



County of Erie

DANIEL CASTLE, AICP
COMMISSIONER

DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT

JOSEPH FIEGL, P.E., BCEE
DEPUTY COMMISSIONER

April 29, 2026

Michelle Woznick
New York State Department of Environmental Conservation (NYSDEC)
Division of Environmental Permits
700 Delaware Avenue
Buffalo, New York 14209

Re: DEC ID# 9-1448-00013/00013 ECSD No. 3 Southtowns Water Resource Recovery Facility Air Title V Permit Notice of Complete Application

TRANSMITTED VIA E-MAIL TO: michelle.woznick@dec.ny.gov

Dear Ms. Woznick:

The Erie County Department of Environment and Planning – Division of Sewerage Management (County) is in receipt of your March 25, 2026, Notice of Complete Application for the Southtowns Water Resource Recovery Facility (Facility) Air Title V Permit, DEC ID# 9-1448-00012/00013. The County is taking this opportunity to provide written comments to the NYSDEC during the public comment period for the Facility's draft Air Title V Permit. The County's comments and questions on the draft permit are as follows:

NYSDEC General Permit Conditions

Condition 5:

Please add a reference to the semi-annual deviation reporting schedule to clarify that semi-annual reports will be based on January-June and July-December periods, and reports will be submitted within 60 days of the end of the period. The County makes this request to harmonize all the reporting period requirements so that each semi-annual period follows the same schedule.

Condition 12:

Please provide Equation (6) for calculating the risk specific concentration for chromium.

Air Pollution Control – Title V Permit Conditions

General comment:

Stack testing does not occur on a semi-annual basis, however, there are several conditions related to stack testing (25, 53-64, and others) that require semi-annual reporting. The County suggests annual reporting for these conditions is more appropriate.

Condition 6:

This condition requires an annual compliance certification to be submitted 60 days after the anniversary date of four consecutive calendar quarters. The semi-annual reports in this draft Permit are based on January-June and July-December periods. The County requests this annual compliance certification to be due 60 days after January 1 so that each annual certification covers two (2) semi-annual reporting periods from the same calendar year.

Additionally, the “Monitoring Description” states the reports are due 60 days after the reporting period and the “Reporting Requirements” state that the reports are due 30 days after the reporting period. Please revise the “Reporting Requirements” to 60 days to match the “Monitoring Description”. This change would make the first annual report due March 1, 2027.

Condition 25:

This condition states that compliance with 40 CFR Part 60 Subpart M demonstrates compliance with Part 212. Subpart M Compliance Reports are submitted annually. Condition 25 requires semi-annual reports. The County requests this condition be changed to annual reports to coincide with the Subpart M reports.

Condition 26:

Same comment as Condition 25.

Condition 28:

The County requests clarification on what constitutes a record of “sulfur content of the fuel”. The County purchases only ultra-low sulfur diesel fuel which is required to contain less than 0.0015 percent sulfur by weight as mandated by the United States Environmental Protection Agency since 2010 for highway diesel fuel and 2014 for NRLM diesel fuel. Is the name of the product on the delivery receipt sufficient?

Condition 35:

The County was unable to find a reference in 40 CFR 60.152 which requires a signature on the opacity checks. The Facility currently uses checklists completed and initialed by an operator with the results of the check and initials entered into the Facility’s digital operations record.

Please amend this condition to reflect the Facility’s current method as suggested below to match the current practice and address the inability of the Facility’s digital operations log to store a signature:

The operators shall check opacity of emission points at least once daily, during daylight hours except during conditions of extreme weather (fog, snow, rain). Visible emissions do not include steam plumes. The facility shall record in a bound log book or on-line operations log: the results of the visual observation: were visible emissions observed (yes or no), an explanation for days when weather conditions prohibit such observations of visible emissions, the time of the observation, and the name and/or initials ~~signature~~ of the operator who made the observation.

Additionally, this condition contains a typographical error:

The operators shall check opacity of ~~emission~~ emission points at least on...

Condition 70:

This condition could be interpreted as requiring the replacement of all sorbent polymer composite modules when either there is film/soot buildup or the screening results indicate the concentration of mercury exceeds the standard.

As a result, the County proposes the following change to Condition 70.2:

Whenever significant film/soot build-up or deterioration of any modules is observed during an inspection, the incinerator associated with the module(s) shall cease operation and the module(s) identified as being fouled must be replaced. Further, an incinerator shall cease operation upon notification of a modified Reference Method 30B test with a ~~until the screening results demonstrate that the modules are working properly and the concentration of mercury at the outlet of the modules is of greater than 0.037 mg Hg/dscm @ 7% O₂ or less. If screening results show that the concentration of mercury exceeds the standard, the oldest module~~ modules must be replaced prior to combusting sewage sludge in the incinerator again. NYSDEC shall be notified within 2 days, via email, if either of these conditions occur~~this occurs~~.

Condition 71:

Please revise the upper permit limit to 2 inches of water. The mercury scrubber system is designed to operate with four (4) mercury modules which can produce a pressure drop of 0.5 inches of water each. The total acceptable pressure drop for the entire mercury module scrubber system is 2 inches of water. Alternatively, adjust the upper limit to 0.5 inches of water per mercury module.

Condition 72:

The flow rates of the spray lances are set via pressure reducing valve. There is no flow meter associated with these lances. Additionally, the Facility's SCADA records only the "on" status of the spray lances. Once the spray lances are turned "on", they run for a predetermined time. There is no separate "off" signal to be recorded in SCADA. Additionally, there are no calibrations that can be performed for these devices.

As a result, the County proposes the following change to Condition 72:

The spray lances contained in the mercury control system are used to intermittently inject atomized water to irrigate the upstream side of the ME and to clean debris and sulfuric acid (H₂SO₄) generated from sulfur dioxide (SO₂) in the exhaust from the SPC modules below. The spray lances also wash down the mesh ME during the backwash cycle to prevent particle build up and enable drainage of captured particulate laden droplets under all operating conditions. The spray lances shall be operated ~~at the flow rate and frequency~~ as recommended by the manufacturer. Any time ~~that the flow rate is~~ operation of the spray down system is modified, the ~~old and new flow rates~~ changes shall be recorded in a permanently bound logbook or electronically on a secure server. The time stamped on/off status of the spray lances shall be recorded by the SCADA system to verify duration and frequency of operation of the module and ME washing cycles. Southtowns WRRF shall maintain records to demonstrate that the spray lances have been installed and operated inspected, calibrated, maintained, and repaired in accordance with the Envirocare O&M Plan, 40CFR60.11(d), 6NYCRR200.7 and the manufacturer's spray lance design specifications and/or subsequent recommendations.

Condition 83:

The Facility requires flexibility to perform the annual inspections required under this Condition. The County requests the following change:

Each inspection must be conducted ~~no later than 12 months~~ within 11 to 13 months following a previous annual air pollution control device inspection.

This change is consistent with the performance testing of no less than 11 months and no more than 13 months from the previous testing event.

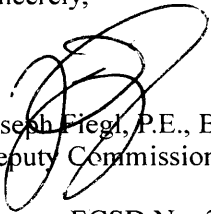
Condition 98:

This condition contains a typographical error:

... *Stack testing conducted by Southtowns WRRF in 2019 ~~included~~ included USEPA Method 0061...*

The County appreciates the opportunity to provide comments on the draft permit. I can be reached at (716) 858-7537 or joseph.fiegl@erie.gov should the NYSDEC have any questions or wish to schedule a meeting to discuss.

Sincerely,



Joseph Fiegl, P.E., BCEE
Deputy Commissioner

Cc: ECSD No. 3 Board of Managers
C. Webster, NYSDEC Division of Air Resources (electronically)
E. Bennett, NYSDEC Division of Air Resources (electronically)
T. D'Agostino, Ramboll (electronically)
K. Kaminski/C. Horne/J. McDonald/D. Delmont (electronically)
D. Millar/G. Pecak/M. Plesh/D. Wierzba/K. Hake/3.2.3.Air Permit