



**FOR IMMEDIATE RELEASE**  
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**Contact:** Matt Davison  
matt@martingroupmarketing.com  
(716) 604-7772

## **Official Statement Regarding NYSDEC Violation Notice**

Today the NFWB received notice of violation from the NYS Department of Environmental Conservation (NYSDEC) related to water quality standards surrounding an August 15<sup>th</sup> wet weather event that occurred in Niagara County. This specific volume overflow situation was immediately self-reported via the SPDES permit and NY Alert System, as a result of applicable Sewage Pollution Right To Know law obligations.

The NFWB is currently in the process of reviewing the violation notice, but can clarify that the root cause of such overflow occurrences—of which the NYSDEC is well aware and has been working with the NFWB on—is a direct result of outdated infrastructure and system design limitations that impact overall facility capacity during heavy volume periods. The NFWB also has no way of controlling for color or turbidity with respect to the overflow water during a wet weather event.

Extensive efforts remain underway by the NFWB, AECOM and other engineering resources to identify potential short and long-term solutions to mitigating the existing facility limitations that cause such discharge and overflow situations along the Niagara River.

The NFWB maintains its commitment to meeting the September 1<sup>st</sup> report issuance deadline proposed by the NYSDEC and will continue to work collaboratively with the department and other government entities to reach proactive solutions to achieve more effective regional storm and wastewater management.

In the last several months, over \$1 million has been committed by the NFWB toward improvements to current treatment facilities, including efforts to enhance Sediment Basin 5 and other key system components and equipment. The board has also identified roughly \$6.9 million for 2018 system upgrades as part of ongoing capital improvements, which also follow more than \$8 million in system enhancement funds spent in recent years. NYSDEC has retained active knowledge of all such improvements and will continue to be notified of related work on real-time basis. NYSDEC specifically has been involved in monitoring wastewater treatment plant operations since the City of Niagara Falls constructed the existing plant in the 1970's. NYSDEC has approved nearly all upgrade and renovation projects at the wastewater treatment plant, including approving the 2004 contract pursuant to which the pump involved in the July 29<sup>th</sup> incident was installed.

From an overall environmental impact mitigation perspective, the NFWB maintains strong support for massive—and overdue—state and federal investment in capital infrastructure improvements at outdated wastewater treatment facilities across the Great Lakes watershed.

True, lasting, state-of-the art solutions to the challenges facing aging wastewater treatment systems may be too costly for localities to fund, and will require partnership and participation with state and federal elected officials.

The NFWB will continue to provide periodic public and ratepayer updates on overflow and other discharge matters as such information becomes available. Updates will be available at [www.NFWB.org](http://www.NFWB.org).

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