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**Regular Session of the
Niagara Falls Water Board
September 24, 2018 5:00 PM at
Michael C. O’Laughlin Municipal Water Plant**

1. Attendance and Preliminary Matters

- a. Forster ___Kimble ___ Larkin___ Leffler___ O’Callaghan___
- b. Letters and Communications
- c. Public Comment (All speakers must register with the Chairperson prior to roll call and are limited to three minutes per person – total time for all speakers may not exceed one hour)
- d. Approval of Minutes from July 30, 2018

2. Executive Director

3. Director of Operations

4. Superintendent

5. Engineering

6. Personnel Items – Director of Administrative Services

I. Staff Requested:

Motion to Approve Personnel Actions and Report dated September 17, 2018.

II. Staff Requested:

Motion to Authorize Director of Administrative Services to execute documents necessary to renew liability insurance coverage for 10/18/2018 to 10/18/2019.

7. Information Technology (IT) Dept.

8. Financial Reports – Director of Financial Services

9. Reports

- a. O&M Reports for July and August**
- b. Safety**

10. General Counsel and Secretary

11. From the Chairman

12. Resolutions

2018-09-001 – AUTHORIZING PURCHASE OF STOCK OF FIRE HYDRANTS

- a. Lock City Quote**

2018-09-002 – AWARDING CONTRACT FOR SANITARY SEWER MANHOLE REPAIR PROJECT AT 22ND AND NIAGARA STREETS

- a. Bid Tabulation and Award Package**

2018-07-003 – AUTHORIZING FUNDS FOR MISCELLANEOUS IN-PLANT MECHANICAL MAINTENANCE SERVICES

2018-09-004 – AWARD BID FOR PRIMARY TREATMENT POLYMER

- a. Bid Tabulation and Award Package**

2018-09-005 – AUTHORIZING AMENDMENT TO SCHEDULE A OF ORDER ON CONSENT R9-20120906-129

- a. Order With Proposed Amended Schedule**

13. Unfinished Business

14. New Business & Additional Items for Discussion

15. Executive Session

16. Adjournment of Meeting



**Regular Session of the
Niagara Falls Water Board
July 30, 2018 5:00 PM at
Michael C. O’Laughlin Municipal Water Plant**

1. Attendance and Preliminary Matters

- a. Forster P Kimble P Larkin P Leffler P O’Callaghan P
- b. Letters and Communications
- c. Public Comment (All speakers must register with the Chairman prior to roll call and are limited to three minutes per person – total time for all speakers may not exceed one hour)

John Koury, Lou Fratello & Vincenzo Velasco spoke on behalf of the NFWB outside water department.

John Koury would like to show his gratitude to the NFWB as a new employee.

Lou Fratello questioned whether there were plans for a pay increase. There has been ongoing dialogue about pay rates which are pursuant to the collective bargaining agreement, and Mr. Forster recommends that Mr. Fratello discuss this matter with his union.

Vincenzo Velasco also spoke, and is seeking higher pay. Mr. Velasco states he is convinced that employees will continue to quit if they do not receive an increase in their pay.

Public commenter Tim Heuther asked about approval of a \$10,000 expense that he understood was for advertising on the Niagara Falls Reporter, and believes this amount of money can be better spent somewhere else.

Mr. Forster explains that the Executive Director, Rolfe Porter, has been authorized to continue a public communications campaign using print ads, and is authorized to spend up to \$10,000 on any publication he deems necessary; not specifically the Niagara Reporter. More, appropriating the funds does not necessarily mean that they will be spent.

Dasmen Cary is seeking assistance with his high water bill. Mr. Cary states he owns over 20 properties in the city of Niagara Falls but is speaking today about his duplex property located at 923 Fairfield Ave. Mr. Cary states he was informed he has leaks in his home, causing his increase in water consumption. Mr. Cary explains he repaired the leaks and still experienced high water bills. Mr. Cary has completed a bill adjustment form, and it was recommended that an employee from the meter shop evaluate Mr. Cary's water meter.

Approval of Minutes from June 25, 2018

Motion by Mr. Forster and seconded by Ms. Larkin to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

2. Executive Director

I. Questions or Comments on the Following Items Discussed during July 23 Work Session (if any):

- a. Consent order
 - i. Draft Q2 report
 - ii. GHD consent order support
 - iii. AECOM consent order support
- b. Outreach/PR
 - i. Media day Martin Group - Highlighting accomplishments

Mr. Porter believes the NFWB received fair and informative media coverage after inviting the press to the Wastewater Treatment Plant (WWTP).

- c. Vanguard Report

Mr. Forster states this was a very extensive report that helped highlight areas for improving. Mr. Porter agrees and explains we will discuss the safety portion at the September board meeting and the I.T. portion at the October board meeting.

Mr. Forster states he is pleased that the NFWB now meets Homeland Security guidelines that have not been met in quite some time; specifically the access gates and lighting at the WWTP that are now fully functional.

Mr. O'Callaghan shows gratitude to all of the employees for their hard work and dedication.

- d. Grants Update
 - i. Draft GHD Engineering Report – WWTP and GPS Rehabilitation
- e. SPAR 3D
- f. Request for Proposal for WWTP Projects
 - i. Scope of Work

g. Five-year Capital Plan and Bond Information

Mr. Porter states there have been no further changes made to the NFWB 5 year capital improvement plan. Mr. Porter also states that the NFWB had not received any further direction from NYS regarding State funds. Engineering reports regarding WWTP and GPS rehabilitation are not due until September 2018.

Ms. Kimble questions the new software for the camera truck and whether there will need to be additional upgrades. Mr. Drury explains upgrades will be needed approximately every 3 years. Ms. Kimble states she would like to see a better investigation of technology upgrade requirements moving forward.

Mr. O'Callaghan states he would like to have the I.T. department evaluate such purchases in the future to avoid equipment that will need frequent upgrades.

3. Director of Operations

I. Questions or Comments on the Following Items Discussed during July 23 Work Session (if any):

- a. Upgrade of camera truck software resolution \$20K
- b. NAASCO training
- c. Vanguard Security – Disposition Relative to Recommendations

II. Chemical Tank Removal at WWTP

Mr. Drury states there are currently 4 large chemical tanks located at the WWTP that have not been utilized in the past 25+ years.

Mr. Drury explains the cost to remove the tanks will be approximately \$45,000, with a demolition cost of approximately \$85,000, and a total cost not expected to exceed \$150,000.

Mr. Forster questions Mr. Porter as to why he thinks the tanks were not removed years ago.

Mr. Porter states he believes the issue was due to cost.

Mr. Drury states once the chemical tanks have been removed, they will begin the removal of the railroad tracks at the WWTP. The relocation of the drying beds will also be discussed.

Lastly, Mr. Drury states he will continue to be on top of inventory control. Knowing exactly what materials we have in any particular location.

4. Superintendent

I. Questions or Comments on the Following Items Discussed during July 23 Work Session (if any):

- a. Private Fire hydrant update.
- b. NFWB Fire Hydrant update.
- c. Valves GPS program.

Mr. Wright states 94 hydrants have been flushed for a total of 847, 101 have been flow tested for a total of 545 and 96 have been painted for a total of 925 since early spring.

Mr. Wright explains that all hydrants owned by the NFWB have been properly GPS'd.

Mr. Wright states the NFWB owned fire hydrants have now begun to be color coded; red and blue to indicate available gallons per minute.

Mr. Forster and Mr. O'Callaghan show their gratitude for all of the hard work that has been done.

Mr. Forster shows specific gratitude to Mr. Eagler, stating he was instrumental in this process by assisting with the purchase of the necessary equipment needed to complete these projects.

5. Engineering

I. Questions or Comments on the Following Items Discussed during July 23 Work Session (if any):

- a. National Grid Annual Savings Report

No further questions or concerns were asked at this time.

6. Personnel Items

I. Questions or Comments on the Following Items Discussed during July 23 Work Session (if any):

- a. Personnel Actions and Reports
 - i. General Merchandise and Material Control Specialist
 - ii. Records Retention Control Specialist
- b. Organization Chart

Motion by Mr. Forster and seconded by Ms. Larkin to approve the proposed position of general merchandise and material control specialist.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

Motion by Mr. Forster and seconded by Ms. Kimble to approve the proposed position of records retention control specialist.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

7. Information Technology (IT) Dept.

I. Questions or Comments on the Following Items Discussed during July 23 Work Session (if any):

- a. Verizon One Talk Presentation

No further questions or concerns were asked at this time.

8. Financial Reports

I. Questions or Comments on the Following Items Discussed during July 23 Work Session (if any):

- a. NFWB Bank Accounts
- b. Budget Monitoring Expenses – June
- c. July 20, 2018 Payment Listing
- d. Credit Card Report
- e. Bank on Buffalo Transition Update
- f. Finance Department Handout

The Director of Financial Services was not present for the meeting. Mr. Forster states he nonetheless would like to discuss the hiring of a forensic accountant for a limited assignment. This topic was brought up for discussion during the NFWB's in-house financial committee meeting. Mr. Forster would like to gain support from the board members in order to identify where certain money was deposited and to verify the restrictions on the use of certain funds. Because the NFWB did not have a Director of Finance for over six months back in 2016 and early 2017, some information has not been easy to locate.

9. Reports

- a. O&M Report**
- b. Safety**

Mr. Forster states he would like the safety of working conditions to be evaluated regarding the operators performing work in the basins at the WWTP.

Ms. Senia states the horizontal life lines have been evaluated.

10. General Counsel and Secretary

I. Questions or Comments on the Following Items Discussed during July 23 Work Session (if any):

- a. T-Mobile – Request for Expansion of Lease Space at 56th St. Water Tank

Environmental survey to be completed on August 2nd; Jay from CPL has been in touch with consultants and is developing further information to share with the board.

Mr. Costello explains that board approval will be needed for the lease of the space per resolution.

- b. *Janus v. ASFCME* – Impact on NFWB
 - i. Department of Labor Guidance
 - ii. Department of Labor FAQ
- c. American Water Resources Water and Sewer Line Protection Program Partnership

II. New Items

- a. NY Alerts Regarding Sewer Overflows
 - i. Sign up without a NY.gov Account
 - ii. Sign up with a NY.gov Account
- b. Twitter Page - https://twitter.com/NFWB_Official

No further questions or concerns were asked at this time.

11. From the Chairman

There is nothing new from the chairman at this time.

12. Resolutions

**a. RESOLUTION 2018-07-001 -- AUTHORIZING PURCHASE OF
HARDWARE AND SOFTWARE TO ENHANCE CAMERA
TRUCK CAPABILITIES**

i. Supporting Document: Cyncon Pipelogix Quote

Motion by Mr. Forster and seconded by Ms. Leffler to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

**b. RESOLUTION 2018-07-002 -- AWARD BID FOR SEWER LINE
CHEMICAL ROOT CONTROL**

i. Award Recommendation Memorandum

ii. Bid Tally Sheet

Motion by Mr. Forster and seconded by Ms. Kimble to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

**c. RESOLUTION 2018-07-003 -- AUTHORIZING PURCHASE OF
HARDWARE AND SERVICES TO UPGRADE TO VERIZON ONE
TALK PHONE SYSTEM**

i. Verizon One Talk Service Quote

ii. Connected Solutions Hardware and Installation Quote

Motion by Mr. Forster and seconded by Ms. Larkin to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

**d. RESOLUTION 2018-07-004 -- AUTHORIZING FUNDS FOR GHD
TO PERFORM WORK REQUIRED BY CONSENT ORDER**

i. GHD's June 27, 2018 Proposal

Motion by Mr. Forster and seconded by Ms. Larkin to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

e. **RESOLUTION 2018-07-005 – SEQRA NOTICE LEAD AGENCY DESIGNATION AND DETERMINATION OF SIGNIFICANCE FOR THE NIAGARA FALLS WATER BOARD BEECH AVE WATER TANK IMPROVEMENTS**

- i. Full EAF Part 1
- ii. Full EAF Part 2
- iii. Full EAF Part 3
- iv. Copy of Resolution 2018-02-20
- v. Letters from Interested Agencies
- vi. Water Tank Study

Motion by Mr. Forster and seconded by Ms. Larkin to approve.

Forster_ Y _ Kimble_ Y _ Larkin_ Y _ Leffler_ Y _ O’Callaghan_ Y _

Motion was carried 5-0

f. **RESOLUTION 2018-07-006 -- ADOPTING FIVE YEAR CAPITAL PLAN**

- i. **Proposed Five Year Capital Plan**

Motion by Ms. Larkin and seconded by Mr. Forster to approve.

Forster_ Y _ Kimble_ Y _ Larkin_ Y _ Leffler_ Y _ O’Callaghan_ Y _

Motion was carried 5-0

g. **RESOLUTION 2018-07-007 -- REQUIRING WEEKLY STAFF REPORTS TO BOARD MEMBERS**

Motion by Mr. O’Callaghan and seconded by Mr. Forster to table.

Forster_ Y _ Kimble_ Y _ Larkin_ N _ Leffler_ N _ O’Callaghan_ Y _

Motion was tabled 3-0

h. **RESOLUTION 2018-07-008 -- DIRECTING STAFF TO REQUEST PROPOSALS FOR FORENSIC ACCOUNTING SERVICES**

Motion by Ms. Larkin and seconded by Ms. Kimble to table.

Forster_ Y _ Kimble_ Y _ Larkin_ Y _ Leffler_ Y _ O’Callaghan_ Y _

Motion was tabled 5-0

i. **RESOLUTION 2018-07-009 -- SETTING WILLIAM WRIGHT'S
SALARY AFTER SIX-MONTH CONTRACTUAL REVIEW**

Motion by Ms. Kimble and seconded by Ms. Larkin to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

j. **RESOLUTION 2018-07-010 -- PURCHASE OF HYDRAULIC
GUILLOTINE CUTTER WITH SAFETY FUNDS**

i. **E.H. Wachs Quote**

Motion by Mr. Forster and seconded by Ms. Larkin to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

k. **RESOLUTION 2018-07-011 -- REQUIRING IT DEPARTMENT
REVIEW OF PURCHASES FOR POSSIBLE INTEGRATION
WITH WATER BOARD SYSTEMS**

Motion by Mr. Forster and seconded by Ms. Larkin to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

l. **RESOLUTION 2018-07-012 -- ADOPTING NYS DEPARTMENT OF
LABOR GUIDANCE REGARDING JANUS CASE**

i. **Department of Labor Guidance**

Motion by Mr. Forster and seconded by Ms. Kimble to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

m. **RESOLUTION 2018-07-013 -- AUTHORIZING SETTLEMENT
AGREEMENT WITH JONI CIMINO**

Motion by Mr. Forster and seconded by Ms. Larkin to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

n. **RESOLUTION 2018-07-014 -- STRATUS SERVER MIGRATION SERVICES**

i. **Applied Sciences Group, Inc., Proposal**

Motion by Ms. Larkin and seconded by Mr. Forster to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

o. **RESOLUTION 2018-07-015 -- AWARDING CONTRACT FOR SANITARY SEWER MANHOLE REPLACEMENT PROJECT AT 66TH STREET AND GIRARD AVENUE**

i. **4th Generation Construction, Inc., Proposal**

Motion by Ms. Larkin and seconded by Mr. Forster to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

p. **RESOLUTION 2018-07-016 -- AUTHORIZING LIFT STATION SCADA CONTROL**

i. **Proposal and Estimates**

Motion by Mr. Forster and seconded by Ms. Larkin to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

q. **RESOLUTION 2018-07-017 -- AUTHORIZING FUNDS TO PROCURE TWO ADDITIONAL SETS OF SEDIMENTATION BASIN SCRAPER BLADES**

Motion by Ms. Kimble and seconded by Ms. Larkin to approve.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

13. Unfinished Business

Basin #5 has been repaired; waiting on permission from the DEC to put basin #5 back online.

Mr. O'Callaghan states he would like to see a better procedure put in place for managing purchase orders.

Mr. Porter states the hydraulic study should be complete next year; due to the number of fire hydrants that still need to be flowed in the city. 20% of each zone is needed to be flowed.

14. New Business & Additional Items for Discussion

There was no new business discussed at this time.

15. Executive Session and/or Recess for Seeking Legal Advice

i. Update regarding litigation

(Additional topics only if required and announced during the meeting.)

Motion by Ms. Larking and seconded by Ms. Leffler to enter into executive session at 7:36 p.m.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

[a short break was had prior to proceeding with the executive session]

16. Adjournment of Meeting

Motion by Ms. Larkin and seconded by Ms. Kimble to adjourn the meeting at 7:52 p.m.

Forster_Y_Kimble_Y_Larkin_Y_Leffler_Y_O'Callaghan_Y_

Motion was carried 5-0

**Niagara Falls Water Board
Personnel Actions and Report
Monday, September 17, 2018**

Recommended Moves by the Director of Administrative Services

I. PERSONNEL ACTIONS RECOMMEND TO HIRE

Line Item Number	Position	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION
1	Systems Engenere	IT Department	\$49,067.57	James Brixius has given his notice of resignation (last day will be the end of the month)
2	Mechanic	Water / Maintenance & Repair	\$38,133.68	At the request of the Chief Operator

II. RECOMMENDED PROMOTION / MOVE / APPOINTMENT

Line Item Number	Position	Type of labor move	Change in pay rate or grade	ADDITIONAL INFORMATION

IV. BOARD NOTIFICATION OF OTHER MOVEMENT (CBA BID, MCSB APPOINTMENT, LEGAL STATUS CHANGE)

Name	Position & type of labor move	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION / AUTHORITY
Vincenzo Velasco	MW 2 /Probationary Release	Outside Water	\$ 27,409 (\$13.18/HR)	

V. OTHER ACTIVITY

OTHER PERSONNEL ACTIVITY FOR BOARD NOTIFICATION

Larry Kent	Training program developer / Released	WWTP	\$ 20/Hr @ 12 hrs per wk (PT)	
Dick Conley	Seceurity position / Hired	WWTP	\$ 15 per hr as assigned (PT)	

NIAGARA FALLS WATER BOARD RESOLUTION # 2018-09-001

AUTHORIZING PURCHASE OF STOCK OF FIRE HYDRANTS

WHEREAS, the Niagara Falls Water Board (“Water Board”) has been engaged in an aggressive program to repair or replace all out-of-service fire hydrants; and

WHEREAS, fire hydrants frequently are damaged by traffic, replaced in connection with water main repairs or relocation, or otherwise are discovered to need replacement; and

WHEREAS, having on hand an adequate stock of replacement fire hydrants improves efficiency by reducing delays associated with procuring hydrants; and

WHEREAS, it is the Water Board’s intention and expectation that aggressive and timely fire hydrant maintenance, repair, and replacement efforts shall be a permanent priority for Water Board staff; and

WHEREAS, City of Niagara Falls Purchasing assisted the Water Board in securing competitive bids for fire hydrants and other water and sewer construction materials; and

WHEREAS, Lock City Supply, Inc., was awarded the bid for replacement fire hydrants; and

WHEREAS, the Niagara Falls Water Board uses specially equipped fire hydrants that must be ordered from the manufacturer, which may result in substantial delays between an order and delivery; and

WHEREAS, Water Board staff recommend the purchase, using capital funds, of 100 fire hydrants in order to have a sufficient supply on hand to meet foreseeable replacement hydrant needs; and

WHEREAS, Lock City Supply, Inc., has provided quotes Nos. 032812 and 032813 for the hydrants which staff request authorization to purchase; and

WHEREAS, the total cost to acquire this stock of fire hydrants is \$220,642.10;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that Niagara Falls Water Board staff hereby are authorized to expend capital funds totaling \$220,642.10 for the purchase of fire hydrants.

Water Board Personnel Responsible for Implementation of this Resolution:

Executive Director
Superintendent

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:

On September 24, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

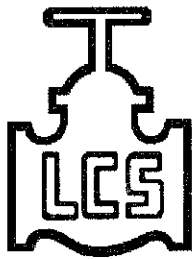
	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O'Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Renae Kimble, Vice Chair and
Acting Chairperson

Sean W. Costello, Secretary to Board



LOCK CITY SUPPLY INC.

650 WEST AVENUE
P.O. BOX 481
LOCKPORT, NY 14095

PRICE QUOTE

Phone 716-625-8666
Fax 716-434-0296

Page 1

Printed 08/10/18 BK

Quoted

NIAGARA FALLS WATER BOARD
5815 BUFFALO AVENUE
NIAGARA FALLS NY 14304
Tel:716-283-9770 Fax:716-282-1015

Ship To

SAME

Quote #	Quote Date	Exp Date	Customer #	Customer P/O #	Ship Via	Writer
032812	08/10/2018	09/09/2018	0001765		Best Way	BK
Job ID	Customer Terms			Salesman		
4' & 5' HYDRANTS	Net 30 Days			SCOTT LITTLE		

Product	Description	UM	Quant	Unit Price	Disc%	Extension
MC00247	A423 HYD NIAFAL 4' L/ACC 6MJ 1-1/2P 3W NIAGARA FALLS NY SPEC	EA	10	2038.1400	NET	20381.40
MC00250	A423 HYD NIAFAL 5' L/ACC 6MJ 1-1/2P 3W NIAGARA FALLS NY SPEC	EA	30	2132.7400	NET	63982.20
TP0020	6" 860-54-0163-16 HYMAX COUP (6.42-7.05) (7.01-7.68)	EA	40	184.2400	NET	7369.60

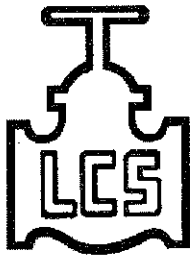
X:

(Accepted by)

Sub Total	\$91,733.20
Tax Amount	\$0.00
Total	\$91,733.20

MESSAGE

TERMS

**LOCK CITY SUPPLY INC.**

650 WEST AVENUE
P.O. BOX 481
LOCKPORT, NY, 14095

PRICE QUOTE

Phone 716-625-8666
Fax 716-434-0296

Page 1

Printed 08/10/18 BK

Quoted

NIAGARA FALLS WATER BOARD
5815 BUFFALO AVENUE
NIAGARA FALLS NY 14304
Tel:716-283-9770 Fax:716-282-1015

Ship To

SAME

Quote #	Quote Date	Exp. Date	Customer #	Customer P/O #	Ship Via	Writer
032813	08/10/2018	09/09/2018	0001765		Best Way	BK
Job ID	Customer Terms			Salesman		
5'&6' HYDRANTS	Net 30 Days			SCOTT LITTLE		
Product	Description	UM	Quant	Unit Price	Disc%	Extension
MC00250	A423 HYD NIAFAL 5' L/ACC 6MJ 1-1/2P 3W NIAGARA FALLS NY SPEC	EA	50	2132.7400	NET	106637.00
MC00260	A423 HYD NIAFAL 6' L/ACC 6MJ 1-1/2P 3W NIAGARA FALLS NY SPEC	EA	10	2227.2100	NET	22272.10
X: _____ (Accepted by)				Sub Total \$128,909.10 Tax Amount \$0.00 Total \$128,909.10		

MESSAGE**TERMS**

NIAGARA FALLS WATER BOARD RESOLUTION # 2018-09-002

**AWARDING CONTRACT FOR SANITARY SEWER MANHOLE
REPAIR PROJECT AT 22ND AND NIAGARA STREETS**

WHEREAS, the Niagara Falls Water Board (“Water Board”) sewer manhole near the intersection of 22nd Street and Niagara Street is in poor condition and requires repair; and

WHEREAS, Water Board staff worked with City of Niagara Falls Engineering to prepare specifications to seek bids to perform the required sewer manhole repairs; and

WHEREAS, City Engineering solicited competitive bids for the work; and

WHEREAS, Mark Cerrone, Inc., submitted the low bid for the project, with a base bid total price of \$27,935; and

WHEREAS, Water Board staff recommends that the contract for the project be awarded to Mark Cerrone, Inc.;

NOW THEREFORE BE IT

RESOLVED, that on behalf of the Niagara Falls Water Board, its Executive Director hereby is authorized to enter into a contract with Mark Cerrone, Inc., to complete the sanitary sewer manhole repair project at 22nd and Niagara Streets, for a total base bid price not to exceed \$27,935.

Water Board Personnel Responsible for Implementation of this Resolution:
Executive Director

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:

On September 24, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O’Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Renae Kimble, Vice Chair and
Acting Chairperson

Sean W. Costello, Secretary to Board



CITY OF NIAGARA FALLS, NEW YORK

LETTER OF TRANSMITTAL

FROM: CITY OF NIAGARA FALLS, NEW YORK
ENGINEERING DEPARTMENT
NIAGARA FALLS CITY HALL
745 MAIN STREET - P.O. BOX 69
NIAGARA FALLS, NEW YORK 14302
(716) 286-4410 - fax (716) 286-4348

DATE: August 29, 2018

TO: NIAGARA FALLS WATER BOARD
5815 Buffalo Avenue
Niagara Falls, New York 14304
(716) 283-9770 - fax (716) 283-9748

PROJECTS: 22nd & Niagara Streets
Manhole Repair Project (S.C. #1653)
LOCATION: 22nd & Niagara Streets
ATTENTION: Rolfe Porter ✓
Bill Wright
REGARDING: Standard Award Package

GENTLEMEN:

We are sending you: ☒ HEREWITH ☒ HAND DELIVERED ☐ UNDER SEPARATE COVER

the following items:

☐ PLANS ☐ PRINTS ☐ SAMPLES ☐ SPECIFICATIONS
☐ ESTIMATES ☐ SHOP DRAWINGS ☒ COPY OF LETTER(S)
☒ Award Package - 22nd & Niagara Streets Manhole Replacement Project
☐

COPIES	DATE NO.	DESCRIPTIONS
one	8/29/2018	Award Package - 22nd & Niagara Streets Manhole Replacement Project

THESE ARE TRANSMITTED AS INDICATED BELOW:

☒ FOR YOUR USE ☐ APPROVED AS NOTED ☐ RETURN CORRECTED PRINTS
☐ FOR APPROVAL ☐ APPROVED FOR CONSTRUCTION ☐ SUBMIT COPIES
☒ AS REQUESTED ☐ RETURNED FOR CORRECTIONS ☐ RESUBMIT COPIES
☐ FOR REVIEW/COMMENT ☐ RETURNED AFTER LOAN TO US ☐ FOR BIDS DUE:
☒ For Further Processing/Award

REMARKS: Rolfe and Bill -

Call (286-4411) with any ?s

SIGNED:

Robert Buzzelli - Civil Engineer III

NOTE: If enclosures are not as indicated, please notify the Niagara Falls Engineering Department at once!



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

ENGINEERING DEPARTMENT

August 23, 2018

Niagara Falls Water Board

Mayor Michael C. O'Laughlin
Niagara Falls Water Treatment Facility
5815 Buffalo Avenue
Niagara Falls, New York 14304

Attention: Mr. Rolfe Porter
Executive Director

Mr. Porter:

Attached to this brief letter please find the standard City of Niagara Falls Bid Security Information and the Bid Tabulation Summary Sheets, in addition to the M/WBE Hiring List as submitted for the following project:

**COMBINED SEWER MANHOLE REPAIR PROJECT
22ND STREET AND NIAGARA STREET
(S.C. # 1653)**

Arithmetical and typographical errors (if any) have been corrected and the entire package is offered for your review, information and reference. The verified, successful and responsible low bidder for this project is:

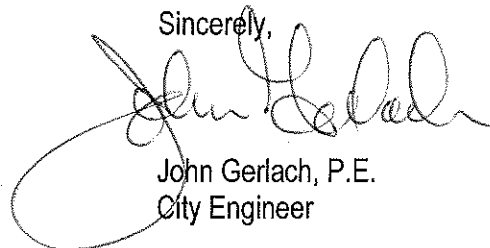
**Mark Cerrone, Inc.
2368 Maryland Avenue
Niagara Falls, New York 14305**

at the total base bid item price of: **\$ 27,935.00**

The City of Niagara Falls Engineering Department recommends award of this contract to the above-referenced firm, based upon items within its review, as indicated without prejudice or further qualification.

Please contact me at your convenience if questions arise or additional clarification is deemed necessary.

Sincerely,



John Gerlach, P.E.
City Engineer

attachments (3)

cc: file



CONTRACT: COMBINED SEWER MANHOLE REPAIR - 22ND STREET & NIAGARA STREET

BID OPENING: August 23, 2018

TIME: 2:00 P.M.

SHEET 01 OF 01

BID SECURITY: 5% OF AMOUNT BID

BID SECURITY: <u>5% OF AMOUNT BID</u>				MARK CERRONE INC.		CATCO INC.		4TH GENERATION, INC.	
#	BID ITEM	QTY.	UNIT	PRICE	AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT
1	NEW PVC SEWER PIPE - 12" DIA. INSTALLATION OF EXTERNAL DROP ASSEMBLY	1	L.S.	12,150.00	12,150.00			35,000.00	35,000.00
2	EXISTING MANHOLE ALTERATION(S)	1	L.S.	3,310.00	3,310.00			2,000.00	2,000.00
3	PAVEMENT RESTORATION	1	L.S.	6,850.00	6,850.00			5,000.00	5,000.00
4	MAINTENANCE AND PROTECTION OF TRAFFIC	1	L.S.	5,000.00	5,000.00			5,000.00	5,000.00
5	MOBILIZATION	1	L.S.	625.00	625.00			500.00	500.00

\$27,935.00	1
-------------	---

100

\$47,500.00	2
-------------	---

NOTE: BASIS OF AWARD IS LOWEST RESPONSIBLE BASE BID

TIME: 2:00P.M.

BID SECURITY - 5%

[illegible]

MARK CERRONE INC.

GENERAL CONTRACTORS

Telephone - (716) 282-5244

Facsimile - (716) 282-5245

E-Mail - Info@MarkCerrone.com

August 28, 2018

Niagara Falls Water Board
5815 Buffalo Ave,
Niagara Falls, NY 14304

Re: DBE List – Combined Sewer and Manhole Repair Project

To whom it may concern,

Due to the size of this project, no subcontractors will be used. Therefore, no DBE's will be utilized. Mark Cerrone Inc. (MCI), which is a WBE contractor, will be performing all work included in this project.

Thank you for the opportunity to perform this work. Should you have any questions, please do not hesitate to contact me. I can be reached at (716) 282-5244.

Sincerely,



Chris Ganje
Project Manager
Mark Cerrone, Inc.

RECEIVED BY
MARK CERRONE, INC.
2018 AUG 28 PM 8:45

Mailing Address
P.O. Box 3009
Niagara Falls, NY 14304

NEW YORK STATE, BUFFALO AND ERIE COUNTY WBE CERTIFIED

Physical Address
2368 Maryland Avenue
Niagara Falls, NY 14305

Safety and Quality First

NIAGARA FALLS WATER BOARD RESOLUTION # 2018-07-003

**AUTHORIZING FUNDS FOR MISCELLANEOUS
IN-PLANT MECHANICAL MAINTENANCE SERVICES**

WHEREAS, the Niagara Falls Water Board occasionally has the need for in-plant mechanical maintenance services at its facilities that are beyond the manpower or equipment available from the Water Board's own resources; and

WHEREAS, Mollenberg-Betz Mechanical has been contracted to provide such miscellaneous in-plant mechanical maintenance services at fixed hourly rates; and

WHEREAS, the Executive Director has requested that the Board approve funds to be used for miscellaneous in-plant mechanical maintenance services as may from time to time be required in the Executive Director's discretion;

NOW THEREFORE BE IT

RESOLVED, that in addition to any sums previously appropriated by the Board for this purpose, the Executive Director hereby is authorized to expend if necessary up to \$100,000 for miscellaneous in-plant mechanical maintenance services performed by Mollenberg-Betz at Water Board facilities.

Water Board Personnel Responsible for Implementation of this Resolution:
Executive Director

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:

On September 24, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O'Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Renae Kimble, Vice Chair and
Acting Chairperson

Sean W. Costello, Secretary to the Board

NIAGARA FALLS WATER BOARD RESOLUTION # 2018-09-004

AWARD BID FOR PRIMARY TREATMENT POLYMER

WHEREAS, the Niagara Falls Water Board (“Water Board”) wastewater treatment plant (“WWTP”) requires the use of various chemicals in the process of treating wastewater; and

WHEREAS, one such chemical which must be purchased for use at the WWTP is a primary treatment polymer; and

WHEREAS, with the assistance of City of Niagara Falls Purchasing, Water Board staff developed specifications for the required primary treatment polymer under Bid No. W2018-06; and

WHEREAS, the lowest bid that met Water Board specifications was submitted by Slack Chemical Company, Inc.;

NOW THEREFORE BE IT

RESOLVED, that the bid for primary treatment polymer is awarded to Slack Chemical Company, Inc., and Water Board staff hereby are authorized to purchase such quantities of primary treatment polymer as are necessary for the safe and effective treatment of wastewater.

Water Board Personnel Responsible for Implementation of this Resolution:
Chief Operator, WWTP

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:

On September 24, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O’Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Renaë Kimble, Vice Chair and
Acting Chairperson

Sean W. Costello, Secretary to the Board



TO: The Board
FROM: Rolfe Porter
Executive Director
DATE: September 10, 2018
SUBJECT: Bid #W2018-06 Primary Treatment Polymer

We respectfully request you award the above referenced bid as follows:

TO: Slack Chemical Company, Incorporated
P.O. Box 30
Carthage, New York 13619-0030
FOR: Primary Treatment Polymer (Silverstar Sta Flocc 5368 – Niagara 3rd, also known as SNF FLOPAM
AN 934 WHM) \$ 1.39/lb.

The City Purchasing Department certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bid requests were sent to thirteen (13) vendors. Five (5) responses were received, which included three (3) "No Bid" responses. The above referenced vendor submitted its bids based on the price per pound and the estimated number of pounds required annually for its products. The estimated annual usage is based on laboratory testing by staff of the Niagara Falls Water Board for each polymer submitted.

Funds for this expenditure are available in the Niagara Falls Water Board budget code GA.8130.0100.0419.016.

Will the Board so approve?

Respectfully submitted,

Rolfe Porter
Executive Director, NFWB


Douglas A. Janese, Jr.
Purchasing Agent

DAJ: lkh
Enc.

FORSTER ____ KIMBLE ____ LARKIN ____ LEFFLER ____ O'CALLAGHAN ____

5815 Buffalo Avenue • Niagara Falls, New York 14304 • 716 283-9770 • FAX 716 283-9748

www.nfwb.org

OFFICIAL TALLY SHEET

BID # W2018-06 PRIMARY TREATMENT POLYMER (NFWB)
 BID OPENING: SEPTEMBER 5, 2018 11AM

PAGE 1 OF 1
 SET 1 OF 2

ITEMS (2)		GEO Specialty Chemicals Attn: Brenda Owens 9213 Arch Street Pike Little Rock, AR 72206	Slack Chemical Company, Inc. PO Box 30 Carthage, NY 13619-0030	Coyne Chemical 3015 State Road Croydon, PA 19021-6997
1.	Primary Treatment Polymer (unit price per pound):	NO BID	Quantity: 15,000 lbs. Silverstar Sta Flocc 5368 – Niagara 3 rd \$1.39/lb.	NO BID
2.	Primary Treatment Polymer (unit price per pound):	NO BID	N/A	NO BID
	NOTES:			

OFFICIAL TALLY SHEET

BID # W2018-06 PRIMARY TREATMENT POLYMER (NFWB)
 BID OPENING: SEPTEMBER 5, 2018 11AM

PAGE 1 OF 1
 SET 2 OF 2

ITEMS (2)		Solenis, LLC Attn: Suzanne Brown 3 Beaver Valley Road Suite 500 Wilmington, DE 19803	Polydyne, Incorporated One Chemical Plant Road PO Box 279 Riceboro, GA 31323	XXX
1.	Primary Treatment Polymer (unit price per pound):	Quantity: 24, 096 lbs. Solenis, LLC Praestol 2540 \$1.48 / lb.	NO BID	
2.	Primary Treatment Polymer (unit price per pound):	Quantity: 24, 096 lbs. Solenis, LLC Praestol 2640 \$1.56 / lb.	NO BID	
NOTES:				

NIAGARA FALLS WATER BOARD RESOLUTION # 2018-09-005

**AUTHORIZING AMENDMENT TO
SCHEDULE A OF ORDER ON CONSENT R9-20120906-129**

WHEREAS, the Niagara Falls Water Board (“Water Board”) agreed in December 2017 to enter into order on consent R9-20120906-129 with the New York State Department of Environmental Conservation (“DEC”) relative to certain discharges from the wastewater treatment plant on and after July 29, 2017; and

WHEREAS, the Water Board thus far has met all of its obligations under the order on consent; and

WHEREAS, Water Board and DEC representatives have worked closely with one another and have proposed certain modifications to Schedule A of the order on consent that account for information learned, progress, and plans developed since December 2017;

NOW THEREFORE BE IT

RESOLVED, that on behalf of the Niagara Falls Water Board, its Chairperson hereby is authorized to execute the Amended Schedule A for Order on Consent R9-20120906-129, revised and dated September 17, 2018.

Water Board Personnel Responsible for Implementation of this Resolution:
Executive Director

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:

On September 24, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
Board Member Forster	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman O’Callaghan	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Renaë Kimble, Vice Chair and
Acting Chairperson

Sean W. Costello, Secretary to the Board

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of a Violation of Article 17 of the
Environmental Conservation Law and Title 6, Part 750, of the
New York Codes, Rules and Regulations by:

Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, New York 14304

ORDER ON CONSENT
File No. 17-52
R9-20170906-129

Respondent

WHEREAS:

1. The Department of Environmental Conservation ("DEC" or "Department") is a Department of the State of New York ("State") with jurisdiction to enforce the environmental laws of the State pursuant to Section 3-0302 of the Environmental Conservation Law ("ECL"), Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State ("6 NYCRR") and Orders issued thereunder.

2. The Department has jurisdiction over the abatement and prevention of pollution of State waters pursuant to ECL §17-0101, *et seq.*, and 6 NYCRR Part 750, *et seq.* This jurisdiction authorizes the Department to regulate the discharge of pollutants from point sources into the waters of the State in conformity with the Federal Clean Water Act, 33 U.S.C. 1251, *et seq.*

3. Pursuant to its authority to protect the waters of the State, the Department administers the State Pollutant Discharge Elimination System Permit ("SPDES") program. In general, the SPDES program prohibits any discharge of pollutants to the waters of the State without a SPDES permit establishing pollutant limitations, certain reporting obligations, and treatment requirements.

4. The Niagara Falls Water Board ("Respondent") is a municipal public benefit corporation which owns, operates, maintains control of and/or otherwise has responsibility for, various sanitary sewer systems, sanitary outfalls, and combined sewer outfalls associated with its wastewater treatment plant located in the City of Niagara Falls, New York ("Facility").

5. Respondent is subject to Article 17 of the ECL and its implementing regulations found in 6 NYCRR Part 750, *et seq.*, which govern the control and prevention of water pollution.

6. Respondent is also subject to the conditions and limitations imposed under SPDES Permit No. NY0026336, issued pursuant to ECL Article 17, Title 8, and 6

NYCRR 750 ("SPDES Permit"). The SPDES Permit was issued with an effective date of October 16, 2013 and expires on October 31, 2018.

7. Pursuant to ECL §17-0501, it is unlawful for any person, directly or indirectly, to throw, drain, run or otherwise discharge organic or inorganic matter that shall cause or contribute to a condition in contravention of the standards adopted by the Department pursuant to section 17-0301.

8. Pursuant to 6 NYCRR 703.2, the narrative water quality standard for turbidity applicable to a Class A-Special water body is "No increase that will cause a substantial visible contrast to natural conditions."

9. 6 NYCRR 750-2.8(a)(2) provides that a permittee shall, at all times, properly operate and maintain all disposal facilities, which are installed or used by the permittee to achieve compliance with the conditions of the permit.

10. The Facility discharges effluent through Outfall 001 to the Niagara River, which is a Class A-Special water body of the State.

11. The Department makes the following allegations, which it alleges violated the ECL and/or Respondent's SPDES permit:

- a. On July 29, 2017 Respondent discharged dark effluent from Outfall 001 to the Niagara River, which caused a substantial visible contrast to natural conditions in the Niagara River and in contravention of the State's narrative water quality standard for turbidity, in violation of ECL §17-0501 and 6 NYCRR 703.2.
- b. Respondent's July 29, 2017 discharge violation was the result of human operational error and the lack of training. Specifically, Respondent dewatered Sedimentation Basin 5 at the Facility, in preparation for planned maintenance to install baffles and make repairs, but failed to follow written protocols.
- c. Sedimentation Basin 5 receives carbon filter backwash water consisting of activated carbon filter fines, wastewater solids, and biological solids. The color of the solids and settled material in Sedimentation Basin 5 is always dark. As detailed in Respondent's September 1, 2017 Report to the Department, inoperable and non-functioning equipment resulted in an accumulation of solids in Sedimentation Basin 5 during the period from March 2017 to July 29, 2017. The main reason for the discharge of the offending substance on July 29, 2017 is as follows:
 - i. Respondent's Operations and Maintenance Manual provides that during dewatering (i.e., emptying of the basin for maintenance or other purposes), material from Sedimentation Basin 5 may be directed to the Rapid Mix

Tank or the Thickener Tank. Respondent instead pumped the material to the Chlorine Contact Tank, where it mixed with the plant effluent, resulting in the discharge of a dark effluent which caused a substantial visual contrast to natural conditions in the Niagara River.

d. Contributing causes were:

- i. The failure to follow the Operations & Maintenance Manual dewatering procedures was compounded by Respondent providing unclear verbal dewatering instructions to an operator trainee to turn off the submersible pump in Sedimentation Basin 5 when the mixed water in the Chlorine Contact Tank turned dark, and a second operator trainee was told to report the dark water but was not told to turn the pump off; and
 - ii. The following deficiencies in Sedimentation Basin 5: a non-functioning chain and flight system and an inoperable traveling bridge.
- e. The Facility has Combined Sewer Overflow (CSO) Outfall 003 which discharges from Respondent's Falls Street Tunnel into the Niagara River.
- f. On August 15, 2017, Respondent discharged combined sewage from Outfall No. 003 into the Niagara River, and partially treated wastewater from Outfall 001 into the Niagara River, which caused a substantial visible contrast to natural conditions in the Niagara River and contravened the State's narrative water quality standard for turbidity, in violation of ECL §17-0501 and 6 NYCRR 703.2.
- g. On October 4, 2017, Respondent discharged combined sewage from Outfall 003 and Outfall 006 and partially treated wastewater from Outfall 001 into the Niagara River, which caused a substantial visible contrast to natural conditions in the Niagara River and contravened the State's narrative water quality standard for turbidity, in violation of ECL §17-0501 and 6 NYCRR 703.2.
- h. On October 8, 2017, Respondent discharged combined sewage from Outfall 003 and Outfall 006 and partially treated wastewater from Outfall 001 into the Niagara River, which caused a substantial visible contrast to natural conditions in the Niagara River and contravened the State's narrative water quality standard for turbidity, in violation of ECL §17-0501 and 6 NYCRR 703.2.

12. At the Department's direction Respondent performed the following actions in response to these alleged violations:

- a. Provided details on how the NFWB will reduce accumulated solids in the sedimentation basins and sludge thickener tanks. This included an evaluation of the actual capacity (not design capacity) of all belt filter presses and the duration of operation that is necessary to remove accumulated solids within 30 days, so that the plant can resume typical solids handling procedures. The schedule detailed and included all means and methods utilized to remove liquid or dewatered sludge.
- b. Reduced the solids accumulation in the two thickener tanks and is maintaining solids inventory at levels that minimize solids carryover in the thickener tank overflow.
- c. Removed accumulated excessive sludge from all sedimentation basins.
- d. Completed all repairs that were underway in Sedimentation Basin 5, consisting of repairs to the chain and flight system and traveling bridge.

13. Respondent neither admits nor denies these allegations referenced in paragraph 11, but reserves entirely its rights to dispute or contest them in this or any other matter, proceeding or action.

14. Notwithstanding all of the above, the Respondent now desires to enter into, and now agrees to enter into, this Consent Order as part of its on-going and continual efforts to make improvements to achieve the most effective wastewater treatment possible, and to maximize the capture of wet-weather flows for the benefit of the environment.

15. ECL §71-1929 imposes a penalty not to exceed Thirty-Seven Thousand Five Hundred Dollars (\$37,500) per day for each alleged violation described in paragraph 11 and also provides for injunctive relief.

16. In order to address the alleged violations noted in paragraph 11 above, the Department and Respondent agree to enter into this Order, which contains requirements governing Respondent's Facility, designed to prevent or minimize future discharges.

17. The Department and Respondent have each consented to the making of this Order, without further action, litigation, hearing or adjudication of any issues of fact or law, and being duly advised, and it being in the public interest;

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. CIVIL PENALTY

A. Respondent is assessed a total civil penalty in the amount of \$50,000, which shall be paid by check or money order, made payable to the "New York State Department of Environmental Conservation," with the Case Number of this Order

on Consent written on the check and sent within 45 days of the Effective Date of the Order to the Regional Attorney, NYSDEC, 270 Michigan Avenue, Buffalo, New York 14203.

B. In addition to the payable penalty set forth in paragraph 1.A above, Respondent is assessed a suspended penalty of \$100,000. The DEC may, however, vacate the suspension and assess the penalty, or any part of it, for a violation of the material provisions, terms or conditions of this Order, including the Schedule of Compliance attached as Schedule A to this Order. The suspended portion of the penalty shall be extinguished upon Respondent's full compliance with the terms and conditions of this Order, in accordance with paragraph XVII below.

C. The penalty assessed in this Order constitutes a debt owed to the State of New York. Failure to pay the assessed penalty, or any part thereof, in accordance with the schedule contained in the Order, may result in referral to the New York State Attorney General for collection of the entire amount owed (including the assessment of interest, and a charge to cover the cost of collecting the debt), or referral to the New York State Department of Taxation and Finance, which may offset any tax refund or other monies that may be owed to you by the State of New York by the penalty amount. Any suspended and/or stipulated penalty provided for in this Order will constitute a debt owed to the State of New York when and if such penalty becomes due.

II. COMPLIANCE

Respondent shall be immediately bound as provided by this Order and attached Schedule of Compliance, attached as "Schedule A." Respondent shall implement all actions set forth in Schedule A by the dates indicated therein. Schedule A, and any approved plan(s) or schedules developed pursuant to Schedule A, are hereby incorporated into and made an enforceable part of this Order.

III. STIPULATED PENALTIES

A. Except as otherwise provided herein, if Respondent fails to comply with any terms of this Order, including any approved plans or schedules incorporated into this Order, the Department shall be entitled to judgment against Respondent. Respondent hereby consents to entry of judgment in New York State Supreme Court for a stipulated penalty for each day of such violation of this Order. The stipulated penalty shall become due and payable, and may be entered as a judgment, upon thirty (30) days' notice to Respondent.

Said stipulated penalties shall be in the following amounts:

1. For days 1 to 14, the penalty shall be \$250.00 per day;
2. For days 15 to 30, the penalty shall be \$500.00 per day;
3. For days 31 to the date the corrective action has been completed, the penalty shall be \$1,000.00 per day.

B. Any stipulated penalties assessed pursuant to this paragraph shall be separate, and in addition to, any suspended penalties assessed pursuant to paragraph I.B above.

IV. ON-SITE ENVIRONMENTAL MONITOR (OEM) and CONSULTANT

The Respondent shall fund environmental monitoring services to be performed by a third party contractor, as approved by the Department, within 90 days of the effective date of this Order. Said contractor will perform monitoring services including, but not limited to, the following:

A. Oversee and advise on management of operations of the plant and compliance monitoring to ensure adherence to the requirements of Schedule A, attached to and included with this Order.

B. Perform inspections in furtherance of its compliance monitoring.

C. Provide regular reports of its observations to the Department, at a minimum, on a quarterly basis.

D. Respondent shall fund the OEM on a quarterly basis, with funding due for the previous quarter within thirty (30) days of the submission of an invoice at the beginning of each subsequent quarter. The amount due for each quarter's environmental monitoring services shall not exceed \$2,500 without prior approval of the Department and at least 30 days notice to the Respondent.

E. Failure to make the required payments to the third party contractor shall be a violation of this Order.

V. SUBMISSIONS

A. The Respondent shall send all documentation and submissions required by this Order to the Department at the following address, unless otherwise noted. All submissions must include a certification that they are in compliance with the requirements of this order:

Mr. Jeffrey Konsella, Regional Water Engineer
NYSDEC Region 9
270 Michigan Avenue
Buffalo, New York 14203

B. For purposes of this Order only, any document or plan which is required to be submitted to DEC pursuant to this Order must be approvable by the Department upon submission or with only "minimal revision" in response to Department comments. Consistent with 6 NYCRR Section 750-1.2(8), minimal revision shall mean

the facility plan can be revised and resubmitted to the Department within 60 days of notification by the Department that the revisions are necessary. The Department shall notify the Respondent in writing of its approval or disapproval of each submission and the reasons for any disapproval. All Department approved submissions shall be incorporated into and become an enforceable part of the Order and Respondent shall implement them in accordance with all approved schedules and terms.

C. The Department may request that Respondent modify and/or expand a submission if the Department determines that further work is necessary.

D. Stipulated penalties pursuant to Section III above, based on the failure to submit an approvable submittal, shall not begin to accrue unless 60 days have elapsed after Respondent has received the Department's comments on a submittal, and Respondent has not submitted an approvable revised document. It is expressly understood that stipulated penalties begin to accrue upon day 61 after Respondent has received the Department's comments on a submittal, if Respondent does not submit an approvable revised submittal by that date or such date as modified by DEC.

VI. ACCESS

For the purpose of monitoring or determining compliance with this Order, employees and agents of the Department shall be provided access to the Facility or records owned, operated, controlled or maintained by Respondent in order for Department staff or its agents to inspect and/or perform any necessary tests, related to the requirements of this Order, during reasonable hours. No prior notification to the Respondent of site inspections is required.

VII. RELEASE, REOPENER AND RESERVATION OF RIGHTS

A. This Order settles only all State claims for civil and administrative penalties concerning the alleged violations described in Paragraph 11 of this Order against Respondent and its successors (including successors in title) and assigns.

B. Nothing contained in this Order shall be construed as a release or waiver by the Department of its rights to: (1) seek penalties and other relief for any criminal liability for any violations listed in this Order; (2) seek stipulated penalties and entry of judgment as provided by Paragraph III of this Order; (3) reallege the violations listed in this Order to obtain injunctive relief or damages in support of natural resource damage claims; (4) seek injunctive relief to abate any violation of law or this Order ; and (5) seek to modify, suspend or revoke any Department issued permit.

C. Nothing contained in this Order shall be construed as a release or waiver of Respondent's rights to oppose and defend against injunctive relief, imposition of penalties, damages or any other imposition of liability by the Department. Nothing contained in this Order shall be construed as a waiver by Respondent of its rights to seek a modification of its Permit.

D. Except as provided hereunder, Respondent is responsible for achieving and maintaining complete compliance with all applicable federal, State and local laws, regulations and permits; and Respondent's compliance with this Order shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The Department does not, by its consent to the issuance of this Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Order will result in compliance with provisions of any federal, State or local laws, regulations or permits.

E. This Order shall not be construed as being in settlement of events regarding which the Department lacks knowledge or notice and the Department reserves the right to require Respondent to take any additional measures deemed necessary by the Department to protect human health or the environment, to exercise its authorities under law to protect human health and the environment or to otherwise require compliance with the law.

VIII. FAILURE, DEFAULT AND VIOLATION OF ORDER

Respondent's failure to comply fully and in a timely manner with any provision, term or condition of this Order shall constitute a default and failure to perform an obligation under this Order and under the ECL.

IX. INDEMNIFICATION

Respondent shall indemnify and hold harmless the Department, the State of New York, and their representatives and employees for all claims, actions, damages and costs of every nature and description resulting from the Respondent's fulfillment or attempted fulfillment of this Order.

X. FORCE MAJEURE

If Respondent cannot comply with a deadline or requirement of this Order, because of an act of God, war, strike, riot, catastrophe or other condition which is not caused by the negligence or willful misconduct of Respondent and which could not have been avoided by Respondent through the exercise of due care, Respondent shall apply in writing to the Department within a reasonable time after obtaining knowledge of such fact and request an extension or modification of the deadline or requirement.

XI. DISPUTE RESOLUTION

A. Any dispute that arises between the Department and Respondent under this Order, shall, in the first instance, be the subject of informal negotiations between the Department and Respondent for a period of up to 20 working days from the time notice of a dispute is received by any of the parties. The period of negotiations may be extended by written agreement between the Department and Respondent. In the event that the parties are unable to resolve a dispute by informal negotiations,

Respondent may request to meet with the Region 9 Regional Engineer ("Regional Engineer") in order to discuss the Department's objections/determinations. At this meeting Respondent shall be given an opportunity to present its responses to the Department's objections/determinations, and the Regional Engineer shall have the authority to modify and/or withdraw such objections/ determinations. After the Regional Engineer makes his/her decision(s) Respondent shall either (a) within sixty (60) days of receipt of written notice of the Regional Engineer's determinations, commence a proceeding pursuant to Article 78 of the CPLR (the Regional Engineer's decision(s) shall be deemed to be final agency action for the purposes of such a proceeding) or (b) notify the Department that it intends to comply with the Regional Engineer's decision(s).

B. Stipulated penalties pursuant to Section III of this Order shall accrue during the term of Dispute Resolution for matters subject to dispute resolution hereunder, but payment shall be stayed pending resolution of the dispute. If Respondent does not prevail on the disputed issue, stipulated penalties may be assessed and paid as provided by Paragraph III of this Order, from the date the violation first occurred. Further, the invocation of Dispute Resolution shall not, by itself, extend, postpone or affect in any way any obligation of Respondent under this Order, including the Schedule A, unless and until a final resolution of the dispute so provides.

XII. BINDING EFFECT

This Order is binding on the Respondent, heirs, successors, employees and all persons, firms, or corporations acting under or for it.

XIII. MODIFICATIONS AND EXTENSIONS

No change or modification of this Order shall be effective unless the modification is done in writing and signed by both the Respondent and the Commissioner or his/her designee. If the Department receives a written request from the Respondent which (a) would extend an item(s) in Respondent's Compliance Schedule; (b) the extension does not exceed a cumulative of six months from the original milestone date(s); (c) the request is made before the milestone date and (d) sets forth good cause for the extension, the Department may extend the time frame requested by the issuance of a letter signed by the original signatory or designee of the signatory.

XIV. USE OF ORDER BY THIRD PARTIES

The existence of this Order, and Respondent's consent thereto, and compliance herewith, shall not give rise to any presumption of law or finding of fact which shall inure to the benefit of any third party.

XV. ENTIRE ORDER

The provisions of this Order and the attachments hereto constitute the complete and entire Order issued to the Respondent concerning the resolution of the violations

set forth in this Order. No term, condition, understanding or agreement purporting to modify or vary any term hereof shall be binding unless made in writing and subscribed by the party to be bound. No informal oral or written advice, guidance, suggestion or comment by the Department regarding any report, proposal, plan, specification, schedule, comment or statement made or submitted by Respondents shall be construed as relieving Respondent of its obligation to obtain such formal approvals as may be required by this Order.

XVI. GENERAL PROVISIONS

A. All references to "days" herein are to calendar days unless otherwise specified.

B. The section headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Order.

C. This Order and its Appendices shall apply to, and be binding upon the parties, their officers, agents, servants, employees, successors and assigns, and each of them, and upon all persons, firms and corporations acting under, through or for, in active concert or participation with, the parties.

D. Respondent shall certify in writing, within 30 days of completion of each milestone or requirement set forth in Schedule A.

XVII. EFFECTIVE DATE AND TERMINATION OF THIS ORDER

A. The effective date of this Order ("EDO") is the date that the Commissioner or his designee signs it. The Department will provide Respondent (or Respondent's counsel) with a fully executed copy of this Order as soon as practicable after the Commissioner or his designee signs it.

B. This Order shall be deemed completely satisfied and shall terminate when each of the following conditions has been fully satisfied: (1) Respondent has paid the civil penalty as set forth in Section I above, and all other outstanding penalties assessed hereunder; and (2) Respondent has certified in writing the completion of each Schedule A item requiring an approvable submission to the Department and DEC has approved said certifications in writing.

DATED: Buffalo, New York

December 19, 2017

Basil Seggos, Commissioner
New York State Department of
Environmental Conservation

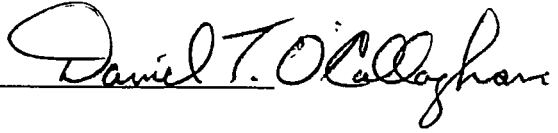
By:

Abby M. Snyder

Abby M. Snyder
Regional Director

CONSENT BY NIAGARA FALLS WATER BOARD

Respondent hereby consents to the issuing and entering of the foregoing Order, waives its right to a hearing as provided by law, and agrees to be bound by the provisions, terms and conditions contained therein.

By: Daniel T. O'Callaghan 
Title: Chairman
Date: December 18, 2017

State of New York)
) ss.:
County of)

On the 18th day of December, in the year 2017, before me, the undersigned, personally appeared Daniel T. O'Callaghan, personally known to me who, being duly sworn, did depose and say that he resides at 540 62nd St., Niagara Falls, NY 14304 and that he is the Chairman of the Niagara Falls Water Board, the public benefit corporation described in and which executed the above instrument; and that he signed his name thereto by the authority of said public benefit corporation.



Notary Public

ERIKA E SCHROEDER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SC8358270
Qualified In Niagara County
My Commission Expires 05-08-2021

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Niagara Falls Water Board

**SCHEDULE A
Order on Consent R9-20170906-129
REVISED SEPTEMBER 17, 2018**

Respondent shall, on or before the dates indicated:

Item	Date
1. Update Operation and Maintenance (O&M) and training procedures and staffing plans as necessary and submit revisions to the Department for review and approval. O&M and staffing plans must address preventative maintenance as well as corrective maintenance. If any current O&M/training practices are not routinely performed in accordance with the latest Department approved version and schedule set forth in the O&M manual or training and staffing plans, Respondent must provide a summary of the practice(s), rationale for any proposed modification, and incorporate the changes into the updated O&M manual and/or training and staffing plans for Department review and approval. Respondent shall begin implementing the updated O&M manual, training and staffing plans, and any approved schedules, within 30 days of receiving approval from the Department.	March 19, 2019
2. Operate all treatment processes in accordance with the latest Department approved O&M manual and training plan for the facility (including approved revisions). Discharges of effluent from Sediment Basin 5, only when Sediment Basin 5 is on-line, shall be permitted to the Chlorine Contact Tank without prior approval from the Department. Processes and equipment that have been properly decommissioned are exempt from this requirement.	Immediate
3. The current O&M manual procedures for sedimentation tank dewatering are specified in Section 3.4.7 and state that grit pumps and sludge pumps are to be used for basin dewatering. Sedimentation tank dewatering must be performed using either the current O&M manual or Department approved modifications to the O&M manual.	Immediate
4. Submit an approvable work plan and schedule which will remove excess solids from the treatment plant within 30 days. Respondent shall implement the approved work plan consistent with the	Completed

approved schedule of compliance. The work plan and proposed schedule must address the following:

- a. Ensure that all three sludge belt press systems are available for operation at all time (except for normal maintenance). Each belt press system includes a belt press and all supporting equipment including a thickened sludge pump and a polymer pump. All process piping and valving shall allow all three belts presses to operate simultaneously.
 - b. Upon elimination of the excess sludge inventory in the thickener tanks, plant sludge inventory shall be maintained at sufficiently low levels to enable all treatment processes to function as intended.
 - c. Identify and either repair or replace all sludge dewatering equipment which is currently not functioning appropriately.
 - d. Evaluate and provide a summary of recommendations to improve the reliability of the thickened sludge pumping system including replacing plastic piping with ductile iron piping.
5. Improve the reliability of all Sedimentation Basin traveling bridge and chain & flight equipment. Specific actions should include:
- a. Revise the O&M manual, training plan, and standard operating procedures so that preventative maintenance and corrective actions will be undertaken in the sludge collection equipment as soon as practicable. Depending on the nature of the failure, this may require taking the basin off-line and dewatering for repairs. March 19, 2019
 - b. Evaluate and summarize appropriate recommendations and maintenance schedules for the operation of sludge collector equipment in order to prevent significant damage in the event of failure. Such items may include, but are not limited to, the installation of torque sensors and/or automatic shut-offs. Completed
 - c. As improper sludge removal contributes to septic conditions and causes the sedimentation basins to be more susceptible to wash-out, the basins should not routinely remain in service if they are not properly removing sludge. However, in certain instances, such as emergency situations, basins in such a condition may be returned to service upon Department approval. Immediate

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| <p>d. Submit a report which identifies the causes of the recurring failures of this equipment, and provides specific recommendations and schedules for improvements including the conversion from travelling bridge collectors to chain and flight collectors. Upon approval, implement the recommendations in accordance with the approved schedules.</p> | <p>Sept 19, 2018</p> |
| <p>6. Submit a work plan to evaluate alternatives to the use of ferric chloride as a flocculant for removing phosphorus with the goal of reducing iron sulfide contributions to effluent color. The plan shall include bench scale and pilot scale testing of alternative flocculants.</p> | <p>Sept. 19, 2018</p> |
| <p>7. Submit a work plan for an evaluation of how to best manage the effluent from Sedimentation Basin 5. This evaluation should consider whether treatment of the backwash can be improved through chemical addition or other methods. The work plan must identify additional data needs and include a schedule of completion. Respondent shall implement the approved work plan consistent with the approved schedule of compliance.</p> | <p>Sept. 19, 2018</p> |
| <p>8. While continuing to follow the current Wet Weather Operating Plan (WWOP), evaluate and identify any potential changes to the WWOP – at the plant and in the collection system - which would reduce or eliminate plant bypasses due to excessive wet weather influent flows, and submit proposed changes for Department approval. Respondent shall begin implementing the updated WWOP within 30 days of receiving approval from the Department.</p> | <p>Sept. 19, 2018</p> |
| <p>9. Evaluate and summarize recommendations to improve the plant's disinfection processes, including, but not limited to those alternatives previously identified in the October 2015 WWTP Effluent Turbidity Engineering Report. Respondent shall begin implementing a disinfection process within 30 days of receiving approval from the Department.</p> | <p>Sept. 19, 2018</p> |
| <p>10. Evaluate and provide a work plan and approvable schedule to conduct a pilot study to add oxidizer to carbon filter influent and backwash water to determine if sulfide generation in the carbon filters can be reduced or prevented. As part of the study, review the plant's previous use of sodium nitrate as an oxidizer. The study shall also evaluate the effect of the oxidizer on effluent disinfection and determine the most effective feed point for the oxidizer. Respondent shall begin implementing the pilot study within 30 days of receiving approval from the Department.</p> | <p>Submitted June 19, 2018; Revision due Sept. 19, 2018</p> |

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| <p>11. Submit a comprehensive planning level engineering report which evaluates the conversion or modification of the existing plant into an aerobic biological treatment process. The report should incorporate and utilize appropriate elements of the October 2015 WWTP Effluent Turbidity Engineering Report. The report must:</p> <p>A. Include a detailed alternatives evaluation (including appropriate pilot testing), identification of the recommended process technology, optimizing the collection system and treatment plant to capture and treat combined sewer overflows, the new or modified facilities that would be required, and an updated cost estimate; and</p> <p>B. identify any necessary upgrades and modifications needed to capture between 95% and 97% of CSOs.</p> | <p>March 19, 2019</p> |
| <p>12. Submit a detailed description of the means and methods used to record: a) the activation and volumes of CSO discharges from the Falls Street Tunnel and the Gorge Pump Station; and b) activations and volumes of SSO discharges from the LaSalle area.</p> | <p>Completed</p> |
| <p>13. Submit a detailed summary of the procedures followed, and the specific personnel responsible for notifications to the NYAlert system for reporting of CSO and SSO discharges.</p> | <p>Completed</p> |
| <p>14. Submit an evaluation of re-locating Outfalls 001 and 003. This evaluation should consider the effect on the water quality of the receiving water if Outfalls 001 and 003 were to be re-located. The evaluation must identify all suitable locations, costs, and applicable schedules of compliance.</p> | <p>Sept. 19, 2018</p> |
| <p>15. Submit Quarterly progress reports summarizing all actions completed.</p> | <p>Every 3 months; ending when the last deliverable is submitted pursuant to Schedule A</p> |
| <p>16. Respondent shall not conduct any further dewatering of Sedimentation Basin 5 without the prior written approval and without direct supervision of the Department. In addition, all facility operations conducted by the Respondent shall be under the direct</p> | <p>On-going</p> |

supervision and oversight of the Department as set forth in this Consent Order.

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| 17. Respondent shall immediately update its day to day training and operating plans, including hiring new operators and providing clear verbal instructions to staff. | Completed |
| 18. Submit a workplan and schedule for the design and construction of the recommendations in the attached Table 4.1 from the July 24, 2018 Engineering Report – Wastewater Treatment Plant and Gorge Pump Station Rehabilitation, attached hereto as Appendix 1. | June 19, 2019 |

Niagara Falls Water Board

NYS Department of Environmental
Conservation

By: _____
Respondent's Signature

By: _____
Abby M. Snyder
Regional Director

Respondent's Name

Dated: _____

Respondent's title



4. Recommended Alternative

The recommended alternatives that were evaluated, compared, selected, and estimated under Section 2.0 are summarized in Table 4.1. The recommended alternatives were bundled into nine project groups based on relative priority. Recommended alternatives are sorted according to project group number.

Table 4.1 Summary of Recommendations

Project Group	Alternative	Description	Cost
1	2B	Primary Scum Removal and Treatment Improvements – Restore Scum Pumping and Install Fine Screen	\$1,020,000
	4C	Sedimentation Basin Improvements – Replacement of Traveling Bridges with Chain and Flight Equipment	\$8,680,000
	10C	Sedimentation Basin Isolation Plate Replacement – Replacement of Both Isolation Plate Guides	\$140,000
	19C	Sedimentation Basin No. 5 Effluent Management Improvements - Submersible Pumping System Upgrades	\$550,000
2	7C	Gorge Pumping Station Rehabilitation – Comprehensive Gorge Pumping Station Rehabilitation	\$4,110,000
3	3B	Screenings and Grit Transport Equipment Improvements - Replacement in Kind	\$560,000
	5C	Polymer Equipment Upgrades – Replacement and Upgrade of Polymer Equipment	\$820,000
	14C	Dewatering Equipment Control Upgrades – Comprehensive Dewatering System Control Upgrades	\$740,000
4	8B	Granular Activated Carbon Replacement – Replacement with Recycled Reactivated Carbon	\$1,500,000
	9B	Carbon Filter Support Gravel Replacement – Replacement of Support Gravel	\$500,000
5	1B	Electrical System Improvements - Complete Critical Repairs	\$2,360,000
	17B	Lighting Improvements – Needs Assessment and Lighting Improvements	\$250,000
	6B	Disinfectant Dosage and Location Optimization – Optimize Sodium Hypochlorite Dosage and Location	\$650,000
6	11B	Chemical Coagulant Optimization - Alternate Coagulant	\$1,500,000
	12B	Minimization of Sulfide Formation - Oxidant Addition	\$1,500,000
7	13B	Heating and Ventilation Improvements – Replacement of Critical Heating and Ventilation Equipment	\$1,160,000
8	15B	Backwash Blower Equipment Improvements – Replacement of Blower Equipment	\$300,000
9	16C	Thickened Sludge Building Waterline Replacement – Replacement of Plant Waterline and Process Waterline	\$140,000
	18B	Interior Process Piping Replacement – Needs Assessment and Piping Improvements	\$500,000
Total Project Cost (Rounded)			\$27,000,000