September 28, 2020

By Overnight Mail and Electronic Mail

Tennille S. Parker, Director
Disaster Recovery and Special Issues Division
Office of Block Grant Assistance
U.S. Department of Housing and Urban Development
451 7th Street, SW, Room 7272
Washington, D.C. 20410

Re: RROF and Environmental Certification for NYS CDBG-DR: Rebuild by Design: Living with the Bay Long Beach Water Pollution Control Plant Consolidation Project, City of Long Beach, Town of Hempstead, Hamlet of Bay Park, Nassau County, New York

Dear Ms. Parker:

Attached is a Request for Release of Funds (RROF) and Environmental Certification for the above referenced project: Rebuild by Design: Living with the Bay Long Beach Water Pollution Control Plant Consolidation Project. The Governor’s Office of Storm Recovery, operating under the auspices of the New York State Homes and Community Renewal’s Housing Trust Fund Corporation, performed an environmental review for the project pursuant to 24 CFR 58 for the activities covered by this RROF.

Pursuant to 24 CFR Section 58.70, the Combined Notice of Intent to Request Release of Funds, and Final Notice and Public Explanation of a Proposed Activity in a Floodplain and Wetland was published in Newsday on August 27, 2020 (see attached copy of the NOI RROF/Final Notice and the affidavit of publication). Comments submitted were compiled and responded to in the attached Response to Comments document, which is also posted on the following website, with the final Environmental Assessment: https://stormrecovery.ny.gov/environmental-docs.

If you have any questions concerning this submission, please contact me at (212) 480-6265 or by electronic mail at matt.accardi@stormrecovery.ny.gov.

Sincerely,

Matt Accardi
Certifying Environmental Officer
Governor’s Office of Storm Recovery
Housing Trust Fund Corporation

Attachments
CC By Electronic Mail:
Emily Thompson, Acting General Counsel, GOSR
Thehbia Hiwot, Executive Director, Housing, Buyouts and Acquisition Programs, GOSR
Jane Brogan, Executive Director, Chief Policy & Research Officer, GOSR
David Shumate, Program Manager, Living with the Bay, GOSR
James McAllister, Senior Environmental Project Manager, GOSR
Alicia Shultz, Senior Environmental Scientist, GOSR
Amy Lentz, Environmental Records Manager, GOSR
Rebecca Blanco, Assistant Director, Disaster Recovery and Special Issues Division
Donna Mahon, Regional Environmental Officer, Regions I & II, HUD
Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)
   Community Development Block Grant - Disaster Recovery (CDBG-DR)

2. HUD/State Identification Number
   B-13-DS-36-0001

3. Recipient Identification Number (optional)

4. OMB Catalog Number(s)

5. Name and address of responsible entity
   NYS Homes & Community Renewal
   38-40 State Street
   Albany, NY 12207

6. For information about this request, contact (name & phone number)
   Matt Accardi, GOSR (212) 480-6265

8. HUD or State Agency and office unit to receive request
   HUD, Office of Block Grant Assistance
   Disaster Recovery and Special Issues Division
   451 7th Street SW, Washington, D.C. 20410

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)
   Long Beach Water Pollution Control Plant (WPCP) Consolidation Project
   Rebuild by Design: Living with the Bay

10. Location (Street address, city, county, State)
    City of Long Beach, Town of Hempstead, Hamlet of Bay Park, Nassau County NY

GOSR proposes to provide HUD CDBG-DR funding for the Long Beach WPCP Project (Proposed Action), one of three projects proposed by the Rebuild by Design Living with the Bay Project. The Project includes: (1) conversion of the Long Beach WPCP’s headworks and influent pump to a resilient, diversion pump station; (2) installation of a force main from the diversion pump station to the Bay Park Sewage Treatment Plant (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. The project purpose is to harden the existing pump stations against storm impacts, improve water quality, enhance the natural resiliency functions of marshland, reduce the risk of future direct physical damage and public health impacts in a flood event, and improve the quality of life in the surrounding residential communities. GOSR is requesting $24,000,000 for the Proposed Action.
Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.

2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.

3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.

4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☑ did not ☐ require the preparation and dissemination of an environmental impact statement.

5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.

6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.

7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.

9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

x Matt Accardi

Title of Certifying Officer

Deputy Director, Bureau of Environmental Review and Assessment, GOSR

Date signed

Address of Certifying Officer

Governor's Office of Storm Recovery, NYSHCR, 25 Beaver Street, 5th Floor, New York, NY 10004

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)
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 recovery, 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 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.
NEWSDAY
AFFIDAVIT OF PUBLICATION

RACHEL VAN METRE
1 PENNSYLVANIA PLAZA 4TH FLOOR
NEW YORK, NY 10119

STATE OF NEW YORK) Legal Notice No. 0021601816
:SS:
COUNTY OF SUFFOLK)

Darryl Murphy of Newsday Media Group, Suffolk County, N.Y., being duly sworn, says that such person is, and at the time of publication of the annexed Notice was a duly authorized custodian of records of Newsday Media Group, the publisher of NEWSDAY, a newspaper published in the County of Suffolk, County of Nassau, County of Queens, and elsewhere in the State of New York and other places, and that the Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

    Thursday     August 27, 2020     Nassau

SWORN to before me this

[Signature]

Jason A. Neknez
Notary Public – State of New York
No. 01NE6219108
Qualified in Suffolk County
My Commission Expires 03/22/2022
This provides notice that the State of New York, as the "Responsible Entity," for the project described herein, has determined that the project described herein is not a "major action." As such, it is not subject to review under the provisions of the National Environmental Policy Act (NEPA) through a duly promulgated Environmental Impact Statement (EIS). This notice pertains to the approval of a proposed action for the proposed restoration of wetlands by the Department of Environmental Conservation (DEC), which has determined that the proposed action is not a "major action." As such, it is not subject to review under the provisions of NEPA.

The Proposed Action is located in Nassau County, New York. The proposed action involves the restoration of a wetland area damaged by Hurricane Sandy to its natural condition by removing a portion of the embayment, reconnecting the wetland to the bay, and installing protective barriers.

The Proposed Action involves the following activities:

1. Removal of a portion of the embayment.
2. Reconnection of the wetland to the bay.
3. Installation of protective barriers.

The Proposed Action is expected to have the following impacts:

1. Water Quality: Some degradation of water quality in the bay may occur due to the introduction of nutrients and sediments from the wetland.
2. Biodiversity: Some loss of biodiversity may occur due to the removal of the embayment.
3. Wildlife: Some disruption of wildlife habitat may occur due to the installation of protective barriers.
4. Human Health: Some potential for human health impacts may occur due to the construction activities.

The Proposed Action is expected to take approximately 18 months to complete.

The Proposed Action is located in Nassau County, New York. The proposed action involves the restoration of a wetland area damaged by Hurricane Sandy to its natural condition by removing a portion of the embayment, reconnecting the wetland to the bay, and installing protective barriers.

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4. Human Health: Some potential for human health impacts may occur due to the construction activities.

The Proposed Action is expected to take approximately 18 months to complete.

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4. Human Health: Some potential for human health impacts may occur due to the construction activities.

The Proposed Action is expected to take approximately 18 months to complete.

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The Proposed Action is expected to take approximately 18 months to complete.

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The Proposed Action is expected to take approximately 18 months to complete.

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The Proposed Action is expected to take approximately 18 months to complete.
SING TAO DAILY
AFFIDAVIT OF PUBLICATION

RACHEL VAN METRE
1 PENNSYLVANIA PLAZA 4TH FLOOR
NEW YORK, NY 10119

STATE OF NEW YORK)
COUNTY OF NASSAU)

Chen, Chao Hua
of Sing Tao Newspapers New York Ltd., New York, being duly
sworn, says that such person is, and at the time of publication of the annexed
Notice was a duly authorized custodian of records of Sing Tao Newspapers
New York Ltd., the publisher of Sing Tao Daily, and that the Notice of which
the annexed is a true copy, was published in the following editions/counties of
said newspaper on the following dates:

DATE: 8/28/2020

COUNTY: NASSAU

SWORN to before me this
8th Day of September, 2020.

Chen, Chao Hua

Signature

ALICE YAN
Notary Public, State of New York
Reg. No. 01YA8435303
Qualified in New York County
抗炎藥控制免疫力失衡 12日可轉普通病房
類固醇治新冠重症見效

瑞德西韋成效不明顯

長者水污染控制綜合項目
申請釋放資金意向書以及
洪汛區和內陸地勢活動的最終公告和公開解釋的聯合通知

2020年8月28日
RESPONSE TO COMMENTS

This document presents a summary of comments received during the Long Beach Water Pollution Control Plant Consolidation Project public comment period, which was open from August 28, 2020 to September 28, 2020. During that time, one comment letter was received from the U.S. Environmental Protection Agency (EPA), Region 2.

The EPA comments pertain to the Waters and Wetland Delineation Report that was completed by wetland scientists from the Hazen ARCADIS Joint Venture and included as Appendix I to the Long Beach Water Pollution Control Plant Consolidation Project Environmental Assessment. The two comments point out minor inconsistencies and errors in the Report that are currently being corrected and addressed as part of the Joint Permit Application permit request from the U.S. Army Corps of Engineers (USACE). The letter also includes EPA Region 2 sustainability recommendations, which will be reviewed and considered by the project sponsor.
August 27, 2020

Matt Accardi, Assistant General Counsel
Governor’s Office of Storm Recovery
25 Beaver Street, Fifth Floor
New York, New York 10004

RE: Draft Environmental Assessments for both Storm Water Improvements & the Long Beach Water Pollution Control Plant Consolidation

Dear Mr. Accardi:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) reviewed several projects that were submitted by the U.S. Department of Housing and Urban Development (HUD), under two different Draft Environmental Assessments (EAs). These projects, further defined below, are intended to enhance the physical, economical, and social resiliency of Nassau County communities in the wake of recent storm events.

In June 2013, HUD initiated Rebuild by Design (RBD) in response to Hurricane Sandy’s devastation in the northeast region of the United States. The RBD program began by requesting competitive proposals to mitigate adverse storm impacts. In June 2014, HUD announced that the Nassau County Living with the Bay Project (LWTB Project) with an integrated Resiliency Strategy was one of the selected projects. The LWTB Project and Resiliency Strategy identifies and prioritizes projects and project types with program-specific time frames and costs for planning, design, permitting, procurement, construction, and project closeout. Since completion of the Resiliency Strategy, the Governor’s Office of Storm Recovery (GOSR) and the local communities have proposed to proceed with the following projects:

- **Hempstead Lake State Park:** The New York State Office of Parks, Recreation, and Historic Preservation manages the 521-acre park located in the northern portion of the LWTB project area. The environmental assessment (EA) for this project was finalized in January 2020, and the Finding of No Significant Impact (FONSI) was issued in February 2020.

- **Smith Pond Rehabilitation:** South of Hempstead Lake State Park, Smith Pond is a 22-acre freshwater pond located in the center of the LWTB project area, north of Sunrise Highway in the Village of Rockville Centre. The proposed improvements at Smith Pond would consist of resiliency interventions such as habitat restoration, stormwater storage, and improved public access.

- **Lister Park Improvements:** South of Smith Pond and just north of East Rockaway High School (ERHS), the Lister Park project would entail stormwater management improvements to the fields within the Village of Rockville Centre. The project would include the installation
of living shorelines and streambank stabilization along the Mill River to improve stormwater quality and retention, prevent streambank erosion, and provide recreational and pedestrian connectivity.

- **ERHS**: ERHS is situated along the west bank of the Mill River between Centre Avenue and Pearl Street. Design options under consideration would reduce the school’s vulnerability to flooding by installing green infrastructure and stabilizing an eroding shoreline.

- **East-West-North Boulevards Stormwater Drainage Improvements**: This project would reduce stormwater and tidal inundation impacts by installing porous pavement, replacing catchment basins, and installing backflow preventers and bioretention basins.

- **Mill River Greenway**: The LWTB Project proposes to develop a continuous greenway from Hempstead Lake State Park and Tanglewood Preserve south to Bay Park and Hewlett Bay. The multiuse path would vary in width and, where practical, typically include 10-foot-wide permeable pavement with water storage and infiltration.

- **Long Beach Water Pollution Control Plant (WPCP) Consolidation Project**: This project would entail the construction of a new force main connection from the existing Long Beach WPCP to the Bay Park Sewage Treatment Plan (STP), conversion of the existing Long Beach WPCP influent pump building into a new flow diversion pump station, and hardening of the new flow diversion pump station to protect it from storm surge and sea level rise. This project was not specifically included in the Resiliency Strategy, but its implementation would contribute to the restoration of the coastal mashes in Hewlett Bay, as identified in “Project V: Coastal Marsh Restoration” of the Resiliency Strategy.

The LWTB Project and Resiliency Strategy is configured such that projects could advance independently subject to availability of funding. Because the timelines for project development and construction vary, each project would consider the cumulative environmental impacts of the previous project(s).

We offer the following comments:

**Storm Water Improvements EA**

- While a brief description of delineated resources is provided for the Smith Pond Rehabilitation Component (Page 45), none is provided for the Lister Park Improvements or the ERHS Components. Please include a brief description of the delineated resources for the Lister Park Improvements and the ERHS Components.

- Please clarify whether the value of tidal wetland impacts associated with the Lister Park Improvements Component is 0.0369 or 0.369 acre (Page 72).

**Smith Pond Delineation Report (specific comments)**

- In addition to meeting the F3 Hydric Soil Indicator (Depleted Matrix), Sampling Station
SPW01-SS01 also meets the F6 Hydric Soil Indicator (Redox Dark Surface). Please review the soil profile and check off the appropriate Hydric Soil Indicators on the data form.

- Please review the soil profiles for Sampling Stations SPW02-SS03, SPW02-SS05, and SPW02-SS07. They do not appear to meet the criteria for the F3 Hydric Soil Indicator (Depleted Matrix), which requires a value of 4 or more and chroma of 2 or less. Redox concentrations are required in soils with matrix colors of 4/1, 4/2, or 5/2.

- Please confirm the soil profile for SPW03-SS01. The ‘2-10’ inch soil layer is currently described as having depletions (D) of 10YR 4/4 soil. In order to meet the F3 Hydric Soil Indicator (Depleted Matrix), the soil layer should have concentrations (C). Please make this change on the data form. Additionally, the soils also meet the A11 Hydric Soil Indicator (Depleted Below Dark Surface). Please check off the appropriate Hydric Soil Indicators on the data form.

- SPW04-SS01 also meets the A11 Hydric Soil Indicator (Depleted Below Dark Surface). Please review the soil profile and check off the appropriate Hydric Soil Indicators on the data form.

- Sampling Station SP05-SS01 does not have matrix soil colors with a value of 4 or more and chroma of 2 or less. Sampling Station SP06-SS01 has a matrix soil color of 4/1 but lacks the required redox concentrations. Please review these soil profiles for accuracy and modify the data forms accordingly.

Lister Park Delineation Report (specific comment)

- Sampling Stations MRW01-SS01, MRW01-SS02, and MRW02-SS01 do not have matrix soil colors with a value of 4 or more. Sampling Station MRW01-SS03 has matrix soil colors with a value of 4 or more (and chroma of 2 or less) but lacks the required redox concentrations. Please review these soil profiles for accuracy and modify the data forms accordingly.

Long Beach Water Pollution Control Plant Consolidation

- With respect to the Delineation Report, the Summary of Findings sections on the data forms incorrectly state that waters and wetlands were delineated using the Atlantic and Gulf Coastal Plain Regional Supplement. The sentence should reference that the waters and wetlands were delineated using the North-Central and Northeast Regional Supplement.

- Sampling Stations 13 and 15 do not have matrix soil colors with a value of 4 or more. Please review these soil profiles for accuracy and modify the data forms accordingly. Sampling Point 17 also meets the criteria for the F6 Hydric Soil Indicator (Redox Dark Surface). Please review the soil profile and check off the appropriate Hydric Soil Indicators on the data form.

Please see the attached EPA Region 2 greening recommendations. Some of these sustainability recommendations may be applicable to these projects.

Thank you for the opportunity to provide our suggestions/comment on these EAs. Our comments contained in this letter are intended to help provide useful information that will ultimately inform
local, state, and federal decision-making and review related to land and water resource use and impacts. Should you have any questions or concerns, please feel free to contact Michael Poetzsch of my staff at 212-637-4147.

Sincerely,

Mark Austin
Mark Austin, Team Leader
Environmental Review Team

Attachment
EPA Region 2 Green Recommendations

To the maximum extent possible, project managers are encouraged to utilize local and recycled materials; to recycle materials generated onsite; and to utilize technologies and fuels that minimize greenhouse gas emissions.

Further, to the extent feasible, renewable energy (including, but not limited to solar, wind, geothermal, biogas, and biomass) and energy-efficient technologies should be incorporated into the design, construction, and operation of all types of projects.

To that end, the following information and internet hyperlinks are provided for your consideration and use:

- **Multi-media green building and land design practices**
  Utilize green building practices which have multi-media benefits, including energy efficiency, water conservation (see WaterSense below), and healthy indoor air quality. Apply building rating systems and no-cost online tools and guides, such as ENERGY STAR, Portfolio Manager, Target Finder, Indoor Air Quality Package, and WaterSense for building construction. The ENERGY STAR website (see below) includes, among other things, information on new single-family homes, multi-family homes, commercial and other buildings, and schools. The website also provides an ENERGY STAR “Training Center” free of charge.


ENERGY STAR home page: [http://www.energystar.gov](http://www.energystar.gov)

ENERGY STAR Target Finder (no-cost online tool to set energy performance targets): [http://www.energystar.gov/targetfinder](http://www.energystar.gov/targetfinder)

Indoor Air Quality: [http://www.epa.gov/iaq](http://www.epa.gov/iaq)

- **Water conservation and efficiency in building construction and rehabilitation**
  Utilize sustainable water infrastructure. As aging drinking water, wastewater and stormwater systems require significant upgrade and repair, it has become one of the biggest challenges facing the water sector. The investments made now in water sector infrastructure can have profound impacts on long term community sustainability. Please see the following link on sustainable water infrastructure: [https://www.epa.gov/sustainable-water-infrastructure](https://www.epa.gov/sustainable-water-infrastructure)

Promote water conservation and efficiency through the use of water efficient products in building construction/rehabilitation (e.g., toilets, faucets, showerheads) and practices. For new building construction and restoration projects, we recommend considering the use of products with the WaterSense label where appropriate. Devices receiving the EPA WaterSense label must be at least 20% more water efficient than (and must meet or exceed the performance standards of) non-labeled devices of the same type. Additionally, when possible, consider the use of WaterSense Certified Professional Irrigation Partners and WaterSense Builder Partners. These professionals use WaterSense labeled devices where appropriate, are trained in the latest water conservation practices, and use the latest water efficiency tools and technologies, including irrigation equipment and xeriscaping for landscaping and best management practices for construction in the WaterSense New Home Specifications. Visit the WaterSense website for tips on water efficiency, a WaterSense labeled product search tool, a list of WaterSense Partners,
access to the Water Budget Tool at: http://www.epa.gov/watersense/

In addition to using WaterSense labeled products and certified professionals, there are many water conservation strategies and best management practices that can be used in new construction and/or restoration. Here are some useful links on water conservation and efficiency:

- **Whole Building Design Guide:**
  http://www.wbdg.org/resources/water_conservation.php

- **Alliance for Water Efficiency:**
  http://www.allianceforwaterefficiency.org/

- **Water Use It Wisely – 100 Ways to Conserve:**

- **Green Building in Federal Agency Projects**
  The *Federal Green Construction Guide for Specifiers* includes helpful information for procuring green building products and construction/renovation services within the Federal government:
  http://www.wbdg.org/design/greenspec.php

- **Safer Choice**
  Consider products containing the Safer Choice Label when planning for and making purchases. Chemical products are used for many activities (such as road, vehicle and building/home maintenance) that can pose a threat to water quality. Practices and procedures should include the use of Safer Choice products in order to, for instance, reduce the volume and toxicity of chemicals that can be discharged into local waterways.

  Products designed for homes, businesses, schools, and the overall community that carry the Safer Choice label must meet requirements for the following: safer ingredients; performance; packaging; ingredient disclosure; pH; and volatile organic compounds. Municipal governments and other organizations/individuals that purchase chemical products for many indoor and outdoor uses can look for the Safer Choice label. Some examples include deicers, dust control, degreasers, car care products and other all-purpose cleaners, as well as home car wash products, boat cleaners, and graffiti removers. We also encourage the use of best management practices that utilize Safer Choice products in order to reduce the volume and toxicity of chemicals that can enter local waterways.

  General information on the Safer Choice label can be found at: http://www.epa.gov/saferchoice
  To search for products that meet the Safer Choice standard please see:
  http://www.epa.gov/saferchoice/products

- **Use Environmentally Preferable Purchasing**
  Promote markets for environmentally preferable products by referencing EPA’s multi-attribute Sustainable Marketplace. Products and services include: Building and Construction, Carpets, Cleaning, Electronics, Fleets, Food Services, Landscaping, Meetings and Conferences, Office Supplies, and Paper: https://www.epa.gov/greenerproducts

- **Purchase ‘green’ electronics, and measure their benefits**
  Require the purchase of desktop computers, monitors, and laptops that are registered as Silver or Gold products with EPEAT, the Electronics Product Environmental Assessment Tool at www.epeat.net. Products registered with EPEAT use less energy, are easier to recycle, and can
be more easily upgraded than non-registered products. Energy savings, CO₂ emission reductions, and other environmental benefits achieved by the purchase, use and recycling of EPEAT-registered products can be quantified using the Electronics Environmental Benefits Calculator: https://www.epa.gov/greenerproducts/electronic-product-environmental-assessment-tool-epeat

Additional information: http://www.energystar.gov/products

- **Consider Low Impact Development and Green Infrastructure to help manage stormwater**
Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product.

Additional information:
Green infrastructure: https://www.epa.gov/green-infrastructure
Soak Up the Rain Resource Index: https://www.epa.gov/soakuptherain/soak-rain-resource-index
National Stormwater Calculator: http://www.epa.gov/nrmrl/wswrd/wq/models/swc/

- **Evaluate sustainable stormwater management at brownfield sites**
Consider designs for stormwater management on compacted, contaminated soils in dense urban areas:

Additional information:
https://www.epa.gov/soakuptherain/soak-rain-resource-index#Brownfields

- **Alternative and Renewable Energy**
The Department of Energy’s “Green Power Network” (GPN) provides information and markets that can be used to supply alternative generated electricity. The following link identifies several suppliers of renewable energy:

Additional information: https://community-wealth.org/content/green-power-network-us-dept-energy-office-energy-efficiency-recyclable-energy

- **Clean Diesel**
Implement diesel controls, cleaner fuel, and cleaner construction practices for on-road and off-road equipment used for transportation, soil movement, or other construction activities, including:
- Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits;
- Use of clean diesel through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

• **Utilizing recycled materials in construction projects**
  Many industrial and construction byproducts are available for use in road, building or infrastructure construction. Use of these materials can save money and reduce environmental impacts. The Recycled Materials Resource Center has developed user guidelines for many recycled materials and compiled existing national specifications.

  Additional information: [http://rmrc.wisc.edu](http://rmrc.wisc.edu)

• **Encourage cost-efficient, environmentally friendly landscaping**
  There are many benefits to making greener landscaping choices. For additional information, please see the following website:

• **Incorporate on-site energy generation and energy efficient equipment upgrades into projects at drinking water and wastewater treatment facilities**
  Consider using captured biogases in combined heat and power systems, and renewable energy (wind, solar, etc.) to generate energy for use on-site. Evaluate the potential energy savings associated with upgrading to more energy efficient equipment (pumps, motors, lighting, etc.).

  Additional information: [http://water.epa.gov/infrastructure/sustain/goinggreen.cfm](http://water.epa.gov/infrastructure/sustain/goinggreen.cfm)

• **Incorporate green practices into remediation of contaminated sites**
  Encourage or incentivize the use of green remediation practices, including designing treatment systems with optimum energy efficiency; use of passive energy technologies such as bio-remediation and phyto-remediation; use of renewable energy to meet power demands of energy-intensive treatment systems or auxiliary equipment; use of cleaner fuels, machinery, and vehicles; use of native plant species; and minimizing waste and water use.

  Additional information: [http://cluin.org/greenremediation/index.cfm](http://cluin.org/greenremediation/index.cfm)

• **Encourage development in brownfield sites**
  Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. These sites are often “infrastructure-ready,” eliminating the need to build new roads and utility lines which are necessary in undeveloped land.

  Additional information: [http://www.epa.gov/brownfields/](http://www.epa.gov/brownfields/)

• **Encourage use of Smart Growth and transit-oriented development principles**
  Smart Growth and transit oriented development (TOD) principles help preserve natural lands and critical environmental areas, and protect water and air quality by encouraging developments that are mixed-use, walkable and located near public transit. Encourage use of bicycling with bike commuter parking, storage, and changing facilities. Facilitate increased carpooling or alternative vehicles with preferable parking spaces and/or electric vehicle plug in spots.

  Additional information: [http://www.epa.gov/smartgrowth](http://www.epa.gov/smartgrowth)
**Integrated Design Process**

The Integrated Design Process calls for the active and continuing engagement of all stakeholders throughout the building design, development, construction, and post-construction phases including the owners, architects, engineers, building department officials, and others. This process creates a higher-performing building at lower cost, allows various building systems to work together to eliminate redundant and unnecessary capacity, and minimizes change order costs.

Additional information: [http://www.wbdg.org/design/engage_process.php](http://www.wbdg.org/design/engage_process.php)