

THE ERIE COUNTY LEGISLATURE

**ENERGY &
ENVIRONMENT
COMMITTEE**

Timothy J. Meyers
Chair

Jeanne M. Vinal
Vice-Chair

Meeting No. 7 – April 22, 2021 – 1:30 PM

TAB R&F APP

1.	<u>INTRO. 6-1 (2021)</u> Session 6	CHIMERA, HARDWICK, BASKIN, MEYERS, GILMOUR, JOHNSON & VINAL <i>“Support for Municipal Recycling Programs & Manufacturer Responsibility for Recycling”</i>			
2.	<u>COMM. 6M-6 (2021)</u> Session 6	MICHELE M. IANNELLO-WARD <i>“Letter of Interest & Resume for Consideration for Appointment to the Position of Commissioner of the ECWA”</i>			
3.	<u>COMM. 8E-18 (2021)</u> Session 8	COUNTY EXECUTIVE <i>“Municipal Waste Reduction Recycling Grant & Solid Waste Management Boards MOUs”</i>			
4.	<u>COMM. 8E-19 (2021)</u> Session 8	COUNTY EXECUTIVE <i>“Amendment to COMM. 19E-40 (2020)”</i>			
5.	<u>COMM. 8E-20 (2021)</u> Session 8	COUNTY EXECUTIVE <i>“ECSD No. 4 - Engineer Term Contract Agreement”</i>			

6.	<u>COMM. 8E-21 (2021)</u> Session 8	COUNTY EXECUTIVE <i>“ECSD No. 3 - Engineering Term Contract Agreement”</i>			
7.	<u>COMM. 8E-22 (2021)</u> Session 8	COUNTY EXECUTIVE <i>“ECSD No. 1 - Rowley Rd. Sanitary Sewer Replacement Project, Cheektowaga”</i>			
8.	<u>COMM. 8E-23 (2021)</u> Session 8	COUNTY EXECUTIVE <i>“ECSD No. 4 - Borden Rd. Forcemain Test Pit & Spot Repair Project, W. Seneca”</i>			
9.	<u>COMM. 8E-24 (2021)</u> Session 8	COUNTY EXECUTIVE <i>“Acceptance of FEMA Aid Reimbursements for Storm Surge & Seiche Isle View Project”</i>			
10.	<u>COMM. 8M-3 (2021)</u> Session 8	NYSDEC <i>“Invitation for Public Comment - Brownfield Cleanup Application at 255 Ship Canal Pkwy., Buffalo”</i>			
11.	<u>COMM. 8M-4 (2021)</u> Session 8	NYSDEC <i>“Invitation for Public Comment - Draft Plan to Investigate Contamination at 1095 Niagara St., Buffalo”</i>			
12.	<u>COMM. 8M-9 (2021)</u> Session 8	NYSDEC <i>“Invitation for Public Comment - Proposal to Address Contamination at 225 Louisiana St., Buffalo”</i>			

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13.	<u>COMM. 8M-10 (2021)</u> Session 8	NYSDEC <i>“Invitation for Public Comment - Proposal to Address Contamination at Former Pilgrim Village Senior Apartments, Ellicott St., Buffalo”</i>			
14.	<u>COMM. 8M-11 (2021)</u> Session 8	NYSDEC <i>“Invitation for Public Comment - Proposal to Address Contamination at Former Pilgrim Village Senior Apartment, Michigan Ave., Buffalo”</i>			

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**A RESOLUTION SUBMITTED BY
LEGISLATORS CHIMERA, HARDWICK, BASKIN, MEYERS, GILMOUR, JOHNSON
AND VINAL**

Re: Support for Municipal Recycling Programs and Manufacturer Responsibility for Recycling

WHEREAS, most municipalities in Erie County have a 20-year tradition of engaging in municipal recycling programs to help reduce the use of landfills, reduce costs to the taxpayers, and to support earth-friendly practices; and

WHEREAS, recycling programs deliver environmental benefits, including waste reduction, conservation of precious natural resources and reduced greenhouse gas emissions; and

WHEREAS, New York residents place three billion pounds of newspapers, magazines, cardboard boxes, plastic bottles and metal cans out for recycling each year; and

WHEREAS, plastic containers, plastic film, glass bottles, cans, catalogs and cardboard make up more than 40% of the solid waste stream in the US; and

WHEREAS, starting in 2017, municipal governments have begun to experience problems with recycling programs, with many leaders stating that recycling partners in China have been unable to, or declined to continue to accept recycling materials; and

WHEREAS, separate from the problem with Chinese partners declining to accept recycled items, the economics and financial costs of curbside recyclables is generally insufficient to cover the costs of sorting and processing the recyclables, thus leading to new costs and financial burdens to local governments; and

WHEREAS, municipalities that were once selling recyclable materials at a profit are now paying to dispose of their recyclables, with the expected cost in 2021 for New York's municipalities approaching \$80 million, and \$5.7 million in Erie County; and

WHEREAS, due to the new and growing costs to municipalities, and the refusal of partners to accept recyclables, many recyclables are ending up in landfills or incinerators, with an estimate of 40,000 tons of recyclable materials being trashed annually in Erie County; and

WHEREAS, as more Americans rely on shopping from home and have consumer items shipped to their homes, there is a growing segment of the waste sector made up of paper, cardboard and plastic packaging; and

WHEREAS, the New York State Senate and New York State Assembly have introduced legislation, the Extended Producer Responsibility Act (Senate Bill S.1185A and Assembly Bill A.5801) that would require manufacturers to cover the cost of recycling their product packaging and paper and to invest in modernizing the operations at local recycling facilities; and

WHEREAS, this state legislation shifts costs from taxpayers, reduces waste and negative environmental consequences, and provides an incentive for producers to create less packaging and to make packaging easier to recycle and without toxic chemicals; and

WHEREAS, consumer product brand-owners that control the type and quantity of their packaging would be required to pay for the municipal collection and processing of their product packaging and recyclable printed paper, as well as costs to educate the public about how to properly recycle; and

WHEREAS, requiring corporate producers to financially contribute the end-of-life costs for their products will help municipalities sustain local recycling; and

WHEREAS, Citizens Campaign for the Environment has noted that while New York could be the first state in the US to adopt this policy, it has been in effect in parts of Europe and Canada for decades; and

WHEREAS, the state legislation would help to reduce municipal costs to taxpayers while supporting municipal recycling programs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the Extended Producer Responsibility Act (Senate Bill S.1185A and Assembly Bill A.5801) to assist municipal governments with the costs and burdens of recycling programs and urges its passage and adoption into law; and be it further

RESOLVED, that Erie County, which has a long tradition of supporting recycling and environmental initiatives, expresses our support for local governments and their recycling programs and encourages them to express support for Senate Bill S.1185A and Assembly Bill A.5801 and to working together and with the County in cooperative measures to support recycling and reducing costs to taxpayers; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County delegation of the New York State Legislature, to the Governor, to the New York State Commissioner of the Department of Environmental Conservation, to the County Executive, and to the Erie County Commissioner of Environment and Planning.

Fiscal Impact: Positive for local governments.

A05801 Summary:

BILL NO A05801

SAME AS No Same As

SPONSOR Englebright

COSPNSR Lunsford, Paulin, Griffin, Kelles, Thiele

MLTSPNSR

Add Art 27 Title 31 §§27-3101 - 27-3125, En Con L

Establishes the extended producer responsibility act requiring covered materials and product producers to develop and implement strategies to promote recycling, reuse and recovery of packaging and paper products.

A05801 Text:

STATE OF NEW YORK

5801

2021-2022 Regular Sessions

IN ASSEMBLY

February 25, 2021

Introduced by M. of A. ENGLEBRIGHT, LUNSFORD, PAULIN, GRIFFIN -- read
once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
establishing the extended producer responsibility act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. The legislature finds the weight of
2 waste generated in New York is a threat to the environment. The legisla-
3 ture further finds and declares that it is in the public interest of the
4 state of New York for covered material and product producers to under-
5 take the responsibility for the development and implementation of strat-
6 egies to promote recycling, reuse and recovery of covered material and
7 products through investments in the end-of-product-life management of
8 products.

9 § 2. Article 27 of the environmental conservation law is amended by
10 adding a new title 31 to read as follows:

TITLE 31

EXTENDED PRODUCER RESPONSIBILITY ACTSection 27-3101. Definitions.

14 27-3103. Producer responsibilities.

15 27-3105. Funding mechanism.

16 27-3107. Producer responsibility plan.

17 27-3109. Producer responsibility plan approval.

18 27-3111. Collection and convenience.

19 27-3113. Outreach and education.

20 27-3115. Reporting requirements and audits.

21 27-3117. Antitrust protections.

22 27-3119. Penalties.

23 27-3121. State preemption.

24 27-3123. Authority to promulgate rules and regulations.

25 27-3125. Severability.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD01205-01-1

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1 § 27-3101. Definitions.

2 1. "Activity-based costs" shall mean a method of distributing the cost
3 of a process among its component streams according to the share of the
4 total cost assumed as a result of the processing of that stream.

5 2. "Covered materials and products" shall mean any part of a package
6 or container, regardless of recyclability or compostability, that
7 includes material that is used for the containment, protection, hand-
8 ling, delivery, and presentation of goods that are sold, offered for
9 sale, or distributed to consumers in the state, including through an
10 internet transaction. Covered materials and products include, but are
11 not limited to, the following classes of materials:

12 (a) Containers and packaging; this class includes all flexible or
13 rigid material, including but not limited to paper, carton, plastic,
14 glass, or metal, and any combination of such materials that:

15 (i) is used to contain, protect, wrap or present products at any stage
16 in the movement of the product from the responsible party to the ulti-
17 mate user or consumer, including tertiary packaging used for transporta-
18 tion or distribution directly to a consumer;

19 (ii) is intended for a single or short-term use and designed to
20 contain, protect or wrap products, including secondary packaging
21 intended for the consumer market; or

22 (iii) does not include packaging used for the long-term protection or
23 storage of a product or with a life of not less than five years.

24 (b) Paper products; this class includes:

25 (i) paper and other cellulosic fibers, whether or not they are used as
26 a medium for text or images, except books and materials in the newspa-
27 pers class of materials;

28 (ii) containers or packaging used to deliver printed matter directly
29 to the ultimate consumer or recipient;

30 (iii) paper of any description, including but not limited to:

31 (1) flyers;

32 (2) brochures;

33 (3) booklets;

34 (4) catalogs;

35 (5) telephone directories;

36 (6) newspapers;

37 (7) magazines;

38 (8) paper fiber; and

39 (9) paper used for writing or any other purpose.

40 (c) Plastics; this class includes any plastic as determined by the
41 department including, but not limited to:

42 (1) rigid plastics:

43 (1) polyethylene terephthalate (PET);

44 (2) polyethylene (PE);

45 (3) polyvinyl chloride (PVC);

46 (4) polypropylene (PP);

47 (5) polystyrene (PS);

48 (6) poly coated fiber;

49 (7) multi-layered plastics;

50 (8) other (BPA, Compostable Plastics, Polycarbonate and LEXAN);

51 (ii) flexible plastics:

52 (1) polyethylene (PE);

53 (2) polyvinyl chloride (PVC);

54 (3) polypropylene (PP);

55 (4) poly coated fiber;

56 (5) multi-layered plastics;

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1 (6) other (BPA, Compostable Plastics, Polycarbonate and LEXAN).
2 (d) For the purpose of this title, the products covered designation
3 does not include the following:
4 (i) paper products that could become unsafe or unsanitary to recycle
5 by virtue of their anticipated use;
6 (ii) literary, text, and reference bound books; and
7 (iii) beverage containers as defined in section 27-1003 of this arti-
8 cle.
9 3. "Curbside recycling" means a recycling program that serves single
10 and multi-family residential units, schools, state or local agencies, or
11 institutions that is operated by a municipality pursuant to a contract
12 with the municipality, private entity, or other public agency or through
13 approved local solid waste management plans.
14 4. "Post-consumer recycled content" means the content of a product
15 made of recycled materials derived from post-consumer recycled materials
16 or feedstock.
17 5. "Producer" means: (a) the person who manufactures the covered mate-
18 rial or product under such person's own name or brand and who sells or
19 offers for sale the covered material or product in the state; or
20 (b) the person who imports the covered material or product as the
21 owner or licensee of a trademark or brand under which the covered mate-
22 rial or product is sold or distributed in the state; or
23 (c) the person or company that offers for sale, sells, or distributes
24 the covered material or product in the state.
25 A producer shall not include a municipality or a local government
26 planning unit.
27 6. "Producer responsibility organization" means a not-for-profit
28 organization designated by a group of producers to act as an agent on
29 behalf of each producer to develop and implement a producer responsibil-
30 ity plan.
31 7. "Readily-recyclable" means packaging that can be sorted by entities
32 processing recyclables from New York and for which, during the previous
33 two calendar years, there was a consistent market, meaning recyclers
34 were willing to pay for fully sorted material at the door of their
35 facilities in quantities equal to or in excess of material supply. This
36 does not include material types that recyclers accept in low quantities
37 or sort out of material during additional processing steps; if material
38 recyclers do not desire a full bale of a specific material type, that
39 material type is not readily recyclable.
40 8. "Recycling" means to separate, dismantle or process the materials,
41 components or commodities contained in covered products for the purpose
42 of preparing the materials, components or commodities for use or reuse
43 in new products or components. "Recycling" does not include energy
44 recovery or energy generation by means of combustion, or landfill
45 disposal of discarded covered products or discarded product component
46 materials.
47 9. "Recycling rate" means the percentage of discarded covered products
48 that is managed through recycling or reuse, as defined by this title,
49 and is computed by dividing the amount of discarded covered products
50 collected and recycled or reused by the total amount of discarded
51 covered products collected over a program year.
52 10. "Reuse" means donating or selling a discarded covered product back
53 into the market for its original intended use, when the discarded
54 covered product retains its original performance characteristics and can
55 be used for its original purpose.

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1 11. "Retailer" means a person who sells or offers for sale a product
2 to a consumer, including sales made through an internet transaction to
3 be delivered to a consumer in the state.

4 § 27-3103. Producer responsibilities.

5 1. Within three years after the effective date of this title, no
6 producer shall sell, offer for sale, or distribute covered materials or
7 products for use in New York unless the producer, or a producer respon-
8 sibility organization acting as their designated agent, has a producer
9 responsibility plan approved by the department. Producers may satisfy
10 participation obligations individually or jointly with other producers
11 or through a producer responsibility organization.

12 2. Within one year after the department approves a producer responsi-
13 bility plan, producers shall be required to meet the minimum post-con-
14 sumer recycled material content rate and minimum recycling rate for a
15 covered material or product as approved by the department in the produc-
16 er responsibility plan.

17 3. A producer shall be exempt from the requirements of this title if
18 the producer:

19 (a) Generates less than one million dollars in annual revenues;

20 (b) Generates less than one ton of covered materials or products
21 supplied to New York state residents per year; or

22 (c) Operates as a single point of retail sale and is not supplied or
23 operated as part of a franchise.

24 4. Retailers that are not producers are exempt from the requirements
25 of this title.

26 5. Producers may comply individually or may form a producer responsi-
27 bility organization and discharge their responsibilities to such organ-
28 ization.

29 § 27-3105. Funding mechanism.

30 1. A producer responsibility organization shall establish program
31 participation charges for producers through the producer responsibility
32 plan pursuant to section 27-3107 of this title which shall be sufficient
33 to cover all program costs.

34 2. A producer responsibility organization shall structure program
35 charges to provide producers with financial incentives, to reward waste
36 reduction and recycling compatibility innovations and practices, and to
37 discourage designs or practices that increase costs of managing the
38 products. The producer responsibility organization may adjust charges to
39 be paid by participating producers based on factors that affect system
40 costs. At a minimum, charges shall be variable based on:

41 (a) Costs to provide curbside collection or other level of consumer
42 service that is, at minimum, as convenient as curbside collection or as
43 convenient as the previous waste collection schema in the particular
44 jurisdiction;

45 (b) Costs to process a producer's covered materials or products for
46 sale to secondary material markets;

47 (c) Whether the covered material or product would typically be recycl-
48 able except that as a consequence of the product's design, the product
49 has the effect of disrupting recycling processes or the product includes
50 labels, inks, and adhesives containing heavy metals or other hazardous
51 waste as defined by the department in regulations that would contaminate
52 the recycling process;

53 (d) Whether the covered materials or product are nonfood contact
54 containers and other nonfood contact packaging that is specifically
55 designed to be reusable or refillable and has high reuse or refill rate.

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1 3. The charges shall be adjusted based upon the percentage of post-
2 consumer recycled material content and such percentage of post-consumer
3 recycled content shall be verified either by the producer responsibility
4 organization or by an independent party designated by the department to
5 ensure that such percentage exceeds the minimum requirements in the
6 covered material, as long as the recycled content does not disrupt the
7 potential for future recycling.

8 4. A producer responsibility organization shall be responsible for
9 calculating and dispersing activity-based costs for municipal services
10 utilized by a producer responsibility organization if the municipality
11 elects to be compensated by the producer responsibility organization in
12 the recovery, recycling, and processing of covered materials, whether
13 such services are provided directly by the municipality or through a
14 contracted service provider. The activity-based cost mechanism shall be
15 based on the cost of residential curbside collection, on-site processing
16 cost for each readily-recyclable material, cost of non-readily recyc-la-
17 ble material types, transportation cost of recycling for each material
18 type, and any other cost factors as determined by the department. To
19 facilitate the producer responsibility organization's determination of
20 the cost of recycling, participating municipalities shall report data
21 related to their costs and the value of materials to the producer
22 responsibility organization. Cost calculations shall take into consid-
23 eration revenue generated from recyclable materials.

24 5. The department shall make such rules and regulations which may be
25 necessary for a producer responsibility organization to develop and
26 manage a funding mechanism and activity-based costs.
27 § 27-3107. Producer responsibility plan.

28 1. Producers, or a producer responsibility organization acting as
29 their designated agent, shall develop and submit a producer responsibil-
30 ity plan to the department no later than one year after the effective
31 date of this title. Such plan shall be for five years and shall be
32 reviewed and updated every five years following the approval of the
33 original plan. The department shall have the discretion to require the
34 plan to be reviewed or revised prior to the five year period if the
35 department has cause to believe the minimum post-consumer recycled mate-
36 rial content rates, minimum recycling rates, or other factors of the
37 plan are not being met or followed by the producer, or producer respon-
38 sibility organization, or if there has been a change in circumstances
39 that warrants revision of the plan. The submitted plan shall include,
40 but not be limited to:

41 (a) contact information of the producer responsibility organization
42 and the producer or producers covered under the plan;

43 (b) a description of how comments of stakeholders were considered in
44 the development of the plan;

45 (c) the covered materials for which the producer or producer responsi-
46 bility organization is responsible for;

47 (d) a funding mechanism that allocates the costs to the producers to
48 meet the requirements of this title and is sufficient to cover the cost
49 of registering, operating and updating the plan, and maintaining a
50 financial reserve sufficient to operate the program in a fiscally
51 prudent and responsible manner;

52 (e) a description of the process for municipalities to recoup reason-
53 able costs from the producer responsibility organization for the activi-
54 ty-based costs, including, as applicable, any administrative, sorting,
55 collection, transportation, or processing costs, if the producer respon-
56 sibility organization uses existing services through a municipality;

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1 (f) a proposed minimum post-consumer recycled material content rate
2 requirement and minimum recycling rate for materials. The minimum recy-
3 cling rate shall be varied for each recycled material and shall include
4 paper products, glass, metal, and plastic;

5 (g) a description of a public education program pursuant to section
6 27-3113 of this title;

7 (h) how the producers, or the producer responsibility organization,
8 will work with existing waste haulers, material recovery facilities,
9 recyclers, and municipalities to operate or expand current collection
10 programs to address material collection methods;

11 (i) a description of how a municipality will participate, on a volun-
12 tary basis, with collection and how existing municipal waste collection
13 infrastructure will be used;

14 (j) a description of how the producer, or producer responsibility
15 organization, plans to meet the convenience requirements set forth in
16 this title;

17 (k) a description of how the producer, or producer responsibility
18 organization, will meet or exceed the minimum recycling rate for a prod-
19 uct;

20 (l) a description of the process for end-of-life management, including
21 recycling and disposal, using environmentally sound management prac-
22 tices;

23 (m) a description of how a producer responsibility organization will
24 work with producers to reduce packaging through product design and
25 program innovations;

26 (n) a process to address concerns and questions from customers and
27 consumers; and

28 (o) any other information as specified by the department through regu-
29 lations.

30 2. The department shall promulgate a registration fee schedule to
31 cover administrative costs, including a schedule for re-evaluating the
32 fee structure on an annual basis.

33 § 27-3109. Producer responsibility plan approval.

34 1. No later than ninety days after the submission of the producer
35 responsibility plan, the department shall make a determination to
36 approve the plan as submitted; approve the plan with conditions; or deny
37 the plan. The department shall consider the following in whether to
38 approve a plan:

39 (a) the plan adequately addresses all elements described in section
40 27-3107 of this title with sufficient detail to demonstrate that the
41 objective of the plan will be met;

42 (b) the producer has undertaken satisfactory consultation with stake-
43 holders and has provided an opportunity for stakeholder input in the
44 implementation and operation of the plan prior to submission of the
45 plan;

46 (c) the plan adequately provides for: (i) the producer collecting and
47 funding the costs of collecting and processing products covered by the
48 plan or reimbursing a municipality; (ii) the funding mechanism to cover
49 the entire cost of the program; (iii) convenient and free consumer
50 access to collection facilities or collection services; and (iv) an
51 evaluation system for the fee structure, which shall be evaluated on an
52 annual basis by the producer responsibility organization and re-submit-
53 ted to the department annually;

54 (d) the plan takes into consideration a post-consumer content rate and
55 recycling rate that will create or enhance markets for recycled materi-
56 als and there is a plan to adjust the minimum rates on an annual basis.

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1 Such rates shall take into consideration current state and federal
2 rates;

3 (e) the plan creates a convenient system for consumers to recycle that
4 is, at minimum, as convenient as curbside collection or as convenient as
5 the previous waste collection schema in the particular jurisdiction.

6 2. No later than six months after the date the plan is approved, the
7 producer, or producer responsibility organization, shall implement the
8 approved plan. The department may rescind the approval of an approved
9 plan at any time.

10 § 27-3111. Collection and convenience.

11 A producer or producer responsibility organization shall provide for
12 widespread, convenient, and equitable access to collection opportunities
13 for the covered products identified under the producer or producer
14 responsibility organization's plan. A producer responsibility organiza-
15 tion shall ensure services continue for all single and multi-family
16 residential units that a municipality serves as of the effective date of
17 this article, either directly or through a contract to provide services,
18 and that such services are continued through the plan. A producer
19 responsibility organization may rely on a range of means to collect
20 various categories of covered materials or products including, but not
21 limited to, curbside collection, depot drop-off, and retailer take-back
22 so long as covered materials and products collection options include
23 curbside or multi-family recycling collection services provided by
24 municipal programs, municipal contracted programs, solid waste
25 collection companies, or other approved entities as identified by the
26 department if:

27 1. The category of covered materials and products is suitable for
28 residential curbside recycling collection and can be effectively sorted
29 by the facilities receiving the curbside collected material;

30 2. The category of paper is suitable for residential curbside recycl-
31 ing collection and can be effectively sorted by the facilities receiving
32 the curbside collected material;

33 3. The provider of the residential curbside recycling service agrees
34 to include the category of covered materials and products as an accepted
35 material;

36 4. The covered materials and products category is not handled through
37 a deposit and return scheme or buy back system that relies on a
38 collection system other than curbside or multi-family collection; and

39 5. The provider of the residential curbside recycling service agrees
40 to the producer responsibility organization activity-based costs
41 arrangement.

42 § 27-3113. Outreach and education.

43 1. The producer, or producer responsibility organization, shall
44 provide effective outreach, education, and communications to consumers
45 throughout New York state regarding:

46 (a) proper end-of-life management of covered products and beverage
47 containers;

48 (b) the location and availability of curbside and drop-off collection
49 opportunities;

50 (c) how to prevent litter of covered products and beverage containers;
51 and

52 (d) recycling and composting instructions that are: consistent state-
53 wide, except as necessary to take into account differences among local
54 laws and processing capabilities; easy to understand; and easily acces-
55 sible.

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1 2. The outreach and education required pursuant to subdivision one of
2 this section shall:

3 (a) be designed to achieve the management goals of covered products
4 under this title, including the prevention of contamination of covered
5 products;

6 (b) be coordinated across programs to avoid confusion for consumers;

7 (c) include, at a minimum: consulting on education, outreach, and
8 communications with local governments and other stakeholders; coordinat-
9 ing with and assisting local municipal programs, municipal contracted
10 programs, solid waste collection companies, and other entities providing
11 services; and developing and providing outreach and education to the
12 diverse ethnic populations in the state; and

13 (d) a plan to work with participating producers to label covered
14 products with information to assist consumers in responsibly managing
15 and recycling covered products.

16 3. The department shall determine the effectiveness of outreach and
17 education efforts under this section to determine whether changes are
18 necessary to improve those outreach and education efforts and develop
19 information that may be used to improve outreach and education efforts
20 under this section.

21 4. The producer responsibility organization shall undertake outreach,
22 education, and communications that assist in attaining or exceeding the
23 minimum post-consumer content and recovery rates.

24 § 27-3115. Reporting requirements and audits.

25 1. On or before one year after a producer or producer responsibility
26 organization's first plan is approved, and annually thereafter, each
27 producer, or producer responsibility organization acting as their desig-
28 nated agent, shall submit a report to the commissioner that details the
29 program for the prior year's program. The report shall be posted on the
30 department's website and on the website of the producer, or producer
31 responsibility organization acting as their designated agent. Such annu-
32 al report shall include:

33 (a) a detailed description of the methods used to collect, transport
34 and process covered materials and products including detailing
35 collection methods made available to consumers and an evaluation of the
36 program's collection convenience;

37 (b) the overall weight of covered materials and products collected in
38 the state;

39 (c) the weight and type of covered materials and products collected in
40 the state by the method of disposition;

41 (d) the total cost of implementing the program, as determined by an
42 independent financial audit, as performed by an independent auditor;

43 (e) information regarding the independently audited financial state-
44 ments detailing all deposits received and refunds paid by the producers
45 covered by the approved plan, and revenues and expenditures for any fees
46 associated with the approved plan that may be charged separately and
47 identified on the consumer receipt of sale;

48 (f) a copy of the independent audit;

49 (g) a detailed description of whether the program compensates munici-
50 pality, solid waste collection, sorting, and reprocessing companies,
51 and other approved entities for their recycling efforts and other
52 related services provided by the above entities;

53 (h) samples of all educational materials provided to consumers or
54 other entities; and

1 (i) a detailed list of efforts undertaken and an evaluation of the
2 methods used to disseminate such materials including recommendations, if
3 any, for how the educational component of the program can be improved.

4 2. The department shall not require public reporting of any confiden-
5 tial information that the department finds to be protected proprietary
6 information. For purposes of this title, protected proprietary informa-
7 tion shall mean information that, if made public, would divulge compet-
8 itive business information, methods or processes entitled to protection
9 as trade secrets of such producer or producer responsibility organiza-
10 tion or information that would reasonably hinder the producer or produc-
11 er responsibility organization's competitive advantage in the market-
12 place.

13 § 27-3117. Antitrust protections.

14 A producer responsibility organization, including officers, members,
15 employees and agents thereof, shall be immune from liability for conduct
16 under state laws relating to antitrust, restraint of trade, unfair trade
17 practices, and other regulation of trade or commerce only to the extent
18 necessary to plan and implement compliance with this section.

19 § 27-3119. Penalties.

20 1. Except as otherwise provided in this section, any person or entity
21 that violates any provision of or fails to perform any duty imposed
22 pursuant to this title or any rule or regulation promulgated pursuant
23 thereto, or any term or condition of any registration or permit issued
24 pursuant thereto, or any final determination or order of the commission-
25 er made pursuant to this article or article seventy-one of this chapter
26 shall be liable for a civil penalty not to exceed five hundred dollars
27 for each violation and an additional penalty of not more than five
28 hundred dollars for each day during which such violation continues.

29 2. (a) Any producer or producer responsibility organization who
30 violates any provision of or fails to perform any duty imposed pursuant
31 to this title or any rule or regulation promulgated pursuant thereto, or
32 any term or condition of any registration or permit issued pursuant
33 thereto, or any final determination or order of the commissioner made
34 pursuant to this article or article seventy-one of this chapter shall be
35 liable for a civil penalty not to exceed five thousand dollars for each
36 violation and an additional penalty of not more than one thousand five
37 hundred dollars for each day during which such violation continues. For
38 a second violation committed within twelve months of a prior violation,
39 the producer or producer responsibility organization shall be liable for
40 a civil penalty not to exceed ten thousand dollars and an additional
41 penalty of not more than three thousand dollars for each day during
42 which such violation continues. For a third or subsequent violation
43 committed within twelve months of any prior violation, the producer or
44 producer responsibility organization shall be liable for a civil penalty
45 not to exceed twenty thousand dollars and an additional penalty of six
46 thousand dollars for each day during which such violation continues.

47 (b) All producers participating in a producer responsibility organiza-
48 tion shall be jointly and severally liable for any penalties assessed
49 against the producer responsibility organization pursuant to this title
50 and article seventy-one of this chapter.

51 3. Civil penalties under this section shall be assessed by the depart-
52 ment after an opportunity to be heard pursuant to the provisions of
53 section 71-1709 of this chapter, or by the court in any action or
54 proceeding pursuant to section 71-2727 of this chapter, and in addition
55 thereto, such person or entity may by similar process be enjoined from
56 continuing such violation and any permit, registration or other approval

A. 5801

10

1 issued by the department may be revoked or suspended or a pending
2 renewal denied.

3 4. The department and the attorney general are hereby authorized to
4 enforce the provisions of this title and all monies collected shall be
5 deposited to the credit of the environmental protection fund established
6 pursuant to section ninety-two-s of the state finance law.

7 § 27-3121. State preemption.

8 Jurisdiction in all matters pertaining to activity-based costs and
9 funding mechanisms of producer responsibility organizations relating to
10 the recovery of covered materials by this title, vested exclusively in
11 the state. Any provision of any local law or ordinance, or any rule or
12 regulation promulgated thereto, governing covered materials and products
13 recycling shall, upon the effective date of this title, be preempted;
14 provided however, that nothing in this section shall preclude a person
15 from coordinating, for recycling or reuse, the collection of covered
16 materials and products.

17 § 27-3123. Authority to promulgate rules and regulations.

18 The commissioner shall have the power to promulgate rules and regu-
19 lations necessary and appropriate for the administration of this title.

20 § 27-3125. Severability.

21 The provisions of this title shall be severable and if any phrase,
22 clause, sentence or provision of this title or the applicability thereof
23 to any person or circumstance shall be held invalid, the remainder of
24 this title and the application thereof shall not be affected thereby.

25 § 3. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law.

Michele M. Iannello-Ward
4 Heritage Rd E
Williamsville, NY 14221
Michele.iannello@gmail.com/716-812-5283

REC'D APR 21 AM 9:07

Via Electronic Submission to Robert.Graber@erie.gov

March 15, 2021

Honorable April Baskin, Chair
C/O Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

RE: Letter of Interest – Commissioner, Erie County Water Authority

Dear Chairwoman Baskin,

Pursuant to Section 5.01 of the Erie County Legislature Rules of Order, I submit this letter of interest, along with my resume, in consideration for appointment to the position of Commissioner of the Erie County Water Authority.

I appreciate your taking the time to read my letter and review my resume. I look forward to the opportunity to meet with you and the other Legislators to answer any questions you may have.

Sincerely,



Michele M. Iannello-Ward

Attachment - Resume

Michele M. Iannello-Ward
4 Heritage Rd. E
H (716) 873-1936 C (716) 812-5283
michele.iannello@gmail.com

Professional Experience

January 1, 2017- Present *Vice President	Complete Security, Inc. 380 Highland Avenue Tonawanda, NY 14223
April, 2007 – December 31, 2016 *Real Estate Paralegal	Brenon, Lipman & Zarcone, LLP 5500 Main St. Suite 201 Williamsville, NY 14221
January 1, 2006 – December 31, 2009 *Legislator – 10 th District	Erie County 92 Franklin St. - 4th floor Buffalo, NY 14202
November 5, 2001 – August, 2006 *Real Estate Paralegal	Block, Colucci, Notaro, Laing PC One Niagara Square Buffalo, NY 14202
December, 2003 – December 31, 2005 *Trustee	Village of Kenmore 2919 Delaware Ave. Kenmore, NY 14217
January 2, 2001 – November 1, 2001 *Mortgage Origination Specialist	HSBC Mortgage Corp., USA 2929 Walden Ave. Depew, New York 14043
June 7, 1999 –December 30, 2000 *Receptionist	Schuller & Tibbetts, Orth PC 5353 Main Street Williamsville, NY 14221
September 21, 1998 –April 30, 1999 *Receptionist/Assistant Paralegal	Michael Blinkoff, Esq. 2746 Delaware Ave. Kenmore, New York 14217
May 1991- February 1993 *Owner/operator	Grimaldi's Pizza Niagara Falls Blvd, Wheatfield

Education

June 2012 *Associates in Science Degree	Empire State College Niagara Frontier, Cheektowaga, NY
May 2000 *Paralegal Certification	University at Buffalo Amherst Campus
January 1996-1998 *Paralegal Studies	Erie Community College City Campus
Graduated 1978 *Business Major	Kenmore West Senior High Highland Ave., Kenmore

Education and Awards

Graduate, New York State Association of Counties Dennis Pelletier Institute 2009,
Cornell University School of Industrial and Labor Relations,
Supervision and Retail Organization Structure
Recipient of the YWCA 2009 Marybeth Lawton Leadership Award
Recipient of the AccuTheranostics 2012-2013 Woman in Excellence Award

Memberships

Trustee, Board of Directors, Amherst Libraries
Board Member, Kenmore West Senior High Alumni Foundation
Member, Ken-Ton Chamber of Commerce
Former President, Board of Directors for Hasek's Heroes Youth Hockey program, which was developed specifically for families who cannot afford the cost of the sport, but who want to give their child a chance to learn to skate and play hockey.
Former Board member, YWCA, supporting the mission of empowering women, eliminating racism, and promoting peace, justice, freedom, and dignity for all.
Former member, Grand Island Business and Professional Women USA
Former member, Kenmore Village Improvement Society
Former Board member, Romulus Women's Auxiliary
Former member, Zonta Club of Kenmore
Former member, Clean Air Coalition of WNY
Former member, National Association of Professional Woman

Former Legislative Committees

Chairperson, Green Actions Community Committee

Conducted monthly meetings regarding energy efficient initiatives aimed at reducing our carbon footprint. Presentations were given by speakers who were expert and proficient in energy and environmental issues.

Chairperson, Community Enrichment Committee

Legislative Committee responsible for government relations with Erie Community College, Arts and Cultural organizations and the Erie County Library system. The committee's goals were directed toward strengthening the social and economic health of the community.

Member of Energy and Environment Committee

I played a leadership role in reviewing and discussing issues, requests and proposals that dealt directly or indirectly with the delivery of services to Erie County and its residents. The committee's oversight included the departments of Public Works, Parks, Environmental Protection, and The Erie County Water Authority.

Member Public Safety Committee

The Committee reviewed budgets and recommended policies regarding the Sheriff's department, Emergency Services, District Attorney and the County jail system.

NYSAC Public Safety Standing Committee

NYSAC Public Safety Standing Committee is essential in the development of NYSAC's advocacy planning and efforts. We developed, discussed and adopted a series of resolutions regarding public safety to go before the full county delegation, and then became the basis of NYSAC's legislative program for the coming year.

Co-Chair and former member of the Niagara Erie Regional Coalition

The Niagara Erie Regional Coalition is a partnership between government, private, and non-profit agencies committed to thinking and acting regionally for the betterment of Erie and Niagara Counties.

Other interests include, Cycling, Women's Softball, Pilates, and walking my dogs.

References upon request



ECLEG APPROX 21 PM 1:19

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 9, 2021

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

RE: Municipal Waste Reduction Recycling Grant and Solid Waste Management Boards Memorandums of Understanding

Dear Honorable Members:

Please find enclosed a memorandum and proposed resolution from the Erie County Department of Environment and Planning authorizing the County Executive or Deputy County Executive to: execute a one-year contract to accept New York State Department of Environmental Conservation grant funding; execute a contract with a sub-awardee; sign Memorandum of Understandings with Erie County's Local Solid Waste Management Boards; and accept funds from Erie County's two Local Solid Waste Management Boards for the purpose of providing continued contracted services for their member municipalities. The resolution also establishes a program budget and creates a JG-12 position in the Department of Environment and Planning, to be filled by a current employee.

Should your Honorable Body require further information, I encourage you to contact Thomas R. Hersey, Jr. in 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: Municipal Waste Reduction Recycling Grant and Solid Waste Management Boards Memorandums of Understanding
Date: April 9, 2021

SUMMARY

It is recommended that the Legislature approve the attached resolution prepared by the Erie County Department of Environment and Planning (ECDEP) authorizing the County Executive or Deputy County Executive to execute necessary agreements to enter into a one-year agreement to accept \$85,623.00 in funding from the New York State Department of Environmental Conservation for a Municipal Waste Reduction Recycling (MWRR) grant; sign Memorandums of Understanding with Erie County's Local Solid Waste Management Boards; accept \$20,250.00 in funding from the Local Solid Waste Management Boards representing 42 municipalities in Erie County; contract with sub-awardee Recycle Coach; establish a program budget; and fund one existing Senior Environmental Compliance Specialist (JG-12) staff position.

These sources of funding, as well as funding designated as grant match in Erie County's 2021 budget, will allow the ECDEP to continue to provide waste reduction and recycling education and outreach programs for county residents, and administrative, logistical and technical support services to assist regulated municipalities in Erie County through the two local solid waste management boards for 2021.

FISCAL IMPLICATIONS

The NYSDEC grant provides 50% of the funding for the waste reduction and recycling education and outreach programs in Erie County. The Local Solid Waste Management Boards engage ECDEP for assistance and in return provide funding that is used as part of the local match to the existing NYSDEC MWRR one-year grant program. The County also provides match dollars as a county share.

Each Board is also responsible for Household Hazardous Waste (HHW) costs above the County contribution for these events.

REASONS FOR RECOMMENDATION

Approval of this resolution will enable the ECDEP to continue to provide waste reduction and recycling education and outreach programs for Erie County residents and essential services to 42 municipalities served by Erie County's two Local Solid Waste Management Boards. Each Board has a Solid Waste Management Plan (SWMP) approved by the New York State Department of Environmental Conservation (NYSDEC). Each SWMP contains various requirements that need to be addressed by to reduce solid waste generation and increase recycling rates. These

requirements must be met for each member municipality to have the authority to collect and dispose of residential generated solid waste.

The MOU's outline a scope of services to be provided by ECDEP and provides funding to offset expenses associated with the ECDEP commitment.

CONSEQUENCES OF NEGATIVE ACTION

Without the requested authorization, Erie County will be unable to provide waste reduction and recycling outreach and education programs to Erie County residents and assist its 42 municipalities to meet the objectives set forth in the Solid Waste Management Plans. The solid waste boards would need to hire an outside consultant in order to receive the services now provided by Erie County.

STEPS FOLLOWING APPROVAL

The necessary contracts with NYSDEC, sub-awardee Recycle Coach, and a Memorandum of Understanding with each Local Solid Waste Management Board will be executed by the County Executive or Deputy County Executive. A program budget will be established and a current employee will fill the position.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Municipal Waste Reduction Recycling Grant and Solid Waste Management Boards Memorandums of Understanding

WHEREAS, The Erie County Department of Environment and Planning (DEP) provides support to the Northwest and the Northeast-Southtowns Solid Waste Management Boards for solid waste and recycling planning, regulatory reporting and program implementation; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York; and

WHEREAS, the NYSDEC awarded Erie County a one-year recycling grant of \$86,978.00 for aMunicipal Waste Reduction and Recycling Coordination Program (MWRRP); and

WHEREAS, the acceptance of this funding necessitates the execution of a grant contract with the NYSDEC, as well as the creation of a grant budget and continuing a Senior Environmental Compliance Specialist (JG-12) position; and

WHEREAS, NYSDEC identified Recycle Coach as a sub-awardee in the approved work plan to provide customized web interface to assist municipalities with recycling education and outreach; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to facilitate compliance with State environmental waste regulations and implementation of the approved Local Solid Waste Management Plan (LSWMP); and

WHEREAS, Erie County's two solid waste management boards have signed in the past, separate Memorandums of Understanding (MOU) for the ECDEP to provide the necessary administrative, logistical and technical assistance and services to comply with the LSWMP; and

WHEREAS, execution of the MOUs provides \$20,250 annually in local source funding from the two Solid Waste Management Boards; and

WHEREAS, an appropriate and efficient use of these funds made available through the MOUs through the one-year Waste Reduction and Recycling Coordination Grant budget established by this resolution has accounted for these funds.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant (contract number C01296GG) of \$86,978.00 from the NYSDEC for the purpose of continuing the County's MWRRP; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to sign Memorandum of Understandings with the Northwest Solid Waste Management Board, and the Northeast-Southtowns Solid Waste Management Board and accept payment for service rendered by Erie County to the Boards; and be it further

RESOLVED, that the County Executive or the Deputy County Executive execute a contract with grant sub-awardee, Recycle Coach, in the amount of \$19,900 to provide customized web interface to assist municipalities with recycling education and outreach; and be it further

RESOLVED, that the grant budget and project period for the NYSDEC Waste Reduction and Recycling Coordination Program is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

New York State Department of Environmental Conservation Waste Reduction and
Recycling Coordination Grant (Grant Period: 1/1/2021 - 12/31/2021),
SAP Grant 162MWRRCG2021

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
402499	Other Local Source Revenue (Solid Waste Boards)	\$20,250.00
409000	State Aid Revenue	\$86,978.00
559000	County Share Grants	\$66,728.00
TOTAL REVENUE		\$173,956.00

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Regular Full Time Wages	\$72,105.00
502000	Fringe Benefits	\$43,551.00
510100	Out of Area Travel	\$ 1,000.00
516020	Professional Services	\$33,900.00
530000	Other (Promotional)	\$18,000.00
54500	Rental	\$ 6,400.00
TOTAL APPROPRIATIONS		\$173,956.00

and be it further

RESOLVED, that the following position, for which sufficient funding for personnel services and fringe benefits exists, will be funded in the above program:

Senior Environmental Compliance Specialist (JG-12)

B-100 No. 11961

Budgeted Annual Salary: \$72,105 and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be ifurther

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 the Department of Environment and Planning and Bonnie Lawrence, Deputy Commissioner of the Department of Environment and Planning.



FILED 4/20/21 PM 1:19

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 9, 2021

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

RE: Amendment to Resolution COMM 19E-40 (2020) Erie County Food Waste Reduction Project funded by the New York Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Program

Dear Honorable Members:

Please find enclosed a memorandum and proposed amendment to resolution COMM 19E-14 (2020) from the Department of Environment and Planning to authorize a budget revision and the creation of a part-time position to implement the Erie County Food Waste Reduction Project.

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: Amendment to Erie County Food Waste Reduction Project COMM 19E-14(2020)
Date: April 9, 2021

SUMMARY

It is recommended that the Legislature approve the attached amendment to resolution COMM 19E-14 (2020) prepared by the Department of Environment and Planning (DEP) to authorize the County Executive or the Deputy County Executive to execute the necessary agreements to create a part-time Junior Environmental Compliance Specialist (JG-7) position (B-12238). The position will be funded through grant funding provided by the New York State Department of Environmental Conservation (NYSDEC) to support the Erie County Food Waste Reduction Project.

FISCAL IMPLICATIONS

Annualized Salary \$24,246.00

Salary for Balance of Year \$18,184.50

Funding Source

If Grant funded:

Grant Source:	NYS Department of Environmental Conservation
Grant Duration:	2 year grant
Remaining Grant Funding:	\$175,754 (not for salary)
Alternative Source of Funding if	Grant will not be renewed
Grant is not renewed:	Position limited to 1 year

REASONS FOR RECOMMENDATION

There will be no additional impact on County resources. The program expenses will be funded by the NYSDEC grant and the required match will be met with in kind labor using existing DEP staff and project partners for needed support.

The Erie County Department Environment and Planning (DEP), through the New York State Department of Environmental Conservation (NYSDEC), has been awarded \$200,000 to support the Erie County Food Waste Reduction Project. While a part-time position was authorized in the resolution, the position type was not specified at that time.

Erie County and its partners, Northeast Waste Management Officials' Association (NEWMOA) and State University of New York (SUNY) Erie Culinary Department, are implementing a food

reduction project focused on reducing food waste in commercial kitchens through tracking, measuring, and planning using LEANPATH technology and training. Erie County Medical Center, Buffalo General Hospital, Millard Fillmore Suburban Hospital and HighPointe on Michigan will participate in the project.

The food waste reduction program will provide needed experience and data for the implementation of the Food Donation and Food Scraps Recycling Law, with enforcement scheduled for January 2022. The law applies to commercial establishments that generate an average two tons or more per week of food waste and would require the establishment to divert the food waste from landfill and arrange for donation and/or recycling of the food waste.

Job duties will include working with partners, gathering and analyzing data and creating education and outreach materials and events to inform businesses about food waste donation and recycling opportunities and requirement in Erie County.

BACKGROUND INFORMATION

Duties required of the position required by Law or Contract:

Required by approved
NYSDEC grant

Position Classification:

Junior Environmental
Compliance Specialist (JG-7)

CONSEQUENCES OF NEGATIVE ACTION

Erie County would not fill a position already funded by the \$200,000 in NYSDEC grant. Without the position, the County would miss an opportunity to gather data, create programs, gain experience and understand how to effectively implement the NYS Food Donation and Food Scraps Recycling Law.

STEPS FOLLOWING APPROVAL

The part-time JG-7 position (B-12238) will be filled.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Amendment to Erie County Food Waste Reduction Project COMM 19E-14(2020)

WHEREAS, Erie County wants to develop effective outreach programs to institutions about food waste reduction, diversion, donation, composting, and disposal in accordance with the New York State (NYS) Food Donation and Food Scraps Recycling Law; and

WHEREAS, Erie County applied to New York State Department of Environmental Conservation (NYSDEC) for a grant to implement the Erie County Food Waste Reduction Program to develop needed experience and data during the implementation of the Food Donation and Food Scraps Recycling Law, with enforcement scheduled to begin in February 2022 and

WHEREAS, Erie County received a NYSDEC award for \$200,000 in funding to conduct such a project; and

WHEREAS, to best complete the work outlined in the Erie County Food Waste Reduction Program a revision of resolution COMM 19E-14(2020) to create a part-time Junior Environmental Compliance Specialist (JG 7) position is necessary;

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget and project period for the “Erie County Food Waste Reduction Program” Comm 19E-14 (2020) is hereby revised to include the part-time Junior Environmental Specialist position in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Food Waste Reduction Program
SAP Grant Account 162ECFWRP1923
October 1, 2019 – September 30, 2023

REVENUE:

<u>Account</u>	<u>Description</u>	Current Budget	Revision	Revised Budget
409000	State Aid	\$200,000	\$0	\$200,000
TOTAL REVENUE				\$200,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	Current Budget	Revision	Revised Budget
916290	ID Env & Planning Grants	\$24,246	(\$24,246)	\$0
500010	Part-Time Wages	\$0	\$18,000	\$18,000
502000	Fringe Benefits	\$0	\$ 6,246	\$ 6,246
516020	Professional Services	\$70,000	\$0	\$70,000
545000	Rental Charges	\$99,150	\$0	\$99,150
510100	Travel	\$ 4,000	\$0	\$4,000
530000	Other (promotional materials)	\$ 2,604	\$0	\$2,604
TOTAL APPROPRIATIONS:		\$200,000	\$0	\$200,000

and be it further

RESOLVED, that the following position, for which sufficient funding for personnel services and fringe benefits exists, will be funded in the above program:

Part-time Junior Environmental Compliance Specialist (JG-7)
B-100 No. 12238
Budgeted Annual Salary: \$18,000; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with the grantor funding requirements; 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.



APR 10 2021 PM 1:19

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 9, 2021

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

**RE: Erie County Sewer District No. 4
Engineer Term Contract Agreement
GHD Consulting Services, Inc.
Work Order: GHD-1**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2019, related to 3-year Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
Enclosure

cc: J. Fiegl – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 4
Engineer Term Contract Agreement
GHD Consulting Services, Inc.
Work Order: GHD-1
Date: April 9, 2021

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with GHD Consulting Services, Inc. for Erie County Sewer District (ECSD) No. 4 in the amount not to exceed \$69,725.29.

FISCAL IMPLICATIONS

There will be no impact on to the County's General Fund. The cost of the engineering work related to this communication will be paid from ECSD No. 4 Capital Bond Account C.17401.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order GHD-1 to GHD Consulting Services, Inc. to provide an Engineer's Report for an evaluation of controls, electrical systems, and overall operation of the Depew Pumping Station in ECSD No. 4.

BACKGROUND INFORMATION

On November 21, 2019, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with GHD Consulting Services, Inc. for engineering services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the Erie County Sewer Districts. This work order will provide an evaluation of the Depew Pumping Station for identification of potential improvements to positively affect the facility's resiliency and efficiency.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

COMPTROLLER'S OFFICE REVIEW

This action has been reviewed by the Comptroller's Office and is related to an authorized capital account for which there are sufficient funds available.

Signed  Date 4/1/2020
Gregory Gach
Deputy Comptroller

John Solocki
Director of Accounting Services & Cash Management

**Erie County Sewer District No. 4
Engineer Term Contract Agreement
Work Order: GHD-1
Funding: Account C.17401**

**ERIE COUNTY SEWER DISTRICT NO. 4
WORK ORDER NO. GHD-1**

ENGINEER: **GHD Consulting Services, Inc.**

CONTRACT DATE: **November 21, 2019**

1. Title of Proposal:

ECSD #4 – Depew Pumping Station Controls and Operational Evaluation Report.

2. Name and Business Address of Proposer:

Chris Martin, P.E.
GHD Consulting Services, Inc.
285 Delaware Avenue
Suite 500
Buffalo, NY 14202

3. Effective Dates of Proposal:

March 31, 2021

4. Brief Description of Work for Which Proposal is Submitted:

The engineer will provide a report summarizing the evaluation of controls, electrical systems, and overall operation of the Depew Pumping Station in ECSD No. 4.

5. Engineering Cost: \$69,725.29

Source of Funds: ECSD No. 4 - Capital Bond Account C.17401.

5. Project No: GHD-1

6. Attachments: GHD letter dated 3/31/21 (7 pages)
 DSM email 3/31/2021 (2 pages)

7. File: 0.3.2. GHD (20-22) Eng.

DATE: March 31, 2021

Accepted By: _____

Prepared By: _____
 Matt A. Salah, P.E.

Authorized By: _____
 Joseph L. Fiegl, P.E.
 Deputy Commissioner



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 9, 2021

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, NY 14202

**RE: Erie County Sewer District No. 3
Engineering Term Contract Agreement
AECOM USA, Inc.
Work Order: AECOM-2**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2019, related to 3-year Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 3
Engineer Term Contract Agreement
AECOM USA, Inc.
Work Order: AECOM-2
Date: April 9, 2021

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with AECOM USA (AECOM), Inc. for Erie County Sewer District (ECSD) No. 3 in an amount not to exceed \$69,154.23.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from the ECSD No. 3 Capital Bond Account C.17301.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order AECOM-2 for Engineering Services associated with the evaluation and final recommendation for the most efficient, and cost-effective technology for effluent disinfection at the Southtowns Advanced Wastewater Treatment Facility (STAWTF) in ECSD No. 3.

BACKGROUND INFORMATION

On November 21, 2019, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with AECOM for Engineering Services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the ECSDs. AECOM will develop a Technical Memorandum summarizing the evaluation of different technologies and make final recommendations as to which would be the most efficient and cost-effective for upcoming upgrades at the STAWTF. The recommended technology will also meet the current and future effluent limits set in the State Pollutant Discharge Elimination System (SPDES) permit for the STAWTF. This is follow-up work from the STAWTF "Facility Report Update" and will expedite design of the recommended improvements.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

COMPTROLLER'S OFFICE REVIEW

This action has been reviewed by the Comptroller's Office and is related to an authorized capital account for which there are sufficient funds available.

Signed John Solecki Date 3/30/2021
Gregory Gach
Deputy Comptroller

John Solecki
Director of Accounting Services & Cash Management

**Erie County Sewer District No. 3
Engineer Term Contract Agreement
Work Order: AECOM-2
Funding: Account C.17301**

**ERIE COUNTY SEWER DISTRICT NO. 3
WORK ORDER NO. AECOM-2**

ENGINEER: AECOM USA, Inc.

CONTRACT DATE: November 21, 2019

1. Title of Proposal:

2. Provide Engineering Services associated with the evaluation and recommendation for the most efficient, and cost effective technology to disinfect the effluent at the Southtowns Advanced Wastewater treatment Facility (AWTF) in ECSD No. 3.

3. Company/Address/Principal In-Charge:

Tom McPherson, P.E.
AECOM USA, Inc.
257 West Genesee St, Suite 400
Buffalo, NY 14202

4. Effective Dates of Proposal:

March 29, 2021

5. Brief Description of Work for Which Proposal is Submitted:

AECOM will develop a Technical Memorandum summarizing the evaluation of different technologies and make recommendations as to which technology would be the most efficient and cost effective for the ST AWTF upcoming upgrade to meet the current and future effluent limits set in the State Pollutant Discharge Elimination System (SPDES) permit for the AWTF in ECSD No. 3 and as detailed in AECOM's letter, dated March 19, 2021.

6. Engineering Cost:

\$69,154.23

7. Source of Funds:

ECSD No. 3 Capital Account No. C.17301

8. Project No: AECOM-2

9. Attachments: AECOM letter dated 3/19/2021 (12 pages)

10. File: 0.3.2. AECOM (20-22) Eng.

DATE: March 29, 2021

Accepted By: _____

Prepared By: _____

Matt A. Salah, P.E.

Authorized By: _____

Joseph Fiegl, P.E.
Deputy Commissioner



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 9, 2021

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

**RE: Erie County Sewer District No. 1
Rowley Road Sanitary Sewer Replacement Project
Bid Opening – Contract No. 42**

Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 1 Contract No. 42 Rowley Road Sanitary Sewer Replacement Project.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: nw

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 9, 2021

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

**RE: Erie County Sewer District No. 4
Borden Road Forcemain Test Pit and Spot Repair Project
Bid Opening – Contract No. 56**

Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 4 Contract No. 56 Borden Road Forcemain Test Pit and Spot Repair Project.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:nw

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 9, 2021

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: FEMA DR 4472 Storm Surge and Seiche Isle View Project

Dear Honorable Members:

The Department of Parks, Recreation and Forestry is requesting authorization for the County Executive to accept Federal Emergency Management Agency (FEMA) and New York State Emergency Management Office aid reimbursements concerning the above noted disaster. It is further requesting that the County Executive receive authorization to execute contracts for design and construction services as necessary for projects authorized by FEMA within the project amounts so authorized.

Should your Honorable Body require further information, I encourage you to contact Commissioner Troy Schinzel at the Parks Department. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc

Enclosure

cc: Troy Schinzel Commissioner, Department of Parks, Recreation and Forestry

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Parks, Recreation & Forestry
Re: FEMA DR 4472 Storm Surge and Seiche Isle View Project
Date: April 9, 2021

SUMMARY

This resolution is seeking authorization for the County Executive to accept Federal Emergency Management Agency (FEMA) and New York State Emergency Management Office (SEMO) aid funding and reimbursements concerning the storm surge and seiche that occurred on October 31, 2019, DR 4472, and specific to the Isle View Park Dock, PW 205. It is also seeking authorization for the County Executive to execute design and construction contracts as necessary for projects authorized by FEMA within project amounts so authorized.

FISCAL IMPLICATIONS

The Federal share of the FEMA approved project costs is 75% and New York State has agreed to fund 50% of the remaining non-federal share, with the remainder to be funded by the County.

REASONS FOR RECOMMENDATION

To allow the County to accept FEMA and SEMO aid reimbursements for FEMA approved project DR 4472, PW 205, as well as to allow timely contracting for design and construction services related to FEMA approved project DR 4472, PW 205 within the project amounts so authorized by FEMA.

BACKGROUND INFORMATION

On October 31, 2019, we experienced a Lake Erie seiche event spurring a seven-foot increase in water levels along the many parts of the Lake Erie shoreline. Two properties owned or maintained by Erie County Parks were significantly damaged: Times Beach Nature Preserve and Isle View Park. Both locations became eligible for federal funding with an official disaster declaration by the Federal Emergency Management Agency in December 2019, designated as DR 4472. At Isle View Park the existing dock was completely removed from its pylons and washed away down river. This funding was allocated for the rebuilding of the dock to include improvements to help it withstand future high water events.

CONSEQUENCES OF NEGATIVE ACTION

The County will be unable to accept Federal or State funds in connection with work related to DR 4472 and will also be unable to contract in a timely fashion for necessary design and construction services.

STEPS FOLLOWING APPROVAL

The County Executive will be able to accept Federal and State aid reimbursements for FEMA approved work related to DR 4472, PW 205 and will be able to contract in a timely fashion for design and construction work necessary to complete such approved work.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PARKS,
RECREATION AND FORESTRY

RE: FEMA DR 4472 Storm Surge and Seiche Isle View Project

WHEREAS, the storm surge and seiche that occurred on October 31, 2019 was declared a Federal disaster and designated by the Federal Emergency Management Agency (FEMA) as DR 4472; and

WHEREAS, DR 4472 damaged facilities under the jurisdiction of Erie County Department of Parks, Recreation and Forestry (Parks) at Times Beach Nature Preserve and Isle View Park; and

WHEREAS, FEMA has approved a project cost of \$100,179 to reconstruct the dock at Isle View Park that was destroyed by high water as PW 205, while approval of the project related to Times Beach Nature Preserve is still forthcoming; and

WHEREAS, restoration work approved by FEMA is eligible for Federal reimbursement of 75% of the FEMA approved project cost; and

WHEREAS, New York State Emergency Management Office (SEMO) has agreed to reimburse the County for 50% of the non-federal share for the Isle View project; and

WHEREAS, Erie County will be responsible for the 50% of the non-federal share of approved project cost and 100% of any overruns; and

WHEREAS, it is desired to accept Federal and State reimbursement funds as they become available for FEMA approved projects; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept \$75,134.47 in FEMA and \$12,522.41 in SEMO aid, as well as any additional aid from FEMA or SEMO specific to the Disaster Relief DR 4472 Isle View Park project PW 205 as it is made available; and be it further

RESOLVED, that excess revenue in Fund 110, Funds Center 14010, Account 400010 – Exemption Removal be made available as Interfund Revenue Subsidy to cover the \$12,522.41 County share of DR 4472; PW 205 project; and be it further

RESOLVED, that authorization is hereby given to create a new capital project in Fund 410, Funds Center 164 for the DR 4472, PW 205 project as follows:

Project A.211XX – DR4472 Isle View Dock Reconstruction
Fund 410, Funds Center 164

REVENUES

412540 FEMA	\$ (75,134.47)
405150 State Emergency Mgmt Office (SEMO)	(12,522.41)
486000 Interfund Revenue Subsidy	<u>(12,522.41)</u>
TOTAL	<u>\$(100,179.29)</u>

APPROPRIATIONS

Capital Project Expense	\$100,179.29
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; and be it further

RESOLVED, that the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer; and be it further

RESOLVED, that the County Executive is hereby authorized to execute agreements for design and construction of FEMA authorized projects within the project amounts so authorized; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Parks, Recreation & Forestry, the Department of Public Works, Division of Highways, the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, the Office of the Comptroller, and the Department of Environment and Planning.

Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, March 31, 2021 12:47 PM
To: Graber, Robert
Subject: 255 Ship Canal Site (Buffalo) - Public Comment Invited on Brownfield Application

[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 for Site on Ship Canal Pkwy., Buffalo

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from Uniland Development Corporation for a site known as **255 Ship Canal Site, site ID #C915172**. This site is located in the City of Buffalo, within the County of Erie, and is located at 255 Ship Canal Parkway.

Access the application and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915172/>. The documents will also be available at the document repository once reopened, located at the Buffalo & Erie County Public Library, 1 Lafayette Square, Buffalo, NY, 14203.

There are several ways to comment on BCP applications. Comments can be submitted to the site Project Manager David Locey at 271 Michigan Avenue, Buffalo, NY, 14203; via email at david.locey@dec.ny.gov; or by calling (716) 851-7220. **All comments must be submitted by April 30, 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.



Department of
Environmental
Conservation

Environmental Site Remediation Database Search Details

Site Record

Document Repository

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

Administrative Information

Site Name: 255 Ship Canal Site
Site Code: C915172
Program: Brownfield Cleanup Program
Classification: A
EPA ID Number:

Location

DEC Region: 9
Address: 255 Ship Canal Parkway
City: Buffalo Zip: 14203
County: Erie
Latitude: 42.836388889
Longitude: -78.843055556
Site Type:
Estimated Size: 20.34 Acres

Site Owner(s) and Operator(s)

Current Owner Name: Buffalo Urban Development Corp.
Current Owner(s) Address: 95 Perry Street, Suite 404
Buffalo, NY, 14203
Current On-Site Operator: Buffalo Urban Development Corp.
Stated Operator(s) Address: 95 Perry Street, Suite 404
Buffalo, NY 14203

Site Document Repository

Name: Buffalo & Erie County Library
Address: 1 Lafayette Square
Buffalo, NY 14203

Site Description

Location: The 255 Ship Canal property (Site) is located on 20.35 acres within the Buffalo Lakeside Commerce Park, in the southwestern section of the City of Buffalo. The site is located in the eastern section of the Buffalo Lakeside Commerce Park, created in the early 2000s to facilitate the redevelopment and productive reuse of former industrial properties that existed along the Union Ship Canal (the Canal). The site is located east of the Canal. The Canal was reportedly constructed in the early 1900s, with excavation beginning in or about 1903. The area around the Canal was formerly occupied by the operations and facilities of the Hanna Furnace Corporation, a producer of pig iron from approximately 1903/19-4 until 1982. The site is identified as Erie County Tax Parcel 132.20-1-16. This parcel is a compilation of portions of other prior tax parcels that were subdivided and/or reconfigured with the creation of the Buffalo Lakeside Commerce Park. The northern portion (approximately two-thirds) of the site consists of the southern portion of the former Shenango Steel Mold property. This area historically contained the southeastern approximately one-half of the former Shenango cast iron ingot mold plant from approximately 1963 until 1982. Prior to 1963, this area was reportedly part of the area owned and operated by Hanna Furnace Corporation. The southern remainder of the site is comprised of land that was previously associated with the Hanna Furnace Company. This area previously contained the Hanna Furnace waste water treatment plant, numerous rail spurs, and reportedly received slag and other waste materials from the Hanna operations.

Site Features: The Site is relatively flat and situated at an elevation of approximately 860 feet above mean sea level. The site is presently vacant and largely overgrown by weeds, shrubs, and trees. Remnants of gravel access roads/drives extend through various areas of the site, and a majority of the surface soils at the Site appeared to consist of non-native soils, including slag material (various colors) and former rail bedding (black). Large piles and berms (consisting of concrete, stone, and soil) are located in the central and eastern portions of the Site. Solid waste has been dumped on the site, primarily adjacent to access roads that cross the site. The waste items appear to have been discarded to the ground surface, and include various scrap metal and wood items, tires, construction / building debris, and roofing shingles. Additionally, smaller piles of soil were also observed on the site, apparently dumped and/or remnant of previous operations at the site. The site and surrounding properties are served by or will be served by municipal water and sewer services in the event of future development.

Current Zoning and Land Use: The Site and surrounding parcels within the Buffalo Lakeside Commerce Park are currently zoned D-IL (Light Industrial). The proposed use is consistent with current zoning and comparable to adjacent properties to the north and south that have been developed since the inception of the Commerce Park. Past

Use of the Site: The Site is presently vacant, but was historically developed with a portion of a cast iron ingot production facility operated by Shenango Incorporated from approximately 1963 through 1982. The ingot facility received molten iron from blast furnaces operated at that time on the southwesterly adjacent site that previously contained the operations of the Hanna Furnace Corporation. Prior to 1963, the property was part of the larger Hanna Furnace Corporation operations that encompassed the entire area surrounding the Union Ship Canal. The southern portion of the site historically contained a waste water treatment facility and numerous rail spurs associated with the Hanna Furnace Corporation blast furnace operations. The Shenango plant closed in 1982. Building demolition and salvage operations reportedly occurred there in the early 1990s; however, documentation and information related to these activities is limited. In 1993, the New York State Department of Environmental Conservation (NYSDEC) received an anonymous tip indicating that oil had been released to the ground surface from electrical transformers during salvage operations. Following investigation, NYSDEC determined that an emergency removal action was warranted to address an imminent threat to public health and the environment posed by high concentrations of polychlorinated biphenyls (PCBs) found in the transformer oil and affected soil. Several phases of investigation were subsequently conducted by NYSDEC under the New York State Superfund Program. A remedial action was conducted on the former Shenango Mold site (northern portion of proposed BCP site) in 2006 to remove soils having elevated concentrations of PCBs located near the south side of the former Shenango plant, and to address an area on the eastern portion of the former Shenango site where light non-aqueous phase liquid (LNAPL) had been identified on the surface of groundwater. The contaminants summarized below have been identified to remain at the site following the remedial action.

Geology and Hydrogeology: The Site is location in the Erie Lowland physiographic province of New York, and is positioned at an elevation of approximately 580 feet above mean sea level. The surface topography of the Site is relatively flat, while the overall topography of the surrounding area slopes gently toward the west, in the direction of Lake Erie. The eastern shore of Lake Erie is located approximately one-half mile to the west of the site. Several large (in many cases as much as 10 to 15 feet in height) piles of material of unknown origin have been deposited across the surface of the site. The United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) has mapped the surface soil across the subject property as `Urban Land`. The term `Urban Land` indicates that a significant portion of the property is covered by impervious surface (i.e., buildings, pavement), or that soil has been significantly altered by past development activities. According to the Surficial Geologic Map of New York to Niagara Sheet (Donald H. Cadwell, 1988), the overburden deposits at and in the vicinity of the site consist of lacustrine silt and clay, described as to generally laminated silt and clay deposited in proglacial lakes, generally calcareous,

thickness variable (up to 100 meters). According to Geologic Map of New York, Niagara Sheet (Lawrence V. Rickard and Donald W. Fisher, March 1970), the bedrock in the area of the Site is mapped as Skaneateles Formation Levanna Shale and Stafford Limestone of the Hamilton Group. Geologic and hydrogeologic conditions on the site were also characterized during a Remedial Investigation performed by Environmental Resources Management (ERM) and described in ERM's Remedial Investigation / Feasibility Study Report (RI / FS Report), Shenango Steel Mold, Buffalo, New York, dated January 2002. The RI / FS Report indicates that the investigation encountered a surface layer of fill material, extending to depths ranging from 8 to 15 feet below ground surface (bgs). This fill layer consisted of a mixture of anthropomorphic materials of apparent industrial origin (fly ash, cinders, demolition debris, brick, ash, and slag), intermixed with fine to coarse sand and brown silty clay. A discontinuous layer of peat material was observed beneath the fill deposit at some locations. Natural overburden deposits beneath the fill layer reportedly consist of lacustrine deposits, consisting of blackbrown organic clayey silt and grey-brown silt / silty clay. Bedrock was encountered at depths ranging from 22 to 48 feet bgs. There are no surface water bodies on the subject property. The nearest significant surface water is the Union Canal, located approximately 200 feet west of the Site and connected to Lake Erie, which is located approximately one-half mile to the west of the site. The Buffalo River is located approximately one-and-a-half miles to the north of the site, flowing through the area in a meandering westerly direction before flowing into Lake Erie. A small pond (apparently for storm water retention) is present on the adjacent property to the north of the site.

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.

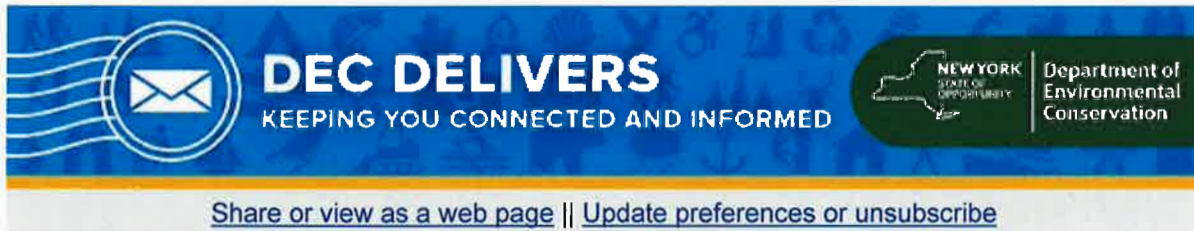
For more Information: [E-mail Us](#)

[Refine This Search](#)

Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, March 31, 2021 1:41 PM
To: Graber, Robert
Subject: 1095 Niagara Street Site (Buffalo) - DEC Invites Public Comment on Draft Investigation Plan

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



DEC Invites Public Comment About Draft Plan to Investigate Contamination at Brownfield Site on Niagara St., Buffalo

This link opens a fact sheet that invites public comment about a draft work plan to investigate contamination at the **1095 Niagara Street Site #C915364 (Buffalo, Erie County)** within New York's Brownfield Cleanup Program:

<https://www.dec.ny.gov/data/der/factsheet/c915364riwp.pdf>

DEC is accepting public comments about the draft work plan through April 30, 2021.
Please see fact sheet for details about the draft plan and how to comment.

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 contaminated 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: SHARE

Basil Seggos, Commissioner



Department of
Environmental
Conservation

FACT SHEET

Brownfield Cleanup Program

1095 Niagara Street
1095 Niagara Street
Buffalo, NY 14213

March 2021

SITE No. C915364
NYSDEC REGION 9

Where to Find Information

Access project documents through the
DECinfo Locator

<https://www.dec.ny.gov/data/DecDocs/C915364/>
and at these location(s):

Buffalo and Erie County Public Library
Isaias Gonzalez-Soto Branch
208 Porter Avenue
Buffalo, NY 14201
(716) 882-1537

Who to Contact

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

Project-Related Questions

Eugen Melnyk, PE, Project Manager
NYSDEC
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7229
eugene.melnyk@dec.ny.gov

Project-Related Health Questions

Stephen Lawrence
NYSDOH
Bureau of Environmental Exposure
Empire State Plaza
Corning Tower Room 1787
Albany, New York 12237
(518) 402-7860
bee@health.ny.gov

For more information about New York's
Brownfield Cleanup Program, visit:
www.dec.ny.gov/chemical/8450.html

Draft Investigation Work Plan for Brownfield Site Available for Public Comment

The public is invited to comment on a draft work plan being reviewed by the New York State Department of Environmental Conservation (NYSDEC) to investigate the 1095 Niagara Street site ("site") located at 1095 Niagara Street, Buffalo, Erie County. Please see the map for the site location.

Draft Investigation Work Plan: The draft investigation work plan, called a "Remedial Investigation Work Plan," (RIWP) was submitted to NYSDEC under New York's Brownfield Cleanup Program. The investigation will be performed by 1095 Group, LLC ("applicant") with oversight by NYSDEC and the New York State Department of Health (NYSDOH).

How to Comment: NYSDEC is accepting written comments about the Draft RIWP for 30 days, from **March 31 through April 30, 2021**.

- Access the RIWP and other project documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915364/>.
- Documents also are available at the location(s) identified at left under "Where to Find Information."
- Please submit comments to the NYSDEC project manager listed under Project-Related Questions in the "Who to Contact" area at left.

Highlights of the Proposed Site Investigation: The investigation will define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected.

Previous investigations have detected volatile organic compounds (VOCs), mainly chlorinated solvents, in groundwater and semi-volatile organic compounds (SVOCs) and metals in soil on the site.

Key components of the investigation work include:

- Drilling and sampling soil borings to identify possible on-site sources of contamination;
- Installing and sampling five groundwater wells to monitor impacts from areas of concern both on-site and off-site; and
- Collecting three soil vapor samples to assess potential vapor intrusion risks in future buildings and adjoining offsite buildings.
-

Next Steps: NYSDEC will consider public comments, revise the plan as necessary, and approve the work plan. NYSDOH must concur with the plan. After the work plan is approved, the activities detailed in the work plan will be implemented.

BROWNFIELD CLEANUP PROGRAM

When the investigation is completed, a report will be prepared and submitted to NYSDEC that summarizes the results. NYSDEC will review the report, make any necessary revisions and, if appropriate, approve the report.

After the investigation, a proposed cleanup plan, called a "Draft Remedial Work Plan" will be developed. The cleanup plan will include an evaluation of the proposed site remedy, or recommend a no action or no further action alternative. The goal of the cleanup plan is to ensure the protection of public health and the environment. NYSDEC will present the proposed cleanup plan to the public for its review and comment during a 45-day comment period.

NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

Site Description: The site is 0.94-acres in area and is bordered by Niagara Street to the west, Albany Street to the south, commercial property to the north and commercial and residential properties to the east. The site currently consists of a gravel covered parking lot with landscaped berms and decorative fencing along Niagara and Albany Streets. Previously, the site contained a brick commercial building that had been used as a metal foundry from 1905 to 1936, and as a metal plating facility from 1936 until it was demolished in 2007.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, C915364) at:

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

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses may include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

For more information about the BCP, visit:
<https://www.dec.ny.gov/chemical/8450.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:
<https://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>

BROWNFIELD CLEANUP PROGRAM

Site Location



Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, March 24, 2021 1:31 PM
To: Graber, Robert
Subject: 225 Louisiana Street Site (Buffalo) - DEC Invites Public Comment About Proposed Site Cleanup

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



[Share or view as a web page](#) || [Update preferences or unsubscribe](#)

DEC Invites Public Comment About Proposal to Address Contamination at Brownfield Site on Louisiana St., Buffalo

This link opens a fact sheet that invites the public to comment on a proposed remedy to address contamination related to the **225 Louisiana Street Site #C915350 (Buffalo, Erie County)** within New York's Brownfield Cleanup Program:

<https://www.dec.ny.gov/data/der/factsheet/c915350cuprop.pdf>

DEC is accepting public comments about the proposal through May 7, 2021. Please see fact sheet for details about the proposal and how to comment.

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 contaminated 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

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

Where to Find Information

Access project documents through the DECinfo Locator
<https://www.dec.ny.gov/data/DecDocs/C915350/> and at these location(s):

Buffalo and Erie County Public Library

1 Lafayette Square
Buffalo, NY 14203

Who to Contact

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

Project-Related Questions

Jaspal S. Walia, Project Manager
NYSDEC
270 Michigan Ave.
Buffalo, NY 14203
(716) 851-7220
jaspal.walia@dec.ny.gov

Project-Related Health Questions

Johnathan Robinson
NYSDOH
Empire State Plaza
Corning Tower; Room 1787
Albany, NY 12237
(518) 402-7860
beej@health.ny.gov

For more information about New York's Brownfield Cleanup Program, visit:

www.dec.ny.gov/chemical/8450.html

FACT SHEET

Brownfield Cleanup Program

225 Louisiana Street Site
225 Louisiana Street
Buffalo, NY 14204

SITE No. C915350
NYSDEC REGION 9

March 2021

**Remedy Proposed for Brownfield Site Contamination;
Public Comment Period Announced**

The public is invited to comment on a proposed remedy being reviewed by the New York State Department of Environmental Conservation (NYSDEC), in consultation with the New York State Department of Health (NYSDOH), to address contamination related to the 225 Louisiana Street site ("site") located at 225 Louisiana Street, Buffalo, Erie County. Please see the map for the site location.

Based on the findings of the investigation, NYSDEC in consultation with the New York State Department of Health (NYSDOH) has determined that the site does not pose a significant threat to public health or the environment. This decision is based on the nature of the existing contaminants identified at the site.

How to Comment: NYSDEC is accepting written comments about the proposed remedy, called a Remedial Investigation/Alternatives Analysis Report (RI/AAR), for 45 days, from **March 24 through May 7, 2021**.

- Access the RI/AAR and other project documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915350/>.
- Documents also are available at the location(s) identified at left under "Where to Find Information."
- Please submit comments to the NYSDEC project manager listed under Project-Related Questions in the "Who to Contact" area at left.

Draft Remedial Investigation/Alternatives Analysis Report: The RI/AAR describes the results of the site investigation and recommends development of a remedy to address the contamination that was found at the site. The proposed restricted use remedy was developed by Barcalo Buffalo, LLC ("applicant") after performing a detailed investigation of the site under New York's Brownfield Cleanup Program (BCP). The proposed Restricted Use remedy consists of:

- Excavation and off-site disposal of grossly contaminated fill and metals-impacted soil/fill exceeding Restricted-Residential Soil Cleanup Objectives or Site-Specific Action Levels (SSALs);
- Managing impacted water during remedial activities;
- Placing a cover system including building foundations, hardscape or a minimum of 24 inches of clean material;
- Installing an active sub-slab depressurization system (SSDS) beneath the existing and/or future buildings to mitigate potential on-site vapor intrusion concerns; and
- Placing an Environmental Easement to ensure proper use of the site.

BROWNFIELD CLEANUP PROGRAM

Next Steps: NYSDEC will consider public comments, revise the cleanup plan as necessary, and issue a final Decision Document. NYSDOH must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The applicant may then design and perform the cleanup action to address the site contamination, with oversight by NYSDEC and NYSDOH.

NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

Site Description: This 4.23-acre site consists of five parcels located in a mixed residential/commercial/industrial are at Louisiana and Kentucky Streets in the City of Buffalo. This site is bordered by Mackinaw Street to the north, residential property to the south, Louisiana Street to the west and Kentucky Street to the east. There is one building on site which has been occupied by several tenants for use as a storage, warehousing and distribution facility since the 1990s.

The site will be redeveloped for mixed residential and commercial use, including parking lots and green space.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, C915350) at:

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

Summary of the Investigation: Metals, including arsenic, barium, copper, lead and mercury, and polycyclic aromatic hydrocarbons (PAHs) were found in subsurface soils at concentrations above restricted residential cleanup objectives. The metals and PAHs are present at depths up to five feet below grade and are likely the result of past site uses and historic fill present throughout the site. Naturally occurring metals including iron, magnesium, manganese and sodium were detected in groundwater above groundwater quality

standards. Sub-slab vapor sampling in the building detected the presence of chlorinated solvents trichloroethene, tetrachloroethene and dichloroethane above the NYSDOH guidance values.

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses may include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

For more information about the BCP, visit:
<https://www.dec.ny.gov/chemical/8450.html>

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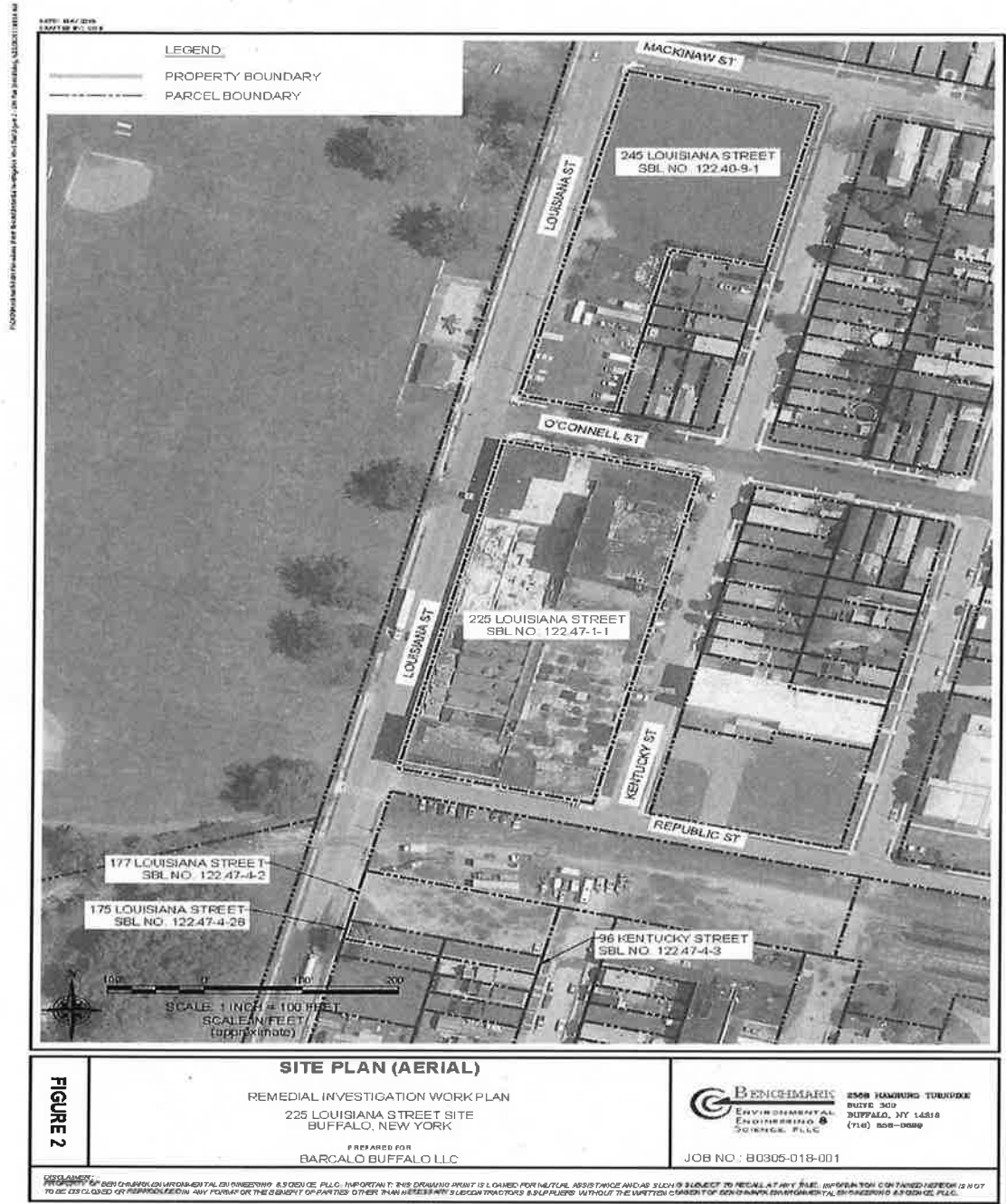
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DECinfo Locator

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

BROWNFIELD CLEANUP PROGRAM

Site Location



Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, March 24, 2021 1:46 PM
To: Graber, Robert
Subject: Former Pilgrim Village Senior Apartments Site (Buffalo) - DEC Invites Public Comment About Proposed Site Cleanup

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



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DEC Invites Public Comment About Proposal to Address Contamination at Brownfield Site on Ellicott St., Buffalo

This link opens a fact sheet that invites the public to comment on a proposed remedy to address contamination related to the **Former Pilgrim Village Senior Apartments, site ID #C915363 (Buffalo, Erie County)** within New York's Brownfield Cleanup Program:

<https://www.dec.ny.gov/data/der/factsheet/c915363cuprop.pdf>

DEC is accepting public comments about the proposal through May 7, 2021. Please see fact sheet for details about the proposal and how to comment.

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 contaminated site identified above, please use the contact information provided in the fact sheet.

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Basil Seggos, Commissioner



**Department of
Environmental
Conservation**

FACT SHEET

Brownfield Cleanup Program

Former Pilgrim Village Senior Apartments
951 Ellicott Street
Buffalo, NY 14209

SITE No. C915363
NYSDEC REGION 9

March 2021

Where to Find Information

Access project documents through the DECinfo Locator
<https://www.dec.ny.gov/data/DecDocs/C915363/> and at these location(s):

Buffalo and Erie County Public Library

1 Lafayette Square
Buffalo, NY 14203

Who to Contact

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

Project-Related Questions

Jaspal S. Walia, Project
Manager NYSDEC
270 Michigan Ave.
Buffalo, NY 14203
(716) 851-7220
jaspal.walia@dec.ny.gov

Project-Related Health Questions

Angela
Martin
NYSDOH
Empire State Plaza
Corning Tower; Room
1787 Albany, NY 12237
(518) 473-4671
beci@health.ny.gov

For more information about New York's Brownfield Cleanup Program, visit:

www.dec.ny.gov/chemical/8450.html

Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced

The public is invited to comment on a proposed remedy being reviewed by the New York State Department of Environmental Conservation (NYSDEC), in consultation with the New York State Department of Health (NYSDOH), to address contamination related to the Former Pilgrim Village Senior Apartments site ("site") located at 951 Ellicott Street Buffalo, Erie County. Please see the map for the site location.

Based on the findings of the investigation, NYSDEC in consultation with the New York State Department of Health (NYSDOH) has determined that the site does not pose a significant threat to public health or the environment. This decision is based on the nature of the existing contaminants identified at the site.

How to Comment: NYSDEC is accepting written comments about the proposed plan, called a "Draft Remedial Action Work Plan (RAWP)", for 45 days, from **March 24 through May 7, 2021.**

- Access the RAWP and other project documents online through the DECinfoLocator:
<https://www.dec.ny.gov/data/DecDocs/C915363/>.
- Documents also are available at the location(s) identified at left under "Where to Find Information."
- Please submit comments to the NYSDEC project manager listed under Project-Related Questions in the "Who to Contact" area at left.

Draft Remedial Work Plan: The proposed Unrestricted Use remedy consists of:

- Excavation and off-site disposal of contaminated soil/fill to approximately five feet below surface grade across the entire site;
- Collecting and analyzing end-point soil samples to evaluate the effectiveness of the remedy;
- Removal of three existing apartment buildings and foundations. The buildings will not be occupied during implementation of the remedy;
- Importing clean material that meets the established Soil Cleanup Objectives for use as backfill;
- Implementing a Health and Safety Plan and Community Air Monitoring Plan during all ground intrusive activities; and

BROWNFIELD CLEANUP PROGRAM

- If an Unrestricted Use cleanup is not achieved, recording of an Environmental Easement to ensure proper use of the site may be required.

The proposed remedy was developed by SAA EVI MC Family, LLC ("applicant") after performing a detailed investigation of the site under New York's Brownfield Program (BCP). A "Remedial Investigation/Alternatives Analysis Report (RI/AAR) which describes the results of the site investigation was submitted concurrently with the Remedial Action Work Plan and is also available for review at the locations identified on Page 1.

Next Steps: NYSDEC will consider public comments, revise the cleanup plan as necessary, and issue a final Decision Document. NYSDOH must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The applicant may then design and perform the cleanup action to address the site contamination, with oversight by NYSDEC and NYSDOH.

NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

Site Description: The Former Pilgrim Village Senior Apartments site is an approximately 2-acre site located in a mixed residential/commercial area in the City of Buffalo. The site is bounded to the north by Best Street and is a portion of the 951 Ellicott Street parcel. The eastern and western edges of the site are landlocked. The site includes three clusters of multiple-unit apartment buildings with a total of 21 units. The site also includes green space and asphalt parking areas. The planned development at the site will consist of construction of new apartment buildings.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, C915363) at:

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

Summary of the Investigation: The primary contaminants of concern are metals and polycyclic aromatic hydrocarbons (PAHs) which are present across the entire site.

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses may include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

For more information about the BCP, visit:
<https://www.dec.ny.gov/chemical/8450.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.

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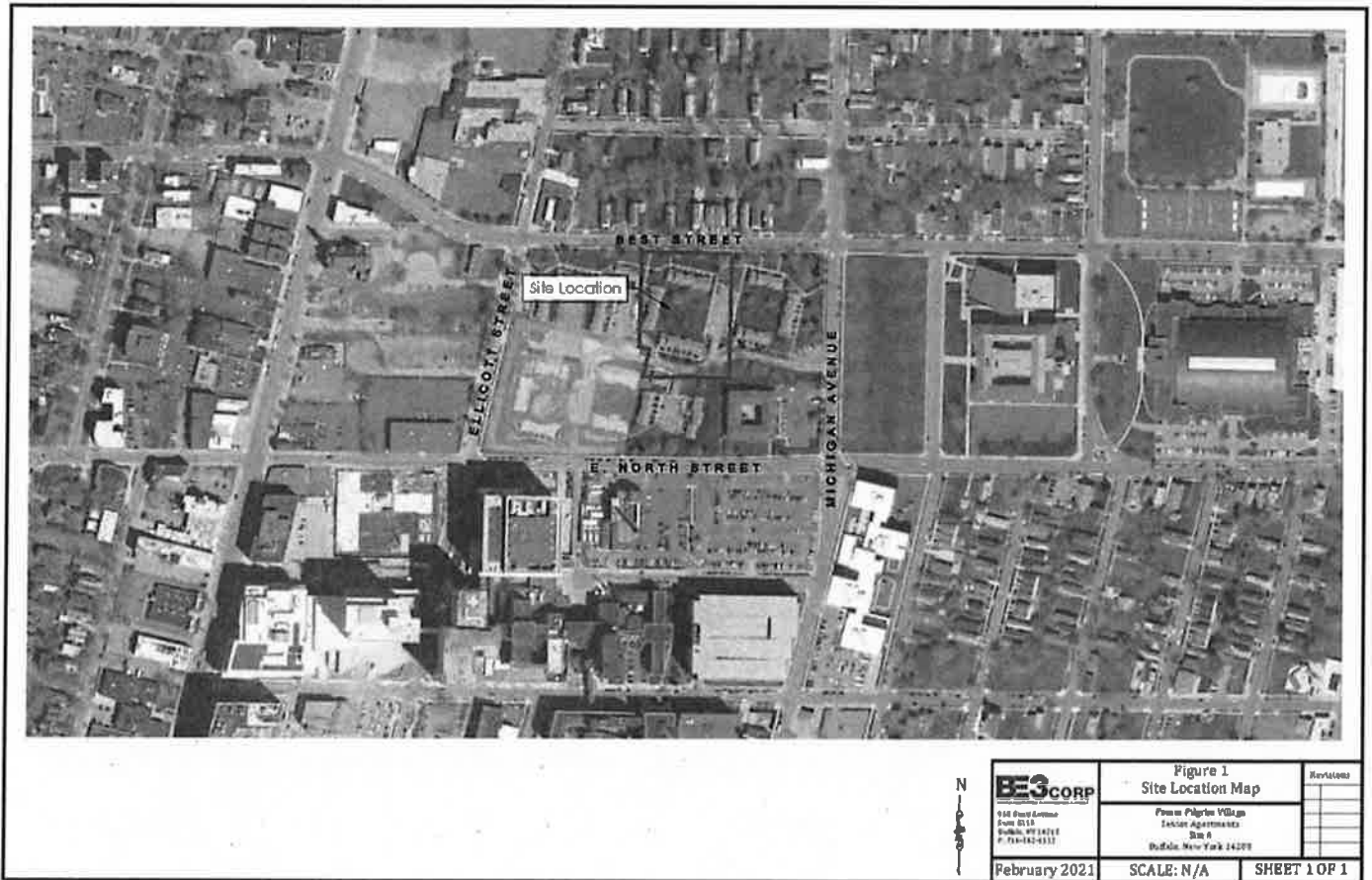
Note: Please disregard if you already have signed up and received this fact sheet electronically.

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>

BROWNFIELD CLEANUP PROGRAM

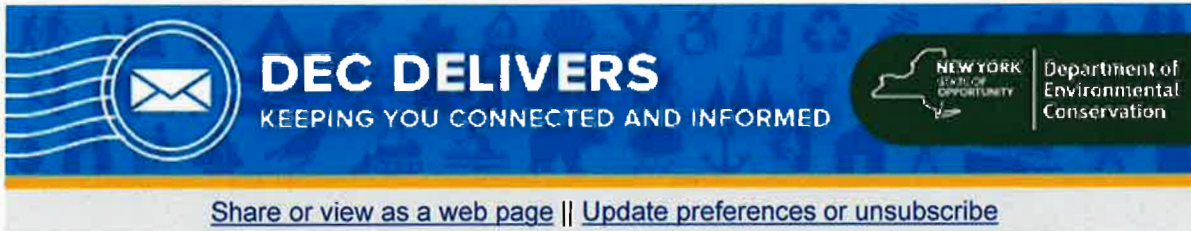
Site Location



Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, March 24, 2021 2:02 PM
To: Graber, Robert
Subject: Former Pilgrim Village Family Apartments Site (Buffalo) - DEC Invites Public Comment About Proposed Site Cleanup

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



DEC Invites Public Comment About Proposal to Address Contamination at Brownfield Site on Michigan Ave., Buffalo

This link opens a fact sheet that invites the public to comment on a proposed remedy to address contamination related to the **Former Pilgrim Village Family Apartments, site ID #C915362 (Buffalo, Erie County)** within New York's Brownfield Cleanup Program:





<https://www.dec.ny.gov/data/der/factsheet/c915362cuprop.pdf>

DEC is accepting public comments about the proposal through May 7, 2021. Please see fact sheet for details about the proposal and how to comment.

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 contaminated site identified above, please use the contact information provided in the fact sheet.

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Basil Seggos, Commissioner



Department of
Environmental
Conservation

Where to Find Information

Access project documents through the
DECinfo Locator
<https://www.dec.ny.gov/data/DecDocs/C915362/>
and at these location(s):

Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

Who to Contact

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

Project-Related Questions

Jaspal S. Walia, Project Manager
NYSDEC
270 Michigan Ave.
Buffalo, NY 14203
(716) 851-7220
jaspal.walia@dec.ny.gov

Project-Related Health Questions

Angela Martin
NYSDOH
Empire State Plaza
Corning Tower; Room 1787
Albany, NY 12237
(518) 473-4671
bee@health.ny.gov

For more information about New York's
Brownfield Cleanup Program, visit:
www.dec.ny.gov/chemical/8450.html

FACT SHEET

Brownfield Cleanup Program

Former Pilgrim Village Family Apartments
1100 Michigan Ave.
Buffalo, NY 14209

March 2021

SITE No. C915362
NYSDEC REGION 9

**Remedy Proposed for Brownfield Site Contamination;
Public Comment Period Announced**

The public is invited to comment on a proposed remedy being reviewed by the New York State Department of Environmental Conservation (NYSDEC), in consultation with the New York State Department of Health (NYSDOH), to address contamination related to the Former Pilgrim Village Family Apartments site ("site") located at 1100 Michigan Avenue, Buffalo, Erie County. Please see the map for the site location.

Based on the findings of the investigation, NYSDEC in consultation with the New York State Department of Health (NYSDOH) has determined that the site does not pose a significant threat to public health or the environment. This decision is based on the nature of the existing contaminants identified at the site.

How to Comment: NYSDEC is accepting written comments about the proposed plan, called a "Draft Remedial Action Work Plan (RAWP)" for 45 days, from **March 24 through May 7, 2021.**

- Access the RAWP and other project documents online through the DECinfoLocator:
<https://www.dec.ny.gov/data/DecDocs/C915362/>.
- Documents also are available at the location(s) identified at left under "Where to Find Information."
- Please submit comments to the NYSDEC project manager listed under Project-Related Questions in the "Who to Contact" area at left.

Draft Remedial Work Plan: The proposed Unrestricted Use remedy consists of:

- Excavation and off-site disposal of contaminated soil/fill from approximately five feet below surface grade across the entire site;
- Collecting and analyzing end-point soil samples and post-remedial groundwater samples to evaluate the effectiveness of the remedy;
- Groundwater treatment and monitoring in the former gas station area;
- Removal of three existing apartment buildings and foundations. The buildings will not be occupied during implementation of the remedy;
- Importing clean material that meets the established Soil Cleanup Objectives for use as backfill;

BROWNFIELD CLEANUP PROGRAM

- Implementing a Health and Safety Plan and Community Air Monitoring Plan during all ground intrusive activities; and
- If an Unrestricted Use cleanup is not achieved, recording of an Environmental Easement to ensure proper use of the site may be required.

The proposed remedy was developed by SAA EVI MC Family, LLC ("applicant") after performing a detailed investigation of the site under New York's Brownfield Program (BCP). A "Remedial Investigation/Alternatives Analysis Report (RI/AAR) which describes the results of the site investigation was submitted concurrently with the Remedial Action Work Plan and is also available for review at the locations identified on Page 1.

Next Steps: NYSDEC will consider public comments, revise the cleanup plan as necessary, and issue a final Decision Document. NYSDOH must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The applicant may then design and perform the cleanup action to address the site contamination, with oversight by NYSDEC and NYSDOH.

NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

Site Description: The Former Pilgrim Village Family Apartments site is an approximately 2.55-acre site located in a mixed commercial/residential area at the southwest corner of Michigan Avenue and Best Street in the City of Buffalo. The site includes three clusters of multiple-unit apartment buildings with a total of 17 units. The site also includes green space and asphalt parking areas. Planned development at the site is construction of new apartment buildings.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, C915362) at:
<https://www.dec.ny.gov/cfm/external/derexternal/index.cfm?pageid=3>

Summary of the Investigation: The primary contaminants of concern at the site are metals, polycyclic aromatic hydrocarbons (PAHs) and petroleum-related volatile organic compounds (VOCs). Metals and PAHs are present site-wide in soil/fill. VOCs are present in soil and groundwater in an area of the site which formerly operated as a gas station.

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses may include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

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Site Location

