

**Buffalo Sewer Authority**  
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**What is the Buffalo Sewer Authority (BSA)?**

The Buffalo Sewer Authority is a public benefit corporation created by the New York State legislature in 1935 to clean wastewater before it is released into the environment.<sup>1</sup> The BSA also maintains the storm drains for the City of Buffalo.<sup>2</sup>

**Whom does the BSA serve?**

The BSA serves the residents and businesses of the Buffalo area as well as some neighboring communities.<sup>3</sup> Currently, around 98,000 Buffalo residents and nearly 400 businesses in the City of Buffalo are served by the BSA.<sup>4</sup>

**Who runs the BSA?**

As a public benefit corporation, the BSA is run by a board of directors and general manager.<sup>5</sup> The current General Manager is David P. Comerford.<sup>6</sup> The board of directors is appointed by the Mayor and confirmed by the Common Council.<sup>7</sup>

The Chairman is a member of the board, elected by the board itself.<sup>8</sup>

**What is a public benefit corporation?**

A public benefit corporation is also known as a public authority.<sup>9</sup> Public benefit corporations and authorities are created by an act of the New York State Legislature<sup>10</sup> and are overseen by the New York State Public Authorities Control Board.<sup>11</sup>



*The Bird Island primary treatment plant as it appeared shortly after its construction in 1938.*

### **Why doesn't the City of Buffalo run its own sewer system?**

Originally the city did have its own sewer system,<sup>13</sup> but there was a pollution problem and the city did not have the funds to correct it without bonding for more money than allowed by the state constitution's debt limit.<sup>14</sup> To raise bond money without violating the constitutional debt limit, the state created the BSA, which can sell its own bonds and repay them with revenue from sewer fees.

### **Can the Buffalo Sewer Authority take my property?**

Yes, if the Buffalo Sewer Authority needs your property to carry out its function it can purchase or condemn the land if the Authority provides you with just compensation.<sup>15</sup>



### **Can I sue the Buffalo Sewer Authority?**

If you have a legal claim, yes. The Buffalo City Authority can be sued and has the power to sue.<sup>16</sup> The Authority must be notified prior to a claim is filed in court and members of the authority may have the power to inspect the claim prior to filing.<sup>17</sup> Except in the case of a wrongful death lawsuit, the claim must be filed in court before a year and ninety days after the event from which the claim arises happened.<sup>18</sup> If a member of the Authority is operating an Authority vehicle while on duty, the employee is not liable for his negligent acts, but the Authority is.<sup>19</sup>

### **How does the Buffalo Sewer Authority fund its operations?**

The majority of revenue comes from service charges.<sup>21</sup> The Authority also receives revenue from various investments.<sup>22</sup> Currently, per \$1000 of assessment to his or her property, a resident pays \$1.94 in sewer taxes annually.<sup>23</sup> Additionally, in order to raise funds, the Buffalo Sewer Authority can issue bonds.<sup>24</sup>

### **What are the expenditures of the Sewer Authority?**

There are two types of expenses: operating and capital expenses. Operating expenses include salaries, recurring costs for running equipment, maintenance costs and the interest payable on bonds. Capital expenses include costs for building, buying, and refurbishing equipment that will be used for a number of years. Operating expenses have stayed between \$35 and \$42 million in the last few years,<sup>25</sup> with fluctuations in the expenses of wastewater treatment facilities.<sup>26</sup>

### **What is the annual budget of the Buffalo Sewer Authority?**

Currently revenues have been consistently in the mid-\$50 million range while expenses have been in the mid-\$40 million range.<sup>27</sup>

### **How does a producer of industrial waste dispose of chemicals?**

Under current regulations, an industrial user of the sewer system must get a permit and install a pretreatment system before releasing water into the sewer system.<sup>28</sup> Any industrial user which discharges “an average of 25,000 gallons per day or more of process wastewater,” or “contributes a process waste stream making up to 5% or more of the average dry weather flow or organic capacity of the sewage treatment plant,” or is “designated by the Pretreatment Program to reasonably cause an adverse affect[sic] on the sewage treatment plant or violate any pretreatment standard or requirement,” or is “subject to Federal Categorical Pretreatment Standards,” or “has above normal strength sewage,” or “has the potential for a spill of a substance of concern (pollutant) to enter the sewer system,” must obtain a permit and have a pretreatment facility.<sup>29</sup> There are additional regulations for washing company and government vehicles to prevent pollution from entering the storm sewers.<sup>30</sup> The easiest solution is to have those vehicles washed at a car wash to prevent the pollution.<sup>31</sup>



### **What about trucked in waste?**

Waste can be trucked in to the Bird Island treatment plant provided that the waste hauler has a permit and identifies the source, type, and amount of waste which is being dropped off.<sup>32</sup>

## **What does the Sewer Authority's Engineering Department do?**

The engineering department specifies the requirements for “replacement sewers, local storm relief measures, and for sewer extensions.”<sup>33</sup> They oversee all projects and direct the management of construction projects.<sup>34</sup>



## **Why is stormwater a problem?**

Stormwater is precipitation which flows into the sewer system through street grates, through building gutters that are linked to the sewer system, and other means.<sup>35</sup> The runoff carries with it a number of pollutants which contaminate the local freshwater ecosystems.<sup>36</sup> Additionally, the stormwater system in Buffalo overflows in some areas causing flooding.<sup>37</sup> The stormwater system also carries pollutants from households washing cars or dumping chemicals which enter the stormwater sewers and flow into the local ecosystems.<sup>39</sup>

And of the highest concern is the Combined Sewer Overflow problems. Buffalo, like many older cities, has a combined system for stormwater and sanitary wastewater, all of which flow to the sewage treatment plant. When it rains or snow melts in more than trace quantities, the water in the system is too much for the sewage treatment plant, and the combined sewage and storm water flows directly into our lakes and rivers, leading to beach closings, public health problems, and environmental damage. Combined sewer overflows happen over 50 times per year in Buffalo.<sup>40</sup>

## **What is being done to prevent stormwater pollution from entering the local area waters?**

In accordance with federal regulation, a plan to reduce pollution into stormwater drains is being implemented.<sup>41</sup> This plan, currently in its 5<sup>th</sup> year, focuses on preventing pollutants from entering the stormwater system.<sup>42</sup> This has been executed through a number of public education campaigns including prize wheels at public functions, distributing information at elementary schools, and handing out brochures to local

businesses.<sup>43</sup> Additionally, the Authority holds chemical collections where residents can drop off unwanted household chemicals and paints instead of dumping them.<sup>44</sup> The State currently gives permits to urban areas to reduce stormwater pollution and the State also gives construction permits to reduce the runoff from construction sites.<sup>45</sup> The Authority has teamed up with many other local municipalities to help ensure that pollution to local waterways is reduced across the region.<sup>46</sup> The Sewer Authority is slowly combating the flooding by installing a control station in Hamburg as well as working with the City so that any roadwork includes work on the sewers as well.<sup>47</sup> Advocates such as Buffalo Niagara Riverkeeper, however, complain that the BSA's efforts are grossly inadequate, and the BSA and city need to develop "green infrastructure," such as rain gardens, green roofs, a gutter disconnect program, rain barrels, and other methods to reduce combined sewer overflows.



### **How can I pay my bill online?**

Go to <http://www.city-buffalo.com/Home/CityServices/WaterPayment> and follow the instructions given.<sup>48</sup>

### **What if I don't pay my bill?**

If you do not pay your bill for one year, the Sewer Authority has the power to shut off your water.<sup>49</sup> In order to do this, the authority will send a registered or certified letter to the owner demanding payment within 10 days.<sup>50</sup> If the bill is not paid, the Authority can shut your water off.<sup>51</sup>

### **What is the average sewer bill for residents of Buffalo?**

The average bill is between four and five hundred dollars a year.<sup>52</sup>

## Notes

<sup>1</sup> *History- City of Buffalo*, <http://www.ci.buffalo.ny.us/Home/CityServices/BSA/History> (last visited Mar. 29, 2009).

<sup>2</sup> *Id.*

<sup>3</sup> COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2007, [http://www.ci.buffalo.ny.us/files/1\\_2\\_1/BSA/IntranetFiles/06-07\\_CAFR.pdf](http://www.ci.buffalo.ny.us/files/1_2_1/BSA/IntranetFiles/06-07_CAFR.pdf) (last visited Mar. 29, 2009).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> N.Y. PUB. AUTH. LAW § 1177

<sup>8</sup> *Id.*

<sup>9</sup> N.Y. PUB. AUTH. LAW § 2

<sup>10</sup> *Id.*

<sup>11</sup> N.Y. PUB. AUTH. LAW § 51

<sup>12</sup> *History- City of Buffalo*, *supra* note 1.

<sup>13</sup> N.Y. PUB. AUTH. LAW § 1179

<sup>14</sup> *History- City of Buffalo*, *supra* note 1.

<sup>15</sup> N.Y. PUB. AUTH. LAW § 1178.7

<sup>16</sup> N.Y. PUB. AUTH. LAW § 1178.4

<sup>17</sup> N.Y. PUB. AUTH. LAW § 1193-a

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> N.Y. PUB. AUTH. LAW § 1177 *supra* note 7

<sup>21</sup> COMPREHENSIVE ANNUAL FINANCIAL REPORT, *supra* note 3.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> N.Y. PUB. AUTH. LAW § 1178.10

<sup>25</sup> COMPREHENSIVE ANNUAL FINANCIAL REPORT, *supra* note 3.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *BSA Use Regulations*,

[http://www.ci.buffalo.ny.us/files/1\\_2\\_1/BSA/IntranetFiles/iw/BSA%20USE%20REGULATIONS.pdf](http://www.ci.buffalo.ny.us/files/1_2_1/BSA/IntranetFiles/iw/BSA%20USE%20REGULATIONS.pdf) (last visited Mar. 29, 2009).

<sup>29</sup> *Industrial Waste Section- City of Buffalo*,

<http://www.ci.buffalo.ny.us/Home/CityServices/BSA/industrial> (last visited Mar. 29, 2009).

<sup>30</sup> *Vehicle Washing Guidance*,

[http://www.ci.buffalo.ny.us/files/1\\_2\\_1/BSA/IntranetFiles/iw/Vehicle\\_Washing\\_Guidance.pdf](http://www.ci.buffalo.ny.us/files/1_2_1/BSA/IntranetFiles/iw/Vehicle_Washing_Guidance.pdf) (last visited Mar. 29, 2009).

<sup>31</sup> *Id.*

<sup>32</sup> *Control Program for Trucked in Waste*, <http://www.city-buffalo.com/Home/CityServices/BSA/industrial/truckedinwaste> (last visited Mar. 29, 2009).

<sup>33</sup> *Engineering Department- City of Buffalo*, <http://www.city-buffalo.com/Home/CityServices/BSA/Engineering> (last visited Mar. 29, 2009).

<sup>34</sup> *Id.*

<sup>35</sup> *Stormwater program- City of Buffalo*,

<http://www.ci.buffalo.ny.us/Home/CityServices/BSA/stormwater> (last visited Mar. 29, 2009).

<sup>36</sup> *Id.*

<sup>37</sup> *History- City of Buffalo*, *supra* note 1.

<sup>38</sup> *Id.*

<sup>39</sup> *Stormwater program- City of Buffalo*, *supra* note 35.

<sup>40</sup> Sam Magavern, "Greening Buffalo: What Local Governments Can Do," available at [www.ppgbuffalo.org](http://www.ppgbuffalo.org). *Buffalo Sewer Authority*,

[http://www.ci.buffalo.ny.us/files/1\\_2\\_1/Mayor/CitiStat/BSA/5-30-07/BSA.pdf](http://www.ci.buffalo.ny.us/files/1_2_1/Mayor/CitiStat/BSA/5-30-07/BSA.pdf) (last visited Mar. 30, 2009).

<sup>41</sup> *Stormwater program- City of Buffalo*, *supra* note 35

<sup>42</sup> *Id.*

<sup>43</sup> BSA FINAL YEAR REPORT, [http://www.city-buffalo.com/files/1\\_2\\_1/BSA/IntranetFiles/stormwater/BSA-FinalYear\\_5\\_Annual\\_Report.doc](http://www.city-buffalo.com/files/1_2_1/BSA/IntranetFiles/stormwater/BSA-FinalYear_5_Annual_Report.doc) (last visited Mar. 29, 2009).

<sup>44</sup> *Stormwater program- City of Buffalo*, *supra* note 35.

<sup>45</sup> BSA FINAL YEAR REPORT, *supra* note 43.

<sup>46</sup> *Id.*

<sup>47</sup> *Buffalo Sewer Authority*, *supra* note 40.

<sup>48</sup> *Water/Sewer Payments- City of Buffalo*, <http://www.city-buffalo.com/Home/CityServices/WaterPayment> (last visited Mar. 29, 2009).

<sup>49</sup> N.Y. PUB. AUTH. LAW § 1180-A

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> Brian Meyer, *Buffalo Sewer Authority Leaves Rates Unchanged*, Buffalo News, Mar. 19, 2009 at <http://www.buffalonews.com/258/story/611555.html> (last visited Mar. 29, 2009).