

APPENDIX N NYSDOS CONSULTATION



Governor's Office of
Storm Recovery

ANDREW M. CUOMO
Governor

November 12, 2019

Mr. Matt Maraglio
Supervisor, Consistency Review Unit Division of Coastal Resources
New York State Department of State
One Commerce Plaza
99 Washington Avenue Albany, New York 12231-0001

Via email: Matthew.Maraglio@dos.ny.gov

Re: Coastal Zone Management Act Consistency Review
CDBG-DR Funding Application
Long Beach Water Pollution Control Plant Consolidation Project
City of Long Beach, Nassau County, NY

Dear Mr. Maraglio:

The New York State Governor's Office of Storm Recovery ("GOSR") received a funding application from Nassau County for the proposed "Long Beach Water Pollution Control Plant (WPCP) Consolidation Project" located in Nassau County, New York (**Attachment 1 - Project Location Maps**). The Proposed Action is part of a transformative environmental and water quality initiative known as the "Western Bays Resiliency Initiative," developed to improve water quality and enhance the natural resiliency functions of the surrounding bays and marshlands. The Proposed Action would be partially funded by Community Development Block Grant-Disaster Recovery funding provided through GOSR's Living with the Bay Project as part of the U.S. Department of Housing and Urban Development's ("HUD") Rebuild by Design Competition.

The Proposed Action would include the following components: (1) conversion of the Long Beach WPCP's headworks and influent pump to a diversion pump station; (2) installation of a 24-inch force main from the diversion pump station to the Bay Park Sewage Treatment Plant (STP); and (3) connection from the force main to the Bay Park STP's 64-inch influent header. Force main installation would require a combination of construction techniques, including traditional cut-and-cover methods that entail trenching (on the landside), as well as a trenchless method that utilizes horizontal direction drilling. The alignment would be primarily located within the existing easement held by Nassau County for the existing Bay Park STP discharge outfall, which would remain in place.

The project area is situated within the boundary of the New York State Coastal Zone. GOSR is acting as the Responsible Entity in accordance with 24 CFR Part 58 – Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. Pursuant to the Coastal Zone Management Act,

GOSR has prepared the attached Federal Consistency Assessment Form and a Summary of Compliance with Applicable New York State Department of State (DOS) Policies to certify that the proposed project is consistent with New York State's Coastal Management Program.

The purpose of this letter is to provide the DOS notice of the Proposed Action and to request a consistency review to confirm that the utilizing federal funds to implement the proposed activities will be in compliance with general consistency concurrence criteria. GOSR is requesting a response letter from your office that can be included as an attachment to our environmental documentation to confirm that coordination with the New York State Department of State has been completed, and general consistency concurrence criteria will be met.

As this consultation addresses GOSR's consideration of whether to provide federal funds towards the implementation of the Proposed Action, Nassau County will subsequently consult with your office, as required, as part of their applications for the federal and state permits to construction the Proposed Action in the near future. If you have any questions, please feel free to contact me via telephone number (212) 480-6265 or email: Matt.Accardi@stormrecovery.ny.gov. Thank you for your consideration and cooperation.

Sincerely,



Matt Accardi

Certifying Environmental Officer

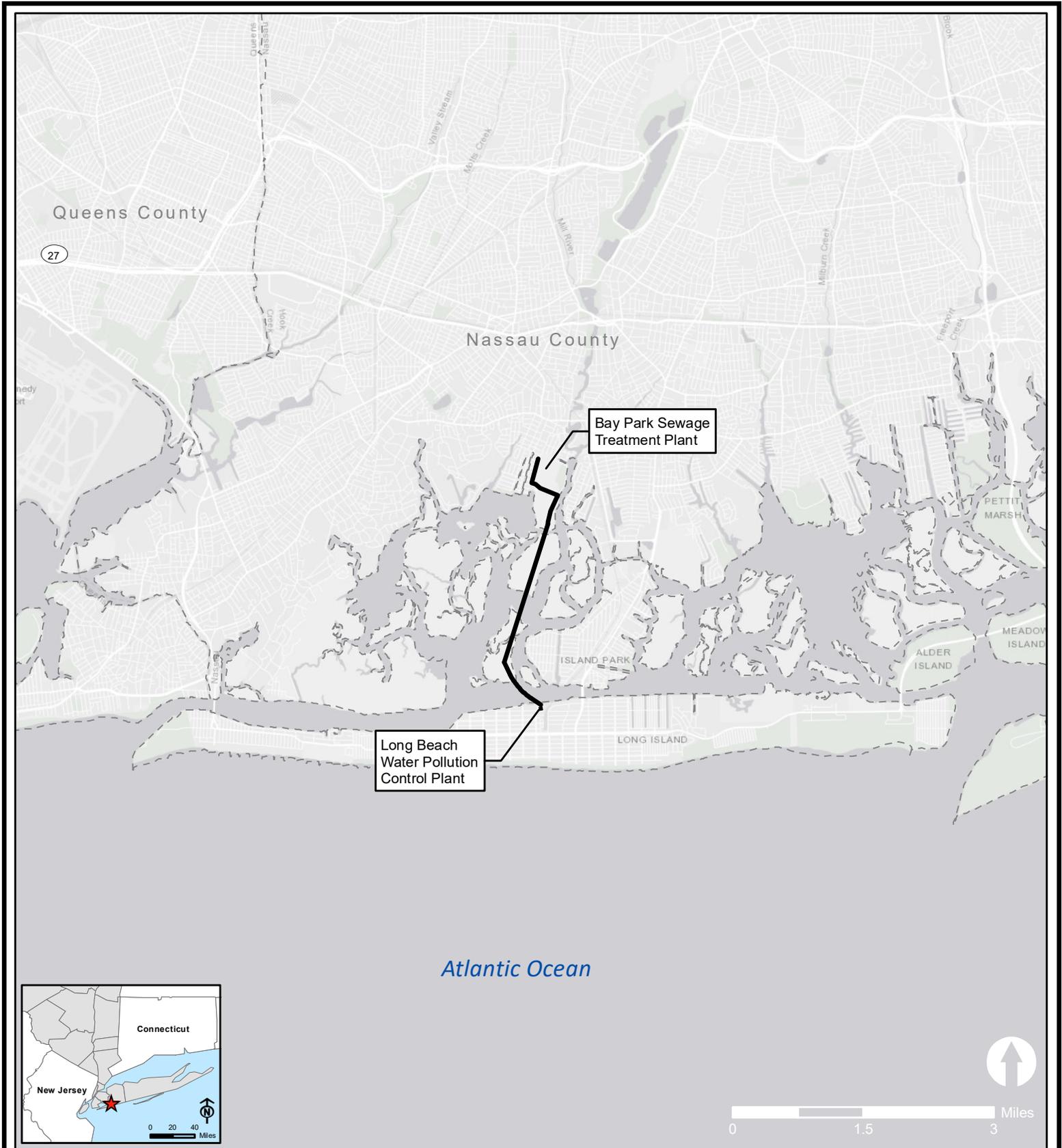
CC: Denise Caldwell, NYSDOS
Lauren McClean, NYSDOS
Jane Houdek, Nassau County
Richard Gilmour, Arcadis

Enclosures:

Project Location Figures
Consistency Assessment Form and Policy Review

Attachment 1: Project Location Maps

Coastal Zone Management Act Consistency Review

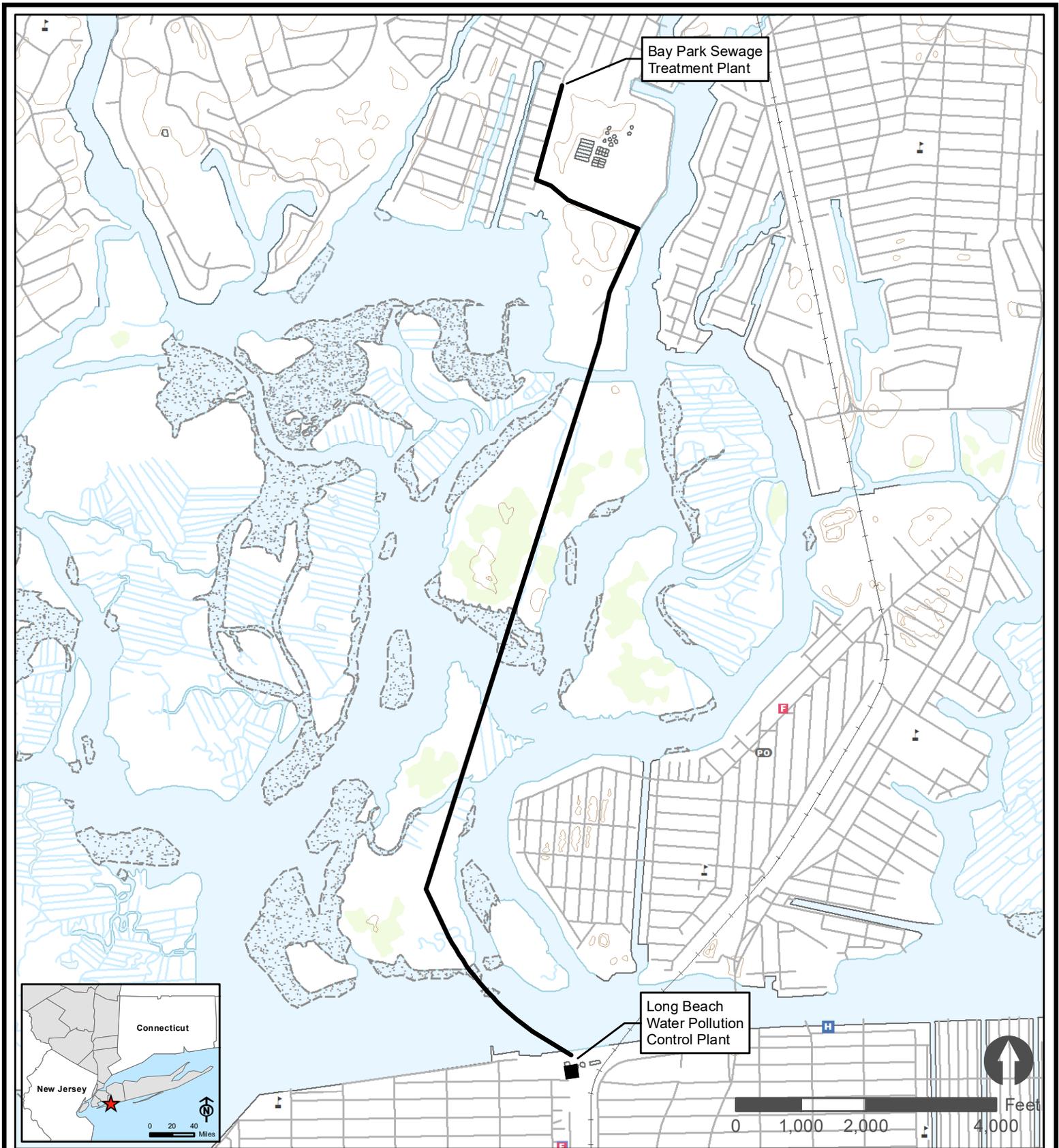


- Proposed Alignment
- - - County Boundary

Figure 1
Regional Location

Long Beach WPCP
Consolidation Project



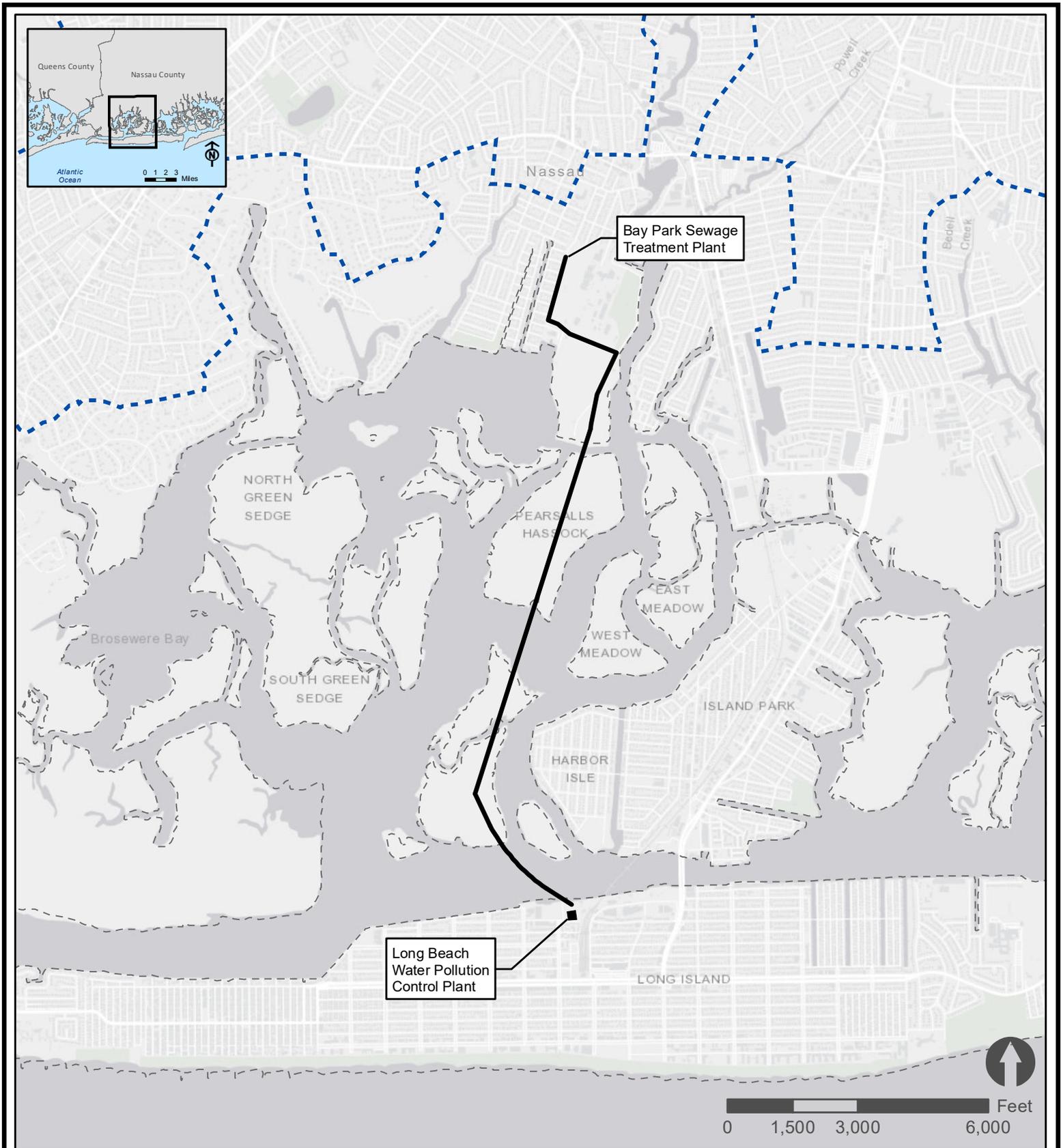


- Proposed Alignment
- Long Beach Pollution Control Plant

Figure 2
Topographic Map

Long Beach WPCP
 Consolidation Project





- Proposed Alignment
- Long Beach Pollution Control Plant
- Coastal Boundary

Figure 3
New York State Coastal Zone Boundary

Long Beach WPCP
 Consolidation Project



Attachment 2: NYS DOS Federal Consistency Assessment Form

Coastal Zone Management Act Consistency Review

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. **APPLICANT** (please print)

1. Name: Sean Sallie, AICP, Deputy Commissioner Nassau County
2. Address: Nassau County Department of Public Works, 1194 Prospect Ave., Westbury
3. Telephone: Area Code (516) 571-9342

B. **PROPOSED ACTIVITY:**

1. Brief description of activity:

Divert the current effluent from the Water Pollution Control Plant in Long Beach to the Bay Park Sewage Treatment Plant (STP) located in East Rockaway for enhanced treatment

2. Purpose of activity:

Enhanced treatment at the Bay Park STP will lead to the improvement of water quality and natural resiliency functions of the western bays.

3. Location of activity:

<u>Nassau</u>	<u>Long Beach</u>	<u>See attached maps</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: _____

5. Federal application number, if known: _____

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

C. **COASTAL ASSESSMENT** Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES/NO
- a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)
 - b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)
 - c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)
 - d. Reduction of existing or potential public access to or along coastal waters? (19, 20)
 - e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10)
 - f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)
 - g. Siting of a facility essential to the generation or transmission of energy? (27)
 - h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)
 - i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)
 - j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)
 - k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)
 - l. Adverse effect upon land or water uses within the State's small harbors? (4)

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES/NO
- a. State designated freshwater or tidal wetland? (44)
 - b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)
 - c. State designated significant fish and/or wildlife habitat? (7)
 - d. State designated significant scenic resource or area? (24)
 - e. State designated important agricultural lands? (26)
 - f. Beach, dune or Barrier Island? (12)
 - g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)
 - h. State, county, or local park? (19, 20)
 - i. Historic resource listed on the National or State Register of Historic Places? (23)

3. Will the proposed activity require any of the following: YES/NO
- a. Waterfront site? (2, 21, 22)
 - b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)
 - c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)
 - d. State water quality permit or certification? (30, 38, 40)
 - e. State air quality permit or certification? (41, 43)

4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in program document*)

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Matt Accardi

Address: 25 Beaver Street, 5th Floor, NY 10004

Telephone: Area Code () (212) 480-6265

Applicant/Agent's Signature: matt.accardi@stormrecovery.ny.gov Digitally signed by matt.accardi@stormrecovery.ny.gov DN: cn=matt.accardi@stormrecovery.ny.gov Date: 2019.11.08 12:48:01 -05'00' Date: November 8, 2019

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

Attachment 3: NYS DOS Coastal Management Program Consistency Assessment
Coastal Zone Management Act Consistency Review

NYSDOS Consistency Assessment Summary of Compliance with Applicable Policies

This document is the addendum to the Coastal Assessment Form (CAF) for the Long Beach Water Pollution Control Plant Consolidation Project. The Proposed Action is being designed and would be constructed in a manner that is consistent with all applicable New York State Department of State (NYSDOS) Coastal Management Program (CMP) State Coastal policies. The policies that are relevant to the Proposed Action are listed below followed by a brief description of the manner in which the Proposed Project is consistent with said policies.

I. PROJECT DESCRIPTION

The New York State Governor's Office of Storm Recovery ("GOSR") received a funding application from Nassau County for the proposed "Long Beach Water Pollution Control Plant (WPCP) Consolidation Project" located in Nassau County. The Proposed Action is part of a transformative environmental and water quality initiative known as the "Western Bays Resiliency Initiative", developed to improve water quality and enhance the natural resiliency functions of surrounding bays and marshlands including Reynolds Channel, Hempstead Bay, Middle Bay, East Bay, Hog Island Channel, East Rockaway Inlet and Jones Inlet.

The Proposed Action would include the following components: (1) conversion of the Long Beach WPCP's headworks and influent pump to a diversion pump station; (2) installation of a 24-inch force main from the diversion pump station to the Bay Park Sewage Treatment Plant (STP); and (3) connection from the force main to the Bay Park STP's 64-inch influent header. Force main installation would require a combination of construction techniques, including traditional cut-and-cover methods that entail trenching (on the landside), as well as a trenchless method that utilizes horizontal direction drilling (HDD). The alignment would be primarily located within the existing easement held by Nassau County for the existing Bay Park STP discharge outfall, which would remain in place. The easement is within property owned by the Town of Hempstead.

II. PURPOSE OF ACTIVITY

Superstorm Sandy caused extensive damage to the Long Beach WPCP, including flooding, influent pump failure and inundation of primary and grit tanks with sand, which rendered the facility inoperable for an extended period, further exacerbating the inadequacies of the WPCP. The proposed diversion of wastewater flow from the Long Beach WPCP to the Bay Park STP for treatment and discharge would eliminate the need to repair and update the plant and would limit significant costs that the City of Long Beach would incur to abate excess nitrogen discharges that cause and contribute to violations of water quality standards.

Conveying wastewater from Long Beach to the Bay Park STP would improve the quality of treated effluent discharged into Reynolds Channel, reducing the concentrations of pollutants, particularly ammonia and nitrogen, in the water. Due to recent and ongoing improvements, including nitrogen-reducing and de-ammonification projects, the Bay Park STP is equipped with sustainable, state-of-art wastewater treatment technologies. In addition, extensive hardening measures were undertaken to ensure that this critical facility is protected from a 500-year flood event. As such, the Bay Park STP is more resilient, and better suited to address water quality due to its superior treatment processes.

III. CONSISTENCY WITH APPLICABLE CZMA POLICIES

Policy 2 - Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

Response: The majority of the proposed 24-inch force main would be installed underground or beneath the seafloor of the bay, and therefore, would not significantly limit or otherwise preclude the future siting of water dependent uses in the coastal zone. Further, the proposed alignment would be primarily located within the existing easement of the Bay Park STP discharge outfall, which would remain in place. This will ensure that the Project, at a minimum, would not interfere with future water dependent uses or water dependent facilities. Should the Proposed Action move forward, the remainder of the Long Beach WPCP will eventually be decommissioned and demolished allowing for redevelopment of the property. Therefore, it is anticipated that the Proposed Action is consistent with this policy.

Policy 7 - Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

Response: The Proposed Action is located within high salt marsh/low salt marsh/salt pan areas designated as significant coastal fish and wildlife habitat (SCFWH) and would result in temporary disturbance and removal of vegetation within the coastal wetlands within portions of the SCFWH. However, construction would occur utilizing best management practices and contractors would work with the appropriate agencies to cooperatively determine appropriate construction schedules, work windows, and appropriate mitigation measures to minimize impacts. Where the alignment transitions from land to water, HDD would be used to minimize disturbances to shoreline habitats; the force main will enter the water at a sufficient depth to avoid disturbing shoreline areas.

The Proposed Action would not result in degrading water quality, increasing turbidity, increasing sedimentation, or altering flows, temperature, or water depths that would adversely affect the biological productivity of the SCFWH. In fact, water quality is expected to improve following Proposed Action implementation. The proposed alignment would primarily be located within the existing easement of the Bay Park STP discharge outfall, which would remain in place. The Proposed Action would not result in a change in overall water depths, and sediment deposition associated with the anticipated trenching work is expected to be negligible. Any increases in turbidity will be temporary and localized to the immediate vicinity and will be minimized by best management practices; returning to ambient levels within approximately 24-hours after work has occurred. After construction, all affected areas will return naturally to pre-installation conditions. Accordingly, the Proposed Action is consistent with this policy.

Policy 11 - Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Response: With the exception of converting of the existing Long Beach WPCP's headworks and influent pump to a diversion pump station, the Proposed Action does not include any new building or permanent structures located within the coastal area and therefore will not affect potential flooding or erosion in coastal areas. The force main will be buried within the floor of the bay and underground. For much of the alignment, the Proposed Action would utilize HDD to avoid impacts to the shoreline areas and their immediate vicinity. Accordingly, the Proposed Action is consistent with this policy.

Policy 12 - Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

Response: The Western Bays are a critical intertidal waterbody and their associated marshlands provide coastal resiliency and natural reduction of pollutants. These marshlands have deteriorated over the past decade due to increased nutrient levels contained within the discharges of area wastewater treatment plants. Nitrogen-rich effluent has contributed to the widespread loss of natural storm buffers provided by marine vegetative habitats in two ways: through the proliferation of macroalgae (specifically *Ulva*, or sea lettuce); and by extensive damage to the marsh grasses and their substructures. The loss of marsh grasses results in the destruction of the natural system that provide shoreline protection against coastal storm waves and surge.

The alignment of the Proposed Action is located, primarily, within the floor of the bay, with the limited upland portions to be located underground through Bay Park and Long Beach. The location of the alignment was sited to minimize long-term disturbance to coastal areas. The Proposed Action will utilize HDD to avoid impacts to the Hassocks which protect coastal property from flooding and erosion. Accordingly, the Proposed Action is consistent with this Policy.

Policy 15 - Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

Response: The majority of construction would be accomplished using HDD underground; open cut trenching would occur only within a small section of land at the Long Beach WPCP and the northern section of the alignment through Bay Park. No coastal processes will be impacted by the Proposed Action. Beach erosion is not a concern in the project vicinity. The Proposed Action is consistent with this Policy.

Policy 17 - Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

Response: The Proposed Action is mapped within the Special Flood Hazard Area. Consequently, project plans were developed to ensure that construction would comply with 100-year floodplain regulations. Prior to construction along sensitive natural areas, including wetlands, erosion and sedimentation control measures will be installed to minimize impacts from potential erosion and sedimentation. Through much of the alignment, HDD would be utilized to avoid impacts to the shoreline or nearshore natural features. Through Bay Park, the open cut trenches would be installed along existing roads (Harbor Road, Marjorie Lane and First Avenue) as well as utility rights-of-way. The Proposed Action is consistent with this policy.

Policy 19 - Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.

Response: Linear areas adjacent to Marjorie Lane, First Avenue and Harbor Road in Bay Park will be temporarily impacted by trenching for the force main. However, this activity will be temporary, and all impacted areas will be restored following construction. The Long Beach WPCP property is not accessible to the public, however, following decommissioning of the remaining portion of the Plant, the WPCP property will be open to other uses. Therefore, the Proposed Action would not interfere with public access or use of public lands and waters. The Proposed Action is consistent with this policy.

Policy 20 - Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

Response: The force main would be buried underground in the floor of the bay, and therefore will not preclude access to publicly owned waterfront, including Bay Park. Accordingly, the Proposed Action is consistent with this Policy.

Policy 21 - Water-dependent and water-enhanced recreation will be encouraged and facilitated and will be given priority over non-water-related uses along the coast.

Response: The Proposed Action would not interfere with existing or future water-dependent or water-enhanced recreational uses along Bay Park. The decommissioning and demolition of the remaining Long Beach WPCP facilities and the redevelopment of the WPCP property are not part of the Proposed Action but would be part of future project(s) to be completed by others. It is possible that the decommissioned Long Beach WPCP property would be utilized for water dependent use. Accordingly, the Proposed Action is consistent with this policy.

Policy 22 - Development, when located adjacent to the shore, will provide for water related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

Response: The Proposed Action at Bay Park would not preclude the use of the site for water related recreation. As stated above, it is possible that the decommissioned Long Beach WPCP property would be utilized for water dependent uses. Accordingly, the Proposed Action is consistent with this policy.

Policy 28 - Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

Response: This policy is not applicable as ice management practices are not included as part of the Proposed Action and the Proposed Action would not be classified as a major energy facility. The Proposed Action is consistent with this Policy.

Policy 30 - Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.

Response: The Long Beach WPCP currently operates under a New York State Pollutant Discharge Elimination (SPDES) permit issued by NYSDEC. The WPCP has periodically discharged effluent in exceedance of SPDES permit limits and has failed to achieve compliance with the SPDES permit's ammonia reduction and total residual chlorine limits. The proposed diversion of wastewater flow from the antiquated Long Beach WPCP to the more effective, efficient and resilient Bay Park STP for treatment would ensure that the subsequent discharge of pollutants would conform to water quality standards. The Proposed Action is consistent with this Policy.

Policy 35 - Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Response: The force main will be installed primarily by HDD, which does not require the direct removal of sediment. Where HDD is not utilized, conventional techniques such as trenching will be employed. Where practical, sediment removed through trenching will be re-used as backfill. Following installation, all coastal areas affected by the installation will be restored or allowed to return to their pre-construction state. As a result, permanent impacts to coastal areas will be avoided. All work will be undertaken in

accordance with USACE requirements for protection of navigable waters under Section 10 of the Rivers and Harbor Act, and the Proposed Action will comply with all applicable federal and state laws and regulations regarding water quality, fish and wildlife habitats, wetlands, scenic resources, natural protective features and important coastal resources. Therefore, the Proposed Action is consistent with this Policy.

Policy 38 - The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Response: Construction equipment and other equipment located at the WPCP and STP may contain petroleum or hazardous substances. Best management practices will be used to protect surface and groundwater from accidental releases, including appropriate spill prevention, countermeasure, and contingency plans (SPCC) wherever Proposed Action features present a risk of spill or discharge to waters. During construction, erosion control measures will also be employed to minimize sediment transport into the adjacent waters. Best management practices to ensure that impacts from the Proposed Action are minimized and commensurate with other natural processes and routine activities occurring in bay waters and surrounding areas (i.e., storm events, boat traffic, natural erosion, etc.). In addition, the 24-inch force main would be constructed utilizing state of the art materials which would prevent the accidental release of untreated sewage. Water quality certification pursuant to Section 401 of the Clean Water Act would be obtained prior to construction and the Proposed Action will comply with all requirements. Accordingly, the Proposed Action is consistent with this policy.

Policy 40 - Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.

Response: The Proposed Action does not involve a major steam electric generating or industrial facility. The Proposed Action would not result in degrading water quality, increasing turbidity, increasing sedimentation, or altering flows, temperature, or water depths that would adversely affect biological productivity. Following implementation of the Proposed Action, water quality is expected to improve due to the advanced wastewater treatment technologies available at the Bay Park STP. The Proposed Action is consistent with this Policy.

Policy 44 - Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Response: Construction of air vents would result in less than 0.01 acres of permanent impact to wetlands. The establishment of drill sites necessary to construct the Proposed Action would result in temporary impacts to approximately four acres of wetlands. The Proposed Action requires several approvals including those required under Article 15 Protection of Waters (New York State Department of Environmental Conservation (NYSDEC)); Article 25 of the Tidal Wetland Act (NYSDEC); Section 10 of the River and Harbors Act (U.S. Army Corps of Engineers (USACE)); and Sections 401 and 404 of the Clean Water Act (NYSDEC/USACE). All wetland areas disturbed by the Proposed Action would be restored in place following construction. The Proposed Action is consistent with this Policy.

IV. ASSESSMENT

The assessment provided herein found that the Proposed Action would be consistent with all applicable policies. Therefore, the Proposed Action would not result in any significant adverse impacts related to the CZMA.

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
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ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

December 23, 2019

Matt Accardi
Governor's Office of Storm Recovery
25 Beaver Street
New York, NY 10004

Re: **F-2019-1056(FA)**
***Nassau County Department of Public Works
Long Beach Water Pollution Control Plant Consolidation
Project, numbers, Part of Western Bays Resiliency
Initiative***
Town of Hempstead & City of Long Beach,
Nassau County
*Federal funding for the Long Beach Water Pollution
Control Plant (WPCP) Consolidation Project including
conversion of the Long Beach WPCP's headworks and
influent pump to a diversion station; installation of a 24
inch force main from the diversion station to the Bay Park
Sewage Treatment Plant (STP); and connection from the
force main to the Bay Park STP's 64 inch influent header.*
General Concurrence - No Objection to Funding

Dear Matt Accardi,

The Department of State (DOS) received the information you submitted regarding the above proposed federal financial assistance on November 12, 2019 and has completed its review. Based on this review, the Department of State has no objection to the release of United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) funding in support of the proposed project.

This concurrence pertains to the federal financial assistance activity or activities for this project only. If certain activities may require a federal permit or other form of federal agency authorization, the Department of State would conduct separate consistency review(s) of permit activities at the time such application(s) may be made to a federal agency.

When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file # F-2019-1056(FA).

Sincerely,



Jennifer L. Street
Supervisor, Consistency Review Unit
Office of Planning, Development and
Community Infrastructure

JLS/tl

cc: COE/ New York District – Ronald Pinzon
DEC/Region 1



**Governor's Office of
Storm Recovery**

ANDREW M. CUOMO
Governor

July 20, 2020

Mr. Matt Maraglio
Supervisor, Consistency Review Unit Division of Coastal Resources
New York State Department of State
One Commerce Plaza
99 Washington Avenue Albany, New York 12231-0001

Via email: Matthew.Maraglio@dos.ny.gov

Re: Coastal Zone Management Act Consistency Review
CDBG-DR Funding Application
Long Beach Water Pollution Control Plant Consolidation Project
City of Long Beach, Nassau County, NY

Dear Mr. Maraglio:

The New York State Governor's Office of Storm Recovery (GOSR) is submitting an updated project description for the proposed "Long Beach Water Pollution Control Plant (WPCP) Consolidation Project," which was originally submitted to your office on November 12, 2019. The scope of work for the Proposed Action has been expanded to incorporate the hardening of the City of Long Beach's three satellite pump station facilities, which are located in upland areas along Park Avenue, one of the City's major thoroughfares.¹

GOSR received a funding application from Nassau County for the Proposed Action, which is located in Nassau County, New York (**Attachment 1 - Project Location Maps**). The Proposed Action is part of a transformative environmental and water quality initiative known as the "Western Bays Resiliency Initiative," developed to improve water quality and enhance the natural resiliency functions of the surrounding bays and marshlands. The Proposed Action would be partially funded by Community Development Block Grant-Disaster Recovery funding provided through GOSR's Living with the Bay Project as part of the U.S. Department of Housing and Urban Development's (HUD) Rebuild by Design Competition. Federal Emergency Management Agency (FEMA) funding is also being pursued to support implementation of the Proposed Action in coordination with the New York State Division of Homeland Security and Emergency Services (DHSES).²

¹ The satellite pump station facilities are located along Park Avenue at Indiana Avenue, New York Avenue and Roosevelt Boulevard.

² A 406 hazard mitigation proposal has been submitted to FEMA for \$15 to \$20 million of funding to -harden all of the City's pump station facilities, including the three satellite pump stations, to the 0.2 percent annual chance flood elevation.

The Proposed Action would include the following components: (1) conversion of the Long Beach WPCP's headworks and influent pump to a resilient diversion pump station; (2) installation of a 24-inch force main within a 32-inch-diameter steel casing, from the diversion pump station to the Bay Park Sewage Treatment Plant (STP); (3) connection from the force main to the existing 66-inch sewer main located west of the Bay Park STP; ³ and (4) hardening of the three satellite pump stations through a combination of elevation and floodproofing actions. Force main installation would require a combination of construction techniques, including traditional cut-and-cover methods that entail trenching (on the landside), as well as a trenchless method that utilizes horizontal direction drilling. The alignment would be primarily located within the existing easement held by Nassau County for the existing Bay Park STP discharge outfall, which would remain in place.

The project area is situated within the boundary of the New York State Coastal Zone. GOSR is acting as the Responsible Entity in accordance with 24 CFR Part 58 – Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. Pursuant to the Coastal Zone Management Act, GOSR has updated the attached Federal Consistency Assessment Form and a Summary of Compliance with Applicable New York State Department of State (DOS) Policies to certify that the Proposed Action is consistent with New York State's Coastal Management Program.

The purpose of this letter is to inform the DOS of the updated description of the Proposed Action and its continued consistency with the State's Coastal Zone policies. As the additional scope considered under the Proposed Action does amount to any substantive changes with respect to the GOSR's determination.

If you have any questions, please feel free to contact me via telephone at (212) 480-6265 or email at Matt.Accardi@stormrecovery.ny.gov. Thank you for your consideration and cooperation.

Sincerely,



Matt Accardi

Certifying Environmental Officer

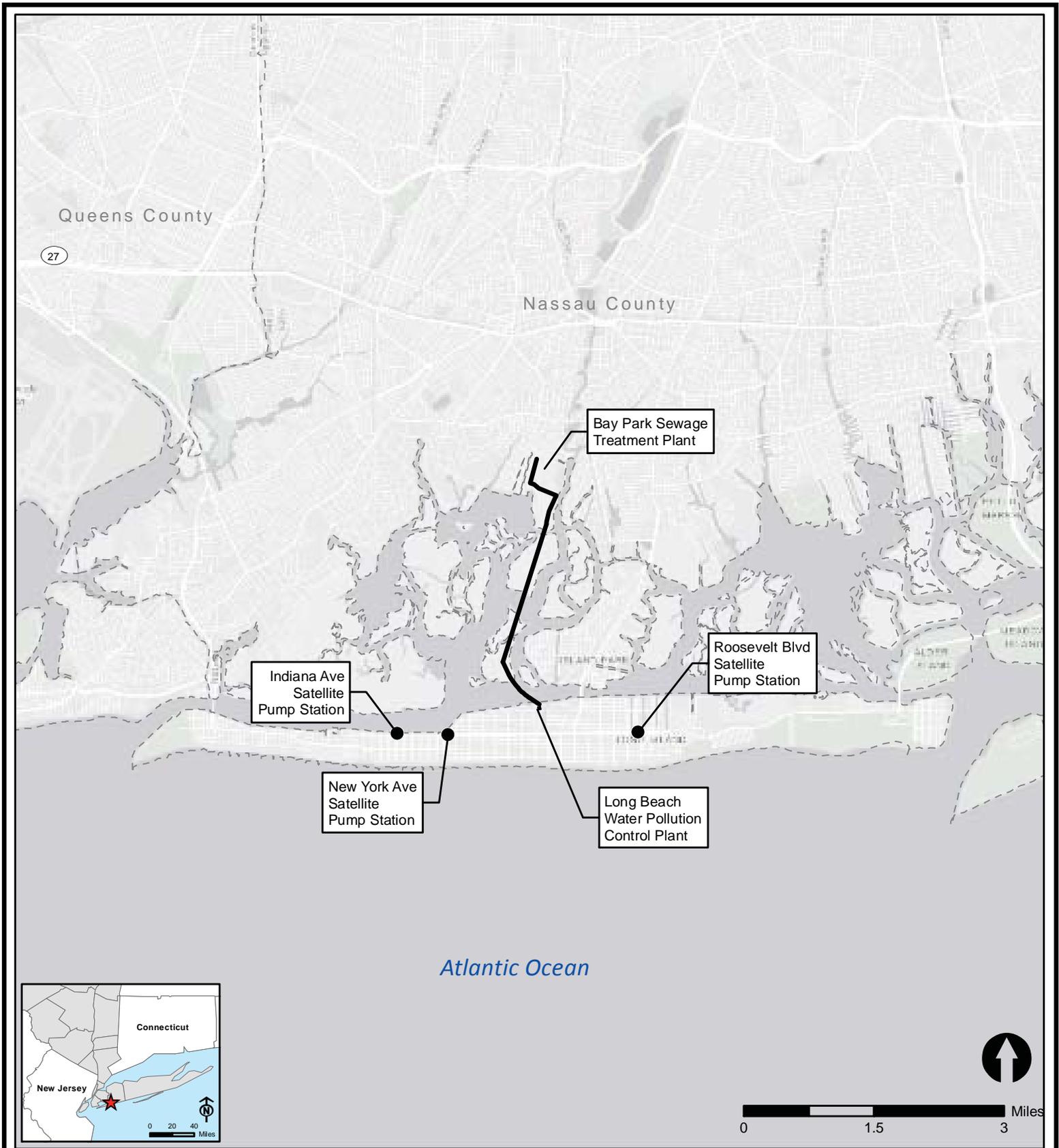
cc: Denise Caldwell, NYSDOS
Lauren McClean, NYSDOS
Jane Houdek, Nassau County
Richard Gilmour, Arcadis

Enclosures:
Project Location Figures
Consistency Assessment Form and Policy Review

³ The proposed force main would intercept the existing 66-inch reinforced concrete sanitary sewer pipe located west of the Bay Park STP, and the existing pipe would then carry the flow into the STP for treatment.

Attachment 1: Project Location Maps

Coastal Zone Management Act Consistency Review

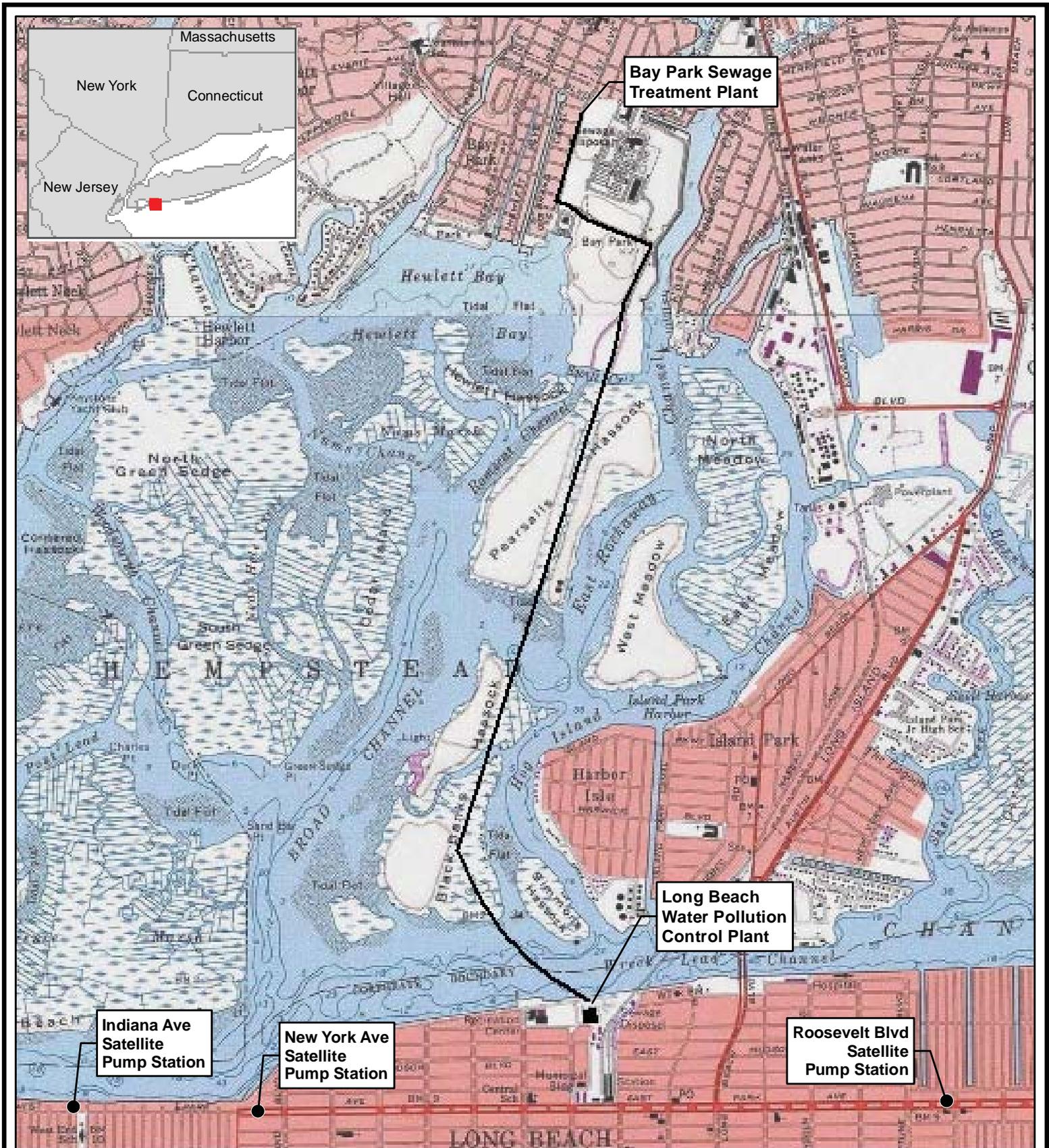


- Proposed Alignment
- - -** County Boundary
- Satellite Pump Station

Figure 1
Regional Location

Long Beach WPCP
Consolidation Project



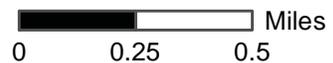


-  Proposed Alignment
-  Long Beach Pollution Control Plant
-  Satellite Pump Station

Figure 2
Topographic Map

Long Beach WPCP
 Consolidation Project

Sources: ESRI USGS Topographic Map Service.
 Site is located within the Lynbrook and Lawrence, NY
 USGS quadrangles.



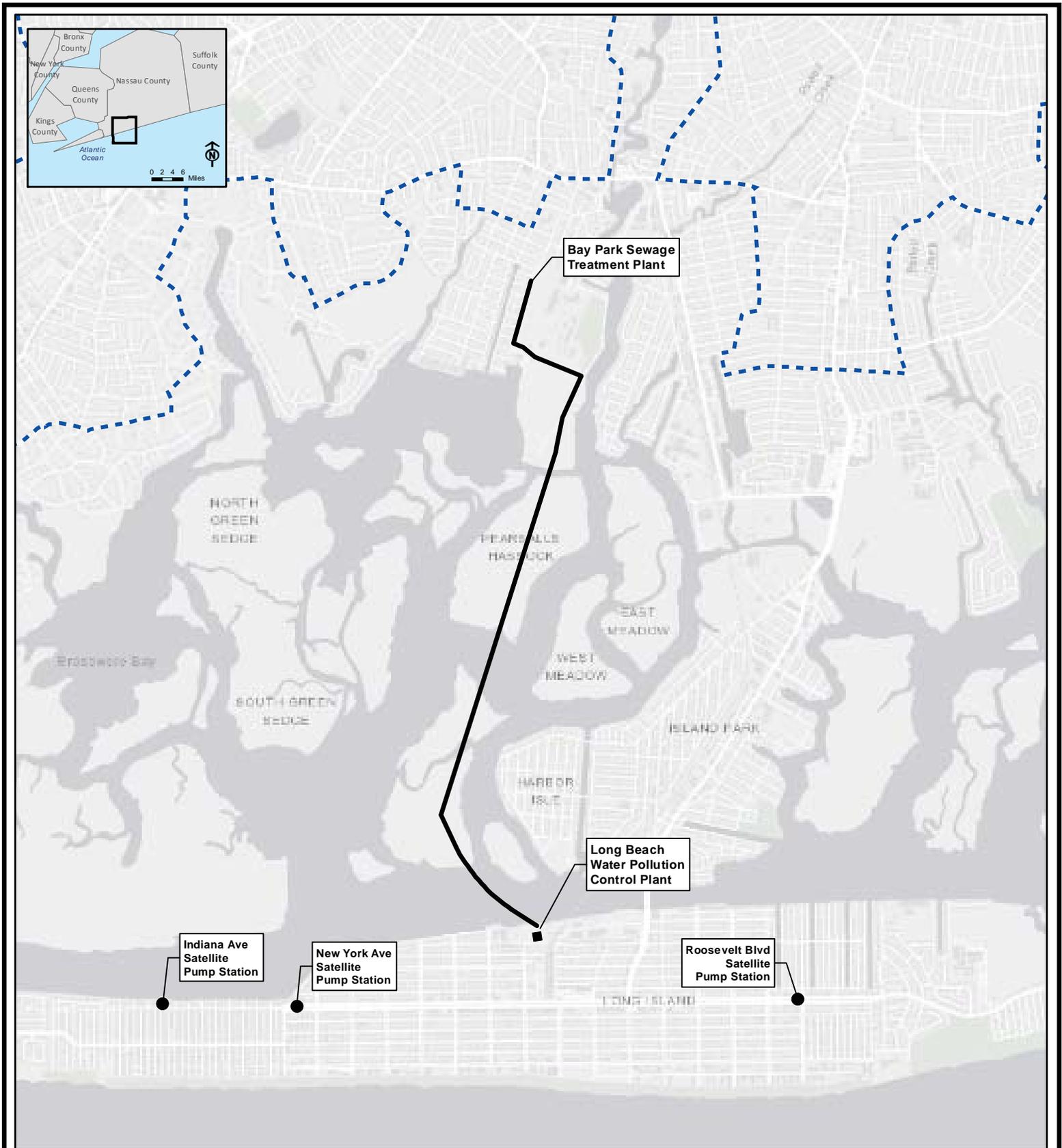


Figure 3

New York State Coastal Zone Boundary

-  Proposed Alignment
-  Long Beach Pollution Control Plant
-  Satellite Pump Station
-  Coastal Boundary

Long Beach WPCP
Consolidation Project



 Miles
0 0.25 0.5



Attachment 2: NYS DOS Federal Consistency Assessment Form

Coastal Zone Management Act Consistency Review

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. **APPLICANT** (please print)

1. Name: Sean Sallie, AICP, Deputy Commissioner Nassau County
2. Address: Nassau County Department of Public Works, 1194 Prospect Ave., Westbury
3. Telephone: Area Code (516) 571-9342

B. **PROPOSED ACTIVITY:**

1. Brief description of activity:

Divert the current effluent from the Water Pollution Control Plant in Long Beach to the Bay Park Sewage Treatment Plant (STP) located in East Rockaway for enhanced treatment

2. Purpose of activity:

Enhanced treatment at the Bay Park STP will lead to the improvement of water quality and natural resiliency functions of the western bays.

3. Location of activity:

<u>Nassau</u>	<u>Long Beach</u>	<u>See attached maps</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: _____

5. Federal application number, if known: _____

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

C. **COASTAL ASSESSMENT** Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES/NO

- a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)
- b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)
- c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)
- d. Reduction of existing or potential public access to or along coastal waters? (19, 20)
- e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10)
- f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)
- g. Siting of a facility essential to the generation or transmission of energy? (27)
- h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)
- i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)
- j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)
- k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)
- l. Adverse effect upon land or water uses within the State's small harbors? (4)

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES/NO

- a. State designated freshwater or tidal wetland? (44)
- b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)
- c. State designated significant fish and/or wildlife habitat? (7)
- d. State designated significant scenic resource or area? (24)
- e. State designated important agricultural lands? (26)
- f. Beach, dune or Barrier Island? (12)
- g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)
- h. State, county, or local park? (19, 20)
- i. Historic resource listed on the National or State Register of Historic Places? (23)

3. Will the proposed activity require any of the following: YES/NO

- a. Waterfront site? (2, 21, 22)
- b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)
- c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)
- d. State water quality permit or certification? (30, 38, 40)
- e. State air quality permit or certification? (41, 43)

4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in program document*)

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Matt Accardi

Address: 25 Beaver Street, 5th Floor, NY 10004

Telephone: Area Code () (212) 480-6265

Applicant/Agent's Signature:  Date: July 20, 2020

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

Attachment 3: NYS DOS Coastal Management Program Consistency Assessment
Coastal Zone Management Act Consistency Review

NYSDOS Consistency Assessment

Summary of Compliance with Applicable Policies

This document is the addendum to the Coastal Assessment Form (CAF) for the Long Beach Water Pollution Control Plant Consolidation Project. The Proposed Action is being designed and would be constructed in a manner that is consistent with all applicable New York State Department of State (NYSDOS) Coastal Management Program (CMP) State Coastal policies. The policies that are relevant to the Proposed Action are listed below followed by a brief description of the manner in which the Proposed Project is consistent with said policies.

I. PROJECT DESCRIPTION

The New York State Governor's Office of Storm Recovery (GOSR) received a funding application from Nassau County for the proposed "Long Beach Water Pollution Control Plant (WPCP) Consolidation Project" located in Nassau County. The Proposed Action is part of a transformative environmental and water quality initiative known as the "Western Bays Resiliency Initiative", developed to improve water quality and enhance the natural resiliency functions of surrounding bays and marshlands including Reynolds Channel, Hempstead Bay, Middle Bay, East Bay, Hog Island Channel, East Rockaway Inlet and Jones Inlet.

The Proposed Action would include the following components: (1) conversion of the Long Beach WPCP's headworks and influent pump to a resilient diversion pump station; (2) installation of a 24-inch force main within a 32-inch-diameter steel casing, from the diversion pump station to the Bay Park Sewage Treatment Plant (STP); (3) connection from the force main to the existing 66-inch sewer main located west of the Bay Park STP; ¹ and (4) hardening of the three satellite pump stations through a combination of elevation and floodproofing actions.² Force main installation would require a combination of construction techniques, including traditional cut-and-cover methods that entail trenching (on the landside), as well as a trenchless method that utilizes horizontal direction drilling (HDD). The alignment would be primarily located within the existing easement held by Nassau County for the existing Bay Park STP discharge outfall, which would remain in place. The easement is within property owned by the Town of Hempstead.

II. PURPOSE OF ACTIVITY

Superstorm Sandy caused extensive damage to the Long Beach WPCP, including flooding, influent pump failure and inundation of primary and grit tanks with sand, which rendered the facility inoperable for an extended period, further exacerbating the inadequacies of the WPCP. Storm surge flooding also resulted in severe damage to the City's satellite pump station facilities. The proposed hardening of the new diversion pump station as the WPCP and the three existing satellite pump stations would allow for the City's entire wastewater collection system to be mitigated to FEMA standards, thus reducing the risk of future direct physical damage and public health impacts in a flood event. The proposed diversion of wastewater flow from the Long Beach WPCP to the Bay Park STP for treatment and discharge would eliminate the need to repair and update the plant and would limit significant costs that the City of Long Beach would incur to abate excess nitrogen discharges that cause and contribute to violations of water quality standards.

¹ The proposed force main would intercept the existing 66-inch reinforced concrete sanitary sewer pipe located west of the Bay Park STP, and the existing pipe would then carry the flow into the STP for treatment.

² The satellite pump station facilities are located along Park Avenue at Indiana Avenue, New York Avenue and Roosevelt Boulevard.

Conveying wastewater from Long Beach to the Bay Park STP would improve the quality of treated effluent discharged into Reynolds Channel, reducing the concentrations of pollutants, particularly ammonia and nitrogen, in the water. Due to recent and ongoing improvements, including nitrogen-reducing and de-ammonification projects, the Bay Park STP is equipped with sustainable, state-of-art wastewater treatment technologies. In addition, extensive hardening measures were undertaken to ensure that this critical facility is protected from a 500-year flood event. As such, the Bay Park STP is more resilient, and better suited to address water quality due to its superior treatment processes.

III. CONSISTENCY WITH APPLICABLE CZMA POLICIES

Policy 2 - Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

Response: The majority of the proposed 24-inch force main would be installed underground or beneath the seafloor of the bay, and therefore, would not significantly limit or otherwise preclude the future siting of water dependent uses in the coastal zone. Further, the proposed alignment would be primarily located within the existing easement of the Bay Park STP discharge outfall, which would remain in place. This will ensure that the Project, at a minimum, would not interfere with future water dependent uses or water dependent facilities. Should the Proposed Action move forward, the remainder of the Long Beach WPCP will eventually be decommissioned and demolished allowing for redevelopment of the property. Therefore, it is anticipated that the Proposed Action is consistent with this policy.

Policy 7 - Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

Response: The Proposed Action is located within high salt marsh/low salt marsh/salt pan areas designated as significant coastal fish and wildlife habitat (SCFWH) and would result in temporary disturbance and removal of vegetation within the coastal wetlands within portions of the SCFWH. However, construction would occur utilizing best management practices and contractors would work with the appropriate agencies to cooperatively determine appropriate construction schedules, work windows, and appropriate mitigation measures to minimize impacts. Where the alignment transitions from land to water, HDD would be used to minimize disturbances to shoreline habitats; the force main will enter the water at a sufficient depth to avoid disturbing shoreline areas.

The Proposed Action would not result in degrading water quality, increasing turbidity, increasing sedimentation, or altering flows, temperature, or water depths that would adversely affect the biological productivity of the SCFWH. In fact, water quality is expected to improve following Proposed Action implementation. The proposed alignment would primarily be located within the existing easement of the Bay Park STP discharge outfall, which would remain in place. The Proposed Action would not result in a change in overall water depths, and sediment deposition associated with the anticipated trenching work is expected to be negligible. Any increases in turbidity will be temporary and localized to the immediate vicinity and will be minimized by best management practices; returning to ambient levels within approximately 24-hours after work has occurred. After construction, all affected areas will return naturally to pre-installation conditions. Accordingly, the Proposed Action is consistent with this policy.

Policy 11 - Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Response: With the exception of converting of the existing Long Beach WPCP's headworks and influent pump to a diversion pump station and the construction of elevated platforms at the existing satellite pump stations, the Proposed Action does not include any new building or permanent structures located within the coastal area and therefore will not affect potential flooding or erosion in coastal areas. The force main will

be buried within the floor of the bay and underground. For much of the alignment, the Proposed Action would utilize HDD to avoid impacts to the shoreline areas and their immediate vicinity. Accordingly, the Proposed Action is consistent with this policy.

Policy 12 - Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

Response: The Western Bays are a critical intertidal waterbody and their associated marshlands provide coastal resiliency and natural reduction of pollutants. These marshlands have deteriorated over the past decade due to increased nutrient levels contained within the discharges of area wastewater treatment plants. Nitrogen-rich effluent has contributed to the widespread loss of natural storm buffers provided by marine vegetative habitats in two ways: through the proliferation of macroalgae (specifically *Ulva*, or sea lettuce); and by extensive damage to the marsh grasses and their substructures. The loss of marsh grasses results in the destruction of the natural system that provide shoreline protection against coastal storm waves and surge.

The alignment of the Proposed Action is located, primarily, within the floor of the bay, with the limited upland portions to be located underground through Bay Park and Long Beach. The location of the alignment was sited to minimize long-term disturbance to coastal areas. The Proposed Action will utilize HDD to avoid impacts to the Hassocks which protect coastal property from flooding and erosion. Accordingly, the Proposed Action is consistent with this Policy.

Policy 15 - Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

Response: The majority of construction would be accomplished using HDD underground; open cut trenching would occur only within a small section of land at the Long Beach WPCP and the northern section of the alignment through Bay Park. No coastal processes will be impacted by the Proposed Action. Beach erosion is not a concern in the project vicinity. The Proposed Action is consistent with this Policy.

Policy 17 - Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

Response: The Proposed Action is located within the Special Flood Hazard Area. Consequently, project plans were developed to ensure that construction would comply with 100-year floodplain regulations. Prior to construction along sensitive natural areas, including wetlands, erosion and sedimentation control measures will be installed to minimize impacts from potential erosion and sedimentation. Through much of the alignment, HDD would be utilized to avoid impacts to the shoreline or nearshore natural features. Through Bay Park, the open cut trenches would be installed along existing roads (Harbor Road, Marjorie Lane and First Avenue) as well as utility rights-of-way. The Proposed Action is consistent with this policy.

Policy 19 - Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.

Response: Linear areas adjacent to Marjorie Lane, First Avenue and Harbor Road in Bay Park will be temporarily impacted by trenching for the force main. However, this activity will be temporary, and all impacted areas will be restored following construction. The Long Beach WPCP property is not accessible to the public, however, following decommissioning of the remaining portion of the Plant, the WPCP

property will be open to other uses. Therefore, the Proposed Action would not interfere with public access or use of public lands and waters. The Proposed Action is consistent with this policy.

Policy 20 - Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

Response: The force main would be buried underground in the floor of the bay, and therefore will not preclude access to publicly owned waterfront, including Bay Park. Accordingly, the Proposed Action is consistent with this Policy.

Policy 21 - Water-dependent and water-enhanced recreation will be encouraged and facilitated and will be given priority over non-water-related uses along the coast.

Response: The Proposed Action would not interfere with existing or future water-dependent or water-enhanced recreational uses along Bay Park. The decommissioning and demolition of the remaining Long Beach WPCP facilities and the redevelopment of the WPCP property are not part of the Proposed Action but would be part of future project(s) to be completed by others. It is possible that the decommissioned Long Beach WPCP property would be utilized for water dependent use. Accordingly, the Proposed Action is consistent with this policy.

Policy 22 - Development, when located adjacent to the shore, will provide for water related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

Response: The Proposed Action at Bay Park would not preclude the use of the site for water related recreation. As stated above, it is possible that the decommissioned Long Beach WPCP property would be utilized for water dependent uses. Accordingly, the Proposed Action is consistent with this policy.

Policy 28 - Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

Response: This policy is not applicable as ice management practices are not included as part of the Proposed Action and the Proposed Action would not be classified as a major energy facility. The Proposed Action is consistent with this Policy.

Policy 30 - Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.

Response: The Long Beach WPCP currently operates under a New York State Pollutant Discharge Elimination (SPDES) permit issued by NYSDEC. The WPCP has periodically discharged effluent in exceedance of SPDES permit limits and has failed to achieve compliance with the SPDES permit's ammonia reduction and total residual chlorine limits. The proposed diversion of wastewater flow from the antiquated Long Beach WPCP to the more effective, efficient and resilient Bay Park STP for treatment would ensure that the subsequent discharge of pollutants would conform to water quality standards. The Proposed Action is consistent with this Policy.

Policy 35 - Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Response: The force main will be installed primarily by HDD, which does not require the direct removal of sediment. Where HDD is not utilized, conventional techniques such as trenching will be employed. Where practical, sediment removed through trenching will be re-used as backfill. Following installation, all coastal areas affected by the installation will be restored or allowed to return to their pre-construction state. As a result, permanent impacts to coastal areas will be avoided. All work will be undertaken in accordance with USACE requirements for protection of navigable waters under Section 404 of the Clean Water Act and Section 10 of the River and Harbors Act, and the Proposed Action will comply with all applicable federal and state laws and regulations regarding water quality, fish and wildlife habitats, wetlands, scenic resources, natural protective features and important coastal resources. Therefore, the Proposed Action is consistent with this Policy.

Policy 38 - The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Response: Construction equipment and other equipment located at the WPCP and STP may contain petroleum or hazardous substances. Best management practices will be used to protect surface and groundwater from accidental releases, including appropriate spill prevention, countermeasure, and contingency plans (SPCC) wherever Proposed Action features present a risk of spill or discharge to waters. During construction, erosion control measures will also be employed to minimize sediment transport into the adjacent waters. Best management practices to ensure that impacts from the Proposed Action are minimized and commensurate with other natural processes and routine activities occurring in bay waters and surrounding areas (i.e., storm events, boat traffic, natural erosion, etc.). In addition, the 24-inch force main would be constructed utilizing state of the art materials which would prevent the accidental release of untreated sewage. Water quality certification pursuant to Section 401 of the Clean Water Act would be obtained prior to construction and the Proposed Action will comply with all requirements. Accordingly, the Proposed Action is consistent with this policy.

Policy 40 - Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.

Response: The Proposed Action does not involve a major steam electric generating or industrial facility. The Proposed Action would not result in degrading water quality, increasing turbidity, increasing sedimentation, or altering flows, temperature, or water depths that would adversely affect biological productivity. Following implementation of the Proposed Action, water quality is expected to improve due to the advanced wastewater treatment technologies available at the Bay Park STP. The Proposed Action is consistent with this Policy.

Policy 44 - Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Response: Construction of air vents would result in less than 0.01 acres of permanent impact to wetlands. The establishment of drill sites necessary to construct the Proposed Action would result in temporary impacts to approximately four acres of wetlands. The Proposed Action requires several approvals including those required under Article 15 Protection of Waters (New York State Department of Environmental Conservation (NYSDEC)); Article 25 of the Tidal Wetland Act (NYSDEC); Section 10 of the River and Harbors Act (U.S. Army Corps of Engineers (USACE)); and Sections 401 and 404 of the Clean Water Act

(NYSDEC/USACE). All wetland areas disturbed by the Proposed Action would be restored in place following construction. The Proposed Action is consistent with this Policy.

IV. ASSESSMENT

The assessment provided herein found that the Proposed Action would be consistent with all applicable policies. Therefore, the Proposed Action would not result in any significant adverse impacts related to the CZMA.

From: [Accardi, Matt \(STORMRECOVERY\)](#)
To: [Barron, Stacey](#)
Subject: Fw: GOSR-Rebuild by Design Living with the Bay-Long Beach WPCP Consolidation
Date: Tuesday, July 21, 2020 10:33:36 AM

From: Legere, Tanna (DOS) <Tanna.Legere@dos.ny.gov>
Sent: Tuesday, July 21, 2020 10:32 AM
To: Accardi, Matt (STORMRECOVERY) <Matt.Accardi@stormrecovery.ny.gov>
Subject: GOSR-Rebuild by Design Living with the Bay-Long Beach WPCP Consolidation

Good morning Matt,

Hope you're doing well.

This email is to serve as receipt of the project updates including the hardening of three satellite pump stations located within the City of Long Beach.

This information has been added to the added to the original project file F-2019-1056.

Sincerely,

Tanna

Tanna LeGere

Coastal Resources Specialist

Office of Planning, Development & Community Infrastructure

New York State Department of State

One Commerce Plaza

99 Washington Avenue, Suite 1010, Albany, NY 12231

Phone: 518-473-5544 | Tanna.Legere@dos.ny.gov |

www.dos.ny.gov

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Like us on [facebook](#)



It's past April 1st, but the Census count is still going on.

Please respond: online, by phone or by mail.

<https://2020census.gov/en/ways-to-respond.html>