



## County of Erie

DANIEL CASTLE, AICP  
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING  
DIVISION OF SEWERAGE MANAGEMENT

JOSEPH FIEGL, P.E., BCEE  
DEPUTY COMMISSIONER

April 30, 2026

Ms. Catherine Hardison, P.E.  
New York State Department of Environmental Conservation (NYSDEC)  
Region 9 – Division of Water  
700 Delaware Avenue  
Buffalo, New York 14209

Re: April 3, 2026 Letter – NYSDEC  
Notice of Violation (NOV)  
Erie County Sewer District (ECSD) No. 3

**TRANSMITTED VIA E-MAIL TO: [catherine.hardison@dec.ny.gov](mailto:catherine.hardison@dec.ny.gov)**

Dear Ms. Hardison,

ECSD No. 3 in receipt of the NYSDEC's April 3, 2026 NOV letter regarding a sanitary sewer overflow (SSO) event occurring on January 8, 2026 at 4906 Rodgers Road in the Town of Hamburg, New York. A copy of this NOV is enclosed as Attachment A. Included with the April 3, 2026 NOV letter was a "Certification of Compliance" requesting that ECSD No. 3 submit a "Letter Describing Corrections Made and/or actions being taken to address deficiencies". A signed copy of the "Certification of Compliance" is included in Attachment B. Please consider this correspondence as the "Letter Describing Corrections Made and/or actions being taken to address deficiencies".

As the NOV notes, the SSO event was reported by ECSD No. 3 via NY Alert, with a supplemental five (5) day report received by the NYSDEC. A copy of the referenced five (5) day report sent on behalf of ECSD No. 3 is included in Attachment C. The following is a summary of the details included in that report:

- Manhole #1C65E0 was overflowing due to a blockage in sanitary sewer line segment #1C65DF, located downstream of the sanitary sewer overflow (SSO).
- A crew was immediately dispatched to flush the line, thus relieving the blockage and ending the SSO. An estimated volume of 750 gallons was discharged to ground.
- A fats/oils/grease (FOG) blockage was believed to have caused the SSO. As a result, follow up closed circuit televising (CCTV) work was scheduled, and a preventative maintenance flushing plan was established.

When there is an issue of this type, work orders are entered into the Sewer District's computerized maintenance management system (CMMS) to schedule and track follow-up activities. A few months after the incident, CCTV activities were completed on the sanitary sewer sections immediately downstream of the SSO location to see if grease accumulated after the initial flushing activities. No grease was found,

nor were any defects identified in the sewer lines. Minor bench work was completed in one (1) manhole to promote better flow through this section of sewer.

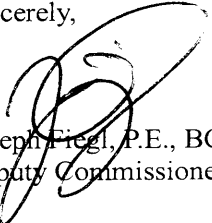
As a result of grease being found during this incident, the matter was referred to the Erie County Division of Sewerage Management's (DSM's) FOG group. Upon reviewing the upstream sewershed, there were no food service establishments (FSEs) identified in the immediate vicinity. Nevertheless, the DSM's FOG group visited six (6) FSEs located further away to evaluate their FOG mitigation practices. No major issues were found, although the DSM's FOG group did provide feedback to certain FSEs regarding their cleaning frequency and best management practices. Considering the proximity of the FSEs to the SSO location and the findings of the FOG inspections, the likely source of the grease were residential connections.

In summary, the SSO was corrected immediately on January 8, 2026 through addressing a FOG blockage. Follow-up CCTV activities indicate there were no defects in the downstream sewers; however, while ECSD No. 3 staff were onsite some minor bench work was completed in one (1) manhole to promote better flow through this section of sewers. The DSM's FOG group reviewed the upstream sewershed, visited the FSEs further upstream, and no major issues were identified. It is theorized the grease likely originated from residential sources. A preventative maintenance plan for this sewer section has been established in ECSD No. 3's CMMS to mitigate against future grease accumulation.

As previously referenced, enclosed in Attachment B is a signed "Certification of Compliance", submitted within the requested 45 days of the date of the NOV.

Please let us know if you require further information.

Sincerely,



Joseph Fiegl, P.E., BCEE  
Deputy Commissioner

Cc: ECSD No. 3 Board of Managers  
NYSDEC Region 9 (M. Emery, T. Mucha, S. Radon, D. Skaros, C. Staniszewski – via e-mail)  
NYSDEC Albany (B. Heinen – via e-mail)  
C. Horne/K. Kaminski (via e-mail)  
W. Strzeszynski (via e-mail)  
J. Balcarczyk/D. Hojnacki (via e-mail)  
D. Millar/G. Pecak/M. Salah/ D. Wierzba/3.2.3.DEC Overflows

# **Attachment A**

April 3, 2026 Letter  
New York State Department of Environmental Conservation



April 3, 2026

**VIA EMAIL ONLY**

Joseph Fiegl, Deputy Commissioner  
Erie County Sewer District No. 3  
Erie County Department of Sewerage Management  
95 Franklin Street, 10th Floor – Room 1034  
Buffalo, New York 14202

Dear Joseph Fiegl:

**Re: Notice of Violation: Unauthorized Discharge  
Erie County Sewer District No. 3  
Town of Hamburg – Erie County  
SPDES No. NY0095401**

**PLEASE TAKE NOTICE THAT** based on New York State Department of Environmental Conservation's ("Department") records a specific action constituting a violation of the New York State Environmental Conservation Law ("ECL") and the New York Code of Rules and Regulations ("NYCRR") has occurred at the above referenced facility. The violation is as follows:

1. ECL §17-0509 Minimum treatment required

"The minimum degree of treatment required for the discharge of sanitary sewage into the surface waters of the state shall be effective secondary treatment, provided, however, that additional treatment may be required consistent with the standards established for specific waters by the department pursuant to section 17-0301 or with standards, criteria, limitations, rules or regulations promulgated or applied pursuant to title 8 hereof."

This Notice of Violation ("NOV") is being sent regarding the sanitary sewer overflow ("SSO") event that occurred on January 8, 2026, at the address below, in violation of ECL §17-0509:

- 4906 Rodgers Road, Town of Hamburg (MH #1C65E0)

The overflow, totaling approximately 750 gallons, was due to a grease buildup in the sanitary sewer causing a dry weather discharge. Erie County personnel cleaned up any residual from the overflow and follow-up televising has been scheduled to verify all grease has been removed. Annual preventative flushing plan has been established to the contributing line segment. The event was reported timely to the Department via NY Alert in accordance with the Sewage Pollution Right to Know ("SPRTK") Act. A supplemental 5-day report was received for the event by the Department.

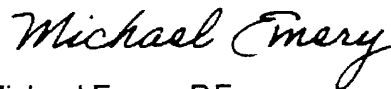
**PLEASE TAKE NOTICE THAT** pursuant to ECL § 71-1929, any person who violates any provision of, or who fails to perform any duty imposed by titles 1 through 11 and title 19 of article 17 of the ECL, or any regulation or order promulgated pursuant thereto, shall be liable for a civil penalty of not more than \$37,500 per day for each violation and, in addition thereto, such person may be enjoined from continuing such violation.

**PLEASE TAKE FURTHER NOTICE THAT** the Department is reviewing its options regarding the appropriate enforcement action(s), including the assessment of penalties, fines, and injunctive relief for the violation noted above. Compliance with this NOV shall not relieve Erie County Sewer District No. 3 of any liability for penalties or other appropriate sanction(s) for the above-mentioned violation. However, failure to immediately comply may result in a larger penalty than would otherwise be assessed, should the company be adjudged to be in violation of the ECL.

**PLEASE TAKE FURTHER NOTICE THAT** Erie County Sewer District No. 3 may submit information or evidence to the Department relevant to the facility's compliance record, the nature of the violations, or any mitigating circumstances. Any such information or evidence may be used in a civil enforcement proceeding. In the event that formal enforcement proceedings are initiated, the company will have the right to a hearing. Erie County Sewer District No. 3 may also request an informal conference to discuss this NOV and the events to which it relates.

Please submit the attached Certification of Compliance to the Department **within 45 days of the date of this NOV**. All questions and submittals can be directed to Catherine Hardison of my staff at (716) 851-7070, or by email at [catherine.hardison@dec.ny.gov](mailto:catherine.hardison@dec.ny.gov).

Sincerely,



Michael Emery, P.E.  
Regional Engineer

ME/JB

Enclosure: Certificate of Compliance

cc: Chad Staniszewski, P.E., NYSDEC Assistant Regional Director  
Teresa Mucha, Esq., NYSDEC Regional Attorney  
Damianos T. Skaros, P.E., NYSDEC Regional Water Engineer  
Stanley Radon, P.G., NYSDEC Regional Geologist  
Catherine Hardison, P.E., NYSDEC Region 9 Division of Water  
Bryce Heinen, E.I.T, NYSDEC Division of Water, Albany

## **Attachment B**

Certification of Compliance  
Signed by Erie County



Department of Environmental Conservation

### Certification of Compliance

For DEC Use:

Facility Name  SPDES ID

Regional Inspector  Date

Complete and return this Certification of Compliance by

Send to Regional Water Engineer:

1. Facility has corrected the violations specified in the inspection report cited or attached Notice of Violation; or certifying that permit or order schedule items are completed.
2. I am authorized as the permit holder to file this certification on behalf of the facility.
3. Submission of this certification does not limit enforcement or re-inspection by the department.

Please Submit Items Checked	Description of Compliance/Corrective Actions	Received Date
Photos	<input type="checkbox"/>	
Engineer's Certification	<input type="checkbox"/>	
Letter Describing Corrections Made	<input checked="" type="checkbox"/> and/or actions taken to address deficiencies	
As-Built Plans	<input type="checkbox"/>	
Other	<input type="checkbox"/>	

For Permittee Use:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Permittee (Per CFR 122.22)  
(Print or Type)

Signature

Title

Date Signed

## **Attachment C**

January 9, 2026 Letter  
Erie County Sewer District No. 3



## County of Erie

DANIEL CASTLE, AICP  
Commissioner

DEPARTMENT OF ENVIRONMENT AND PLANNING  
Division of Sewerage Management

JOSEPH FIEGL, P.E., BCEE  
Deputy Commissioner

### **Emailed to DEC office**

January 09, 2026

Ms. Catherine Hardison  
Professional Engineer 1 (Environmental)  
NYS Department of Environmental Conservation  
700 Delaware Avenue  
Buffalo, New York 14209

Re: Erie County Sewer District #3 - SPDES No. NY0095401 (Southtowns WRRF)  
Notification #2310831455316304

Dear Ms. Hardison:

This is a follow-up to the overflow notification report sent by e-mail to your office (via SPRTK) by Mr. Joseph McDonald on January 08, 2026, for an overflow that occurred in the Sewer District #3 service area.

Erie County Sewer staff discovered manhole (#1C65E0) overflowing across from 4906 Rodgers Rd, Hamburg, NY while working nearby. Staff investigated, discovering a blockage in a PVC line segment (#1C65DF) downstream from the overflowing manhole. A crew was immediately dispatched to flush the line, thus relieving the blockage and ending the S.S.O. During the event an estimated 750 gallons of untreated sewage was discharged to ground, which ultimately flowed to Barricks Creek. Erie County personnel cleaned up any residual from where the overflow occurred. A grease blockage is believed to have caused the overflow. As a result, follow up televising has been scheduled to verify all grease is removed, and an annual preventative flushing plan has been established to clean line segment #1C65DF.

To minimize these events, Erie County implements a FOG program to track down and reduce sources of grease.

Please call if you have any questions.

Sincerely,

Carl D. Horne  
Assistant Chief Treatment Plant Supervisor

cc: J. Fiegl/D. Millar/G. Pecak/M. Salah/N. Wetzel/D. Wierzba/ B. Pfalzer/3.2.3.DEC Overflow Reports  
K. Kaminski  
W. Strzeszynski/M. Pinto  
D. Hojnacki /J. Balcarczyk  
J. McDonald/D. Delmont/3.2.3.DEC Overflow Reports