

THE ERIE COUNTY LEGISLATURE

**ENERGY &
ENVIRONMENT
COMMITTEE**

Timothy J. Meyers
Chair

Jeanne M. Vinal
Vice-Chair

Meeting No. 11 – June 17, 2021 – 11:15 AM

TAB R&F APP

1.	<u>COMM. 8E-22 (2021)</u> Session 8	COUNTY EXECUTIVE <i>“ECSD No. 1 - Rowley Rd. Sanitary Sewer Replacement Project, Cheektowaga”</i>			
2.	<u>LL Intro. 1-1 (2021)</u> Session 9	TODARO, GREENE, LORIGO & MILLS <i>“A LL Authorizing Twelve and Thirteen-Year-Old Licensed Hunters to Hunt Deer with a Firearm or Crossbow During Hunting Season with the Supervision of a Licensed Adult”</i>			
3.	<u>INTRO. 10-2 (2021)</u> Session 10	MILLS <i>“Support for Amendments to NYS Conservation Law Halting the Construction of New Wind Turbines on, or in, Freshwater Bodies of Water”</i>			
4.	<u>COMM. 11M-1 (2021)</u> Session 11	LEAGUE OF HUMANE VOTERS <i>“Statement Related to LL Intro. 1-1 (2021)”</i>			
5.	<u>COMM. 11M-2 (2021)</u> Session 11	MAUREEN SCHIENER <i>“Statement Related to LL Intro. 1-1 (2021)”</i>			

6.	<u>COMM. 11M-9 (2021)</u> Session 11	POLLA MILLIGAN <i>“Statement Related to LL Intro. 1-1 (2021)”</i>			
7.	<u>COMM. 11M-10 (2021)</u> Session 11	LAUREN WESP <i>“Statement Related to LL Intro. 1-1 (2021)”</i>			
8.	<u>COMM. 12E-3 (2021)</u> Session 12	COUNTY EXECUTIVE <i>“ECSD Nos. 1, 4 & 5 - Construction Inspection Term Contract Agreement”</i>			
9.	<u>COMM. 12E-4 (2021)</u> Session 12	COUNTY EXECUTIVE <i>“Retaining Professional Ecological Services - Treatment of Invasive Species, Buffalo River Area of Concern”</i>			
10.	<u>COMM. 12E-5 (2021)</u> Session 12	COUNTY EXECUTIVE <i>“ECSD No. 5 - Transit Rd. Cured in Place Pipe Lining Project”</i>			
11.	<u>COMM. 12E-11 (2021)</u> Session 12	COUNTY EXECUTIVE <i>“ECSD No. 4 - Engineering Planning Grant”</i>			
12.	<u>COMM. 12E-16 (2021)</u> Session 12	COUNTY EXECUTIVE <i>“ECSD No. 3 - Engineering Term Contract Agreement, Work Order DA-5”</i>			
13.	<u>COMM. 12E-17 (2021)</u> Session 12	COUNTY EXECUTIVE <i>“ECSD No. 3 - Engineering Term Contract Agreement, Work Order DA-4”</i>			

TAB R&F APP

14.	<u>COMM. 12M-1 (2021)</u> Session 12	NYSDEC <i>“Update on Status of Investigation and Cleanup Activities - Riverview Innovation & Technology Campus”</i>			
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4/9/2021 10:00

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

LOCAL LAW NO. 1-1

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 1-1 - 2021
LOCAL LAW – NO. _____ - 2021

A Local Law authorizing twelve (12) and thirteen (13) year old licensed hunters to hunt deer with a firearm or crossbow during hunting season with the supervision of a licensed adult

SECTION 1. Legislative Intent

Historically, twelve (12) and thirteen (13) year old residents in New York have only been able to hunt deer, with a bow or small game with appropriate firearms. This rule has left New York as the only state to prohibit twelve (12) and thirteen (13) year old hunters from using firearms to hunt deer.

The 2021 New York State Budget includes legislation that would allow residents aged twelve (12) and thirteen (13) to hunt deer with a firearm or crossbow under the supervision of an experienced adult hunter, provided the county in which they are hunting has opted into the program pursuant to Environmental Conservation Law 11-0935.

Environmental Conservation Law (ENV) 11-0935 provides a pilot program for counties to allow young residents, aged twelve (12) and thirteen (13) years old, the opportunity to safely learn to hunt deer with firearms under adult supervision. It is the intent of this law to permit twelve (12) and thirteen (13) year old residents to hunt deer with firearms and crossbows, by opting into New York's new pilot program pursuant to Environmental Conservation Law 11-0935.

Erie County is passing this local law as hunting is a valued tradition for many families, and this new opportunity allows experienced, adult hunters to introduce the value of hunting to the next generation. Furthermore, teaching young people safe, responsible, and ethical hunting practices will ensure a rewarding experience for the youth, while providing quality food to families and contributing to important deer management population control practices.

SECTION 2. Pilot Program Authorization

Pursuant to Environmental Conservation Law, ECL 11-0935, Erie County elects to participate in the temporary program allowing young hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm, to include rifles, shotguns, and muzzle loaded firearms or crossbow through 2023.

SECTION 3. State Requirements to Adhere Once Authorized

Per New York State requirements twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer with the following requirements:

- Twelve (12) and thirteen (13) year old licensed hunters shall be under the supervision of a licensed adult hunter, aged 21 years or older, with a rifle, shotgun, or muzzle loading firearm in areas where, and during the hunting season in which, such firearms may be used; and
- Twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer under the supervision of a licensed adult hunter, aged 21 years or older, with a crossbow during the times when other hunters may use crossbows; and
- Supervision of a licensed adult hunter, aged twenty-one (21) years or older, with at least three (3) years of experience who exercises dominion and control over the youth hunter at all times is required; and
- All licensed twelve (12) and thirteen (13) year old hunters as well as their adult supervisors shall be required to wear fluorescent orange or pink clothing while engaged in hunting to an extent and covering so designated pursuant to the law, rules, and regulations promulgated by the State of New York; and
- All licensed twelve (12) and thirteen (13) year old hunters shall remain at ground level while hunting deer with a crossbow, rifle, shotgun, or muzzleloader; and
- Notwithstanding any State or Federal Law to the contrary, this local law shall not authorize the hunting of bear by twelve (12) and thirteen (13) year old hunters with a firearm or crossbow.

SECTION 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

SECTION 5. Severability

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Sponsors Legislator Todaro, Legislator Greene, Legislator Lorigo, Legislator Mills

LEGISLATOR MILLS

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLS**

Re: Support for Amendments to NYS Conservation Law Halting the Construction of New Wind Turbines on or in Freshwater Bodies of Water

WHEREAS, protecting Erie County's fresh water supply has been, and must continue to be, a top priority of this honorable body. The lakes and rivers in and around Erie County not only provide fresh drinking water to our region but they are a source of natural beauty and recreation for both residents and non-residents alike; and

WHEREAS, recently, there has been a concerted effort to construct wind turbines in and on major bodies of water across the state by bypassing input of local municipal officials and community members; and

WHEREAS, wind turbine reliance on ever-shifting and uncontrollable sources of wind to provide electricity have not proved to be the most sustainable and efficient method of generating renewable energy; and

WHEREAS, wind turbine farms are expansive construction projects that ruin sightlines, often along the shore of bodies of water, and impact fishing areas when located in bodies of water; and

WHEREAS, Lake Erie provides drinking water to over 11 million people. Dredging up the lake bed could release contaminants that have been buried there for decades, which would negatively impact the quality of the water we have worked so hard to protect; and

WHEREAS, significant portions of wind turbine blades and expired motors cannot be recycled at the end of their lifespan due to the method and materials they are constructed from. This is leading to massive numbers of expired wind turbines being shipped off to landfills to be permanently buried; and

WHEREAS, wind turbines negatively impact the quality of life for residents immediately adjacent to their location, have been found to kill wildlife, and studies have suggested a negative impact on aquatic life; and

WHEREAS, Senator George Borrello of Jamestown has introduced legislation to the New York State Senate to place a moratorium on the construction of new wind turbines in bodies of freshwater in New York State; and

WHEREAS, the threat to native wildlife, be it migratory birds or mammals or aquatic life, is significant and needs to be taken into account. The marring of otherwise pristine landscapes and the resultant depreciation of property values adjacent to wind farm projects is a significant issue for residents who live in the area and the tourism industry; and

WHEREAS, it is imperative that this honorable body support a moratorium on the construction of new wind turbines in Lake Erie and other bodies of fresh water in Erie County and that local communities are given appropriate input on any projects being considered.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby supports Senate Bill 6314 (2021), which seeks to impose a moratorium on the construction of new wind turbines on freshwater bodies of water in New York State; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation to the New York State Senate and Assembly, Governor Andrew Cuomo, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution



THE LEAGUE
OF
HUMANE VOTERS®
OF NEW YORK
POLITICAL ACTION FOR ANIMALS

May 18, 2021

Dear Erie County Legislators:

As you know, the NYS Executive Budget (Bill S2505C/A3005C) has recently passed with a hotly contested law that allows 12 and 13 year-olds to hunt deer, as well as allowing their use of crossbows. The original law has been cut back so that counties (with the exception of the boroughs of NYC, Westchester, Suffolk, and Nassau, which were made ineligible to participate) will have to opt-in to a pilot program for 2 years and 7 months.

Please be aware that other deadly weapons, such as modified AK-47 and AR-15 rifles are already legal for 12 year-olds to use on small game, though they are primarily used for large animals such as deer! That someone 21 or older needs to accompany youngsters doesn't mitigate the accident concerns or the wounding concerns as crossbows shoot like guns, and archery is considered to be far crueler for its lack of accuracy and higher wounding rates.

It is little known that federal excise taxes on firearms, ammunition, and bows and arrows are distributed to a states' wildlife management divisions whose purpose is to sell hunting permits, thus increasing the use of firearms, ammunition, and bows and arrows or bolts. The amount of the federal excise tax received depends in part on the number of hunting permits the state sells, which in turn adds to the profit of the firearms industry. It's a circular economy and not a penny goes to the general fund of the state.

As several downstate counties are ineligible to participate in the pilot program, and other counties vote not to opt-in, youngsters and the older hunters accompanying them will pour into counties that choose to opt-in. This skewed population of hunters could have consequences for local wildlife. Additionally, there will be even more lead pumped into the environment, and the increased congestion will likely lead to a greater chance of hunting accidents and deer-car collisions.

While it works for the firearms industry and the wildlife bureau, it is clearly not working for society, the environment, ecology, human safety, or wild animals. We urge Erie County not to opt-in to this disturbing pilot program.

Please see the page below.

Sincerely,
Jeffery Termini
jefferytermini@lohvny.org
(716) 380-7667
The League of Humane Voters@of NY

The Mission of the League of Humane Voters® (LOHV®) is to create, unite, and strengthen local political action committees, which work to enact animal-friendly legislation and elect candidates for public office who will use their votes and influence for animal protection.

The following signatories are Erie County residents...and they vote!

Maureen Scheener

Anna Lukaszewicz

Christine Collins

Randy Atlas

Jeff Termini

From: maureen s. <mscheener@yahoo.com>
Sent: Wednesday, May 19, 2021 10:50 PM
To: Callan, Timothy <Timothy.Callan@erie.gov>
Subject: Re: Zoom meeting tomorrow 9:30am

Statement in opposition to the proposed allowance for 12 & 13 year-old young people to hunt deer with crossbow and firearms in Erie County.

I oppose this proposal for several reasons.

1. As stated by Lewis County Sheriff Mike Carpinelli, a gun rights advocate: "Allowing preteens that responsibility may be irresponsible. I don't think they're ready emotionally and I don't think they're ready physically. Some of them aren't strong enough to hold that firearm".

2. It's disturbing these preteens will be allowed to use crossbows and firearms to kill deer. Do we really want to encourage preteens to become accustomed to killing large animals with firearms? When the bill was introduced in 2018, the representative for New Yorkers Against Gun Violence was concerned about more gun accidents occurring with young people. The Humane Society of the United States lobbied against it at the time citing that kids will learn to be more insensitive to animals, perhaps even humans.

3. Permitting preteens to hunt with crossbows and firearms will naturally increase the probability of hunting accidents. It will increase the amount of lead pollution in the environment. More hunters means more deer-car collisions.

This proposal is misguided and a blatant giveaway to hunting interests, who comprise less than 5% of New York State's population. There is no valid reason to allow preteens more hunting privileges. Erie County can be a good example of wise wildlife stewardship by voting no to this proposal.

Thank you.
Maureen Schiener
Amherst, NY

Callan, Timothy

From: Polla Milligan <whitewhiskerssds@gmail.com>
Sent: Monday, May 24, 2021 9:38 AM
To: Callan, Timothy
Subject: Legislation for children to be allowed to hunt deer

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

As the Founder of the WNY Lost & Found Pets fb page - over 42,000 members - and the Founder of White Whiskers Senior Dog Sanctuary, I must tell you the thought of putting guns and bows and arrows into the hands of children so that they can go out into the woods and slaughter helpless wildlife is very distressing.

I am 100% opposed to this alarming piece of legislation, and cannot for a minute understand why you would think it is anything Erie County should support!

Please say no! Every society is judged by how it treats its animals.

Polla Milligan
whitewhiskerssds@gmail.com
716-713-1093
81 Goering Avenue Buffalo, NY 14225

Callan, Timothy

From: laurenwe@buffalo.edu
Sent: Sunday, May 23, 2021 1:01 PM
To: Callan, Timothy
Subject: Keeping Children and Animals Safe

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

Dear Chief of Staff Tim Callan,

I am writing in regards to the NYS Executive Budget (Bill S2505C/A3005C), which recently passed with a hotly contested law where counties can opt-in to a program that allows 12 and 13 year-olds to hunt deer, as well as allowing their use of crossbows. For the safety of our county's children and to prevent cruelty to animals, I am asking for your support in keeping Erie County from opting-in to this program. Children are at risk of wounding or killing themselves and/or others when allowed to use deadly weapons that they are not mature enough to handle. Additionally, crossbows are a far crueler for the animals being hunted because of its lack of accuracy and therefore higher wounding rates. Further, studies have shown that when children are cruel to animals, they are more likely to extend that violence to others as well. Thank you for your time, and thank you in advance for looking out for the safety of children and animals.

Sincerely,
Lauren Wesp



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 28, 2021

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

**RE: Erie County Sewer District Nos. 1, 4, & 5
Construction Inspection Term Contract Agreement
Wm. Schutt and Associates
Work Order: WSA-2**

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:mas
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 Nos. 1, 4, & 5
Construction Inspection Term Contract Agreement
Wm. Schutt and Associates
Work Order: WSA-2
Date: May 28, 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 Wm. Schutt & Associates (WSA) for Erie County Sewer District (ECSD) Nos. 1, 4, & 5 in an amount not to exceed \$50,000.00.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering inspection work related to this communication will be paid from the Sewer Fund Operating Budget; Sewer Professional Services Account 516020 of ECSD Nos. 1, 4, & 5.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order WSA-2 to Wm. Schutt & Associates to provide resident engineering services. WSA will provide inspection for construction and subdivision projects in ECSD Nos. 1, 4, & 5.

BACKGROUND INFORMATION

On November 21, 2019, the Erie County Legislature passed a resolution [Comm. 21E-19 (2019)] authorizing a 3-year Term Agreement with WSA for construction inspection. 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 construction inspections throughout the ECSDs. Accordingly, the Department has approved work order WSA-2 in the amount of \$50,000.00 to provide sanitary sewer construction inspection for various subdivisions.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

**ERIE COUNTY SEWER DISTRICT NOS. 1, 4, & 5
WORK ORDER NO. WSA-2**

ENGINEER: Wm. Schutt & Associates (WSA)

CONTRACT DATE: November 21, 2019

1. Title of Proposal:

Provide Resident Engineer for various construction and subdivision sewer installation projects in ECSD Nos. 1, 4, & 5

2. Company/Address/Principal In-Charge:

William Schutt, P.E.
WSA
37 Central Avenue
Lancaster, NY 14086

3. Effective Dates of Proposal:

May 20, 2021

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

The Engineer will provide construction inspection for various construction and subdivision projects in ECSD Nos. 1, 4, & 5.

5. Engineering Cost:

\$50,000.00

6. Source of Funds:

2021 Sewer Fund Operating Budget Professional Services Account 516020 of ECSD Nos. 1, 4, & 5.

7. Project No: WSA-2

8. Attachments: None

9. File: 0.3.2. WSA (20-22) Insp

DATE: May 20, 2021

Accepted By: _____

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

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



FILED JUN07'21 PM 3:03

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 7, 2021

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

RE: Retain Professional Ecological Services to Treat Invasive Species at Buffalo River Area of Concern Habitat Restoration Sites

Dear Honorable Members:

Please find enclosed a resolution from the Department of Environment and Planning seeking legislative authorization for the contracting for professional services for treating invasive species within the Buffalo River Area of Concern habitat restoration sites.

Should your Honorable Body require any further information, please contact Deputy Commissioner Bonnie Lawrence. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mw
Enclosure

cc: Bonnie Lawrence, Deputy Commissioner of Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Retain Professional Ecological Services to Treat Invasive Species at Buffalo River Area of Concern Habitat Restoration Sites.
Date: June 7, 2021

SUMMARY

It is recommended that the Erie County Legislature authorize the County Executive to enter into a contract with the firm of RES Great Lakes, LLC in an amount not to exceed \$578,468.57 for the purpose of obtaining services to perform invasive species treatments and ecological restoration at priority habitat restoration sites along the Buffalo River AOC.

FISCAL IMPLICATIONS

No County or other tax dollars are necessary to support this request.

REASONS FOR RECOMMENDATION

In 2019 Erie County was awarded a \$2,529,500 grant from the United States Environmental Protection Agency – Great Lakes National Program Office for the purpose of supporting the Great Lakes Restoration Initiative to protect and restore the chemical, physical, and biological integrity of the Great Lakes Basin ecosystem. A major component of this project work is habitat restoration within the Buffalo River Area of Concern (AOC), including invasive species removal and ecological restoration, and has been underway for many years. The project will build upon past restoration efforts at the Buffalo River AOC habitat restoration sites to help get the Buffalo River closer to being delisted as an AOC.

Three proposals were received. The County initiated a selection process, and the Proposal Selection Committee met on May 24, 2021. The four Committee members all signed statements attesting that they had no conflicts of interest with the bidders or their subcontractors. The four members reviewed, scored and ranked the three proposals, prior to opening pricing envelopes. Subsequent to ranking of the proposals, the bid prices were opened and assigned to the respective proposal. The proposal that scored the highest also bid within the \$580,000 grant budget allocation for the project. This led to the recommendation of RES Great Lakes, LLC. as the best quality and value for the project. A spreadsheet showing the scores assigned to each of the proposals by the Proposal Selection Committee is attached, along with a summary of the Committee process.

CONSEQUENCES OF NEGATIVE ACTION

DEP will be unable to complete the project, the multi-million-dollar habitat restoration projects that are underway will be jeopardized, invasive species that have been previously removed will repopulate the project areas, and delisting of the Buffalo River AOC will likely be delayed.

STEPS FOLLOWING APPROVAL

DEP will work with the Department of Law to execute a contract with RES Great Lakes, LLC to perform the invasive species removal and ecological restoration.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Retain Professional Ecological Services to Treat Invasive Species at Buffalo River Area of Concern Habitat Restoration Sites

WHEREAS, the Federal Government, through the Environmental Protection Agency, provides grant assistance for the Great Lakes Area of Concern Program; and

WHEREAS, the Environmental Protection Agency awarded Erie County \$2,529,500 to complete a five-year Buffalo River Remedial Action Plan Project; and

WHEREAS, the 8.43% local match will be provided by Erie County DEP staff in in-kind services; and

WHEREAS, Erie County solicited proposals from qualified firms to prepare an invasive species removal and habitat restoration plan; and

WHEREAS, Erie County conducted a review and selection process for the proposals that were received for the Feasibility Study; and

WHEREAS, the review committee selected RES Great Lakes, LLC to complete the invasive species removal and habitat restoration project work.

WHEREAS, the grant budget and project period for the invasive species removal and habitat restoration project is located in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

Erie County Buffalo River AOC Project Management
(Grant Period: 10/1/2019-09/30/2024)
SAP Grant Account #162BUFRIVERRAP1924

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
414000	Federal Aid Revenue	\$2,529,500
TOTAL REVENUE		\$2,529,500

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
516020	Professional Services	\$ 580,000

TOTAL APPROPRIATIONS

\$580,000

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute an agreement with RES Great Lakes, LLC to complete the invasive species removal and habitat restoration project work, in an amount not to exceed \$580,000 in grant resources; 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 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; and Bonnie Lawrence, Deputy Commissioner, of the Division of Environmental Compliance Services.



ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING
Project Name: Buffalo River AOC Invasive Species Treatments and Habitat Restoration
PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY

MARK C. POLONCZAK, ESQ.
 COUNTY EXECUTIVE
 THOMAS R. HERSEY, JR.
 COMMISSIONER
 BONNIE LAWRENCE
 DEPUTY COMMISSIONER

Committee	Proposer		
	Cardno, Inc.	RES Great Lakes, LLC	WSP USA Inc.
Member 1	35	90	75
Member 2	35	90	85
Member 3	51	86	88
Member 4	37	83	79
Total Points	158	349	327
Total Cost	\$580,000.00	\$578,468.57	\$484,448.86
FINAL RANKING	3	1	2

It is my opinion in recommending RES Great Lakes, LLC, 1900 Bselke Road, Grand Island, NY 14072. The Erie County Department of Environment & Planning has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code. Scoring sheets and other materials related to this matter are available for review at the Department of Environment & Planning's office during regular business hours.

Maria Whyte
 Maria Whyte
 Deputy County Executive



11 MAY 2021 10:25

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 28, 2021

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

**RE: Erie County Sewer District No. 5
Transit Road Cured In Place Pipe Lining Project
Bid Opening – Contract No. 26**

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. 5 Contract No. 26 Transit Road Cured In Place Pipe Lining 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

NRW: bp

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

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JUN 08 2021 AM 9:37

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 8, 2021

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

**RE: New York State Department of Environmental Conservation and
Environmental Facilities Corporation
Erie County Sewer District No. 4
Engineering Planning Grant: #105121**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning regarding Engineering Planning Grant funding for Erie County Sewer District No. 4.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Joseph Fiegl, P.E. 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:jlf

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: New York State Department of Environmental Conservation and
Environmental Facilities Corporation
Erie County Sewer District No. 4
Engineering Planning Grant: #105121
Date: June 8, 2021

SUMMARY

The Department of Environment and Planning requests authorization to enter into the necessary agreements to accept \$100,000.00 in grant funding from the New York State Department of Environmental Conservation (DEC) and Environmental Facilities Corporation (EFC) for a flow monitoring and infiltration/inflow (I/I) study in Erie County Sewer District (ECSD) No 4.

FISCAL IMPLICATIONS

The DEC/EFC grant will provide \$100,000.00 in funding for the flow monitoring and I/I quantification work presently being performed in ECSD No. 4. The local match is a minimum 20% and will be provided through ECSD No. 4's capital reserve account pursuant to a previous authorization provided by your Honorable Body.

REASONS FOR RECOMMENDATION

Approval of this resolution will enable Erie County to access \$100,000.00 in New York State funding, thereby decreasing the amount of capital reserves to be used by ECSD No. 4 for the flow monitoring and I/I quantification study.

BACKGROUND INFORMATION

A common way to evaluate sewer systems is to install meters at strategic locations to understand the flow characteristics of the upstream areas. In December 2020, the Erie County Division of Sewerage Management (DSM) received proposals for the ECSD Nos. 1&4 Flow Monitoring and I/I Quantification Project. Arcadis was subsequently retained to complete this project pursuant to Legislative Comm. 1E-12 (2021).

In May 2021, the DSM was notified it was awarded a \$100,000.00 "Engineering Planning Grant" from the DEC/EFC for ECSD No. 4's portion of the study. To accept the grant, a resolution from your Honorable Body is required. Additionally, the project budget as set forth in Legislative Comm. 1E-12 (2021) will need to be amended to reflect this grant funding.

CONSEQUENCES OF NEGATIVE ACTION

Without approval of the attached resolution, Erie County will not be able to access \$100,000.00 in State grant funding.

STEPS TO FOLLOW APPROVAL

The County Executive will enter into an agreement with the New York State EFC for the grant funding. A grant budget will be established for this project.

A RESOLUTION SUBMITTED BY:

DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: New York State Department of Environmental Conservation and
Environmental Facilities Corporation
Erie County Sewer District No. 4
Engineering Planning Grant: #105121

WHEREAS, the State of New York through its Department of Environmental Conservation (DEC) and Environmental Facilities Corporation (EFC) provides financial assistance through the Engineering Planning Grant program; and

WHEREAS, the State of New York has awarded Erie County a maximum of \$100,000.00 for the Erie County Sewer District (ECSD) No. 4 Flow Monitoring and Infiltration/Inflow (I/I) Quantification Project through the Engineering Planning Grant program; and

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

WHEREAS, Arcadis was retained by the County of Erie for the ECSD Nos. 1&4 Flow Monitoring and I/I Quantification Project pursuant to Legislative Comm. 1E-12 (2021); and

WHEREAS, the project budget listed in Legislative Comm. 1E-12 (2021) must be adjusted to reflect the grant award; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie previously determined pursuant to Legislative Comm. 1E-12 (2021) that the ECSD Nos. 1&4 Flow Monitoring and I/I Quantification Project is a Type II SEQR action in accordance with 6 NYCRR Section 617.5 (c) and therefore is not subject to further review under 6 NYCRR Part 617; and be it further

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

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

RESOLVED, that the minimum 20% local match required for the Engineering Planning Grant Program will be provided through ECSD No. 4 accounts; and be it further

RESOLVED, that the authorization provided in Legislative Comm. 1E-12 (2021) for the partial closure of up \$240,000.00 from ECSD No. 4 Capital Reserve Account C.00034 shall remain in the budget and shall be the source of the local match for the Engineering Planning Grant; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to increase estimated revenues in Bond Account C.17401 for the \$100,000.00 grant; and be it further

RESOLVED, that upon receipt of the grant monies and completion of the project, any unused capital reserves funds shall be returned to the appropriate capital reserve account and the budget be adjusted accordingly; and be it further

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



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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 7, 2021

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

**RE: Erie County Sewer District No. 3
Engineering Term Contract Agreement
DiDonato Associates
Work Order: DA-5**

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,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mas
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
DiDonato Associates
Work Order: DA-5
Date: June 7, 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 DiDonato Associates (DiDonato) for Erie County Sewer District (ECSD) No. 3 in an amount not to exceed \$46,495.00.

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 ECSD No. 3 Professional Services Account No. 516020.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order DA-5 to DiDonato to provide Engineering Services associated with incinerator stack and clarifier structural support design at the Southtowns Advanced Wastewater Treatment Facility (ST-AWTF) in ECSD No. 3.

BACKGROUND INFORMATION

On November 21, 2019, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with DiDonato 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. DiDonato will develop a Technical Memorandum to evaluate the incinerator stack, the clarifier center column, and clarifier floor. They will also provide design drawings and details for permanent and temporary supports for the incinerator stack at the ST-AWTF in ECSD No. 3.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

**ERIE COUNTY SEWER DISTRICT NO. 3
WORK ORDER NO. DA-5**

ENGINEER: DiDonato Associates

CONTRACT DATE: November 21, 2019

1. Title of Proposal:

Provide Technical Memorandum, drawings and details, for permanent and temporary supports for the incinerator stack at the Southtowns AWTF in ECSD No. 3.

2. Company/Address/Principal In-Charge:

John DiDonato, P.E.
DiDonato Associates
689 Main St.
Buffalo, NY 14203

3. Effective Dates of Proposal:

June 1, 2021

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

The engineer will provide technical memorandum, drawings and details, for permanent and temporary supports for the incinerator stack at the Southtowns AWTF in ECSD No. 3 and as detailed in DiDonato's letter, dated May 28, 2021.

5. Engineering Cost:

\$46,495.00

6. Source of Funds: ECSD No. 3 Professional Services Account No. 516020.

7. Project No: DA-5

8. Attachments: DiDonato letter dated 5/28/2021 (9 pages)

9. File: 0.3.2. DiDonato (20-22) Eng.

Date: June 1, 2021

Accepted By: _____

Prepared By: _____

Matt A. Salah, P.E.

Authorized By: _____

Joseph L. Fiegl, P.E.
Deputy Commissioner



131 15 2021 11:03

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 7, 2021

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

**RE: Erie County Sewer District No. 3
Engineering Term Contract Agreement
DiDonato Associates
Work Order: DA-4**

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:mas
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
DiDonato Associates
Work Order: DA-4
Date: June 7, 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 DiDonato Associates (DiDonato) for Erie County Sewer District (ECSD) No. 3 in an amount not to exceed \$45,433.00.

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 ECSD No. 3 Professional Services Account No. 516020.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order DA-4 to DiDonato to provide Engineering Services associated with a crane evaluation and a temporary support design for the Southtowns Advanced Wastewater Treatment Facility (ST-AWTF) in ECSD No. 3.

BACKGROUND INFORMATION

On November 21, 2019, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with DiDonato 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. DiDonato will develop a Technical Memorandum to evaluate the existing crane located in the influent / effluent pumping area of the ST-AWTF. DiDonato will also provide design drawings and details for temporary supports for the influent screw pump replacement at the ST-AWTF in ECSD No. 3. The plans and details are required for the bidding process of this project.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

**ERIE COUNTY SEWER DISTRICT NO. 3
WORK ORDER NO. DA-4**

ENGINEER: DiDonato Associates

CONTRACT DATE: November 21, 2019

1. Title of Proposal:

Provide Technical Memorandum and bid documents, drawings and details, for temporary supports to replace the screw pumps at the Southtowns AWTF in ECSD No. 3.

2. Company/Address/Principal In-Charge:

John DiDonato, P.E.
DiDonato Associates
689 Main St.
Buffalo, NY 14203

3. Effective Dates of Proposal:

June 1, 2021

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

The engineer will provide technical memorandum and bid documents, drawings and details, for temporary supports to replace the screw pumps at the Southtowns AWTF in ECSD No. 3 and as detailed in DiDonato's letter, dated May 26, 2021.

5. Engineering Cost:

\$45,433.00

6. Source of Funds: ECSD No. 3 Professional Services Account No. 516020.

7. Project No: DA-4

8. Attachments: DiDonato letter dated 5/24/2021 (7 pages)

9. File: 0.3.2. DiDonato (20-22) Eng.

Date: June 1, 2021

Accepted By: _____

Prepared By: _____

Authorized By: _____

Matt A. Salah, P.E.

Joseph L. Fiegl, P.E.
Deputy Commissioner

Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, May 26, 2021 2:02 PM
To: Graber, Robert
Subject: Tonawanda Coke/Riverview Innovation & Technology Campus Site (Tonawanda) - Update on Site Investigation and Cleanup Activities

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



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DEC Provides Update on Status of Investigation and Cleanup Activities Related to State Superfund Site and Brownfield Site on River Rd., Tonawanda

This link opens a fact sheet that provides an update about the environmental cleanup status for **Tonawanda Coke (site ID #915055) and the Riverview Innovation & Technology Campus (site ID #C915353) sites (Tonawanda, Erie County)**, within New York's State Superfund Program and Brownfield Cleanup Program:

<https://www.dec.ny.gov/data/der/factsheet/915055c915353update0521.pdf>

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

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

SITE No. C915353 and 915055

Spring 2021

NYSDEC REGION 9

RIVERVIEW INNOVATION & TECHNOLOGY CAMPUS

Project Update: Demolition of Stacks Planned

Brownfield Cleanup & State Superfund Programs

3875 River Road, Tonawanda, Erie County

WHO TO CONTACT



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

PROJECT-RELATED QUESTIONS:

Benjamin McPherson, Project Manager NYSDEC
 270 Michigan Avenue
 Buffalo, NY 14203
 (716) 851-7220
benjamin.mcpherson@dec.ny.gov

HEALTH-RELATED QUESTIONS:

Angela Martin NYSDOH
 Bureau of Environmental Exposure Investigation
 Corning Tower, Room 1787
 Albany, NY 12237
 (518) 402-7860
bee@health.ny.gov

NEW YORK'S BCP (SITE NO. C915353) and SSF (915055):

Visit www.dec.ny.gov/chemical/37554.html

The New York State Department of Environmental Conservation (DEC) is strictly overseeing the investigation and cleanup of the former Tonawanda Coke Corporation (TCC) facility. DEC's top priority is ensuring a thorough and careful cleanup that is fully protective of human health and the environment, while continuing to keep the Tonawanda community informed of our progress and actions. Public involvement is a critical part of the former Tonawanda Coke site cleanup and DEC will continue to closely and transparently work with the Tonawanda Community Working Group (TCWG) and other members of the public throughout the cleanup process.

This newsletter updates the Tonawanda community about the various cleanup activities completed at the site and upcoming plans for this summer.

Especially notable is the scheduled demolition of TCC's three stacks. An implosion of the stacks is tentatively scheduled for early June 2021. DEC is working closely with Riverview Innovation & Technology Campus (RITC) and the Town of Tonawanda to ensure the stack demolition is completed safely and without negative impacts to the surrounding community.



Site Description and History

The former TCC facility is approximately 127 acres. The property is located at 3875 and 3800 River Road in the Town of Tonawanda. The facility is divided into the Riverview Innovation & Technology Campus Brownfield Cleanup Program (BCP) site (approximately 86 acres) and the Tonawanda Coke State Superfund (SSF) site (approximately 41 acres). The area was used for more than a century as a coke manufacturing and byproducts recovery facility – most recently by TCC between the late 1970s and 2018.

In 2018, environmental violations involving air and water pollution, as well as faulty equipment, resulted in swift enforcement actions against TCC by DEC and the U.S. Department of Justice. These actions directly contributed to TCC's closure in October 2018.

Left behind at the former coke processing facility are numerous buildings, process equipment, piping and underground infrastructure.

Highlights of the BCP Remedial Investigation

The Remedial Investigation (RI) fieldwork was completed in October and November 2020 and consisted of:

- Collecting 27 surface soil samples;
- Excavating 40 test trenches to identify possible on-site sources of contamination;
- Installing and sampling 41 groundwater monitoring wells;
- Collecting 27 samples from surface materials left on-site from former operations;
- Collecting 8 water samples from former process sumps, basements, or pits;
- Collecting 8 sediment samples; and
- Radiological screening of slag/slag-like materials.

A Community Air Monitoring Program (CAMP) was in place to monitor air quality during the ground intrusive RI activities to proactively alert

www.dec.ny.gov

site personnel if corrective actions were necessary. CAMP results are available on RITC's website:

<http://www.riverviewtechcampus.com/health-and-safety/#map>.

The fieldwork phase of the RI is complete. DEC is awaiting a report from RITC summarizing the results of the RI. DEC will review the RI report and require the applicant to make any necessary revisions. The RI report will be made available for public review.

The proposed cleanup plan, called an "Alternatives Analysis Report" will be developed based on the RI results. This cleanup plan will include evaluating and selecting the best site remedy that is protective of public health and the environment. DEC will make this proposed cleanup plan available to the public for review and comment during a 45-day comment period.

Access the RI Work Plan and other project documents online through DECinfo Locator: www.dec.ny.gov/data/DecDocs/C915353.

Brownfield Cleanup Actions

Interim remedial measures (IRMs) are ongoing at the site to improve surface conditions, and to investigate/remediate discrete areas of concern.

All approved work plans and reports are available for public review at the document repositories and through the link provided above.

Approved documents to date include:

- Interim Site Management Plan;
- Light Oil Area Secondary Containment Testing Plan;
- Stormwater Pollution Prevention Plan;
- Stormwater Sewer Interim Remedial Measure Work Plan;
- Mixing Pad Interim Remedial Measure;
- Powers Coke and Coal Excavation Work Plan;
- Drum and Container Management Work Plan;
- Abandoned Pipeline IRM Work Plan;
- Placement of Unrecovered Coal Yard Stockpiles;

- Building Demolition Work Plan
- Aboveground Storage Tank Management Work Plan;
- Chemical and Petroleum Bulk Storage Tank Management Work Plan;
- Box Culvert Lining Work Plan; and
- Secondary Containment Closure Work Plan.

- groundwater monitoring wells;
- Collecting 5 surface water samples;
- Collecting 30 sediment samples from an on-site drainage ditch and the Niagara River; and
- Collecting 9 samples from miscellaneous waste material encountered during field work.



Top: Mixing Pad prior to cleaning (September 2020)
 Bottom: Mixing Pad post cleaning of tar and coal residuals (April 2021).

A CAMP was in place to monitor air quality during ground intrusive RI activities to proactively alert site personnel if corrective actions were necessary to prevent off-site transport of volatiles or particulate matter. CAMP results are available on RITC's website:

<http://www.riverviewtechcampus.com/health-and-safety/#map>.

Further investigation of the eastern portion of Operable Unit 1 (OU1) (also referred to as Site 110) and eastern portion of OU3 (Site 108) are currently planned. The investigation of OU2 (Site 109) is now complete. Refer to the diagram on Page 6 for OU locations. Sampling on OU1 and OU3 is anticipated to resume during Summer 2021.

The information collected during the RI will be summarized in a report made available to the public. After the site investigation is complete, Honeywell, with oversight by DEC, will complete a "Feasibility Study." This study uses information collected during the RI to identify, screen, and evaluate cleanup alternatives to address site-related contamination.

DEC will then develop a draft cleanup plan, called a "Proposed Remedial Action Plan" (PRAP), that describes the remedy preferred by DEC.

The PRAP will present the basis for the preferred remedy by discussing each alternative and the reasons for choosing or rejecting it. DEC will announce the PRAP in a future newsletter, and will present it to the public for its review and comment during a 30-day comment period. A public meeting will also be held during this comment period.

Access the RIWP and other project documents online through DECinfo Locator: www.dec.ny.gov/data/DecDocs/915055.

Highlights of the State Superfund Cleanup Investigation

The majority of the RI work was completed in October and November 2020, and consisted of:

- Collecting 46 surface soil samples;
- Excavating 29 test pit clusters to identify possible on-site sources of contamination;
- Installing and sampling 17

State Superfund Cleanup Actions

The SSF site is comprised of three operable units (OUs). These three OUs were in various stages of the cleanup process when TCC declared bankruptcy in 2018.

Preliminary work at one of the areas, named OU3 (also known as Site 108), was previously completed by Honeywell under U.S. Environmental Protection Agency oversight. Work included the demolition and removal of three above-ground tar storage tanks and piping along with asbestos abatement and excavation of impacted soil. All of the materials were disposed at approved facilities off-site.

The additional investigation being completed by Honeywell in all of the OUs will be used to determine what additional cleanup actions are needed at the SSF site. Honeywell has also agreed to investigate the area of the facility's historic settling ponds.

For more information about the State Superfund Program, visit:
<http://www.dec.ny.gov/chemical/8439.html>.

Community Working Group

The Town of Tonawanda is leading the Tonawanda Community Working Group (TCWG), an organization that provides a forum for community leaders, groups and citizen representatives to receive input, make recommendations, and discuss the remediation of the former Tonawanda Coke site.

Five TCWG meetings have been held since the formation of the working group in September 2020.

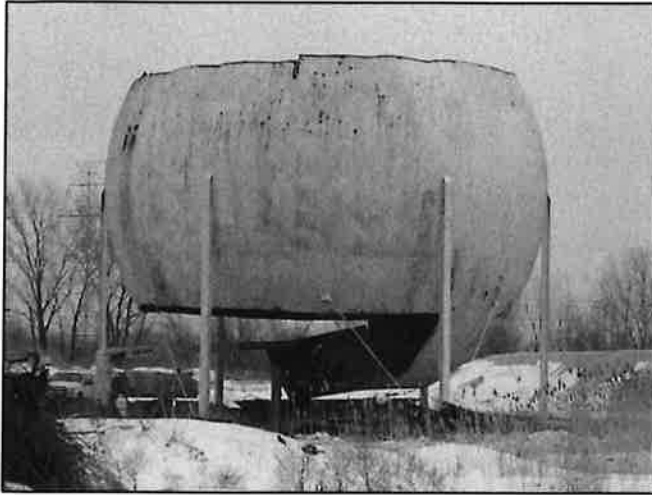
For more information on the TCWG please contact Town of Tonawanda Development Director James Hartz:
jhartz@tonawanda.ny.us or (716) 871-8847.

Work Completed to Date

Immediately upon TCC's closure in 2018, DEC and federal partners secured the site and conducted emergency activities to stabilize the site and its contents. The site was turned over to RITC following the bankruptcy sale in 2019. RITC continues around-the-clock security of the site and remote site monitoring. On-site staff manage surface water, treat stormwater accumulating in process areas, and sample surface water and sewer discharges.

Additional work completed on the sites includes:

- Coal and coke inventories left on-site from TCC's operations were removed for reuse elsewhere;
- Asbestos materials abatement and proper off-site disposal from the BCP and SSF sites is nearing completion;
- IRMs on the BCP site to manage wastes and materials left by TCC and to improve stormwater management systems;
- Sampling of on-site tanks to determine closure requirements and identify permitted treatment/disposal facilities; and
- Demolition of site buildings has commenced. Demolition must comply with all Town of Tonawanda requirements. Buildings and structures impacted by site contaminants also have additional sampling and disposal requirements from DEC.



Demolition of the gas holder that was used to store excess coke oven gas prior to use in the coking process or being sold for off-site use (February 2021).



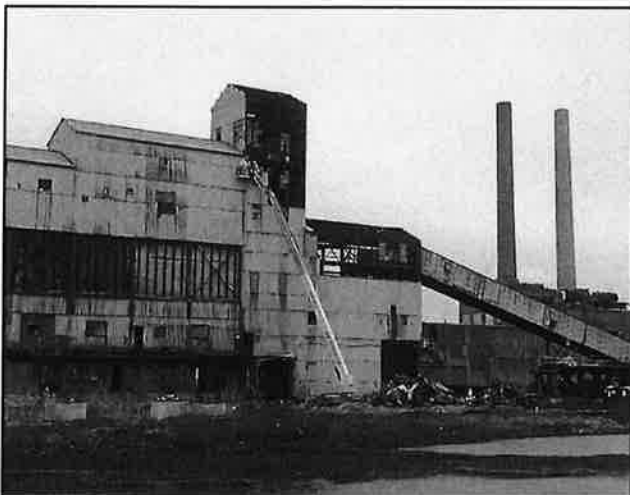
Side view of the “Mansion” office building prior to demolition (March 2021).

Additional site details, including environmental and health assessment summaries, are available on DEC's Environmental Site Remediation Database by entering the site ID C915353 (BCP site) or 915055 (SSF site) at: <http://www.dec.ny.gov/cfm/external/derexternal/index.cfm?pageid=3>.

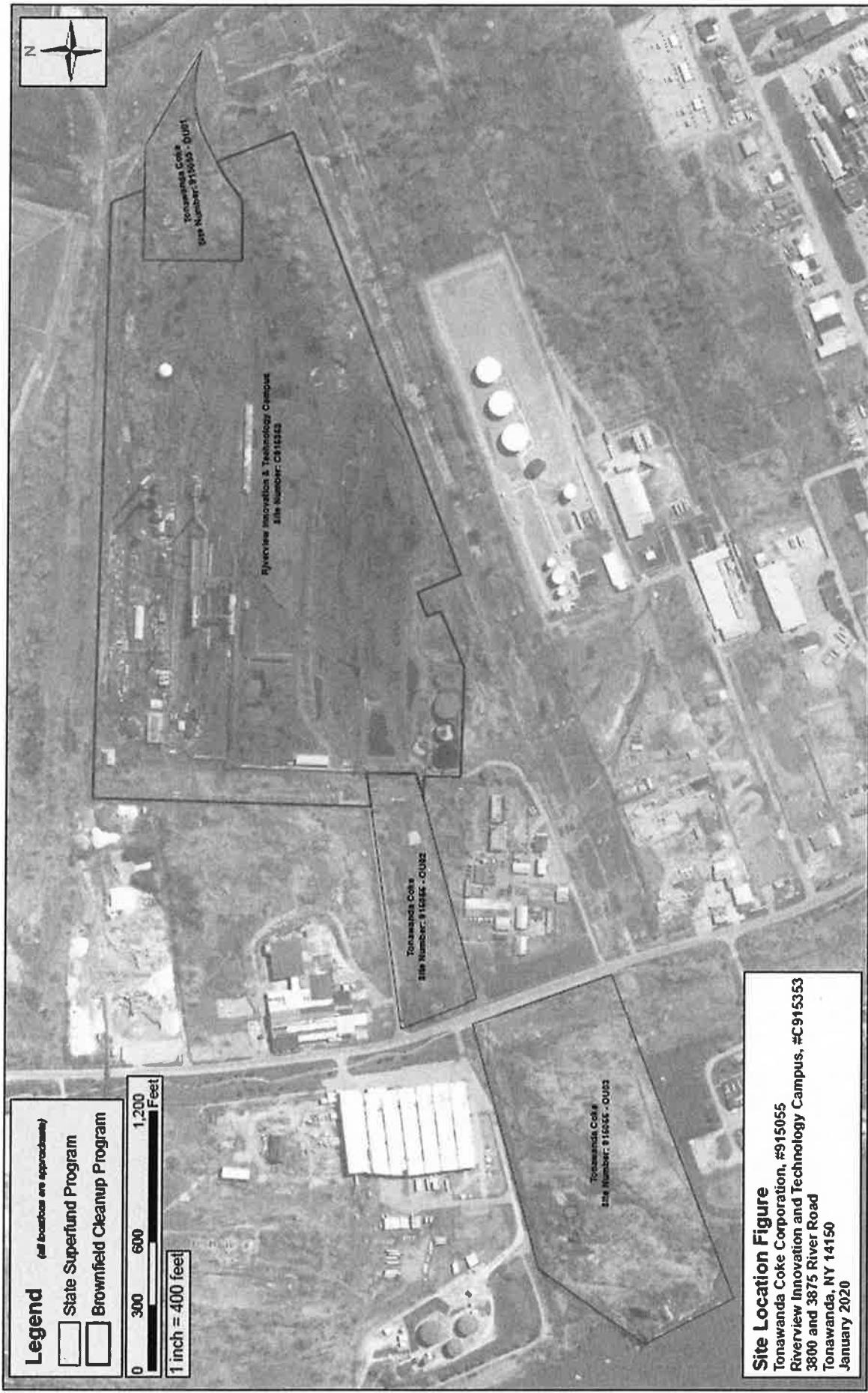
RITC/Honeywell International maintain an independent website about the sites that includes various documents associated with the ongoing projects. This website is not updated or maintained by DEC but can be accessed at: <http://www.riverviewtechcampus.com/>.



The two boiler house stacks (forefront) and the top of the waste heat stack (center-back), looking south. All three stacks will be demolished during Summer 2021 (March 2021).



Asbestos panels being removed from the coal breaker building (March 2021).



Legend (all locations are approximate)

- State Superfund Program
- Brownfield Cleanup Program

0 300 600 1,200 Feet
 1 inch = 400 feet

Site Location Figure
 Tonawanda Coke Corporation, #915055
 Riverview Innovation and Technology Campus, #C915353
 3800 and 3875 River Road
 Tonawanda, NY 14150
 January 2020

WHERE TO FIND INFORMATION



Project documents are available at these locations to help the public stay informed.

Document Repositories:
Buffalo and Erie County Public Library – Central Library
One Lafayette Square
Buffalo, NY 14203

Buffalo and Erie County Public Library – Kenmore Branch
160 Delaware Road
Kenmore, NY 14217

*** Note: Repositories are temporarily unavailable due to COVID-19. If you cannot access the online repository, contact the DEC project manager listed for assistance.*

NYSDEC Region 9 Office
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7220
Contact: Benjamin McPherson
(Please call for an appointment)

Project documents also are available through DECinfo Locator at:

<https://gisservices-dev.dec.ny.gov/gis/dil/index.html?rs=C915353>

Additional site details, including environmental and health assessment summaries, are available on DEC's Environmental Site Remediation Database at:

https://www.dec.ny.gov/cfmx/extapps/derext_ernal/haz/details.cfm?pageid=3&progno=C915353

For more information about the State Superfund, visit:
www.dec.ny.gov/chemical/8439.html

SIGN UP TO STAY INFORMED



Have site information such as this fact sheet sent right to your email inbox. NYSDEC invites you to sign up for one or more email listservs at: www.dec.ny.gov/chemical/61092.html

As a listserv member, you will periodically receive site-related information/ announcements for all contaminated sites in the counties you select. If you already have signed up for the listserv for the county in which the site is located, you need do nothing.

If the listserv is not an option, call or write to the DER project manager identified in this newsletter and indicate that you need to receive fact sheets through the U.S. Postal Service. Include the site name in your request. The option to receive paper is available to individuals only. Groups, organizations, businesses, and government entities are assumed to have email access.