

The Clerk of the Legislature has been directed to transmit letters of interest and resumes of candidates to the Energy and Environment Committee for review.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin  
Chair  
Erie County Legislature

# ERIE COUNTY LEGISLATURE

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*Pedro.Gonzalez-Ortiz@erie.gov*

February 19, 2021

Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

**Re: Letters of Interest and Resumes for Position of Commissioner of the Erie County Water Authority**

Dear Clerk Graber:

Please forward all letters of interest and resumes received from individuals requesting consideration for appointment as a Commissioner of the Erie County Water Authority to the Energy and Environment Committee for their review during that committee's interview process.

I have sent a request to Legislator Timothy Meyers, Chair of the Energy and Environment Committee, requesting his committee conduct interviews for the position on Thursday, March 25, 2021. I have requested Legislator Meyers ensure his committee accepts required documents from interested parties until 10:00 am on Tuesday, March 16, 2021.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin, Chair  
Erie County Legislature

# ERIE COUNTY LEGISLATURE

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E-Mail:

*Pedro.Gonzalez-Ortiz@erie.gov*

February 19, 2021

Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

**Re: Public Notice Concerning Position of Commissioner of the Erie County Water Authority**

Dear Clerk Graber:

Pursuant to Section 5.01 of the Erie County Legislature's Rules of Order: "Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position."

Accordingly, please take the necessary steps to provide proper public notice to interested parties who wish to apply for the position of Commissioner of the Erie County Water Authority. This requires that notice be given to members of the Legislature, the news media and that the notice should be posted on the Erie County Legislature's website informing all interested parties to submit letters of interest, including a resume, not later than 10:00 am on Tuesday, March 16, 2021.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin, Chair  
Erie County Legislature



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

March 1, 2021

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Extension of Household Hazardous Waste (HHW) and Conditionally Exempt  
Small Quantity Generator (CESQG) Contracts**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning to authorize the County Executive or Deputy County Executive to extend the contracts for the current Household Hazardous Waste (HHW) collection contractors, MXI Environmental Services, LLC (MXI), and Environmental Service Group (ESG). The contracts were authorized by Erie County Legislature Resolutions COMM.2E-9 (2020) and COMM.3E-17(2020) following a competitive RFP process that provides for two, one-year extensions of the contracts at the discretion of the Department of Environment and Planning.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Bonnie Lawrence at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/mw  
Enclosure

cc: Thomas R. Hersey, Jr., Commissioner, Environment and Planning  
Bonnie Lawrence, Deputy Commissioner, Environment and Planning



## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Extension of Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generator (CESQG) Contracts  
**Date:** March 1, 2021

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### **SUMMARY**

It is recommended that the Legislature approve the attached resolution prepared by the Department of Environment and Planning (DEP) to authorize the County Executive or the Deputy County Executive to extend the contracts with MXI Environmental Services, LLC (MXI), and Environmental Service Group (ESG), as the selected contractors for Erie County's Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generator (CESQG) programs. The contracts were authorized by Erie County Legislature Resolutions COMM.2E-9 (2020) and COMM.3E-17 (2020) following a competitive RFP process that provides for two, one-year extensions of the contracts at the discretion of the Department of Environment and Planning.

### **FISCAL IMPLICATIONS**

\$120,000 has been budgeted in SAP account 517629 of the County operating fund for HHW services. In addition, Erie County will benefit from partial, up to fifty percent, State reimbursement for expenses associated with the collection and disposal of household hazardous waste. If the HHW budget line is exhausted, any additional costs will be funded through the existing New York State Department of State HHW Implementation Grant (162HHWIP1823).

### **REASONS FOR RECOMMENDATION**

The Erie County Household Hazardous Waste Collection Program provides residents with the opportunity for proper disposal of unwanted hazardous household chemicals. The Program protects the environment, protects first responders and sanitation workers, and improves home safety. State assistance provides up to 50% reimbursement for disposal costs.

These two contractors, MXI and ESG were selected via a 2019 RFP process and have proven to provide professional, resident-focused services that have enhanced both the collection events and the newly created HHW Voucher program. The Department of Environment and Planning has received positive responses from our HHW Program participants, which reflect well on the services provided. Moreover, both contractors have met all contractual obligations.

### **BACKGROUND INFORMATION**

The Erie County HHW Program has been in existence since 1988 and has serviced well over 60,000 households by providing single-day HHW collection events multiple times annually at no charge to participating residents. In 2020, the HHW Voucher Program was introduced to provide County residents, who needed to dispose of HHW items immediately, with a means for proper

disposal. The Voucher program allows residents to make an appointment for the disposal of up to 50 pounds of acceptable HHW at ESG's permitted HHW facility in Tonawanda, HAZMAN, for no charge. Participation in the program has reduced the amount of hazardous chemical products stored in homes, reducing fire and poisoning risk, improving first responder and sanitation worker safety, while also preventing these hazardous materials from being released into the environment. DEP is planning up to three collection events in 2021, along with the continuation of the HHW Voucher Program at the HAZMAN facility

### **CONSEQUENCES OF NEGATIVE ACTION**

The County would not be able to provide residents with safe and proper disposal options for Household Hazardous Wastes in 2021 resulting in an increased amount of hazardous chemical products stored in homes, increasing fire and poisoning risk, reducing first responder and sanitation worker safety, and potentially increasing the likelihood of these dangerous wastes entering the environment. In addition, Erie County would forfeit the State Aid funding available to offset costs associated with the Household Hazardous Waste Collection Program.

### **STEPS FOLLOWING APPROVAL**

The necessary contract extensions with MXI Environmental Services, LLC (MXI) and Environmental Service Group (ESG) will be executed, and a schedule of HHW collection events for 2021 will be established.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Extension of Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generator (CESQG) Contracts

WHEREAS, Erie County has a Household Hazardous Waste (HHW) Collection Program to provide residents with a safe, effective, and cost-free opportunity to dispose of household generated hazardous waste; and

WHEREAS, every year, Erie County hosts periodic household hazardous waste events to properly dispose of chemicals that pose a health and safety hazard and might otherwise contaminate our water, land, or air; and

WHEREAS, the 2020 HHW program served approximately 2,000 Erie County households with more than 1,000 being served through the Voucher Program and another 1,000 being served through collection events; and

WHEREAS, Erie County will realize a fiscal benefit from partial, up to fifty percent, State reimbursement for expenses associated with the collection and disposal of household hazardous waste; and

WHEREAS, The Erie County Legislature authorized the contract with MXI Environmental Services, LLC (MXI) with the passage of Resolution COMM.2E-9 (2020); and

WHEREAS, The Erie County Legislature authorized the contract with The Environmental Service Group (ESG) with the passage of Resolution COMM.3E-17 (2020); and

WHEREAS, the contracts provide for two, one-year extensions of the contracts at the discretion of the Department of Environment and Planning, and

WHEREAS, the Department of Environment and Planning was satisfied with the service provided by the HHW contractors and wish to extend the MXI and ESG contracts for an additional year.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to extend the contracts with MXI Environmental Services, LLC (MXI) and The Environmental Service Group (ESG) to provide Erie County with HHW and CESQG Collection and Disposal Services for an additional year; and be it further

RESOLVED, that the source of these funds shall be from \$120,000 that has been budgeted in SAP account 517629 of the County operating fund for HHW services for 2021; and be it further

RESOLVED, that any additional costs for the HHW Program will be funded through the existing New York State Department of State HHW Implementation Grant (162HHWIP1823) if the current HHW budget is exhausted; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.



February 19, 2021

**PUBLIC NOTICE / MEDIA ADVISORY**

**To:** All Interested Parties

**From:** Robert M. Graber  
Clerk of the Legislature

**Subject:** Letters of Interest and Resumes for Position of Commissioner of the Erie County Water Authority

**PLEASE TAKE NOTICE**, that letters of interest and resumes from individuals interested in appointment or reappointment to the position of Commissioner of the Erie County Water Authority are being accepted by the Erie County Legislature.

Pursuant to Section 5.01 of the Erie County Legislature's Rules of Order:

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position.

Individuals interested in consideration for Commissioner should submit a letter of interest and resume to Legislature Chair April N.M. Baskin, c/o Robert M. Graber, Clerk of the Legislature, 92 Franklin Street, Fourth Floor, Buffalo, New York 14202 or via electronic mail to [Robert.Graber@erie.gov](mailto:Robert.Graber@erie.gov).

The deadline for receipt of all documents is no later than 10:00 am on Tuesday, March 16, 2021.



**Erie County Soil and Water Conservation District  
2021 Budget**

**Presented to the Erie County  
Legislature**



**GENERAL INFORMATION**

LEGAL NAME: Erie County Soil and Water Conservation District

Mailing Address: 50 Commerce Way  
East Aurora, NY 14052

Website Address: WWW.ECSWCD.ORG

EXECUTIVE DIRECTOR, MANAGER, OR VOLUNTEER CONTACT: Mark C. Gaston

(Phone/Fax/E-mail): 716.652.8480 or mark.gaston@ny.nacdnet.net

PREPARER OF THIS APPLICATION: (Name, Title) Mark C. Gaston, District Field Manager

(Phone/Fax/E-mail): 716.652.8480 or mark.gaston@ny.nacdnet.net

BOARD CHAIRPERSON: Legislator John Mills

Mailing Address: 92 Franklin Street 4<sup>th</sup> Floor  
Buffalo, NY 14208

(Phone/Fax/E-mail): 716.655.5650

FINANCIAL CONTACT: Mark C. Gaston

Mailing Address: 50 Commerce Way  
East Aurora, NY 14052

(Phone/Fax/E-mail): 716.652.8480 or mark.gaston@ny.nacdnet.net

APPLICANT'S FEDERAL TAX IDENTIFICATION NO.: 16-6002616

Date of incorporation as a not-for-profit organization: January 1, 1943

Does the applicant have §501(c) 3 status? Yes  No  If so, date given: \_\_\_\_\_

For how long has the applicant provided services in Erie County: 78 Years

**FUNDING INFORMATION**

2021 Erie County Funding Requested: \$ 266,934

2020 Erie County Funding Requested / Received \$266,934 / 266,934

Applicant's Fiscal Year Start Date: 1/1/2021; End Date: 12/31/2021

Erie County funding will be used in which fiscal year: 2021

**FUNDING REQUEST BACKGROUND**

Soil and Water conservation Districts are local government subdivisions established under State Law to carry out programs for the conservation, use and development of soil, water and related natural resources. Districts are resource management agencies that coordinate and implement environmental programs at the local level in cooperation with federal and state agencies.

From Article I, Section 2, of Chapter 9-B of the Consolidated Laws of Soil and Water Conservation Districts:

**Declaration of Policy**

- (1) Preservation of soil and water resources. It is hereby declared to be the policy of the state legislature to provide for the conservation of soil and water resources of this state, and for the improvement of water quality, and for the control and preservation of soil erosion and for the prevention of floodwater and sediment damages and for furthering the conservation, development, utilization and disposal of water, and thereby to preserve natural resources, control and abate nonpoint sources of water pollution, assist in the control of floods, assist in the drainage and irrigation of agricultural lands, prevent impairment of dams and reservoirs, assist in the maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands and promote the health, safety, and general welfare of the people of this state.
- (2) Utilization of resources to enhance the quality of life. It is further declared the policy of the legislature to encourage the use of agricultural land for recreational uses which are consistent with the primary use of such land while, at the same time, promoting additional tourism and employment opportunities and income for landowners in rural areas enhancing the quality of life of persons not otherwise able to obtain access to agricultural land for recreational uses.

In 1943, the Erie County Legislature created the Erie County Soil and Water Conservation District. Our mission is to protect and promote the health, safety and general welfare of the present and future generations of Erie County residents through the conservation of soil, water, air, plant and animal resources by delivery of sound science-based, locally-directed technical and educational assistance. For the past seventy-eight years, the District has been preserving the soil and water resources of Erie County by implementing conservation projects that keep the water clean, promote viable agriculture, and enhance the county's overall quality of life. As an economic development agency, we support Erie County's environmental quality, recreation, tourism and employment opportunities.

With the requested funds, the citizens of Erie County benefit from science-based environmental stewardship and the leveraged federal, state, and private grant funds that the District has been so successful in securing over the past dozen years. 2021 County funds in the amount of \$266,934 will be used to pay the base salaries of seven District employees, Board of Directors operations, fund our annual Erie/Wyoming Joint Watershed Board responsibilities and provide administrative financial support to the Lake Erie Watershed Protection Alliance. The base salaries of seven District employees are projected to cost \$381,900 in 2021. When benefits for employees' and board expenses are added to this figure, \$558,500 is required to maintain current minimum staffing needs. The difference in personnel expenses for the District staff, retirement benefits and operating expenses will be paid for through state, federal, and private grants; and fundraising/donations. County funds received through this administrative process are projected to represent only 15% of the District's revenue in 2021. ***Although county funding does not represent the majority of the District's revenues, it is the foundation that all other revenues are leveraged against in order to maintain stable staffing levels needed to support soil and water conservation district services and grant programs for Erie County residents.***

Funding in the amount of \$266,934 last year enabled the District to continue pertinent District service to county and municipal highway department through a roadside revegetation program, hydroseeding high priority ditches to mitigate erosion improve water quality. In addition, expanded services were continued to the agricultural community through the access to a new No-Till seeder and drill that is available for rent, thus reducing landowner expenses and improving conservation efforts on the farm. Through the District's participation on the Lake Erie Watershed Protection Alliance (LEWPA) the District continues construction management of \$300,000 in federal funding to implement green infrastructure practices to improve and protect water quality at two Lake Erie beaches. This is in addition to the implementation of \$200,000 in state funding for various water quality improvements throughout the watershed. Funding also allowed the District to maintain our regular technical and financial assistance to landowners and municipalities in Erie County through current staffing levels. The 2020 funding amount allowed the District to secure, directly or indirectly, nearly \$7 in federal and state assistance for every \$1 in county funds expended by the District. These additional leveraged dollars enabled the District to provide unique funding assistance opportunities to Erie County residents, municipalities and landowners that has resulted in further conservation of the county's natural resources. Leveraging of state and federal grant funds allowed the District to supplement our current staff, which in turn enabled us to provide more services to county residents and municipalities. County funding in 2020 paid salaries for seven District employees: these county funds did not include benefits for current employees. ***All funds leveraged by the District are added to the local economy as direct payments to agricultural businesses, local contractors, material suppliers, landowners, municipalities, and consulting firms for natural resource and public works improvements.***

2020 county funds have also been used to satisfy our regional agreement for the Erie/Wyoming Joint Watershed Board project which costs \$5,000 per year. The "Joint Board" was formed in response to the Flood Control Act of 1944. Joint Board projects involve inspection of 60 linear miles of streambank stabilization projects in the Buffalo River Watershed



and maintenance of failing projects that were originally constructed in the 1950's to control sediment in the Buffalo Harbor. The Wyoming County Soil and Water Conservation District contributes \$2,500 per year from their county appropriation. Each year staff from both counties performs an inspection of the Joint Board sites and a report is provided to the Board of Directors. Annual appropriations from both counties limit repair work to one project every couple of years at best. Erie County Soil and Water Conservation District has been successful in supplementing these funds with grant monies over the past several years.

### ***MISSION AND SIGNIFICANCE OF PROGRAMS, SERVICES, AND ACTIVITIES***

#### **Mission Statements:**

It is the mission of the Erie County Soil & Water Conservation District to protect and promote the health, safety and general welfare of the present and future generations of Erie County residents through the conservation of soil, water, air, plant and animal resources by delivery of sound science-based, locally-directed technical and educational assistance.

#### **Vision:**

To be the recognized leader and source of natural resource and conservation expertise in Erie County through efficient, proactive and responsible assistance to its constituents.

#### **Goals:**

1. Increase both rural and urban community's awareness of soil erosion and water quality protection in Erie County.
2. Provide conservation services and information to the public to address water quality and natural resource related concerns.
3. Develop and carry out the planning and implementation of water quality and natural resource improvement programs within Erie County.
4. Work with other cooperating agencies, organizations and local units of government to implement conservation practices that are consistent with the Mission Statement of the District.
5. Actively seek funding from state, federal and private grant sources to offset the financial burden of implementation of conservation practices, which are consistent with the Mission Statement of the District.

#### **Objectives:**

##### **I. To operate the Erie County Soil & Water Conservation District in a publicly responsible manner.**

- A. The District will conduct operations in a manner consistent with Conservation District Law, established policies and procedures and the mission statement of the District.
- B. The District will identify, control and reduce the exposure to liability.
- C. The District will take a proactive approach to addressing the financial condition of the organization.
  1. Annual and Special Appropriations
  2. Earned Income Programs
  3. Current Grants / Programs
  4. Future Grants / Programs

##### **II. To administer Erie County Soil & Water Conservation District Programs in a manner consistent with the mission statement.**

- A. The District will develop and implement a comprehensive Conservation Education and Outreach Program.
- B. The District will maintain a leadership role in the preservation and protection of soil, water and other natural resources in Erie County.
  1. The District will work cooperatively with NRCS and encourage cooperation, communication and coordination among Federal, State, Local and non-governmental conservation partners.
  2. The District will provide conservation technical assistance in a manner consistent with Conservation District Law, established policies and procedures, the mission statement of the District and cooperative working agreements with its conservation partners.

The Erie County Soil and Water Conservation District is located at the USDA Service Center in East Aurora, NY which houses the USDA Natural Resource Conservation Service (NRCS), USDA Farm Service Agency (FSA), and the District. Our Cooperative Working Agreement with the USDA-NRCS allows the District to be co-located at the service center at a minimum cost to the county. This is a significant savings for the District and Erie County, as we pay for utilities, communications, and rent through a combination of technical and administrative services. This agreement continues to be a topic of discussion and may be subject to modification in the future. Currently, the Cooperative Working Agreement with USDA-NRCS currently saves the District and Erie County over \$45,000 per year.

The District collaborates with many organizations and agencies in an effort to provide the highest quality services at the most cost effective price to the residents of Erie County. By combining agency efforts on similar projects, more can be accomplished in a cost effective and efficient manner. Of particular importance over the past year were:

**Erie County Department of Public Works-** the District continues to manage the Countywide Stream Maintenance Program and Roadside Revegetation Program for the DPW as well as assistance with emergency project implementation as necessary to protect county infrastructure from erosion and localized flooding. The

District completed engineering and design of the Mill Street Stabilization, required long term wetland monitoring for the reconstruction of Goodrich Road along with various other erosion sediment control projects and permits.

**Erie County Department of Environment and Planning** – the District is responsible for technical support and participation to the Western New York Stormwater Coalition, the Water Quality Coordinating Committee, the Environmental Management Council and the Lake Erie Watershed Protection Alliance. The District has served as the contract agency for the administration of \$200,000 (year IV) of a state grant for the implementation of Lake Erie Watershed Protection Alliance priority projects. This project has been funded for a fourth and fifth year, and it is a hope that this funding allocation will become an annual appropriation through the Environmental Protection Fund. In addition \$25,000 in 2021 funding from Erie County will go to support administrative functions for the Lake Erie Watershed Protection Alliance to ensure the majority of funding is available for implementation projects which leverage additional state and federal funding.

**Erie County Department of Parks, Recreation and Forestry**- the District has developed a stewardship management plan of Erie County Forest Lot #1 and stands ready to assist in assessing additional lots for sustainable management. The District has also provided technical assistance in the protection and restoration of county park land at Como Park. The District secured the necessary environmental permits to allow dredging efforts in 2019 and assisted with erosion control efforts as well as streambank stabilization and a riparian buffer in the park adjacent to Cayuga Creek into 2020.

The Erie County Soil and Water Conservation District was created with the purpose of conserving soil and water resources, controlling and preventing erosion, and preventing floodwater and sediment damages in Erie County. Landowners, municipalities, and other agencies receive technical assistance from the District to further soil and water conservation on public and private properties; enter into agreements to further conservation efforts; receive assistance in developing individual as well as watershed-wide conservation plans; and implement projects involving best management practice (BMP) installation that prevents soil erosion and protects water quality. By implementing best management practices municipalities and landowners benefit economically and socially through on the ground capital improvements which in turn increase property values. By developing conservation plans project partners are educated in the wise use of public and private natural resources. By furthering conservation efforts municipalities and landowners may also comply with increasing regulatory pressures at a cost effective price.

The Erie County Soil and Water Conservation District, in addition to providing valuable technical assistance to individual landowners and municipalities, brings substantial financial assistance to Erie County. In 2021 we anticipate spending over \$1 million in state funding within Erie County. Through the District's Cooperative Working agreement with the USDA Natural Resource Conservation Service (NRCS), Erie County residents may be eligible to receive cost share assistance through the following federal programs:

FEDERAL PROGRAMS	2021 Anticipated
Conservation Reserve Program (CRP)	\$10,000
Conservation Securities Program (CSP)	\$100,000
Conservation Technical Assistance	\$100,000
Agricultural Conservation Easement Program (WRP, GRP, FRPP, HFRP)	\$50,000
Environmental Quality Incentives Program (EQIP)	\$500,000
<b>TOTAL</b>	<b>\$760,000</b>

Farmland protection and, greenspace planning and preservation are important issues in Erie County. Farmers and rural landowners face incredible development pressure and urban sprawl which creates increased costs to the county and municipalities as they deal with the need to expand or upgrade infrastructure. Communities are becoming increasingly aware of the effects that their activities and decisions have on our environment and the rural landscape.

The Erie County Soil and Water Conservation District has become a valuable resource in the county by assisting in the design, implementation and cost share of conservation practices. The District, which has broad authority under state law, is the **only** agency that provides farmers and landowners with on-site survey and design assistance for all types of conservation practices. The District is also the **only** avenue farmers have for accessing the Agricultural Nonpoint Source Abatement and Control Program funds through the NYS Environmental Protection Fund. The District is currently administering **3.6 million dollars** in total construction costs through four multi-year contract through this program. The District is also the **only** avenue farmers have for accessing the new Climate Resilient Farming Program and CAFO Waste Storage funds through the NYS Environmental Protection Fund. The District is currently administering **1.8 million dollars** in total construction costs through three multi-year contract to mitigate green-house gas emissions on farms. Both these funds assist farmers in meeting regulatory requirements and thus keep them farming in Erie County.

The District also assists urban and suburban landowners and municipalities in accessing other state and federal assistance program funds. Streambank stabilization, restoration and watershed management is a primary concern throughout the county and the District provides technical guidance to many throughout the year. In an effort to address some of these as watershed concerns the District is administering **over 875,000 dollars** in local, state and federal multi-year contracts to address erosion and improve water quality.



<b>Personnel Salaries and Fees (Incl. benefits)</b>				
1 Administrative				150,000
2 Artistic				
3 Educational				
4 Technical				408,500
5 Bonus or Incentive Payments				
<b>6 Total Salaries &amp; Fees</b>				<b>558,500</b>
%Salaries & Fees to Total Expenses				31.6%
<b>Administration/Operations</b>				
7 Rent				In-kind
8 Utilities/telephone				1,800
9 Office Supplies				5,000
10 Office Equipment Rental				
11 Postage/Postal Box Rental				
12 Security/Maintenance				
13 Travel/ Training				5,000
14 Insurance				10,000
15 Legal/accounting				
16 Duties & Association Memberships				8,000
17 Office printing/copying				
18 Service contracts				25,000
19 Interest Paid on Operating Loans				
20 Other (i.e., consultant):				
<b>21 Total Admin/Ops.</b>				<b>54,800</b>
%Admin/Ops. To Total Expenses				3.1%
<b>Programming</b>				
22 Production Expenses				
23 Educational Expenses				5,000
24 Facility/ Equipment Rental - (Field Equipment)				6,000
25 Printing				
26 Accommod./interpreters				
27 Scholarships/awards				
28 Copyright/Licensing fees				
29 Other (specify) -Grant Projects/Program Project Implementation				1,079,634
<b>30 Total Programming</b>				<b>1,090,634</b>
%Programming to Total Expenses				61.6%

**Fundraising/Marketing/Retail**

- 31 Paid Advertising
- 32 Direct Mail
- 33 Fundraising Events/
- 34 Cost Goods for sale
- 35 Other (specify):
- 36 Total Fundraising/ Marketing/Retail**
- %Fdraising/Mkting to Total Expenses
  
- 37 TOTAL EXPENSES**

				2021
				1,000
				65,000
				66,000
				3.7%
				1,769,934

Notice to be mailed to those on contact list included in the BCP Application:

**Public Notice  
Fact Sheet**

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application and Draft Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Work Plan from MCG Real Estate Holdings, LLC for a site known as 293 Grote Street, site ID #C915368. This site is located in the City of Buffalo within the County of Erie, and is located at 293 Grote Street.

Access the application, Draft Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Work Plan, and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915368/>. The documents will also be available at the document repository once reopened, located at North Park Branch Library, 975 Hertel Avenue, Buffalo, NY 14216 and Buffalo & Erie County Public Library, 1 Lafayette Square, Buffalo, NY 14203.

There are several ways to comment on BCP applications and Work Plans. Comments can be submitted to the site Project Manager Anthony Lopes at NYSDEC, 270 Michigan Ave., Buffalo, NY 14203-2915; via email at [anthony.lopes@dec.ny.gov](mailto:anthony.lopes@dec.ny.gov) or by calling 716-851-7220. All comments must be submitted by **March 26, 2021**.

Site information can be viewed by entering the site ID noted above at: <http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>

We would also encourage those interested in receiving information on future activities at this site or any other site to sign up to DEC's Contaminated Sites Email List at: <http://www.dec.ny.gov/chemical/61092.html>

**What is the Brownfield Cleanup Program?**

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 300 contaminated sites statewide and incentivized redevelopment. There are more than 350 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website: <http://www.dec.ny.gov/chemical/8450.html>

**Graber, Robert**

**From:** New York State Department of Environmental Conservation  
<nysdec@public.govdelivery.com>  
**Sent:** Wednesday, February 24, 2021 2:46 PM  
**To:** Graber, Robert  
**Subject:** Former Doro Dry Cleaners Site (Cheektowaga) - DEC Certifies Cleanup Requirements Achieved; Site Reclassified

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



## DEC Certifies Cleanup Requirements Achieved at State Superfund Site on Genesee St., Cheektowaga; Site Reclassified

This link opens a fact sheet about the achievement of cleanup requirements and reclassification of the **Former Doro Dry Cleaners, site ID #915238 (Cheektowaga, Erie County)** within New York's State Superfund Program:

<https://www.dec.ny.gov/data/der/factsheet/915238reclass.pdf>

The State Superfund Program site identified above was recently reclassified as a Class 4 site that no longer presents a significant threat to public health and/or the environment. The fact sheet explains why this determination was made.

The fact sheet is in PDF format. You can save, open, and read the fact sheet by using Adobe Acrobat Reader. If you do not have Adobe Acrobat Reader, you can go to the following web page on the DEC web site to download the program: <https://www.dec.ny.gov/about/590.html>

Please do not respond to this email. Replies go to an untended mailbox. If you have questions about the site identified above, please use the contact information provided in the fact sheet.

The [New York State Department of Environmental Conservation](#) respects your right to [privacy](#) and welcomes your [feedback](#) | [Update preferences or unsubscribe](#) | [Learn more about DEC Delivers](#)

Connect with DEC:    

Basil Seggos, Commissioner



Department of  
Environmental  
Conservation

## FACT SHEET

State Superfund Program

Former Doro Dry Cleaners

3460-3466 Genesee Street  
Cheektowaga, NY 14225

SITE No. 915238

February 2021

NYSDEC REGION 9

### Where to Find Information

Access project documents through the  
DECinfo Locator  
(<https://www.dec.ny.gov/data/DecDocs/915238/>)  
and at this location:

**Anna Reinstein Memorial Library**  
2580 Harlem Rd.  
Cheektowaga, NY 14225  
(716) 892-8089

### Who to Contact

Comments and questions are welcome  
and should be directed as follows:

**Project-Related Questions**  
David Locey, Project Manager  
NYSDEC  
270 Michigan Ave.  
Buffalo, NY 14203-2915  
(716) 851-7220  
[david.locey@dec.ny.gov](mailto:david.locey@dec.ny.gov)

**Project-Related Health Questions**  
Sarita Wagh  
NYSDOH  
Empire State Plaza  
Corning Tower; Room 1787  
Albany, NY 12237  
(518) 402-7860  
[bee@health.ny.gov](mailto:bee@health.ny.gov)

For more information about New  
York's State Superfund Program,  
visit:  
[www.dec.ny.gov/chemical/8439.html](http://www.dec.ny.gov/chemical/8439.html)

### NYSDEC Certifies Cleanup Requirements Achieved at State Superfund Site

The New York State Department of Environmental Conservation (NYSDEC) has determined that the cleanup requirements to address contamination related to the Former Doro Dry Cleaners site ("site") located at 3460-3466 Genesee Street, Cheektowaga, Erie County, under New York's State Superfund Cleanup Program have been met. Please see the map for the site location. The cleanup activities were performed by J&M Walden Holdings Corp. ("remedial party") with oversight provided by NYSDEC.

NYSDEC has approved a Final Engineering Report (FER) and issued a Certificate of Completion (COC) for the site.

**Completion of the Project:** Following site cleanup, NYSDEC has determined that the site no longer presents a threat to public health or the environment and has reclassified the site from Class 2 (significant threat to public health or environment - action required) to Class 4 (site properly closed - requires continued management) based on completion of the following remedial actions:

- Soil Vapor Extraction (SVE) – SVE is a technology used to treat residual volatile organic compounds (VOCs) in the soil. VOCs from the subsurface were captured in extraction wells and treated using an activated carbon treatment system before being discharged to the atmosphere.
- In-situ Treatment – Chemical reactants were injected into the deeper subsurface to treat VOC contaminated groundwater in place.
- Vapor Mitigation – To prevent VOC contaminated vapor from seeping indoors, one off-site building and two on-site buildings were equipped with sub-slab depressurization systems. The systems draw vapor from beneath basement and concrete slab floors and discharge it to the outdoors, at roof-top level.
- Cover System – The existing asphalt pavement and concrete floor slabs over areas of remaining soil contamination will be maintained and periodically inspected.
- Site Management Plan (SMP) – The SMP will be implemented for long-term management of remaining contamination, as required by the Environmental Easement. The SMP includes requirements for: (1) Institutional and Engineering Controls (IC/ECs); (2) monitoring; (3) operation and maintenance; and (4) reporting.



# STATE SUPERFUND PROGRAM

**Final Engineering Report Approved:** NYSDEC has approved the FER, which:

- 1) Describes the cleanup activities completed.
- 2) Certifies that cleanup requirements have been or will be achieved for the site.
- 3) Describes any institutional/engineering controls to be used. An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction, when contamination left over after the cleanup action makes the site suitable for some, but not all uses. An *engineering control* is a physical barrier or method to manage contamination such as a cap or vapor barrier.
- 4) Certifies that a site management plan for any engineering controls used at the site has been approved by NYSDEC.

The following institutional controls have been put in place on the site:

- Site Management Plan
- Groundwater Use Restriction
- Land Use Restriction
- Operation, Maintenance and Monitoring Plan
- Environmental Easement

The following engineering controls have been put in place on the site:

- Cover System
- Soil Vapor Extraction (SVE) System
- Vapor Mitigation Systems

**Site Description:** The Former Doro Dry Cleaners site is approximately 0.7 acres in size and is situated in a mixed residential and commercial suburban area at 3460-3466 Genesee Street in the Town of Cheektowaga, Erie County. It is located 800 feet west of the intersection of Genesee Street and Union Road. There are two attached buildings on-site, with parking areas located to the south and west. An open lot covered by grass, bushes and trees is directly north of the buildings. The backyards of two homes are located adjacent to the open lot on the west. There is a large commercial plaza to the east of the site.

Prior uses that led to the site contamination included the storage and use of chlorinated solvents at the dry-cleaning facility that operated in the two buildings. Dry cleaning operations at the site ceased in the 1990's.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, 915238) at:

<https://www.dec.ny.gov/cfm/external/derexternal/index.cfm?pageid=3>

**State Superfund Program:** New York's State Superfund Program (SSF) identifies and characterizes suspected inactive hazardous waste disposal sites. Sites that pose a significant threat to public health and/or the environment go through a process of investigation, evaluation, cleanup and monitoring.

NYSDEC attempts to identify parties responsible for site contamination and require cleanup before committing State funds.

For more information about the SSF, visit:

<https://www.dec.ny.gov/chemical/8439.html>

***We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.***

#### **Stay Informed With DEC Delivers**

Sign up to receive site updates by email:

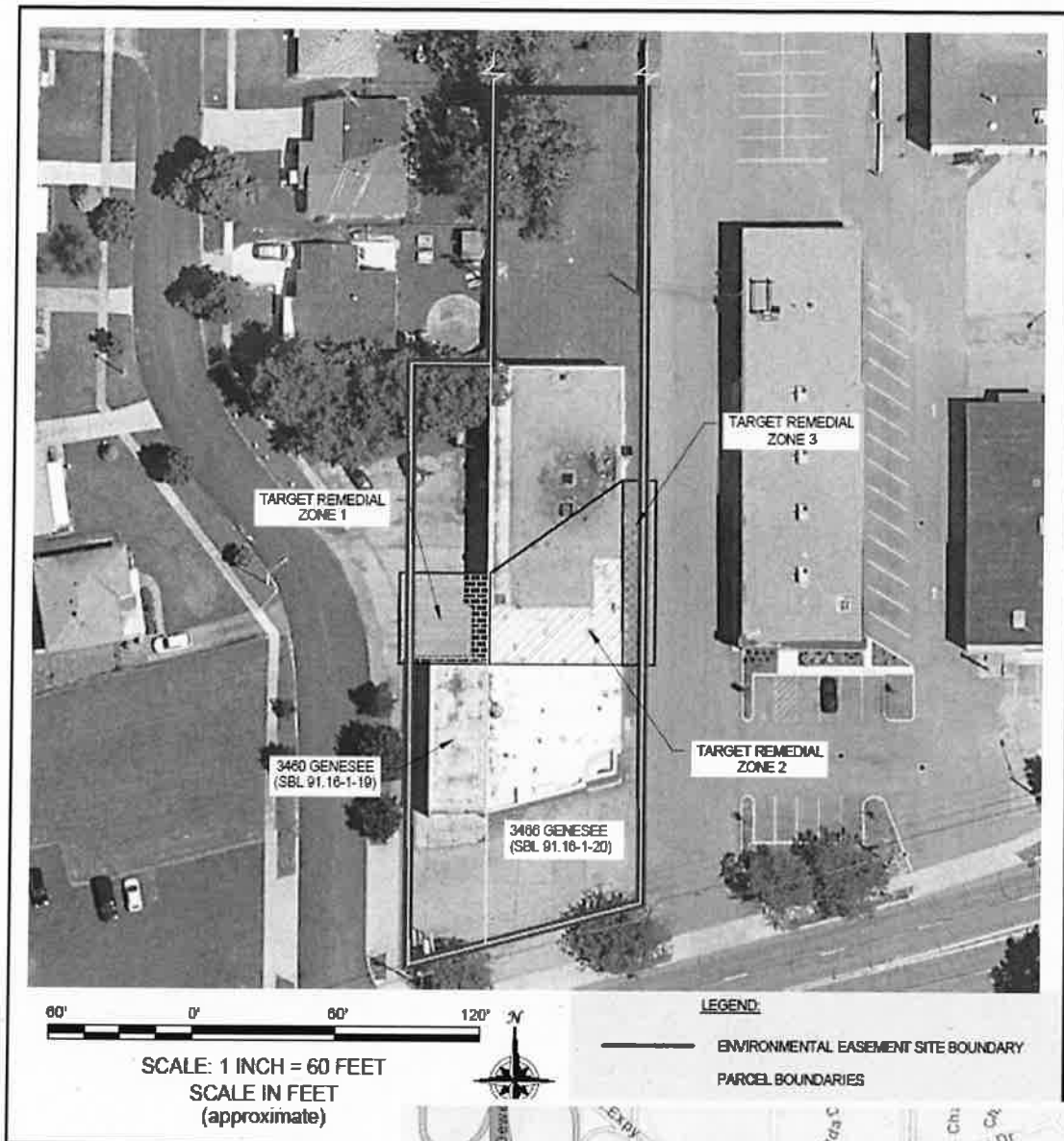
[www.dec.ny.gov/chemical/61092.html](http://www.dec.ny.gov/chemical/61092.html)

Note: Please disregard if you already have signed up and received this fact sheet electronically.

#### **DECinfo Locator**

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <https://www.dec.ny.gov/pubs/109457.html>

# STATE SUPERFUND PROGRAM



**Graber, Robert**

**From:** New York State Department of Environmental Conservation  
<nysdec@public.govdelivery.com>  
**Sent:** Wednesday, February 24, 2021 1:01 PM  
**To:** Graber, Robert  
**Subject:** 293 Grote Street Site (Buffalo) - Public Comment Invited on Brownfield Application and Work Plans

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



## DEC Invites the Public to Comment About Brownfield Cleanup Program Application and Draft Work Plans for Site on Grote St., Buffalo

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application and Draft Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Work Plan from MCG Real Estate Holdings, LLC for a site known as **293 Grote Street, site ID #C915368**. This site is located in the City of Buffalo within the County of Erie, and is located at 293 Grote Street.

Access the application, Draft Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Work Plan, and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915368/>. The documents will also be available at the document repository once reopened, located at North Park Branch Library, 975 Hertel Avenue, Buffalo, NY 14216 and Buffalo & Erie County Public Library, 1 Lafayette Square, Buffalo, NY 14203.

There are several ways to comment on BCP applications and Work Plans. Comments can be submitted to the site Project Manager Anthony Lopes at NYSDEC, 270 Michigan Ave., Buffalo, NY 14203-2915; via email at [anthony.lopes@dec.ny.gov](mailto:anthony.lopes@dec.ny.gov) or by calling 716-851-7220. **All comments must be submitted by March 26, 2021.**

Site information can be viewed by entering the site ID noted above at: <https://www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3>

### What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not

previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 300 contaminated sites statewide and incentivized redevelopment. There are more than 350 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website:  
<https://www.dec.ny.gov/chemical/8450.html>

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Basil Seggos, Commissioner

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This email was sent to graberr@erie.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation  
625 Broadway · Albany, NY 12233 · (518) 402-8013



Department of  
Environmental  
Conservation

## Environmental Site Remediation Database Search Details

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### Site Record

#### Document Repository

Site-related documents are available for review through the DECInfo Locator on line at [DECInfoLocator](#)

### Administrative Information

**Site Name:** 293 Grote Street  
**Site Code:** C915368  
**Program:** Brownfield Cleanup Program  
**Classification:** A  
**EPA ID Number:**

### Location

**DEC Region:** 9  
**Address:** 293 Grote Street  
**City:** Buffalo Zip: 14207  
**County:** Erie  
**Latitude:** 42.942002778  
**Longitude:** -78.880216667  
**Site Type:**  
**Estimated Size:** 0.746 Acres

### Site Owner(s) and Operator(s)

**Current Owner Name:** MCG Real Estate Holdings, LLC  
**Current Owner(s) Address:** 455 Cayuga Road, Suite 200  
Buffalo, NY, 14225

### Site Document Repository

**Name:** North Park Branch Library  
**Address:** 975 Hertel Avenue  
Buffalo, NY 14216  
**Name:** Buffalo & Erie County Public Library  
**Address:** 1 Lafayette Square  
Buffalo, NY 14203

## Site Description

**Location:** The site is located on Grote Street, east of Elmwood Avenue and north of Amherst Street, in a highly developed mixed-use residential, commercial, and former industrial area of the City of Buffalo, Erie County, New York. The site is bordered by Grote Street to the north, residential houses on Marion Street to the south, a 1-story commercial building and associated parking lot occupied Elwood Fire Protection to the west, and a commercial property with multiple 1-story structures occupied by Hadala Construction and Progressive Roofing to the east. **Site Features:** The site is currently vacant and consists of a 2-story, approximately  $\pm 17,500$  square foot brick building with exterior courtyard and an approximate 0.3-acre gravel parking lot to the west. An out-of-service 5,000-gallon UST is present in the courtyard area and will be properly removed as part of the BCP project. **Zoning and Land Use:** The redevelopment plan for the site is residential and consistent with the City of Buffalo zoning assigned to the site. The current zoning for the site and the adjacent properties to the north, east and west are N-1S: Secondary Center defined as mixed-use midrise development clusters defined by large-footprint structures. The properties immediately south are zoned residential and consist of 2-family residences. The site is currently vacant. Planned redevelopment of the site is residential, which is consistent with the City of Buffalo Land Use for the area. **Past Use of the Site:** The past uses of the site have included residential, auto repair, a meter manufacturer, and a machine shop. The most recent occupant was Buerk Tool & Machine which went out of business in 2019. A 5,000-gallon UST, reportedly installed around 1957 for fuel oil storage, is present in the courtyard area of the site. Evidence of a petroleum release was identified during Phase II activities and Spill Number 2007182 was assigned to the site. Additionally, CBs and metals contamination were identified in the courtyard and likely associated with historic machine shop usage. Fill materials were identified in the gravel parking lot west of the site in the vicinity of former residential dwellings in that area. Impacted fill materials containing SVOCs and metals are present and may be associated with fill material import after the buildings were demolished. The site is impacted by past usage as evidenced by SVOCs, metals, and PCBs exceeding the Part 375 USCOs, RRSCOs, CSCOs and/or ISCOs. **Site Geology and Hydrogeology:** The site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slopes westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, site soils are characterized as Urban Land (Ud). Soils associated with the Urban Land are characterized as miscellaneous areas in which 80% or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures. These areas generally

range from 3 to 500 acres or more and are mostly nearly level to sloping. The previous investigation identified the site geology as fill material in the upper 1 to 4 fbg, consisting of black fines intermingled with gray clay and man-made constituents (brick, cinders, ash, metal cuttings, etc.). The fill material thickness was observed to be about 1 to 2 feet beneath the building (SB-1 through SB-9, and SB-13), about 2 feet (TP-4) to 4 fbg in the courtyard area near the UST (SB-10 through SB-12). It varied from about 1 foot to 6 feet in the parking lot area west of the building (SB-14, SB-15, TP-1, TP-2, and TP-3). Native clay soils were encountered below the fill material. The site is situated over the Camillus Shale of the Upper Silurian Middle Devonian Series. The Onondaga Formation is comprised of a limestone of varying texture, from coarse to very finely crystalline, with a dark gray to tan color and chert and fossils within. The unit has an approximate thickness of 110 to 160 feet. Structurally, the bedrock formations strike in an east-west direction and exhibit a regional dip that approximates 40 feet per mile (0.4 degrees) toward the south and southwest. The depth to bedrock in the vicinity of the site is greater than 40 fbg. Regional groundwater is anticipated to flow westerly towards the Niagara River which flows north. However, local groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions. Saturated subsurface soils (i.e., evidence of groundwater) were not encountered during the Phase II activities. One boring, SB-2, was advanced to a depth of 20 fbg and temporary 1-inch diameter PVC well was installed and allowed to sit for approximately 6 hours. No water was observed in the temporary PVC well. Additional work is required to investigate groundwater flow direction and quality at the site. Monitoring wells are planned to be installed to assess and characterize groundwater flow patterns and quality during the Remedial Investigation.

## Site Environmental Assessment

Information submitted with the BCP application regarding the environmental condition at the site are currently under review and will be revised as additional information becomes available.

## Site Health Assessment

Information submitted with the BCP application regarding the conditions at the site are currently under review and will be revised as additional information becomes available.

For more Information: [E-mail Us](#)

Refine This Search



## Agriculture and Markets

**ANDREW M. CUOMO**  
Governor

**RICHARD A. BALL**  
Commissioner

February 23, 2021

Mr. Robert Graber, Clerk  
Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, NY 14202

Mr. Graber,

December 4, 2021 will mark the anniversary of Erie County Agricultural District No. 5 which was first formed on December 4, 1973.

Consistent with the requirements of the Agriculture and Markets Law, your legislative body must conduct a review of the District. This letter serves as a notice to initiate the review and generally defines the review process and timeframe.

The review is designed to gauge the District's effect on local government policies concerning community development, environmental protection and preservation of the agricultural economy. The review must also consider how District farms and farm acres have furthered the purposes for which it was originally established, the extent to which it has achieved its original objectives and its degree of consistency with community economic and land use conditions.

The Agricultural District 8-year review procedures and forms are detailed on the Department's website at: <http://www.agriculture.ny.gov/ap/agsservices/agdistricts.html>.

If I can be of any assistance during the district reviews or if you have any questions regarding the Agricultural Districts Program, please call me at 518-457-4626 or e-mail me at [jeffrey.kehoe@agriculture.ny.gov](mailto:jeffrey.kehoe@agriculture.ny.gov).

Sincerely,

Jeff Kehoe  
Assoc. Environmental Analyst

cc: Thomas Hersey, Director, Erie County Planning Department  
Diane Held, Executive Director, Erie County CCE  
Brett Kreher, Chair, Erie County AFPB  
District Manager, Erie County Soil and Water Conservation District  
Susan Hoskins, Cornell IRIS



# MEMORANDUM

**To:** Thomas Hersey, Commissioner, Erie County Planning  
Diane Held, Executive Director, Erie County CCE  
Earl Gingerich Jr., Chair, Erie County AFPB  
District Manager, Erie County Soila and Water Conservation District

**From:** Jeff Kehoe, Associate Environmental Analyst  
**Date:** February 23, 2021



**Subject: Erie County Agricultural District No. 5 - Eight-Year Review**

December 4, 2021 will mark the anniversary of Erie County Agricultural District No. 5 which was first formed on December 4, 1973.

Consistent with the requirements of the Agriculture and Markets Law 25AA §303-a, the County legislative body must conduct a review of the District. This memorandum serves to alert you that the review process should be initiated and to provide several aids, which may benefit your respective review roles.

The following Agricultural District 8-year review procedures and forms are available on the Department Website at: <https://www.agriculture.ny.gov/ap/agservices/agdistricts.html>

- Agricultural Districts program Mapping Checklist
- Time Frame for District Review (flow chart)
- Agricultural District EAF
- SEQRA Process and Review
- Agricultural Districts Law Summary
- RA-114 District Review Profile
- RA-113 District Review Sheet, and
- Article 25AA PDF—Agriculture and Markets Law (as amended through August 1, 2019)

Maps are available that identify the state certified district boundaries as adopted by your County legislative body. The maps have been provided through the facilities at IRIS, 1015 Bradfield Hall, Cornell University, Ithaca, New York 14853-5601. Should the eight-year review process result in District modifications, the change must be shown on a revised mylar or may be submitted digitally after contacting Cornell IRIS at (607) 255-6529 for further guidance. Please be reminded that the Commissioner will not recertify an agricultural district until a map is filed with IRIS.

Also, please include all properties added to the District during the annual inclusion/open enrollment period. The attached maps do not include the annual inclusion properties. If I can be of any assistance during the review you may contact me at (518) 457-4626 or by e-mail at: [jeffrey.kehoe@agriculture.ny.gov](mailto:jeffrey.kehoe@agriculture.ny.gov)