

February 13, 2014

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-9 (2014)
COMPTROLLER: "Comptroller Audit of Parks Housing - Exit Conference"
(6-0)
 - b. COMM. 2D-2 (2014)
COMMISSIONER OF PARKS, RECREATION AND FORESTRY: "Comptroller Audit of Parks Housing - Exit Conference"
(6-0)
 - c. COMM. 3E-9 (2014)
COMPTROLLER: "Parks' Recreation and Forestry Audit of the Park Residences"
(6-0)
 - d. COMM. 3E-13 (2014)
COUNTY EXECUTIVE: "Erie County Sewer District No. 2, Big Sister Creek WWTP Energy Performance Project"
(6-0)
 - e. COMM. 3M-4 (2014)
EC WATER AUTHORITY: "*Unaudited Comparative Financial Statements for the Years Ended December 31, 2013 and 2012*"
(6-0)

2. COMM. 3E-12 (2014)
COUNTY EXECUTIVE
WHEREAS, this Honorable Body has previously authorized the County Executive to enter into Agreements for Phase 1, Phase 2 and Phase 3 of the Environmental Compliance Project with Wendel Companies, Architects/Engineers; and

WHEREAS, an additional Phase 4 is now required to provide, but not limited to, oil & water separator designs, environmental compliance audits, personnel training, record keeping reviews, and a design of new salt storage structures; and

WHEREAS, the County Executive is now requesting authorization from this Honorable Body, to issue an Agreement Amendment to Wendel Companies, Architects/Engineers, for Phase 4 of the Environmental Compliance Project; and

WHEREAS, it is also probable that additional environmental code deficiencies will be identified during the course of the work; and

WHEREAS, an additional design contingency amount should be authorized to fund change orders for this unforeseen design and compliance work in an amount not to exceed \$50,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement Amendment with Wendel Companies, Architects/Engineers, including a design contingency for Phase 4 of the Environmental Compliance Project for an amount not to exceed \$205,600.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account A.13007 – 2013 – EPA Environmental Compliance Regulations Compliance, for an amount not to exceed \$205,600.00; and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of the Department of Public Works; and one copy each to the Office of the County Executive; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.
(6-0)

3. COMM. 3E-14 (2014)
COUNTY EXECUTIVE
WHEREAS, the Erie County Sewer District No. 3 Southtowns Advanced Wastewater Treatment Facility operates two sewage sludge incinerators to manage its solids/sludge; and

WHEREAS, the United States Environmental Protection Agency released final rules/regulations in February 2011 titled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units"; and

WHEREAS, in the opinion of the Division of Sewerage Management, the final rules/regulations contained several technical and legal flaws and provided unrealistic guidelines without properly analyzing the consequences of implementation; and

WHEREAS, the National Association of Clean Water Agencies formed a coalition to challenge the final rules/regulations on behalf of all utilities in the United States that operate sewage sludge incinerators; and

WHEREAS, Erie County Sewer District No. 3 joined the “Sewage Sludge Incinerator Advocacy Coalition” and contributed \$10,000 pursuant to Legislative Comm. 13E-23 (2011) to assist in this challenge; and

WHEREAS, the National Association of Clean Water Agencies secured a partial victory in an August 2013 court decision concerning technical elements of the referenced rules/regulations; and

WHEREAS, the Erie County Division of Sewerage Management and the Erie County Sewer District No. 3 Board of Managers are desirous of contributing additional monies to the National Association of Clean Water Agencies coalition to assist in the next steps to challenge the final rules/regulations.

NOW, THEREFORE, BE IT

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to pay \$3,000 from Erie County Sewer District No. 3 Professional Services Account 516020 in the 2014 adopted budget, to the National Association of Clean Water Agencies, for the Sewage Sludge Incinerator Advocacy Coalition; and be it further

RESOLVED, that the Clerk of the Legislature one (1) certified copy each to the County Executive, the Erie County Comptroller, and the Erie County Director of Budget and Management, and send two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management.
(6-0)

**TED B. MORTON
CHAIR**