



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

May 16, 2025

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Creation of a Monsanto Settlement Funding Grant Budget**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning (DEP) to authorize creation of new grant budget for settlement funds that were previously authorized for acceptance.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Bonnie Lawrence. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", with a long horizontal flourish extending to the right.

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/nb  
Enclosure

cc: Daniel R. Castle, AICP, Commissioner  
Bonnie Lawrence, Deputy Commissioner

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Department of Environment and Planning  
**Re:** Creation of a Monsanto Settlement Funding Grant Budget  
**Date:** May 2, 2025

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### **SUMMARY**

It is recommended that the Legislature approve the attached resolution prepared by the Department of Environment and Planning (DEP) to establish a new grant budget for Monsanto Settlement Funding.

A previous resolution authorized the County Executive to direct future payments of the Monsanto Class Action Settlement to DEP. The initial funds were used to perform a gap analysis on the status of polychlorinated biphenyls (PCBs) monitoring in Erie County and to develop a plan for next steps for monitoring PCBs in waterways and implementing PCB remediation projects. This new funding of \$737,393 will be used to execute that monitoring plan.

### **FISCAL IMPLICATIONS**

There will be no fiscal impact on County resources.

A new Senior Environmental Compliance Specialist (JG12) position will be created to oversee and manage PCB monitoring and remediation plan and will be partially funded by an existing grant.

<b><u>Annualized Salary of Existing JG12:</u></b>	\$68,266
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<b><u>Total Salary for Balance of Year:</u></b>	\$51,200
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#### **Funding Source:**

Grant Source:	SAP# 162MONSANTO2530
Grant Duration:	4/1/2025 through 3/31/2030
New Settlement Funding:	\$737,393
Total Funding:	\$737,393
Alternate Source of Funding if	
Grant is not renewed:	None

### **REASONS FOR RECOMMENDATION**

PCB testing will support the Nine-Element Watershed Management Plan, which requires establishing a monitoring plan and developing water quality improvement implementation projects and will help inform how the County and other entities within the Watershed should move forward on PCB cleanup goals, especially on Brownfields, as these man-made chemicals can cause organ dysfunction, cancer, developmental problems in children, and other serious health impacts. A Nine-Element Watershed Plan with nine required elements will make the County and Watershed eligible for additional implementation project funding through state and federal grants.

The proposed 2-year effort focuses on Scajaquada Creek, particularly in the buried and upper sections of the creek, which are less studied than the lower Scajaquada Creek. This study will include field sampling, analysis of samples by a contract laboratory and cooperating USGS laboratory, and data analysis and synthesis. Results will inform Erie County and other local stakeholders of the current extent of PCB contamination in the Scajaquada Creek to guide potential management decisions and strategies for remediation of PCBs.

Scajaquada Creek is a tributary to the Niagara River, which is designated as the Impact Area of Concern (AOC). Located in Erie County, Scajaquada Creek flows from Lancaster west through Depew, Cheektowaga, and Buffalo before flowing into the Niagara River. The creek enters a tunnel and flows underground for nearly four miles and resurfaces in the Forest Lawn Cemetery. A smaller section of the creek was also routed underground beneath a shopping mall, and roughly five miles of upper Scajaquada Creek was channelized for flood control. The downstream segment of Scajaquada Creek, beginning at the mouth and ending at the drain outfall in Forest Lawn Cemetery, is the Source Area of Concern for this effort.

Year one of this study will consist of project planning, field sampling, and laboratory analysis. Year two will begin once all sample data is received from the laboratories, and will consist of data analysis, interpretation, and report generation.

## **BACKGROUND INFORMATION**

Erie County has been involved with and leading LEWPA, a tri-county organization with a mission to protect and improve water quality, since its inception in 2012. LEWPA has a goal of developing a Nine-Element Watershed Management Plan for the Niagara River/Lake Erie Watershed in order to characterize the existing conditions of the Watershed and develop potential projects to protect and improve water quality. This type of plan requires nine minimum elements as determined by the United States Environmental Protection Agency and approved by the NYSDEC.

Erie County has successfully managed the Regional Niagara River/Lake Erie Watershed Management Plan Phase 3 project since 2020 and is working toward finalizing a Nine-Element Watershed Management Plan. The Monsanto funding will expand the work that is able to be completed as part of this plan regarding a toxic pollutant and will help inform County actions moving forward. This funding will allow the County to continue to fund the Senior Environmental Compliance Specialist (JG12) to continue working to complete the Phase 3 project and to begin to implement some of the recommendations in the Watershed Management Plan.

## **CONSEQUENCES OF NEGATIVE ACTION**

The testing for PCBs will not be completed and finalization of the Nine-Element Watershed Management Plan will be delayed.

## **STEPS FOLLOWING APPROVAL**

A grant budget to complete the PCB monitoring will be created.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Creation of a Monsanto Settlement Funding Grant Budget

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in addressing water quality issues throughout the region for decades and continues to lead and manage many initiatives, including the Lake Erie Watershed Protection Alliance, that protect and preserve our natural water resources; and

WHEREAS, the Erie County Legislature previously authorized to accept past and future funding from the Monsanto Class Action Settlement for the purpose of polychlorinated biphenyls (PCB) monitoring and directing it to the DEP (COMM 14E-19 (2023)); and

WHEREAS, a second settlement amount of \$737,393 has been awarded to Erie County to perform a PCB monitoring and remediation project requiring the creation of a grant budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to accept \$737,393 in funds from the Monsanto Class Action Settlement, and amend the Department of Law's Risk Retention 2025 Operating Budget (Fund 110, Funds Center 16020) to make the settlement funds available as a multi-year grant to the Department of Environment and Planning in (Fund 281, Fund Center 16200) follows:

Department of Law – Risk Retention  
Fund 110, Funds Center 16020

<u>REVENUES</u>	<u>CHANGE</u>
415630      Legal Settlements	<u>\$737,393</u>
TOTAL	<u>\$737,393</u>

<u>APPROPRIATIONS</u>	<u>CHANGE</u>
559000      County Share - Grants	<u>\$737,393</u>
TOTAL	<u>\$737,393</u>

Department of Environment and Planning  
Monsanto Class Action Settlement  
162MONSANTO2530  
April 1, 2025 – March 31, 2030

<u>REVENUES</u>	<u>BUDGET</u>
479000      County Share Contributions	<u>\$737,393</u>
TOTAL	<u>\$737,393</u>

<u>APPROPRIATIONS</u>	<u>BUDGET</u>
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500000	Full Time Salaries	\$ 189,957
502000	Fringe Benefits	94,869
505000	Office Supplies	1,000
510000	Local Mileage Reimbursement	1,500
516020	Professional Service Contracts	510,287
916290	ID Environment & Planning Grant	<u>(\$ 60,220)</u>
	Services	
	TOTAL	<u>\$ 737,393</u>

and be it further

RESOLVED, that authorization is hereby given to create one (1) full-time Environmental Compliance Specialist, Job Group 12, CSEA (B-100 #14981) retroactive to April 1, 2025; and be it further

RESOLVED, that authorization is hereby given to amend the Department of Environment & Planning's 162RNRLEWMP2025 grant budget (Fund 281, Funds Center 16200) as follows:

Department of Environment & Planning  
 NYSDOS: Regional Niagara River Lake Erie Watershed Management  
 162RNRLEWMP2025  
 10/1/2020 – 9/30/2025

<u>APPROPRIATIONS</u>	<u>CHANGE</u>
500000 Full Time - Salaries	\$(10,860)
500030 Seasonal - Wages	(1,140)
500300 Shift Differential	102
500350 Other Employee Payments	11,006
502000 Fringe Benefits	(52,034)
505000 Office Supplies	(6,500)
510000 Local Mileage Reimbursement	(794)
916290 ID Environment & Planning Grant	<u>\$60,220</u>
Services	
TOTAL	<u>\$ 0</u>

and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to implement any budget adjustments as required to comply with the grantor funding requirements provided there are no changes to authorized personnel levels or county share amounts; and be it further

RESOLVED, that authorization is hereby given to the County Executive and/or Deputy County Executive to amend contracts as necessary to implement any no-cost extension that may be permitted by the grantor; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Law, and Department of Environment and Planning.