



**Department of
Environmental
Conservation**

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

March 27, 2026

Joseph Fiegl, P.E., Deputy Commissioner
Erie County Department of Sewerage Management
95 Franklin Street, 10th Floor – Room 1034
Buffalo, New York 14202

Dear Joseph Fiegl:

Erie County Sewer District No. 1
Wet Weather Operating Plan
POSS Permit NYS900038
Consent Order # CO 9-20190630-97
Report Approval

The New York State Department of Environmental Conservation (“Department”) has reviewed the below submission required by Item 2 of Appendix B of Consent Order # CO 9-20190630-97. The following submission is hereby **approved**:

Project: Cayuga Creek Overflow Retention Facility Wet Weather Operating Plan
Date of Document: March 2026
Prepared by: Erie County Sewer District No. 1 (ECSD #1)

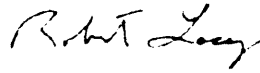
The Wet Weather Operating Plan (“WWOP”) is incorporated into and is now an enforceable part of the Order’s Compliance Schedule, Appendix B. The County must operate the overflow retention facility (“ORF”) in accordance with the WWOP which includes provisions for minimizing bypassing from sewerage facilities that affect the operation of the ORF including the ECSD #1 Industrial Park Pump Station, the ECSD #1 Cayuga Pump Station, and the trunk sewer into the Buffalo Sewer Authority’s system.

The WWOP must be updated to include any significant changes in operating procedures identified as part of an approved Cost Effectiveness Analysis (“CEA”) Report (Subitem 6.b of Appendix B of the order) within six months of approval of the CEA Report. Any changes to the WWOP are subject to this Department’s review and approval prior to implementation.

Joseph Fiegl, P.E.
March 27, 2026
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If you have any questions regarding this approval, please contact Molly Bebak by phone at (716) 851-7070 or email at molly.bebak@dec.ny.gov.

Sincerely,



Robert Locey, P.E.
Professional Engineer 1

MMB/sed

ec: Chad Staniszewski, P.E., Acting Regional Director, NYSDEC Region 9
Teresa Mucha, Esq., Regional Attorney, OGC, NYSDEC Region 9
Stanley Radon, P.G., Regional Geologist, NYSDEC Region 9
Damianos Skaros, P.E., Regional Water Engineer, NYSDEC Region 9
Molly Bebak, E.I.T., Assistant Engineer, Division of Water, NYSDEC Region 9
Bryce Heinen, E.I.T., Bureau of Water Compliance, NYSDEC Central Office
Sara Tully, NYS Environmental Facilities Corporation
Rosaleen Nogle, P.E., Buffalo Sewer Authority



County of Erie

DANIEL CASTLE, AICP
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT

JOSEPH FIEGL, P.E., BCEE
DEPUTY COMMISSIONER

March 18, 2026

Molly Bebak, EIT
Assistant Environmental Engineer
New York State Department of Environmental Conservation
Division of Water, Region 9
700 Delaware Avenue
Buffalo, New York 14209

SENT ELECTRONICALLY TO: molly.bebak@dec.ny.gov

Re: Erie County Sewer District No. 1 – Order on Consent #CO 9-20190630-97
Wet Weather Operating Plan – Response to January 23, 2026 Comments

Dear Ms. Bebak,

The Erie County Division of Sewerage Management is in receipt of the New York State Department of Environmental Conservation's (NYSDEC's) January 23, 2026 letter providing comments on the Wet Weather Operating Plant (WWOP) submitted by Erie County Sewer District (ECSD) No. 1 pursuant to Order on Consent #CO 9-20190630-97. Below are Erie County's responses to those comments.

NYSDEC Comment #1: French Road Relief System: The WWOP states that when the flow rates exceed a predetermined flow rate that could adversely impact the downstream sewer system, the Industrial Park Pump Station (PS) will switch to “wet weather mode” and pump directly to the Cayuga Creek ORF. The pre-determined flow rate must be included in the WWOP.

a. Has that flow rate been reviewed to confirm that it is still applicable?

Erie County Response #1.a: The peak hourly design flow to French Road is approximately 2.3 – 2.5 million gallons per day (mgd). Based on operational experience, that flow rate is still applicable, and a reference has been added to the Background section of the WWOP.

b. What adverse impacts are being avoided by the switch to wet weather mode and specifically where would they occur in the downstream sewers?

Erie County Response #1.b: Downstream sewers would not only be impacted, as those upstream of the Industrial Park PS would be as well. In general, the portion of ECSD No. 1 tributary to the French Road trunk sewer, along with areas south, would be at risk for excessive surcharge, basement backups, and/or flooding should a switch to wet weather mode not occur. Additionally, low elevation manholes on Clinton Street and Empire Drive may be subject to sanitary sewer overflows

NYSDEC Comment #2: ORF Influent Pumping Stations: The WWOP should state where the excess flow goes if either the Industrial Park PS or the Cayuga PS cannot keep up with incoming flow and the wet well reaches capacity.

a. Are the pump stations protected from being flooded in the event of a wet well overflow?

Erie County Response #2: The referenced pumping stations manage flows to mitigate against excessive surcharge, backups in the collection systems, and SSOs. Text has been added to the ORF Influent Pumping Stations section of the WWOP for clarity.

The Industrial Park and Cayuga Pumping Stations generally can “keep up with incoming flow”; wet wells have never overflowed at these locations. There are protections in place such as the high wet well alarms referenced in the WWOP to alert ECSD staff should there be an issue.

NYSDEC Comment #3: Managing the amount of flow to the ORF: The WWOP states that a valve on the force main to the ORF is adjusted based on the level of a manhole on Empire Drive. Where would a sanitary sewer overflow occur if the flow was not diverted to the ORF?

a. Note the high-level set point at the Empire Drive manhole is reported to be about 5 feet below grade. Is that elevation designed to prevent basement backups in the immediate area or is it to prevent sewer overflows elsewhere?

Erie County Response #3: The elevation is targeted to prevent backups in the vicinity and sanitary sewer overflows elsewhere, primarily low elevation manholes on Clinton Street and Empire Drive.

NYSDEC Comment #4: ORF Operation: Is all monitoring of hypochlorite concentration in the contact tank performed manually with a portable chlorine analyzer or are there permanent analyzers installed? Does an operator monitor the hypochlorite concentration throughout the overflow event and make manual adjustments or is any part of the process automated?

Erie County Response #4: The monitoring of the hypochlorite concentration in the contact tank is performed manually with a portable chlorine analyzer. Operators monitor the hypochlorite concentration during a discharge event and make manual adjustments when warranted. Text has been added to the ORF Operation section of the WWOP to clarify.

NYSDEC Comment #5: Attachment 2 Map: The direction of flow in the sewers and force mains should be shown on the map.

*Erie County Response #5: The Attachment 2 Map in the WWOP has been updated to include arrows with the direction of flow based on best available information. Due to the size of the ECSD No. 1 system, a reader may need to zoom into the *.pdf for clarity.*

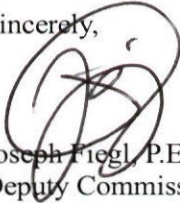
NYSDEC Comment #6: Private or Town/Village owned sewer lines – How does ECSD1 control I/I coming from private or Town/Village owned sewer lines?

Erie County Response #6: The “Rules and Regulations for Erie County Sewer Districts” (i.e. the sewer use ordinance of the ECSDs) are used for the control of infiltration/inflow from any source, including private sources or upstream municipalities. Please note there are no major areas with Town or Village owned sanitary sewers tributary to ECSD No. 1.

Enclosed is an updated WWOP, revised March 2026. Erie County trusts this letter and the updated WWOP adequately address the NYSDEC's January 23, 2026 comments, and hence the WWOP may be approved.

Thank you for your consideration. If you have any questions, please call me at (716) 858-7537.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph Fiegl', is written over the word 'Sincerely,'.

Joseph Fiegl, P.E., BCEE
Deputy Commissioner

Encl.

cc: ECSD No. 1 Board of Managers
B. Heinen – NYSDEC Central Office (electronic)
R. Locey – NYSDEC Region 9 (electronic)
D. Skaros – NYSDEC Region 9 (electronic)
S. Tully – NYS Environmental Facilities Corporation (electronic)
R. Nogle – Buffalo Sewer Authority (electronic)
K. Kaminski / C. Horne / D. Delmont (electronic)
W. Strzesynski / J. Gollegly (electronic)
D. Millar / G. Pecak / M. Salah / D. Wierzba / 1.2.3.Order on Consent

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