

RESOLUTION #101-25

PL #103-25

By Alderman Robinson, Seconded by Alderman McCall

**TO AUTHORIZE THE MAYOR TO ENTER INTO THE UPDATED ORDER ON CONSENT AS SUBMITTED
BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

WHEREAS, since 2001 the City of Olean owns, operates, and maintains control of a publicly owned treatment works including various sanitary sewers and sanitary outfalls as well as a wastewater treatment plant located on South 19th Street, Olean, New York; and

WHEREAS, the City of Olean is subject to Article 17 of the New York State Department of Environmental Conservation Law, and the regulations promulgated thereto, which govern the control and prevention of water pollution; and

WHEREAS, the City of Olean operates the publicly owned treatment works pursuant to SPDES Permit No. NY0027162, and is authorized to discharge from the publicly owned treatment works in accordance with effluent limitations, monitoring and reporting requirements, other provisions and conditions set forth in the SPDES Permit, and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York 750-1 and 750-2; and

WHEREAS, the publicly owned treatment works is authorized under the SPDES Permit to discharge treated wastewater via Outfall 001 into the Allegheny River, deemed a Class "C" waterway; and

WHEREAS, the City of Olean operates and maintains nine lift stations, three (South 4th Street, Adams Street, and Martha Avenue) capable of bypassing during heavy storm events that exceed the pumping capacity resulting in Sanitary Sewer Overflows (into the Allegheny River, Olean Creek, and McCann Brook, respectfully); and

WHEREAS, Sanitary Sewer Overflows are prohibited discharges of raw sewage from sanitary sewers and can expose people to bacteria that may cause illness through contaminated water sources or recreation in waterbodies, and may also cause impairment of the best usages of the receiving water as specified by the water classification at the location of the discharge and other locations that may be affected by the discharge; and

WHEREAS, potential adverse impacts associated with Sanitary Sewer Overflows are one of the reasons for the promulgation of the Sewage Pollution Right to Know law which requires the reporting of Sanitary Sewer Overflows to the Department of Environmental Conservation, and the local health department or New York State Department of Health immediately, but no later than two hours from discovery of the discharge; and

WHEREAS, the New York State Department of Environmental Conservation has jurisdiction over the environmental policy and programs of the State pursuant to provisions of the New York State Department of Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York and includes the abatement and prevention of pollution of State waters pursuant to Article 17 of the Environmental Conservation law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York Part 750,

et seq., the jurisdiction of which authorizes the Department, as a State agency with an approved program pursuant to Sections 318, 402 and 405 of the federal Clean Water Act. 33 U.S.C. Section 1251 *et seq.*, to regulate the discharge of pollutants from point sources into the waters of the State in conformity with the Clean Water Act; and

WHEREAS, the City of Olean entered in Order on Consent R9-2013-0426-37, with an effective date of November 7, 2014 and a 2017 amendment requiring, among other obligations, a submission of approvable annual reports; and

WHEREAS, in July 2025, the Department of Environmental Conservation initiated a study of Inflow and Infiltration with a consultant to identify all major sources of Inflow and Infiltration that contribute to the City of Olean's sanitary sewer system and develop recommendations to eliminate all Sanitary Sewer Overflows; and

WHEREAS, the New York State Department of Environmental Conservation has submitted to the City of Olean Order on Consent R9-20250509-36, including an updated compliance schedule including, but not limited to, such tasks as: provide an Engineering Report regarding inflow and infiltration sources, prioritization and planning for projects to eliminate inflow and infiltration, and providing a schedule for project implementation; implementing projects outlined in the Engineering Report; disconnecting all municipal stormwater systems from the sanitary sewer system; holding meetings and providing quarterly reports; developing a Capacity, Management, Operations and Maintenance Program, and develop an Asset Management Program; and

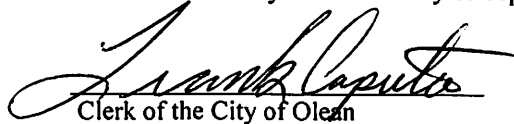
WHEREAS, City Officials have reviewed the submitted Order on Consent and recommend the Common Council authorize the Mayor to enter into the Order;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Olean authorizes the Mayor to enter into and execute the New York State Department of Environmental Conservation Order on Consent R9-2025059-36.

RESOLVED, that this Resolution is hereby effective immediately.

STATE OF NEW YORK }
County of Cattaraugus } ss.
City of Olean }

I Frank Caputo Clerk of the said City of Olean,
hereby certify that I have compared the forgoing copy
Resolution 101-25 with the original thereof adopted
by the Common Council of said City on the 23rd day
of September 2025 and that the forgoing is a true
copy of said original and of the whole thereof.
IN WITNESS WHEREOF, I have hereunto set my hand and
the seal of said City on the 24th day of September 2025.


Clerk of the City of Olean

