

APPENDIX V PUBLIC NOTICES AND PUBLIC COMMENTS

PUBLIC NOTICES



**Governor's Office of
Storm Recovery**

ANDREW M. CUOMO
Governor

**EARLY NOTICE OF A PROPOSED ACTIVITY IN A 100-YEAR
FLOODPLAIN AND WETLANDS
LONG BEACH WATER POLLUTION CONTROL PLANT CONSOLIDATION PROJECT
NASSAU COUNTY, NEW YORK
February 14, 2020**

To: All interested Agencies, Groups, and Individuals

This is to give notice that the Governor's Office of Storm Recovery (GOSR), an office of the New York State Housing Trust Fund Corporation (HTFC), is considering whether to provide Nassau County, in partnership with the City of Long Beach, Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from the Rebuild by Design Living with the Bay Program to implement the Long Beach Water Pollution Control Plant (WPCP) Consolidation Project (hereinafter, the "Proposed Action"). The Proposed Action involves the decommissioning of the existing Long Beach WPCP and connecting the system on Long Beach Island to Nassau County's newly rebuilt Bay Park Sewage Treatment Plant (STP) in East Rockaway for enhanced treatment. 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.

GOSR is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations (24 CFR Part 55). There are three primary purposes for this notice. First, to provide the public an opportunity to express their concerns and share information about the Proposed Action, including alternative locations outside of the 100-year floodplain and wetlands. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains and wetlands facilitates and enhances governmental efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the government determines it will participate in actions taking place in floodplains or wetlands, it must inform those who may be put at greater or continued risk. Funding for the Proposed Action will be provided to the implementing parties, Nassau County, in partnership with the City of Long Beach, by the HUD CDBG-DR program for storm recovery activities in New York State.

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 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 Nassau County and City of Long Beach municipal properties and the existing easement for the existing Bay Park STP discharge outfall, which would remain in place.

The Proposed Activity would result in temporary impacts to approximately 15 acres of 100-Year Floodplain and approximately five acres of National Wetland Inventory (NWI) and New York State Department of Conservation (NYSDEC) mapped wetlands. Temporary impacts to the 100-year floodplain and wetlands would result from the establishment of temporary drillings sites, connection of the force main to the Bay Park STP and the conversion of the Long Beach headworks and influent pump station. The Proposed Activity, specifically the installation of air vents necessary for maintenance, would result in permanent impacts to less than 0.002 acre of 100-Year Floodplain and NWI/NYSDEC mapped wetlands.

Floodplain maps based on the FEMA Flood Insurance Rate Maps and wetlands maps based on the NWI and DEC data have been prepared and are available for review with additional information at <http://www.stormrecovery.ny.gov/environmental-docs>.

Any individual, group, or agency may submit written comments on the Proposed Activity or request further information by contacting Matt Accardi, Certifying Environmental Officer, Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, NY 10004; email: NYSCDBG_DR_ER@nyshcr.org. Standard office hours are 9:00 AM to 5:00 PM Monday through Friday. For more information call (212) 480-6265. All comments received by March 2, 2020 will be considered.



ANDREW M. CUOMO
Governor

**COMBINED NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS, AND
FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A
FLOODPLAIN AND WETLAND
LONG BEACH WATER POLLUTION CONTROL PLANT CONSOLIDATION PROJECT
NASSAU COUNTY, NEW YORK
August 28, 2020**

This provides notice that the State of New York, as the “Responsible Entity,” as that term is defined by 24 CFR 58.2(a)(7)(i), has completed and made available for public review and comment an Environmental Assessment (EA) that evaluates the proposed Long Beach Water Pollution Control Plant Consolidation Project. The State of New York is the Grantee of Community Development Disaster Recovery (CDBG-DR) funds appropriated by the Disaster Relief Appropriations Act, 2013 (Pub. L. 113-2, approved January 29, 2013) related to disaster relief, long-term recover, restoration of infrastructure and housing, and economic revitalization in the most impacts and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (Stafford Act) in calendar years 2011, 2012, and 2013. The Governor’s Office of Storm Recovery (GOSR) implements the State’s obligations under the National Environmental Policy Act (NEPA) through duly authorized Certifying Officers. GOSR was formed under the auspices of the New York State Homes and Community Renewal’s Housing Trust Fund Corporation (HTFC), a public benefit corporation and subsidiary of the New York State Housing Finance Agency, 99 Washington Avenue, Suite 1224, Albany, New York 12260.

Certifying Officer: Matt Accardi, Associate General Counsel, New York State Governor’s Office of Storm Recovery, 25 Beaver Street, Fifth Floor, New York, New York 10004.

Pursuant to 24 CFR Section 58.43, this combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) and Final Notice and Public Review of a Proposed Activity in a Wetland satisfies three separate procedural requirements for project activities proposed to be undertaken by HCR.

Description of the Proposed Action: GOSR proposes to provide \$24,000,000 in CDBG-DR funding from the Rebuild by Design Living with the Bay Program to Nassau County, in partnership with the City of Long Beach, to implement the Long Beach Water Pollution Control Plant (WPCP) Consolidation Project (hereinafter, the “Proposed Action”).

The Proposed Action is located in Nassau County, New York. The proposed alignment begins at the Bay Park Sewage Treatment Plant (STP) in the hamlet of Bay Park, New York; traverses Black Banks Hassock and Pearsalls Hassock (under the jurisdiction of the Town of Hempstead); and ends at the Long Beach WPCP in the City of Long Beach, New York.

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 sewage pipe (force main) within a 30-inch-diameter steel casing from the diversion pump station to the Bay Park STP; (3) connection from the force main to the sewer main located west of the Bay Park STP; and (4) hardening of the City's three satellite pump station facilities to a 0.2 percent annual chance flood elevation. 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 uses horizontal direction drilling (HDD). The alignment would be located primarily within Nassau County, Town of Hempstead and City of Long Beach municipal properties and the existing easement for the existing Bay Park STP discharge outfall, which would remain in place.

Public Explanation of Proposed Activity in a 100-Year Floodplain and Wetland

This is to give notice that the GOSR has conducted an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with HUD regulations under 24 CFR Part 55, to determine the potential effects that its activity in the floodplain and wetlands would have on the human environment. An early public notice of proposed activity within the 100-year floodplain and wetlands was published by GOSR in *Noticia* (weekly Spanish newspaper) on February 13, 2020; and in *Newsday* (daily English newspaper), *Russian Reklama* (weekly Russian newspaper) and *Sing Tau Daily* (daily Chinese newspaper) on February 14, 2020. One comment was received. In summary, the commenter indicated that there is a potential environmental justice area within and surrounding the Long Beach WPCP and recommended that the project consider a "First Source" local hiring system that uses job-training services and programs available to the local community. Although these comments are not related to the Proposed Action's location and/or impacts to the 100-year floodplain and wetlands, the comments are noted and have been shared with Nassau County, the project sponsor.

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, the majority of the proposed project area is within the 100-year floodplain. Specifically, the proposed Long Beach WPCP pump station conversion and hardening work, and the connection of the force main to the Bay Park STP, would occur in areas classified as Zone AE with a base flood elevation (BFE) of 9 feet. Zone AE is defined as an area subject to the 1-percent-annual-chance flood event.

The Proposed Action is located within and directly adjacent to wetlands mapped by the United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI), as well as tidal wetlands mapped by New York State Department of Conservation (NYSDEC). The dominant NWI wetland types within the proposed project area include Estuarine Intertidal Emergent Persistent Irregularly Flooded (E2EM1P), Estuarine Intertidal Unconsolidated Shore Sand Irregularly Exposed (E2US2M), and Estuarine Subtidal Unconsolidated Bottom Subtidal (E1UBL). Mapped NYSDEC-regulated tidal wetlands within the proposed project area include intertidal marsh (IM), high marsh (HM), littoral zone (LZ), coastal shoals, bars and mudflats (SM), and dredged spoil (DS).

The Proposed Action would result in temporary impacts to an estimated 14.986 acres of land in the 100-year floodplain, and an estimated 4.746 acres of USFWS NWI and NYSDEC-mapped wetlands. The 4.746 acres of temporary wetland impacts comprise 4.303 acres of tidal wetlands and 0.443 acre of open waters. Temporary floodplain and wetland impacts would result from the establishment of temporary drillings sites required for the force main installation, the connection of the force main to the Bay Park STP, and the conversion of the Long Beach WPCP pump station to a diversion pump station. The Proposed Action, specifically the installation of air vents necessary for maintenance,

would result in permanent impacts to less than 0.005 acre of mapped NWI/NYSDEC wetlands and an estimated 0.009 acre of 100-year floodplain.

The Proposed Action has been designed to minimize impacts to wetlands and floodplains to the extent feasible, including the following design considerations. Where feasible, work would occur in previously disturbed uplands and HDD would be used to minimize duration of disturbance within wetlands. Site clearing activities on the Hassocks would only occur between December 1 and March 15, which would minimize wetland disturbance during the growing season. Marsh mats would be placed on the vegetated marsh surface for construction access. A single drill site and a single pullback site would be used to support construction of two pipeline segments. Pipe pullback would be elevated above the marsh surface (resting on rollers) to minimize short term wetland impacts.

Adherence to best management practices during construction activities would avoid or minimize potential temporary impacts to floodplains and wetlands. Containerization and disposal of drilling fluids would prevent any discharge of water or sediment to adjacent waters and wetlands. Silt socks or silt fencing would be used to prevent sediment run-off into wetlands or adjacent waters. For work in upland areas, hay bales or silt fencing would be used to control soil runoff and prevent soils from entering adjacent surface waters.

Impacted wetlands would be restored immediately following construction. Mitigation is also proposed outside the limit of disturbance to offset the temporary impacts associated with project construction. On the north side of Pearsalls Hassock, clean sand would be placed on existing mudflats on the north and east banks of the existing tidal channel to create a living shoreline. Grades would be established to create suitable elevations to support native low marsh habitats to restore and enhance approximately 1.5 acres of shoreline outside the limit of disturbance. Coir logs would be placed and secured to protect the restored shoreline banks from erosive forces. Areas landward of the coir logs would be planted with smooth cordgrass plugs on 1.5-foot centers. On South Black Banks Hassock, a large patch of common reed occurring in both high marsh and adjacent upland transitional habitat would be restored to approximately 0.22 acre of intertidal channel, 0.97 acre of low marsh, and 0.80 acre of high marsh outside the limit of disturbance. Restored areas would be planted with appropriate low marsh (smooth cordgrass) and high marsh (saltmeadow cordgrass and saltgrass) species plugs at a density of at least 2.0 feet on center spacing. Plant stock for all mitigation activities would be cultivated natural stock obtained from a nursery that specializes in plants native to New York.

Additional mitigation measures may be implemented as identified during the permitting process by federal and state agencies.

The Proposed Action would have no adverse impact to wetlands because it would result in less than 0.005 acre of permanent impacts. Following completion of construction and associated habitat restoration activities, there would be no adverse operational impacts to wetlands. Because the Proposed Action would add a negligible amount of impervious area (an estimated 0.009 acre), there would be no long-term adverse effect to the floodplain.

All applicable permits would be acquired before construction commences. The funding recipient would be bound by any permit stipulations or mitigation measures listed in permits acquired for the Proposed Action.

Floodplain maps based on the FEMA Flood Insurance Rate Maps and wetlands maps based on the NWI and NYSDEC data have been prepared and are available for review with additional information at <http://www.stormrecovery.ny.gov/environmental-docs>. A Floodplain Management Plan (8-step

process) documenting compliance with Executive Orders 11988 and 11990 as well as floodplain and wetland maps have been prepared for this project and are available for review at <http://www.stormrecovery.ny.gov/environmental-docs>.

Environmental Assessment

An Environmental Assessment (EA) for the Proposed Action has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this notice. Subject to public comments, no further review of the Proposed Action is anticipated. GOSR has determined that the EA for the Proposed Action complies with the requirements of HUD environmental review regulations at 24 CFR Part 58.

Public Review: Viewing of the EA is available online at our website www.stormrecovery.ny.gov Contact Matt Accardi, Certifying Environmental Officer at (212) 480-6265 with specific requests. Further information may also be requested by emailing NYSCDBG_DR_ER@nyshcr.org.

This combined notice is being published in the following multi-language, local newspapers: *Newsday*, *Noticia*, *Russian Reklama*, and *Sing Tau Daily*. This combined notice is also being sent to individuals and groups known to be interested in the Proposed Action, as well as the following federal, state and local agencies: HUD; U.S. Environmental Protection Agency; USACE; FEMA; USFWS; National Oceanic and Atmospheric Administration (NOAA) Fisheries Service; NYSDEC; NYS Department of Transportation; NYS Office of Parks, Recreation and Historic Preservation; NYS Division of Homeland Security and Emergency Services; the Town of Hempstead; Nassau County Department of Public Works; and the City of Long Beach.

Public Comments on the Final Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland and/or the NOI RROF: Any individual, group or agency may submit written comments on the Proposed Action. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before **September 28, 2020** at NYSCDBG_DR_ER@nyshcr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before September 28, 2020 at: Governor’s Office of Storm Recovery, 25 Beaver Street, 5th Floor, New York, NY 10004. All comments must be received on or before 5pm on September 28, 2020 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

Request for Release of Funds and Certification

On or about September 29, 2020, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York CDBG-DR program.

HCR certifies to HUD that Matt Accardi, in his capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied.

HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows GOSR to use CDBG-DR program funds.

Objection to Release of Funds: HUD will accept objections to its release of funds and GOSR's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the GOSR Certifying Officer to verify the actual last day of the objection period. The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by HCR's Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity or has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or (d) another federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649 and email: disaster_recovery@hud.gov.

PUBLIC COMMENTS

Legal Notice # 21566948 LBWPCP Consolidation Project -- Comments

Lake, Crystal M. <Crystal.Lake@ncc.edu>

Tue 2/18/2020 12:54 PM

To: nyshcr.sm.nyscdbg.dr.er <nyscdbg_dr_er@nyshcr.org>

Cc: John Bendo <jbendo@longbeachny.gov>; Karen McInnis <kmcinnis@longbeachny.gov>; mdelury@longbeachny.gov <mdelury@longbeachny.gov>; smandel@longbeachny.gov <smandel@longbeachny.gov>; Elizabeth Treston <etreston@longbeachny.gov>; John Mirando <jmirando@longbeachny.gov>; Gregg Scott <gscott@longbeachny.gov>

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Crystal M. Lake
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Crystal.lake@ncc.edu
516 – 572-7326 ext. 24617
516-897-0106 (h)
516-543-8645 (c)

February 18, 2020

RE: **Legal Notice # 21566948**
Early Notice Of A Proposed Activity In A 100-Year
FloodPlain And Wetlands
Long Beach Water Pollution Control Plant
Consolidation Project
Nassau County New York
February 14, 2020

LONG BEACH (C) WPCP
EPA Registry Id: 110019531425
NATIONAL BLVD & BAY ST
LONG BEACH, NY 11561

Presidential Document Federal Registry
Vol. 59. No. 32 Wednesday,
February 16, 1994

Presidential Executive Order 12898 - Environmental Justice
www.archives.gov/federal-register/executive-orders/pdf/12898.pdf
Signed by William J Clinton
Potential Environmental Justice Areas in Nassau County, New York
https://www.dec.ny.gov/docs/permits_ej_operations_pdf/nassauej.pdf
New York State Environmental Zones Nassau County Eligible Tracts
<https://cdn.esd.ny.gov/businessprograms/Data/BrownfieldCleanup/NassauCounty.pdf>

Good Afternoon Mr. Matt Accardi, Certifying Environmental Officer, GOSR

Wastewater treatment facility operation and personnel play a crucial role in improving, protecting water quality, defense against air, land, absorption thru the skin, waterborne diseases, guidance for a comprehensive vision, strategy for the safeguard of public health regarding this consolidation project, dissemination of information and public participation and...

Adjacent to this LBWPCP facility, is NY050 PHA Channel Park Homes, NY36L000018 PINE TOWN HOUSES 151B EAST PINE STREET 11561 LONG BEACH and an EJ Residential Area North Park, Census Tract 4165 Block Group 1,2,3,4 and 5, which was also devastated by Hurricane Sandy↓

GOSR Action Plan Amendment No. 6 HUD Approved May 27, 2014

“Long Beach Housing Authority – The Long Beach Housing Authority operates 374 subsidized low-rent units within five development sites. The overall occupancy rate is 100%. Channel Park Homes, a family development, experienced the greatest damage, including flooding on the first floor of homes and community facilities. The damage required mold remediation, replacement of floors and drywall, painting, replacement of appliances and kitchen cabinets, and repair or replacement of HVAC systems. Additionally, brick façade walls on three of the residential buildings collapsed or were severely compromised. Four senior high-rise buildings were also damaged caused by high winds and flooding within basements and communal areas. The damage required repairs to floors and walls, equipment, and HVAC systems. While homes were minimally impacted, damage to elevators, electrical systems and heating units emphasized the need to relocate emergency generators and heating and cooling system”

Secondly, I would like to suggest A “First Source” local hiring system to promote and recruitment of local residents to fill new positions and, for the first time, prioritizes the North Park low-income neighborhood: Memorandum of Understanding (MOU), Equal Employment Opportunity Affirmative Action Plan, Fund and Initiate a Job Training/Employment Comprehensive Program inclusive of an Apprenticeship, Pre-Apprenticeship programs to provide our residents with union jobs. The apprenticeship programs are an opportunity for residents to learn a new trade and become union members, which opens doors to better jobs, better pay and more employment opportunities in the long run.

Thank you for your time and consideration in advance. Have a wonderful day!

Sincerely,

Crystal M. Lake

Crystal M. Lake
Resident

“Environmental Interests

Information System	System Facility Name	Information System Id/Report Link	Environmental Interest Type	Data Source	Last Updated Date	Supplemental Environmental Interests:
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (ICIS-NPDES)	LONG BEACH (C) WPCP	NY0020567	ICIS-NPDES MAJOR	ICIS	01/25/2019	ICIS-ENFORCEMENT/COMPLIANCE ACTIVITY

RESOURCE CONSERVATION AND RECOVERY ACT INFORMATION SYSTEM	LONG BEACH WATER POLLUTION CONTROL	NYD981563018	UNSPECIFIED UNIVERSE (N)	RCRAINFO	04/14/2015	
NEW YORK - FACILITY INFORMATION SYSTEM	LONG BEACH WATER POLLUTION CONTROL PLANT	1-2809-00045	STATE MASTER	FIS		FIS-1-2809-00045/00001 NPDES PERMIT FIS-C361273 GRANTS AND PLANNING FIS-NY0020567 FIS-C360305 GRANTS AND PLANNING
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (ICIS-NPDES)	LONG BEACH (C) WPCP	NY0020567	POTW	ICIS	01/25/2019	ICIS- ENFORCEMENT/COMPLIANCE ACTIVITY