



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

December 1, 2025

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

**RE: Western New York Stormwater Coalition: Memorandum of Agreement**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning (DEP) authorizing Erie County to enter into a Memorandum of Agreement (MOA) with 44 Municipal Separate Storm Sewer System (MS4) Owners and Operators, in Erie and Niagara Counties, for the Western New York Stormwater Coalition. The MOA establishes the rights and responsibilities of members, including financial obligations. This MOA renews an existing agreement that was signed by the County in November 2020.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:nb  
Enclosure

Cc: William Geary, Commissioner, Public Works  
Joseph Fiegl, P.E., Deputy Commissioner, Environment and Planning

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Western New York Stormwater Coalition: Memorandum of Agreement  
**Date:** December 1, 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) authorizing the County Executive to enter into a Memorandum of Agreement (MOA) with 44 Municipal Separate Storm Sewer System (MS4) Owners and Operators in Erie and Niagara Counties to continue County membership in the Western New York Stormwater Coalition (Coalition). The MOA establishes the rights and responsibilities of Coalition members, including financial obligations. Both the Department of Public Works – Division of Highways and the Department of Environment and Planning – Division of Sewerage Management are regulated MS4s.

For the past 22 years, DEP has provided technical, administrative and management to support collaborative compliance with federal and state stormwater management requirements. In order to continue working together on overlapping compliance issues and pursue joint funding opportunities, all regulated MS4s must enter into the Memorandum of Agreement.

### **FISCAL IMPLICATIONS**

The Department of Public Works – Division of Highways will pay a membership fee of \$2,000 per year. Funds will come from SAP Fund 210 Cost Center 1231010 – Account # 516020. The Department of Environment and Planning – Division of Sewerage Management will pay a membership fee of \$1,000 which represents a 50% cost share with the City of Lackawanna as DSM owns and operates the storm sewer pipes in the city. Funds will come from the Sewer District No. 6 Operating Fund 220, Cost Center 1861010 – Account # 516020 starting in fiscal year 2026 and annually thereafter for five years.

### **REASONS FOR RECOMMENDATION**

Approval of this resolution will enable Erie County's Department of Public Works – Division of Highways and Department of Environment and Planning – Division of Sewerage Management to continue membership in the Coalition.

### **BACKGROUND INFORMATION**

Federal legislation from the United States Environmental Protection Agency's (USEPA) Phase II Stormwater regulations require a SPDES permit and implementation of a stormwater management program for municipal separate storm sewer systems (MS4) servicing populations under 100,000 in US Census-defined urbanized areas (>1000 people/mi<sup>2</sup>). The federal regulations are administered by the NYS Department of Environmental Conservation.

In 2003, the Erie County Department of Environment and Planning initiated a regional strategy to assist local (Erie and Niagara County) municipal governments in understanding and complying with the stormwater regulations. This strategy included the formation of the Western New York Stormwater Coalition which provides a forum for MS4s in Erie and Niagara County to share resources and work in partnership toward compliance with stormwater requirements. The Coalition consists of representatives of Erie County, Niagara County, several local and State government agencies, forty-four (44) regulated MS4s, and environmental consultants. For the past 22 years, the DEP has facilitated Coalition members in working collaboratively to comply with federal and state stormwater management requirements. In order to continue working together on overlapping compliance issues and pursue joint funding opportunities, Coalition members must enter into a Memorandum of Agreement.

### **CONSEQUENCES OF NEGATIVE ACTION**

Without approval of the attached resolution, Erie County will not be a member of the Coalition, will not be entitled to the work products of the group and as a result, will forfeit thousands of dollars in grant assistance, and be forced to develop its own Stormwater Management Program at considerably greater expense.

### **STEPS FOLLOWING APPROVAL**

The Commissioners of the Department of Public Works and Department of Environment and Planning, or their designees, will execute a Memorandum of Agreement with the forty-four MS4s in the Coalition. As a result, the County Department of Public Works – Division of Highways and the Department of Environment and Planning – Division of Sewerage Management will thereby remain members of the Western New York Stormwater Coalition.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Western New York Stormwater Coalition: Memorandum of Agreement

WHEREAS, the Western New York Stormwater Coalition (Coalition), formally established in 2003, collaborates on a joint stormwater management program for numerous municipal entities in Erie and Niagara Counties; and

WHEREAS, the Erie County Department of Environment and Planning coordinates the activities of the Coalition; and

WHEREAS, the Department of Public Works (DPW) – Division of Highways and the Department of Environment and Planning (DEP) – Division of Sewerage Management are currently members of the Coalition; and

WHEREAS, the DPW – Division of Highways and the DEP – Division of Sewerage Management realize the benefits of continued membership in the Coalition and agree to the terms and conditions associated with that membership; and

WHEREAS, the DPW – Division of Highways and the DEP – Division of Sewerage Management must fund the annual membership dues.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of Environment and Planning and the Commissioner of Public Works, or their designees, to enter into a Memorandum of Agreement (MOA) with other Municipal Separate Storm Sewer System Owners and Operators to continue being part of the Western New York Stormwater Coalition; and be it further

RESOLVED, that upon execution of the MOA, the DPW – Division of Highways and the DEP – Division of Sewerage Management will continue to be members of the Coalition and receive member benefits; and be it further

RESOLVED, that authorization is hereby given to the DPW – Division of Highways and the DEP – Division of Sewerage Management to annually remit the following participation fees to the Coalition: \$2,000 (DPW – Division of Highways) and \$1,000 (DEP – Division of Sewerage Management); and be it further

RESOLVED, that upon execution of the MOA, the DPW – Division of Highways will pay the annual membership fee from SAP Fund 210 Cost Center 1231010 - Account # 516020, and the DEP – Division of Sewerage Management will pay the annual membership fee from the Sewer District No. 6 Operating Fund 220, Cost Center 1861010 - Account # 516020 starting in fiscal year 2026 and annually thereafter for five years; and be it further

RESOLVED, that the County has the option of renewing this MOA for one (1) consecutive five (5) year term; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Law, Department of Environment and Planning and the Department of Public Works.