



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 2, 2026

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, NY 14202

RE: Amended Rules and Regulations for Erie County Sewer Districts (2026)

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution pertaining to amendments for the Rules and Regulations for Erie County Sewer Districts.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E., BCEE in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark Poloncarz, Esq.
Erie County Executive

Encl.

Cc: J. Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Amended Rules and Regulations for Erie County Sewer Districts (2026)
Date: April 2, 2026

SUMMARY

Adoption of amended Rules and Regulations for Erie County Sewer Districts (Rules and Regulations) pursuant to Article 5-A, Section 264 of New York State County Law, is requested.

FISCAL IMPLICATIONS

There are no fiscal implications to the County.

REASONS FOR RECOMMENDATION

Amendments to the Rules and Regulations are necessary to address updates to Federal, State and Local requirements, as well as improve the overall administration and management of the Erie County Sewer Districts.

BACKGROUND INFORMATION

Article 5-A, Section 264 of New York State County Law states “The board of supervisors shall have power to adopt, amend and repeal, from time to time, rules and regulations for the operation of a county district and the use of water in a water district including regulation of the manner of making connections and the construction of the county system and all facilities and appurtenances.” The original Rules and Regulations were adopted by the Erie County Legislature on December 21, 1971, and were last amended on March 26, 2009. These Rules and Regulations serve as the “sewer use ordinance” for all Erie County Sewer District infrastructure, including that associated with State Pollutant Discharge Elimination System (SPDES) Permits NY0022136, NY0022543, NY0028436, NY0095401, NY0108103, and NY0167169. The Rules and Regulations also apply to non-County owned facilities tributary to, or upstream of, Erie County Sewer District infrastructure.

Proposed updates/amendments to the Rules and Regulations were reviewed and recommended by all seven (7) of the Erie County Sewer District Boards of Managers. The following is a summary of the proposed changes:

- The introduction was updated
- Certain definitions in Article I were edited for clarity/consistency
- Section 201 was modified to reflect the current process for petitioning the Board of Managers regarding delaying connection to the public sewer system
- Sections 301, 304, 306, and 307 were clarified regarding when a permit is required, the requirements of permittees, the standards to be applied when reviewing, and the considerations related to providing services and/or materials for an extension

- Section 311 was added to codify downstream capacity analysis requirements for certain sewer extensions
- Section 401 was revised with additional details on the developer infiltration/inflow removal requirement
- Section 501.f was edited to clarify requirements related to garbage grinders
- Section 501.q was incorporated to document existing practices in response to Erie County Local Law No. 1 (2014)
- Section 504 was amended to reflect current fats, oils, and grease protocols
- Section 508 was included to codify amalgam separator requirements for dental facilities for mercury
- Section 509 was inserted to include the existing procedures for temporary discharges
- Articles VI and XI were updated per comments from the United States Environmental Protection Agency
- Section 1001 was augmented with additional text regarding the limits of Erie County Sewer District inspectors
- Minor typographical errors, grammatical errors, clarifications, and/or formatting items were corrected

The amended Rules and Regulations document (prior to final formatting and approval) may be found at: <https://www3.erie.gov/dsm/proposed-2026-rules-and-regs>. The amended Rules and Regulations were reviewed by the County Attorney's office, and subject to public comments through the State Environmental Quality Review Act (SEQRA) process. All municipalities served by the Erie County Sewer Districts were notified, and the SEQRA review period closed with no comments.

CONSEQUENCES OF NEGATIVE ACTION

Amendments to the Rules and Regulations are recommended to effectively manage the Erie County Sewer Districts. Not enacting these Rules and Regulations would adversely impact the administration of the Erie County Sewer Districts by the Boards of Managers and the Division of Sewerage Management.

STEPS FOLLOWING APPROVAL

The amended Rules and Regulations for Erie County Sewer Districts would become effective on the day of adoption.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Amended Rules and Regulations for Erie County Sewer Districts (2026)

WHEREAS, pursuant to Article 5-A, Section 264 of New York State County Law the Erie County Legislature has the power to adopt, amend and repeal, from time to time, rules and regulations for the operation of a county district; and

WHEREAS, the Erie County Sewer Districts are county districts created pursuant to Article 5-A of New York State County Law; and

WHEREAS, the current Rules and Regulations for Erie County Sewer Districts were adopted by the Erie County Legislature on March 26, 2009; and

WHEREAS, amendments to the Rules and Regulations for Erie County Sewer Districts are recommended to address updates to Federal, State and Local requirements, as well as improve the overall administration and management of the Erie County Sewer Districts; and

WHEREAS, the Board of Managers for Erie County Sewer Districts 1, 2, 3, 4, 5, 6, and 8 reviewed amended Rules and Regulations for Erie County Sewer Districts and recommend proceeding with their adoption; and

WHEREAS, the Division of Sewerage Management has determined amending the Rules and Regulations for Erie County Sewer Districts is a New York State Environmental Quality Review (SEQR) Unlisted Action and after due consideration a Negative Declaration was issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adopts the amended Rules and Regulations for Erie County Sewer Districts, effective the date of this resolution; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive's Office, Department of Law, Division of Sewerage Management and Division of Budget and Management.