

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations of Articles 17 and 71 of the
Environmental Conservation Law and Title 6, Part 750, of the
New York Codes, Rules and Regulations

ORDER ON
CONSENT

By:

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

File No. 08-58
R9-20080528-32

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 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 sewers and outfalls associated with its wastewater treatment plant located in the City of Niagara Falls, New York. SPDES Outfalls 013, 014, 015 and 017 discharge into Cayuga Creek, a Class C water body of the State. SPDES Outfalls 016, 018 and 019 discharge into the Little Niagara River, a Class A water body of the State.
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. NY-0026336, issued pursuant to ECL Article 17, Title 8, and 6 NYCRR 750.

7. ECL 17-0501 provides that it shall be unlawful for any person to discharge, directly or indirectly, organic or inorganic matter into waters that will cause or contribute to a condition in contravention of water quality standards adopted by the Department.

8. ECL 17-0509(2) states that 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.

9. ECL 17-0511 prohibits the use of existing or new outlets or point sources which discharge sewage into waters of the State unless such use is in compliance with all standards, criteria, limitations, rules and regulations promulgated by the Department.

10. ECL 17-0807(4) prohibits any discharge not permitted by Article 17, rules and regulations adopted or applicable pursuant thereto or the provisions of a permit issued thereunder.

11. 6 NYCRR 750-2.8(b)(2) prohibits bypasses with certain exceptions that are not applicable to this action.

12. Bypasses (hereinafter referred to as sanitary sewer overflows or overflows) have occurred from Respondent's sanitary sewer collection system at certain permitted outfalls and other locations in the LaSalle area of the City of Niagara Falls in violation of ECL 17-0501, 17-0509(2), 17-0511, 17-0807(4) and 6 NYCRR 750-2.8(b)(2). The wet weather sanitary sewer overflows that were reported by Respondent during 2006, 2007 and 2008 are set forth in Attachment A.

13. ECL 71-1929 imposes a penalty not to exceed thirty-seven thousand five hundred dollars (\$37,500) per day for each violation of the above referenced provisions of Article 17, the rules promulgated thereunder and any permits or Orders issued thereto.

14. In order to avoid protracted and expensive litigation, Respondent agrees to settle this matter through the execution of this Order, and Respondent affirmatively waives its right to a hearing as provided by law, consents to the issuing and entry of this Order pursuant to the provisions of Articles 17 and 71 of the ECL and agrees to be bound by the provisions, terms and conditions contained in this Order and attachments thereto.

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

I. COMPLIANCE. The Respondent shall be immediately bound as provided by this Order and attached Schedule of Compliance ("Schedule A").

II. CIVIL PENALTY. With respect to the violations set forth in this Order, the Department hereby assesses against Respondent a civil penalty in the amount of ten thousand dollars (\$10,000), two thousand dollars (\$2,000) of which is to be paid by check or money order made payable to the Commissioner of Environmental Conservation and sent simultaneously with

this executed Order to the Regional Attorney, NYSDEC, 270 Michigan Avenue, Buffalo, New York 14203. The payment of the remaining eight thousand dollars (\$8,000) shall be suspended during the term of this Order. The Department may, however, vacate the suspension and assess the penalty, or any part of it, for a violation of the 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.

III. STIPULATED PENALTIES. In the event that Respondent fails to satisfy the milestone dates imposed in Schedule A of 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. Said stipulated penalties shall be in the following amounts.

Period of non-compliance	Penalty per day
1 st day through 40 th day	\$250
41 st day through 50 th day	\$500
51 st day through 60 th day	\$750
Each day beyond the 60 th day	\$1,500

The stipulated penalty shall become due and payable, and may be entered as a judgment, upon ten (10) days notice to Respondent.

IV. SUBMISSIONS.

A. The Respondent shall send all documentation required by this Order to the Department at the following address, unless otherwise noted:

NYSDEC, Region 9
270 Michigan Avenue
Buffalo, New York 14203
Attn: Mr. Gerard Palumbo
Regional Water Engineer

B. All documents which Respondent must submit pursuant to this Order are subject to Department approval. The Department shall review each of Respondent's submissions to determine whether it was prepared in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify the Respondent in writing of its approval or disapproval of each submission. All Department approved submissions shall be incorporated into and become an enforceable part of this Order, and Respondent shall implement them in accordance with all approved schedules and terms.

1. If the Department disapproves a submission, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within the time frame set forth in that written notification, Respondent shall make a revised submission to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submission.

2. After receipt of the revised submission, the Department shall notify Respondent in writing of its approval or disapproval. If the Department approves the revised submission, it shall be incorporated into and become an enforceable part of this Order. If the Department disapproves the revised submission, the parties will conduct good faith negotiations to resolve the issues between them. If an agreement is not reached, Respondent will be deemed to be in violation of this Order.

C. Respondent shall modify and/or expand a submission upon the Department's direction to do so if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing any other data or facts, that further work is necessary. The Department agrees that any modifications it specifies will be reasonable and consistent with customary engineering standards.

IV. ACCESS. For purposes of monitoring or determining compliance with this Order, employees and agents of the Department shall be provided access to any facility, site or non-privileged records owned, operated, controlled or maintained by Respondent that are related to matters covered by this Order, in order to inspect and/or perform any other lawful duty or responsibility.

V. SETTLEMENT AND RESERVATION OF RIGHTS.

A. Upon completion of all obligations created in this Order, this Order settles only claims for civil and administrative penalties concerning the violations described in Paragraph 12 of this Order against Respondent and its successors (including successors in title) and assigns.

B. Except as provided in Subparagraph V(A) of this Order, nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting any of the civil, administrative or criminal rights of the Department or of the Commissioner or his designee (including, but not limited to, nor exemplified by, the rights to recover natural resources damages and to exercise any summary abatement powers) or authorities with respect to any party, including Respondent.

VI. FAILURE, DEFAULT AND VIOLATION OF ORDER. Respondent's failure to comply fully and in a timely fashion with any provision, term or condition of this Order shall constitute a default and failure to perform an obligation under this Order and the ECL and shall constitute sufficient grounds for revocation of Respondent's SPDES Permit.

VII. INDEMNIFICATION. Respondent shall indemnify and hold harmless the Department, the State of New York, and their representatives and employees for all claims, suits, actions, damages and costs of every nature and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent and its successors (including successors in title) and assigns.

VIII. 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 (financial inability specifically excluded) which is not caused by the negligence or misconduct of Respondent and which could not have been avoided by Respondent through the exercise of due care, Respondent shall make its best effort to comply nonetheless and shall, within seventy-two (72) hours (unless notice is required sooner by State or Federal law), notify the Department by telephone and in writing, pursuant to the communications provisions of this Order, after it obtains knowledge of any such condition or event and request an appropriate extension or modification of this Order.

IX. BINDING EFFECT. The provisions of this Order shall inure to the benefit of and be binding upon the Department and Respondent and its successors and (including successors in title) and assigns.

X. MODIFICATION. If, for any reason, Respondent desires that any term of this Order be changed, Respondent shall make timely written application therefore to the Regional Director of the Department's Region 9 Office, setting forth reasonable grounds for the relief sought. The Department agrees not to unreasonably deny a request for an extension of time and modification of this Order. No change to this Order shall be made or become effective except as set forth by a written Order of the Commissioner or the Commissioner's designee.

XI. ENTIRE ORDER. The provisions of this Order 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 Respondent shall be construed as relieving Respondent of its obligations to obtain such formal approvals as may be required by this Order.

XII. EFFECTIVE DATE. The effective date of this Order 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.

DATED: Buffalo, New York
_____, 2009

Alexander B. Grannis, Commissioner
New York State Department of
Environmental Conservation

By: _____

Abby M. Snyder
Regional Director

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Niagara Falls Water Board

SCHEDULE A

I. The above referenced Respondent shall, on or before the date indicated, perform the following items:

ITEMS	DATE
1. Sanitary Sewer Overflow ("SSO") Elimination	
a. Implement the Schedule contained as Table 4.2 (Detailed Work Plan) of the approved August 2007 Sanitary Sewer System Management Plan. That Report and Schedule shall be incorporated into and become an enforceable part of this Order. The receipt by Respondent of any grant fund(s) or other financial assistance for any of the remedial work set forth in Schedule A shall expedite the time period for completion of such activities to a mutually agreeable date.	Upon DEC approval.
b. Submit an annual report to the Department detailing the actions taken the preceding year in accordance with the Schedule. Detail proposed modifications (if any) to the Detailed Work Plan.	No later than April 1 st of each year.
c. Implement modifications to the Detailed Work Plan.	Upon DEC approval.
2. Notification Requirements	
Report the occurrence of all sanitary sewer overflows from outfall numbers 013 through 019 listed in Paragraph II below of this Schedule by submitting Monthly Reports as directed in Paragraph IV of this Order. Sanitary sewer overflows from any other location within the Niagara Falls Water Board's service area, including Portable Pump Stations A through I listed in Paragraph II below of this Schedule, must be reported by calling the Department's Regional Water Engineer at 851-7070 within 24 hours (or the next business day) of the event.	Immediately and ongoing.
3. Capacity, Management, Operation and Maintenance ("CMOM") Program	
a. Implement the Schedule contained as Table 4.1 (Schedule of Activities) of the approved August 2007 Sanitary Sewer System Management Plan. That Report and Schedule shall be incorporated by reference and enforceable under this Order.	Upon DEC approval.

- b. Submit an annual report to the Department detailing the actions taken the preceding year in accordance with the Schedule.

No later than April 1st of each year.

II. Respondent shall continue to conduct a maintenance and inspection program of the facilities identified in the chart set forth below. This program shall consist of minimum monthly inspections with required repair, cleaning and maintenance performed as needed. This is to ensure that no discharges occur during dry weather and that the maximum amount of wet weather flow is conveyed to the treatment plant. All maintenance and inspection program activities, including visual observations of the condition of the equipment and any repair work required, shall be summarized in an annual CMOM report.

Outfall Number/Portable Pump Station	Description	Location	Receiving Stream
013	Pump Station Bypass	Lift Station #4, 91 st Street & Luick Avenue	Cayuga Creek
014	Pump Station Bypass	Lift Station #6, 81 st Street & Frontier Avenue	Cayuga Creek
015	Pump Station Bypass	Lift Station #7, Military Road & Bollier Avenue	Cayuga Creek
016	Pump Station Bypass	Lift Station #1, 81 st Street & Stephenson Avenue	Little Niagara River
017	Pumped Bypass	Mang Avenue & Cayuga Drive	Cayuga Creek
018	Pumped Bypass	Crossover between West Rivershore Drive & 81 st Street at Buffalo Avenue	Little Niagara River
019	Gravity Overflow	76 th Street & Stephenson Avenue	Little Niagara River
A	Portable Pump	73 rd Street & Stephenson Avenue	Little Niagara River
B	Portable Pump	78 th Street & Lindbergh	Little Niagara River
C	Portable Pump	81 st Street & Lindbergh	Cayuga Creek
D	Portable Pump	82 nd Street & Bollier Avenue	Cayuga Creek
E	Portable Pump	93 rd Street & Colvin Avenue	Bergholtz Creek
F	Portable Pump	93 rd Street & Cayuga Avenue	Bergholtz Creek
G	Portable Pump	93 rd Street & Schantz	Bergholtz Creek
H	Portable Pump	101 st Street (at lift station)	Bergholtz Creek
I	Portable Pump	South Military	Cayuga Creek

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Niagara Falls Water Board

Attachment A

DATE	OUTFALL NUMBER OR LOCATION	DURATION (HOURS)	VOLUME (GALLONS)
1/17/06	013	1.6	144,000
1/18/06	013	0.2	18,000
1/18/06	014	0.7	63,000
1/29/06	014	2.1	189,000
1/29/06	013	0.1	9,000
2/16/06	013	1.7	153,000
2/16/06	014	2.5	225,000
3/13/06	013	2.4	216,000
3/13/06	014	3.6	324,000
7/12/06	013	0.2	18,000
7/12/06	014	1.2	108,000
7/23/08	013	1.3	117,000
7/23/06	014	3.3	297,000
7/23/06	018	1.7	120,000
7/23/06	017	1.3	96,000
7/23/06	78 th Street & Lindbergh	1.7	60,000
7/23/06	81 st Street & Lindbergh	1.3	48,000
7/28/06	013	0.7	63,000
7/28/06	014	5.5	495,000
7/28/06	018	5.5	396,000
7/28/06	017	0.5	36,000
7/28/06	93 rd Street & Colvin	2.9	81,000
7/29/06	014	0.4	36,000
7/29/06	015	0.5	45,000
7/29/06	018	0.3	24,000
8/3/06	014	1.4	126,000
8/3/06	013	0.5	45,000
9/2/06	014	4.7	423,000
9/2/06	013	2.3	207,000
9/3/06	014	0.5	45,000
9/19/06	014	2.3	207,000
9/19/06	013	1.2	108,000
10/4/06	014	2.2	198,000
10/4/06	013	0.6	54,000
10/12/06	014	2.2	198,000
10/12/06	013	1.4	126,000
10/13/06	014	6.0	540,000

DATE	OUTFALL NUMBER OR LOCATION	DURATION (HOURS)	VOLUME (GALLONS)
10/13/06	013	2.4	216,000
10/14/06	014	1.1	99,000
10/14/06	013	0.5	45,000
10/17/06	014	2.2	198,000
10/17/06	013	0.3	27,000
10/20/06	014	5.1	459,000
10/20/06	013	1.6	144,000
10/22/06	014	1.1	99,000
10/23/06	014	3.4	306,000
10/23/06	013	0.3	27,000
11/16/06	014	4.3	387,000
11/16/06	013	0.7	63,000
11/17/06	014	0.8	72,000
11/30/06	014	2.8	252,000
11/30/06	013	0.3	27,000
12/1/06	015	1.25	22,500
12/1/06	017	5.9	420,000
12/1/06 & 12/2/06	014	26.8	2,412,000
12/1/06 & 12/2/06	013	33.9	3,051,000
12/1/06 & 12/2/06	018	15.9	1,140,000
12/1/06 & 12/2/06	93 rd Street & Colvin	25.1	906,000
12/1/06 & 12/2/06	93 rd Street & Colvin	26.2	948,000
12/1/06 & 12/2/06	93 rd Street & dead end	10.1	360,000
12/1/06 & 12/2/06	81 st Street & Lindbergh	26.25	945,000
12/1/06 & 12/2/06	78 th Street & Lindbergh	20.1	723,000
12/1/06 & 12/2/06	101 st Street & lift station	21.7	687,000
12/1/06 & 12/2/06	South Military	3.5	126,000
12/1/06 & 12/2/06	73 rd Street & Stephenson	12.1	435,000
1/6/07	013	2.0	180,000
1/6/07	014	1.4	126,000
1/13/07	013	0.4	36,000
1/13/07	014	3.3	297,000

DATE	OUTFALL NUMBER OR LOCATION	DURATION (HOURS)	VOLUME (GALLONS)
1/15/07	013	8.0	720,000
1/15/07	014	10.4	936,000
1/15/07	018	3.7	264,000
1/15/07	78 th Street & Lindbergh	2.5	90,000
1/15/07	73 rd Street & Lindbergh	3.0	108,000
3/13/07	013	8.3	747,000
3/13/07	014	9.3	837,000
3/13/07	78 th Street & Lindbergh	0.7	24,000
3/13/07	93 rd Street & Colvin	4.75	171,000
3/14/07	013	14.1	1,269,000
3/14/07	014	1.0	90,000
3/15/07	013	0.9	81,000
4/16/07	013	6.2	558,000
4/16/07	014	6.7	603,000
4/17/07	013	0.9	81,000
4/17/07	014	1.7	171,000
9/9/07	013	0.2	18,000
9/9/07	014	1.1	99,000
11/21/07	013	1.2	108,000
11/21/07	014	3.4	306,000
12/23/07	013	12.4	1,116,000
12/23/07	014	12.0	1,080,000
12/23/07	017	3.6	258,000
12/23/07	018	4.2	300,000
12/23/07	81 st Street & Lindbergh	12.0	432,000
12/23/07	78 th Street & Lindbergh	3.25	117,000
12/23/07	93 rd Street & Colvin	10.5	378,000
12/23/07	93 rd Street & Cayuga	3.0	108,000
12/24/07	013	1.0	90,000
1/30/08	013	1.2	108,000
1/30/08	014	0.8	72,000
1/31/08	013	0.2	18,000
1/31/08	014	0.6	54,000
2/5/08	013	17.4	1,566,000
2/5/08	014	7.7	693,000
2/5/08	018	1.25	90,000
2/6/08	014	8.7	783,000
2/6/08	013	13.3	1,197,000
2/6/08	018	5.15	372,000
2/6/08	017	6.3	384,000
2/6/08	78 th Street & Lindbergh	4.3	156,000
2/6/08	81 st Street & Lindbergh	6.9	249,000
2/6/08	93 rd Street & Colvin	11.7	420,000

DATE	OUTFALL NUMBER OR LOCATION	DURATION (HOURS)	VOLUME (GALLONS)
2/6/08	93 rd Street & Cayuga	11.3	408,000
2/6/08	101 st Street	2.75	99,000
2/7/08	014	2.5	225,000
2/7/08	013	4.3	387,000
2/17/08	013	0.3	27,000
2/18/08	014	2.6	234,000
3/1/08	014	2.9	261,000
3/1/08	013	3.1	279,000
3/19/08	014	10.7	973,000
3/19/08	013	3.9	351,000
3/20/08	014	0.9	81,000
3/25/08	014	1.0	90,000
3/26/08	014	1.3	117,000
3/26/08	013	1.1	99,000
4/1/08	014	0.7	63,000
4/12/08	014	0.3	27,000
6/16/08	014	0.6	54,000
7/11/08	014	0.8	63,000
7/22/08	014	3.7	333,000
7/22/08	013	2.1	189,000
8/5/08	013	0.7	63,000
8/5/08	014	2.4	216,000
8/10/08	013	2.9	261,000
8/10/08	014	0.8	72,000
9/12/08	014	0.3	27,000
9/13/08	014	2.5	225,000
9/13/08	013	0.8	72,000
12/10/08	013	5.6	504,000
12/10/08	014	4.5	405,000
12/24/08	014	8.4	756,000
12/24/08	013	6.5	585,000
12/24/08	78 th Street & Lindbergh	5.25	189,000
12/25/08	013	0.8	72,000
12/25/08	014	6.3	567,000
12/27/08	014	19.8	1,782,000
12/27/08	013	17.5	1,575,000
12/27/08	017	22.8	1,644,000
12/27/08	018	20.5	1,476,000
12/27/08	S. 89 th Street & Griffon	16.75	301,500
12/27/08	S. Military & Bridge	7.5	270,000
12/27/08	93 rd Street & Colvin	26.25	945,000
12/27/08	93 rd Street & Cayuga	21.25	765,000
12/27/08	81 st Street & Lindbergh	19.5	714,000

DATE	OUTFALL NUMBER OR LOCATION	DURATION (HOURS)	VOLUME (GALLONS)
12/27/08	78 th Street & Lindbergh	9.3	375,000
12/27/08	73 rd Street & Stephenson	24.6	894,000
12/27/08	101 st Street Lift Station	37.5	1,350,000
12/28/08	013	12.8	1,152,000
12/28/08	014	13.8	1,242,000

New York State Department of Environmental Conservation

Office of General Counsel, Region 9

70 Michigan Avenue, Buffalo, New York 14203-2999

Phone: (716) 851-7190 • FAX: (716) 851-7296

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

June 19, 2009

David P. Flynn, Esq.
Phillips Lytle LLP
3400 HSBC Center
Buffalo, New York 14203

Dear Mr. Flynn:

**Niagara Falls Water Board
Sanitary Sewer Overflows
Order on Consent R9-20080528-32**

Enclosed is the revised Order on Consent ("Order") in the above referenced matter. Based on the Niagara Falls Water Board's efforts and significant expenditures to improve its sanitary sewer system, the Department has reduced the payable portion of the civil penalty to \$2,000.

The Order requires the Niagara Falls Water Board to implement a schedule of activities to eliminate the sanitary sewer overflows ("SSO"). Provided that the Niagara Falls Water Board is in full compliance with the requirements of the Order, including the obligation to report the occurrences of SSOs, the Department does not anticipate taking further enforcement action for the matters covered under the Order. Please be advised, however, that an enforcement action may be commenced if the Department, in its sole discretion, determines that the nature, frequency, severity or impact of a SSO warrants such action or if enforcement is otherwise deemed necessary to protect human health and/or the environment.

Please have the appropriate representative of the Niagara Falls Water Board sign where indicated, before a notary public, and return the document to me with the penalty. I will arrange for the execution of the Order by the Department and return a signed copy to you. Please contact me if you have any questions.

Very truly yours,

Teresa J. Mucha
Assistant Regional Attorney

Enclosure
TJM:jps

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Niagara Falls Water Board

REVISED SCHEDULE A

Order on Consent No. R9-20080528-32

I. Respondent acknowledges and agrees to be bound by the terms of this Revised Schedule A and agrees that, with the exception of the modification reference below, Order on Consent, R9-20080528-32, including the Schedule A attached thereto, with an effective date of August 11, 2009 ("Order"), continues in full force and effect.

II. The schedule of sanitary sewer overflow mitigation measures contained in Table 4-2 of the approved August 2007 Sanitary Sewer System Management Plan is replaced with the attached document entitled "Table 4.2 (Revised September 2014)." This modification consists of moving the Luick sewer upgrade and certain manhole rehabilitation work from years 6, 7 and 8 to years 12, 13 and 14, while concurrently advancing a similar amount of sewer work from the latter period to the former to keep the overall pace of work approximately even.

III. Upon execution by the Respondent, this Revised Schedule A shall be incorporated into and become an enforceable part of the Order. By signing this document, Respondent consents to the issuing and entering of this Revised Schedule A, waives its right to a hearing as provided by law and agrees to be bound by the provisions, terms and conditions contained therein.

Dated: Buffalo, New York
October 22, 2014

New York State Department of
of Environmental Conservation

by: Abby M. Snyder
Abby M. Snyder
Regional Director

Dated: October 10th, 2014

Niagara Falls Water Board

by: Ted Manare
Chairman

APPROVED AS TO FORM
ATTORNEY FOR THE
NIAGARA FALLS WATER BOARD

BY: [Signature]
DATE: 10-8-14

Table 4.2 (Revised September 2014)
Niagara Falls Water Board
Detailed Work Plan

SSO Mitigation Measure Reference Table

Division/Work Breakdown	Problem or Rehabilitation Method	Item No.	Length (ft)		Year	Category	Priority	Cost (\$)		Risk	Notes
			Start	End				Estimate	Actual		
24.1	Sewer Cleaning	0.180	E	3	9		High	\$1,997	8		
24.2	Sewer Cleaning	0.040	D	3	7		High	\$4,300	6		
24.3	Sewer Cleaning	0.010	H	2	8		High	\$12,390	5		
24.4	Sewer Cleaning	0.014	A	3	5		High	\$1,031	8		
24.5	Sewer Cleaning	0.024	F	7	3		High	\$584	8		
24.6	Sewer Cleaning	0.064	G	4	6		High	\$23,100	2		
24.7	Sewer Cleaning	0.008	C	8	2		High	\$923	5		
24.8	Sewer Cleaning	0.009	I	6	4		High	\$4,338	4		
24.9	Sewer Cleaning	0.001	H	9	1		High	\$6,021	3		
24.10	Root Treatment	0.018	L	1	9		High	\$9,738	5		
24.11	Root Treatment	0.049	A	9	5		High	\$1,738	6		
24.12	Root Treatment	0.009	I	6	4		High	\$17,199	3		
24.13	Root Treatment	0.008	C	8	2		High	\$16,302	4		
24.14	Root Treatment	0.001	H	9	1		High	\$10,000	2		
24.15	Spot Excavation & Repair (SOH)	0.018	B	1	9		Medium	\$20,100	3		
24.16	Cur Production Laterals	0.002	A	5	5		Low	\$10,000	2		
24.17	Cur Production Laterals	0.004	B	1	9		Low	\$8,000	3		
24.18	Cur Production Laterals	0.001	H	9	1		High	\$6,000	2		
24.19	Cur Production Laterals Engineering	0.001	I	6	4		Low	\$18,000	1		
Year 1											
24.20	Cross-connection	0.290	B	1	9		High	\$116,000	3		
24.21	Cross-connection	0.004	A	5	5		High	\$10,000	2		
24.22	Spot Excavation & Repair	0.018	B	1	9		Medium	\$125,800	3		
24.23	Spot CIPP	0.011	A	5	5		Medium	\$112,400	2		
24.24	Spot CIPP	0.014	B	1	9		Low	\$136,100	2		
24.25	Spot CIPP	0.006	A	5	5		Low	\$54,400	2		
24.26	Grout Pipe	0.006	H	1	9		Low	\$11,300	5		
24.27	Grout Pipe	0.003	A	5	5		Low	\$7,300	5		
Year 2, 3 and 4											
24.28	Spot Excavation & Repair	0.073	F	7	3		Medium	\$120,000	4		
24.29	Spot Excavation & Repair	0.032	H	9	1		Medium	\$270,000	3		
24.30	Cross-connection	0.004	D	3	7		High	\$40,000	6		
24.31	Cross-connection	0.473	B	2	7		High	\$10,000	6		
24.32	Cross-connection	0.223	G	4	6		High	\$40,000	4		
24.33	Cross-connection	0.001	O	8	2		High	\$30,200	3		
24.34	Manhole Rehabilitation	0.195	B	1	9		Low	\$151,218	3		
24.35	Manhole Rehabilitation	0.003	C	8	2		Low	\$16,623	2		
24.36	Manhole Rehabilitation	0.000	D	3	7		Low	\$6,200	1		
24.37	Manhole Rehabilitation	0.000	B	2	8		Low	\$4,850	1		
24.38	Manhole Rehabilitation	0.000	H	7	3		Low	\$1,200	1		
24.39	Manhole Rehabilitation	0.000	G	4	6		Low	\$1,800	1		
24.40	Manhole Rehabilitation	0.004	A	5	5		Low	\$3,200	2		
24.41	Spot CIPP	0.238	G	4	6		Low	\$93,230	4		
Year 6, 7 and 8											
24.42	Spot Excavation & Repair Engineering	0.134	I	6	4		Medium	\$793,000	3		
Year 9 and 10											
24.43	Spot Excavation & Repair	0.134	I	6	4		Medium	\$793,000	3		
Year 11											
24.44	Lowest Sewer Upgrade	0.450	B	1	9		High	\$504,150	4		
24.45	Leave Canal Sewer Repair	0.093	B	1	9		Low	\$150,000	3		
24.46	Spot Excavation & Repair	0.073	C	8	2		Medium	\$140,435	3		
24.47	Manhole Rehabilitation	0.154	B	1	9		Low	\$20,700	3		
24.48	Grout Pipe	0.001	D	3	7		Low	\$4,650	2		
24.49	Grout Pipe	0.001	H	7	3		Low	\$1,500	2		
24.50	Grout Pipe	0.002	I	6	4		Low	\$6,900	6		
24.51	Grout Pipe	0.010	C	8	2		Low	\$6,500	3		
24.52	Grout Pipe Engineering	0.015	B	9	1		Low	\$11,700	3		
Year 12, 13 and 14											
24.53	Sectors CIPP	0.015	E	2	8		Low	\$79,350	3		
24.54	Sectors CIPP	0.027	D	3	7		Low	\$66,213	3		
24.55	Sectors CIPP	0.300	F	7	3		Low	\$93,786	4		
24.56	Spot CIPP	0.223	D	3	7		Low	\$125,200	3		
24.57	Spot CIPP	0.259	G	4	6		Low	\$121,000	4		
24.58	Spot CIPP	0.015	E	2	8		Low	\$174,800	3		
24.59	Spot CIPP	0.344	F	7	3		Low	\$250,650	3		
24.60	Spot CIPP	0.302	I	6	4		Low	\$36,000	3		
24.61	Spot CIPP	0.304	C	8	2		Low	\$76,500	1		
24.62	Spot CIPP	0.323	H	9	1		Low	\$167,400	2		
Year 15, 16 and 17											
Re-evaluation of the system need for future Rehabilitation											
Program Cost per											
Year 18											
Year 1-18											