

## Gallagher Beach and Times Beach - Public Beach Development and Operation

The Erie County Department of Health (ECDOH) has oversight responsibility to protect the health of bathers by assuring that public beaches are open only when conditions meet the standards of the New York State Department of P Health – Beach Sanitary Code.

- The ECDOH takes a pro-active role associated with protecting the health of bathers using our six (6) public beaches on Lake Erie, while attempting to minimizing health risks and maximizing availability of public beaches for recreational purposes, a marketable amenity of living in Erie County.
- Identifying, targeting and documenting the locations on beaches and associated streams where bacterial contamination and possible human pathogens enter the outdoors environment and inevitable contaminate the public and private beaches along Lake Erie.
- Participated actively in the proper development of new public beach through an extensive beach sanitary survey to determine the appropriateness of a local of a public beach that can operate in adherence with the NYSDOH Beach Sanitary Code with sufficient safeguards for the public health of bathers.

As an example the ECDOH participated in the development of a public beach at Woodlawn Beach State Park with the recognition that beach water quality would often be compromised, but a pre-emptive closing protocol linked to ½" or more of rain that would assist to keep bather out of the water during periods of high risk.

### Development of Gallagher & Times Beaches:

Waterfront development along outer harbor corridor has long been seen as a goal of numerous local, state, and federal officials to promote residential, recreational, commercial and light industrial growth. These efforts would provide public access to a beautiful lakefront within these communities, ultimately improve the quality of life to residents in an area that has seen stagnant growth over the past few decades, and promote migration of residents and jobs back to the City of Buffalo.

The idea of a public beach in the area is appealing but probably impractical from the public health standpoint. There are a number of environmental problems that work against the establishment of a public beach at the outer harbor whether it is Gallagher or Times Beach.

- City of Buffalo Combined Sewer System – meaning that the storm drainage & sanitary sewage are collected in the same sewer lines and conveyed the sewage to the Buffalo Sewer Authority sewage treatment facilities on Bird Island. During significant rains the storm water flow taxes the capacity of the sewer to alleviate the backup potential there were overflows from the sewer system to streams or large holding reservoirs. In the areas along the inner and outer harbor the overflows were directly into the harbor. The discharge is sanitary sewage diluted with storm water but still sewage. There is no removal of solid prior to the overflow discharge.

There is a large 36" combined sewer outfalls into the outer harbor at the foot of Tiff St. The outfall is about 600' south of Gallagher Beach. The NYSDOH Beach Sanitary Code prohibits a public beach within 750' of a combined sewer outfall.

The shoreline near Times Beach has not been inspected for combined sewer outfalls.

- Both Gallagher and Times Beaches are on the outer harbor and inside the protective break walls. The discharge of combine sewer into the inner harbor is confined by the harbor breakwater and is inaccessible to the relative clean water of the lake which quickly dilutes the contaminated discharge at other public beaches down to levels that meet NYSDOH Beach Water Quality Standards. Instead, the discharge after each heavy rain increases the concentration of bacterial contamination and potential human pathogens in the waters and sediments in the inner harbor.
- The Tiff Nature Preserve area directly across NY 5 from Gallagher Beach was a Buffalo Municipal Landfill until it was capped in the early 1970's. Prior to that time the dumping of industrial waste in municipal landfill was not well regulated and is probably contained in the capped landfill.

Both behind and to the south of the Tiff Landfill were several smaller private industrial waste landfills that are also potential source of chemical and heavy metals contamination.

Further, at the south end of the outer harbor is the former Bethlehem Steel Complex that was continuously expanded on to reclaimed shallow area of the outer harbor. Iron and steel making slag, coke waste and other steel processing waste were used as the fill material in the reclaimed areas.

Was or is there leaching of the industrial waste components to the area of Gallagher Beach? Are the water and the sediment of the beach contaminated? If so, is there continued leaching contamination?

- The area adjacent area to the north of Times Beach is the US Army Corps of Engineers (USACOE) diked containment area for contaminated dredge spoil from the Buffalo River.

Are the water and the sediment of the beach contaminated? If so, is there continued leaching contamination?

- The mouth of the Buffalo River to the outer harbor is on the north side of the USACOE dredge spoil area. Under normal prevailing winds the contaminated flow is away from Times Beach but any wind reversal with a southern vector will blow the contamination toward Times Beach.

The process for establishing public beaches are very specifically addressed in the NYSDOH Beach Sanitary Code.

Extensive studies would be need to prove that these potential environmental problem won't impact the proposed public beaches or compromise the public health of the bathers. These studies will be time consuming and very expensive.

Further, when these potential problems are made public as part of the planning process, will the public react favorably to the proposal for a public beach at either location on the outer harbor.

#### Alternative Proposal:

- Provide pre-emptive closing policies tailored to each public beach that accurately predict condition requiring closure and maximizing availability by minimizing unnecessary closures during our short summer swimming season.
- The NYSDOH is in the process of considering the adoption of stricter Beach Water Quality Standard based on USEPA recommendation. Adoption of the new Beach Water Quality Standard into the NYSDOH Beach Code will take several years. If the 2012 changes in the recommended water quality standard for fresh water by USEPA, and there subsequent incorporation into the NYSDOH Beach Sanitary Code, indicates the increasing concern for pathogen that can survive for extended periods in the environment and particularly in surface water of the lake and the inner harbor. The ECDOH would be responsible for use of a new beach water quality standard for regulated beaches in Erie County.