SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

AMANDA LEFTON, as Commissioner of the New York State Department of Environmental Conservation, and the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, Plaintiffs, - against - THE BUFALO SEWER AUTHORITY, Defendant.	Index No. 816176/2025 **CONSENT JUDGMENT MODIFICATION**

IT IS HEREBY AGREED, by and between the undersigned, the attorneys of record for the parties in the above-entitled action and proceeding, that the June 30, 2026 deadline for the completion of the Environmental Benefit Project (EBP), set forth at Section VIII of the Consent Judgment, so ordered on October 17, 2025, be modified.

WHEREAS, Buffalo Sewer Authority (BSA) agreed to fund an EBP, consisting of the purchase and installation of playground equipment at Roosevelt Park in the City of Buffalo pursuant to Section VIII of the Consent Judgment;

WHEREAS, Section VIII provides that BSA shall provide the EBP funds to the City of Buffalo Department of Public Works-Park Division (Parks Division) and the Parks Division shall implement the EBP through the retainment of a contractor to install the playground equipment;

WHEREAS, Paragraph 50 of the Consent Judgment requires the purchase and installation of the playground equipment by no later than June 30, 2026;

WHEREAS, Paragraph 53 of the Consent Judgment provides that the EBP funds must be fully spent by no later than June 30, 2026;

WHEREAS, BSA advised that it entered into a contract with the Park Division, authorized the EBP funds for the purchase of the playground equipment, and placed the EBP funds into a dedicated capital project account;

WHEREAS, the Parks Division advised BSA that the construction of the Roosevelt Park has been delayed due to unforeseen circumstances and that the playground equipment will not be installed by June 30, 2026.

NOW, the parties mutually agree:

1. To replace the June 30, 2026 deadline in Paragraphs 50 and 53 of the Consent Judgment with a new deadline of no later than November 30, 2026;
2. That this constitutes a non-material modification of the Consent Judgment, as defined in Paragraph 97 of the Consent Judgment;
3. That this non-material modification is enforceable as part of the Consent Judgment upon filing with the Court within five days of the parties' final signatures below agreeing to the modification;
4. That BSA shall post this non-material modification to its website within five days of the parties' final signatures below;

5. That this modification does not change any other provision of the Consent Judgment, which remains in full force and effect.

FOR THE COMMISSIONER OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION and THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATON:

LETITIA JAMES
Attorney General of New York

Dated: July 22, 2026

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