



TOWN OF WEST SENECA

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TOWN SUPERVISOR
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TOWN COUNCIL
EUGENE P. HART
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MEMO

To: The Honorable Town Board

From: Tina M. Hawthorne, Town Attorney

Date: September 5, 2019

Subject: NYS DEC Revised Schedule A – Order on Consent

Attached is the New York State Department of Environmental Conservation Revised Schedule A, Order on Consent regarding the sanitary sewer overflow abatement. The original Order on Consent was executed by the Town in 2004 and subsequently revised in 2008. The revisions in the attached Revised Schedule A afford the Town additional time to investigate and take corrective action in Phases 9 and 10 of the project.

Please adopt the attached resolution and authorize the Supervisor to sign the Revised Schedule A, Order on Consent No. R9-20030625-33.

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RESOLUTION

WHEREAS, the Town of West Seneca entered into an Order on Consent on June 28, 2004 with the New York State Department of Environmental Conservation to address certain sanitary sewer overflow abatement; and

WHEREAS, the Town of West Seneca entered into a Revised Order on Consent on July 14, 2008 with the New York State Department of Environmental Conservation to address certain sanitary sewer overflow abatement; and

WHEREAS, the Town of West Seneca would benefit from extending the time to investigate and take corrective action in Phases 9 and 10 of the sanitary sewer overflow abatement as set forth in the proposed Revised Schedule A, Order on Consent as approved by the New York State Department of Environmental Conservation; and

NOW THEREFORE, be it resolved that the Town Board of the Town of West Seneca authorizes the Supervisor to execute the Revised Schedule A, Order on Consent No. R9-20030625-33 with the New York State Department of Environmental Conservation who approved a work plan for sanitary sewer overflow abatement.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Town of West Seneca

REVISED SCHEDULE A

Order on Consent No. R9-20030625-33

I. Respondent acknowledges and agrees that this Revised Schedule A replaces the Schedule A under Order on Consent R9-20030625-33 ("Order"), effective July 8, 2004, and the prior Revised Schedule A dated July 17, 2008. Upon execution by the Respondent, this Revised Schedule A shall be incorporated into and become an enforceable part of the Order. By signing this document, Respondent consents to the issuing and entering of this Revised Schedule A, waives its right to a hearing as provided by law and agrees to be bound by the provisions, terms and conditions contained therein. With the exception of the provisions below, all other terms and conditions of the Order remain in full force and effect.

II. The Respondent shall, on or before the date indicated, perform the following items:

DUE DATE

1. Sanitary Sewer Overflow Abatement

- a. Continue to implement the work plan approved by the Department by letter dated October 23, 2009. The remaining phases of the project must be implemented in accordance with the following schedule (based on the Town of West Seneca's financial capability assessment dated March 12, 2015). Ongoing

<u>Project Phase</u>	<u>Investigations (SSES)</u>	<u>Corrective Actions</u>
5	Completed	2019
6	2019	2020
7	2020	2021
8	2021	2022
9	2023	2024
10	2024	2025

- b. The SSES shall be conducted in accordance with EPA guidance (625/6-91/030) Sewer System Infrastructure Analysis and Rehabilitation. The SSES is a detailed investigation into the physical condition of the sanitary sewers (including private laterals) to identify sources of I/I into the system. SSES investigative techniques typically include CCTV inspection, smoke testing, dyed water testing and manhole inspections.

- c. Upon completion of each SSES phase, the Town shall submit a report summarizing the findings and proposing a corrective actions plan (CAP) for that phase. The CAP will describe the corrective actions to address the specific sewer defects identified in the SSES. Corrective actions typically Upon completion of each SSES phase

DUE DATE

include sewer/manhole replacement, relining, or spot repairs. Corrective actions on each area will begin immediately following completion of each phase of the SSES and will be conducted concurrently with the next phase of the SSES.

- d. The SSO abatement program shall include provisions for addressing and eliminating both public property and private property I/I. To address private property I/I, the Town shall continue to conduct interior and exterior house inspections to identify improper connections to the sanitary sewers. Inspections will be conducted in each sewer-shed as part of the system-wide SSES. The Town shall continue to enforce the existing sewer code and should consider modifications of the sewer code to include “time of sale” provisions to more completely address I/I originating from private property. “Time of sale” provisions may include such things as the installation of sumps and sump pumps (which discharge to the storm water conveyance system) to replace foundation drains that were connected to the sanitary sewer.
- e. Submit a certification upon completion of each phase of the SSES and CAP that the work was completed in accordance with the approved work plan. If any deviation from the work plan occurred, the certification should explain the nature of the deviation, the reason for it, and the steps that the Town will take to return to compliance with the work plan and schedule. The certifications can be submitted with the annual reports required by item 5 of this Schedule. Upon completion of each SSES and CAP phase
- f. Conduct periodic public education and outreach to inform residents and other Town sewer users of what the Town of West Seneca is doing to abate SSOs. This should include methods to inform residents of the prohibition on residential downspout and sump pump connections to the sanitary sewer system. The program may utilize such methods as: informational flyers included with monthly billing statements, project status reports posted to the Town’s website, agenda items for Town Board or other meetings, etc. Immediately
- g. Conduct a second round of pre-construction and post-construction monitoring after the phase 6 CAP. The purpose of this study is to determine the effectiveness of the corrective actions and to compare this second round of monitoring to the pre- and post-construction monitoring conducted after the phase 1 CAP. The study shall evaluate whether the effectiveness of the program changes as it progresses into lower priority I/I areas. The results of this study shall be reported with the progress report required in item 1.h below. The need for additional pre- and post-construction monitoring for subsequent phases will be assessed during the program.
- h. Submit an approvable report which summarizes and evaluates progress on I/I reductions achieved through the first 6 years of the SSES and CAP. The Dec 31, 2021

DUE DATE

study is to be focused only on those areas where I/I corrective actions were implemented, and is to quantify remaining I/I and identify which of those areas may still have excessive I/I. The intent of the report is to facilitate further optimization of the remaining phases of SSES and CAP work based upon work that has been completed. The report is to include any proposals the Town has for changes to the approved SSO abatement work plan, including any proposed schedule changes.

2. Notification Requirements

Continue to submit a monthly SSO Activation Report of all sanitary sewer overflows from the locations listed in Table 1 of this Schedule A. The monthly reports shall summarize, for each day that an overflow occurs, the total volume and duration of each overflow and measurements of the total amount of rainfall. Sanitary sewer overflows from any other locations within the Town shall also be included on these reports and all overflows shall be reported in accordance with current requirements under the NYS Sewage Pollution Right to Know Law (within 2 hours of discovery) using the NY-Alert system.

Immediately

3. Inspection and Maintenance Program for Overflow Facilities

Conduct monthly inspections and maintenance of all sanitary sewer overflow locations listed in Table 1 of this Schedule A. This program shall include required repair, cleaning, and maintenance of the facilities performed as needed. A summary of all inspection and maintenance activities, including visual observations of the condition of the facilities and any repair work required, is to be submitted in the annual report specified in Item 5 of this schedule.

Immediately

4. Capacity, Management, Operation and Maintenance (CMOM) Program

a. Submit an approvable CMOM plan. Upon approval, the CMOM plan shall become part of, and enforceable under this Order.

Oct. 31, 2019

b. Implement the approved CMOM Plan.

Upon DEC Approval

5. Annual Reporting and Meetings

Submit annual status reports that provide a general description of the work completed in the preceding 12 months, whether the completed work is in conformance with the requirements of this Order, a projection of the work to be performed during the next annual reporting period, and notification of any anticipated delays for the upcoming annual period. The annual report shall also detail the actions taken in accordance with the CMOM Program from item 4 above. The annual report shall also summarize SSO statistics for the preceding 12 months including SSO volumes and frequencies and shall

January 31st of each year

compare these statistics to previous reporting periods to assess the progress of SSO abatement. The Town of West Seneca shall schedule meetings with the Department within 30 days after submission of the reports to discuss the reports and progress made.

DUE DATE

6. New Flow Metering at Plant 5

Design and construct a new velocity-depth flow meter system at Plant 5 to replace the existing Parshall flume as described in the Town of West Seneca's submission titled Sewer System Improvements Basis of Design (April 2015). The proposed metering system will allow accurate flow measurements during both open channel flow and surcharged conditions.

a. Submit design documents

Sept 30, 2019

b. Complete construction

Sept 30, 2020

**Table 1
Town of West Seneca SSOs**

<u>SSO No.</u>	<u>Description</u>	<u>Location</u>	<u>Receiving Stream</u>
002a	Overflow weir from Sewer District No. 13 to overflow lift station	Ashmund & Fairfax	Cazenovia Creek
002b	Overflow weir from Sewer District No. 5 to overflow lift station	Ashmund & Fairfax	Cazenovia Creek
003	Twin portable pumps near West Seneca West H.S.	Seneca & Main	Cazenovia Creek
004	Portable pump	1190 Orchard Park Road	Cazenovia Creek
005	Portable pump	42 Elmsford Drive	Tributary of Smoke Creek
006	Gravity overflow at Leydecker pump station	303 Leydecker Road	Tributary of Cazenovia Creek

Dated: Buffalo, New York
_____, 2019

New York State Department of
of Environmental Conservation

by: _____
Abby M. Snyder
Regional Director

Dated: _____, 2019

Town of West Seneca

by: _____
Town Supervisor