CITY OF NEWBURGH
LIBERTY AND GRAND STREET SEWER IMPROVEMENTS

Environmental Assessment

Responsible Entity:
New York State Homes and Community Renewal

March 23, 2015

City of Newburgh
Liberty and Grand Street Sewer Improvements
Environmental Assessment

March 23, 2015

Project Name:	City of Newburgh - Liberty and Grand Street Sewer Improvements
Project Location:	Liberty, Grand, Montgomery, and Clinton Streets between Broad and South Streets, City of Newburgh, New York 12550
HTFC SHARS #:	N/A
Federal Agency:	US Department of Housing and Urban Development
Responsible Entity:	New York State Homes and Community Renewal
Responsible Agency's Certifying Officer:	Thomas J. King, Assistant General Counsel and Certifying Officer
Project Sponsor:	City of Newburgh
Primary Contact:	Jason C. Morris, P.E. Engineer for City of Newburgh City Hall 83 Broadway Newburgh, NY 12550 JMorris@cityofnewburgh.ny.gov
Project NEPA Classification:	24 CFR 58.36 (Environmental Assessment)

Environmental Finding:	☒Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment.
	☐Finding of Significant Impact - The project may significantly affect the quality of the human environment.
Certification	The undersigned hereby certifies that New York State Homes and Community Renewal has conducted an environmental review of the project identified above and prepared the attached environmental review record in compliance with all applicable provisions of the National Environmental Policy Act of 1969, as amended (42 USC Sec. 4321 et seq.) and its implementing regulations at 24 CFR Part 58.
Signature	Thomas J. King

Environmental Assessment Prepared By:	Philip Habib & Associates 102 Madison Avenue New York, NY 10016

CERTIFICATION OF NEPA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in its 2015 (Project Year) NYS CDBG-DR project,

City of Newburgh - Liberty and Grand Street Sewer Improvements (Project Name) are:

Check the applicable classification.

☐ Exempt as defined in 24 CFR 58.34 (a).

☐ Categorically Excluded as defined in 24 CFR 58.35(b).

☐ Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statues and executive orders [i.e., exempt under 58.34(a)(12)].

☐ Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statues and executive orders.

☒ "Other" neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35).

☐ Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

For activities excluding those classified as "Other", attached is the appropriate Classification Checklist (Exhibit 2-4) that identifies each activity and the corresponding citation.

Signature of Certifying Officer

3/23/2015
Date

Thomas J. King
Print Name

Assistant General Counsel
Title

CERTIFICATION OF SEQRA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in its 2015 NYS CDBG-DR project,
Project Year

City of Newburgh - Liberty and Grand Street Sewer Improvements constitute a:
Project Name

Check the applicable classification:

- ☐ Type I Action (6NYCRR Section 617.4)
- ☒ Type II Action (6NYCRR Section 617.5)
- ☐ Unlisted Action (not Type I or Type II Action)

Check if applicable:

- ☐ Environmental Impact Statement (EIS) Prepared
  - ☐ Draft EIS
  - ☐ Final EIS

Signature of Certifying Officer

3/23/2015
Date

Thomas J. King
Print Name

Assistant General Counsel
Title

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]**:**

The City of Newburgh is proposing to upgrade a portion of its aging gravity combined sewer system. The affected area stretches along Liberty, Grand, Montgomery, and Clinton Streets between Broad and South Streets (the "project area") in the northeast quadrant of the city (see **Figure 1**). The sewer system is used to convey sewage flows to the City of Newburgh Water Pollution Control Plant (WPCP) located at the intersection of Renwick and River Streets.

The combined sewer system is subject to highly variable flow depending on hydrologic conditions. Many of the existing sewer sections do not possess sufficient capacity to effectively convey inflow from high intensity rainfall events and sewage flows downstream.

The proposed project would replace the existing combined sewers with new sanitary sewers and separate storm sewers in the project area. The improvements to the storm and sanitary sewer system would generally include: maintenance of traffic, placement and maintenance of erosion and sediment controls, excavation, construction of new higher-capacity storm and sanitary sewer, installation of new catch basins, installation of new sanitary sewer manholes, reconnection of existing laterals to the new sewers, and restoration of disturbed areas.

The sanitary and storm sewers are proposed to be sized to ensure that the city possesses the necessary infrastructure to allow for redevelopment or rehabilitation of any abandoned properties in the area as well as to accommodate for reasonable future growth of nearby Mount Saint Mary's College. As shown below in Table 1, compared to the existing combined sewer, the proposed improvements to the storm sewer system would result in capacity increases on all four streets within the project area. Table 1 also details the proposed storm sewer pipe sizes and lengths.

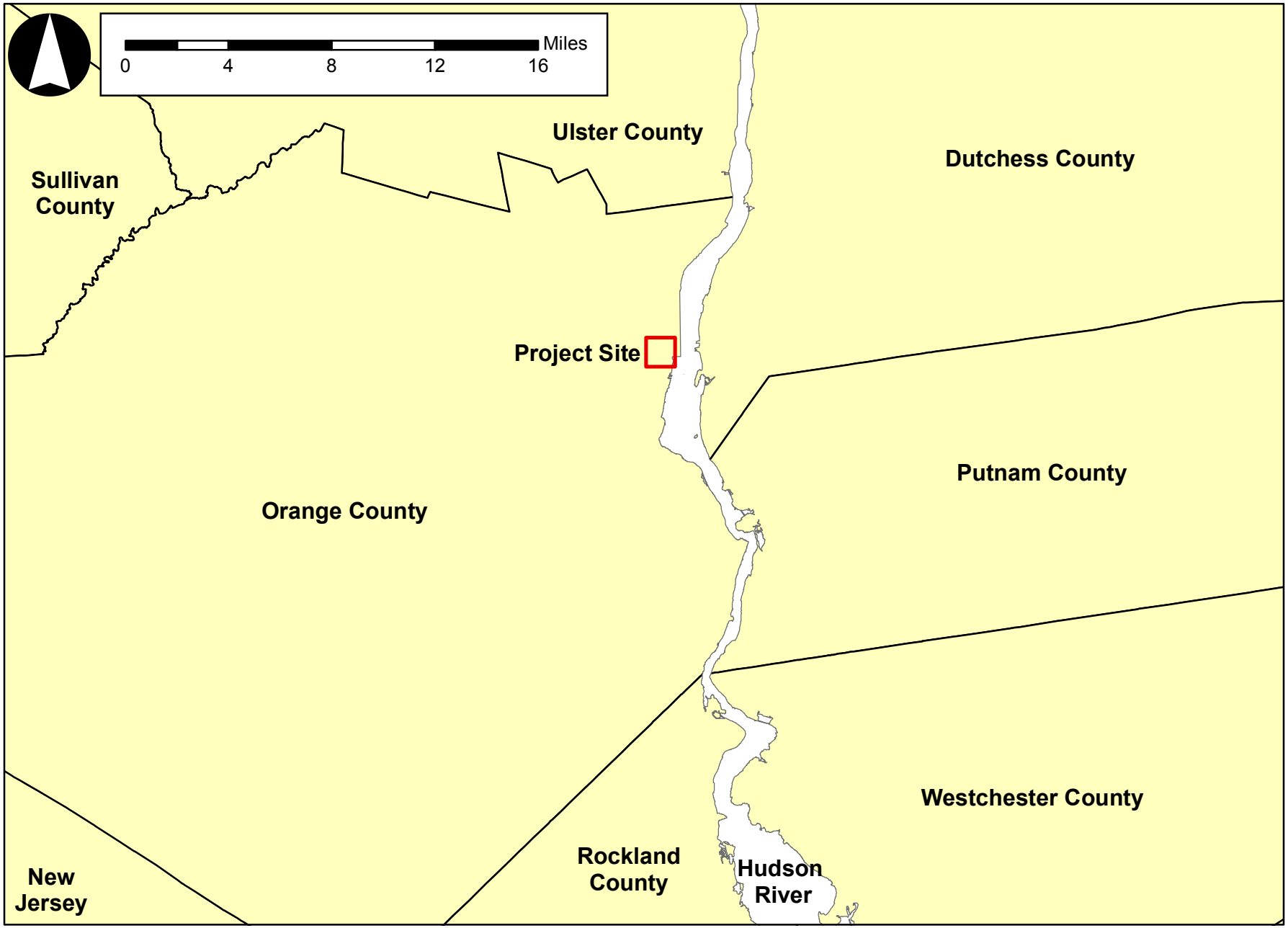
Table 1
Proposed Capacity of Storm Sewer

Street	Peak Flow (gpm)	Existing Sewer Capacity (gpm)	Proposed Sewer Capacity (gpm)	Proposed Pipe Size (inch)	Proposed Pipe Length (feet)
Liberty	10,200.0	3,445.7	12,468.2	24	750
Grand	5,100.0	5,063.5	5,789.4	18	700
Montgomery	4,400.0	2,535.0	5,789.4	18	500
Clinton	21,900.0	18,634.4	22,606.4	30	870

As shown below in Table 2, improvements to the sanitary sewer would include installation of 680-feet of 18-inch sewer along Liberty Street, 670-feet of 8-inch sewer along Grand Street, 420-feet of 8-inch sewer along Montgomery Street, and 850-feet of 18-inch sewer along Clinton Street.

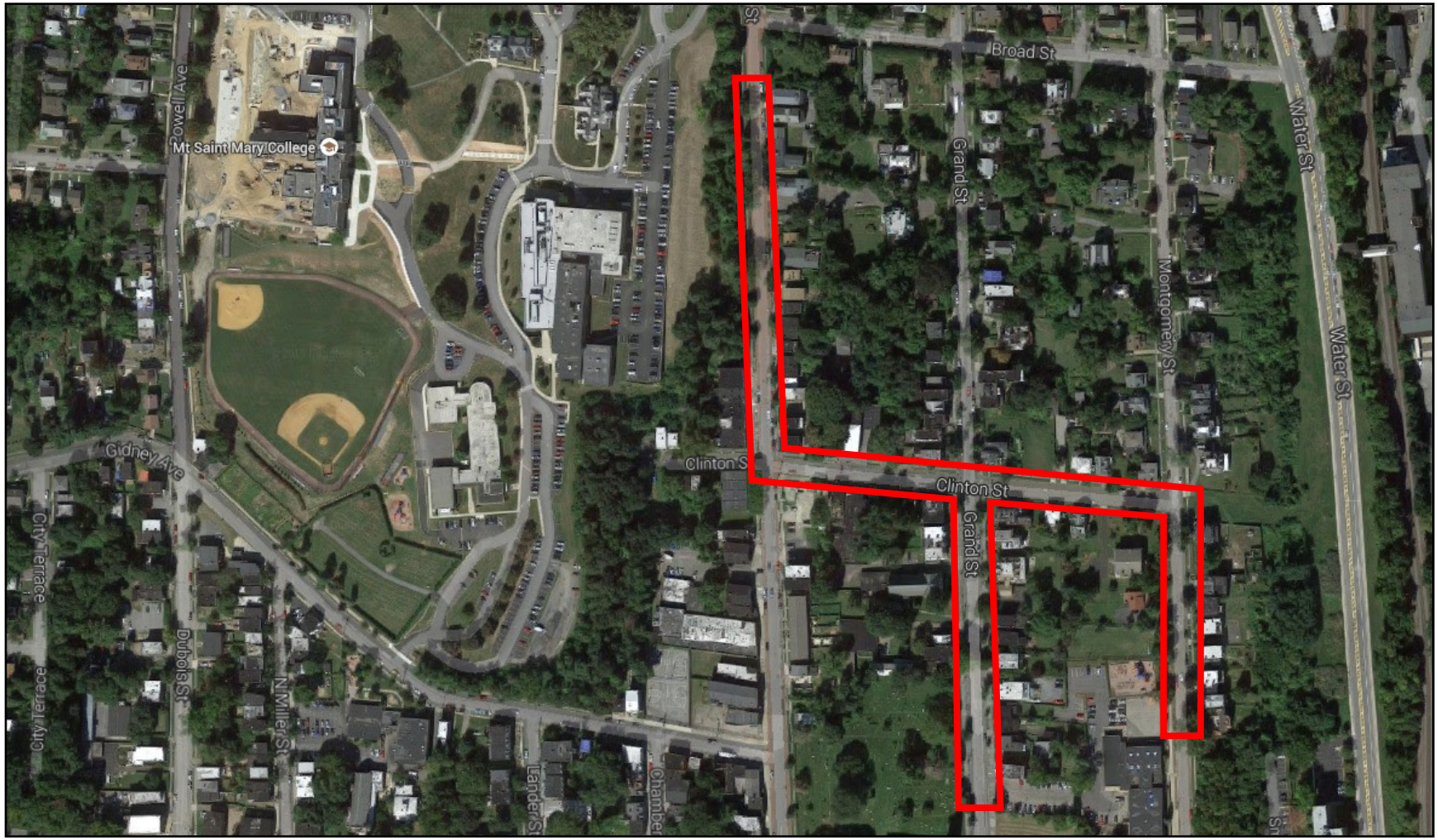
Table 2
Proposed Capacity of Sanitary Sewer

Street	Peak Flow (gpm)	Sewer Capacity (gpm)	Proposed Pipe Size (inch)	Proposed Pipe Length (feet)
Liberty	1,025.8	1,637.5	18	680
Grand	25.0	343.9	8	670
Montgomery	10.0	343.9	8	420
Clinton	1,074.2	1,637.5	18	850



City of Newburgh Liberty and Grand Streets Sewer Improvements EA

Figure 1A
Project Location



Sewer Improvements Project Area

The proposed improvements within the project area would occur simultaneously in one phase. Construction would begin in late spring/early summer of 2015 with an expected completion date of May 30, 2016.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The proposed project is intended to reduce the volume of inflows and infiltration the failing sewer system currently receives, which would create additional capacity at the WPCP at all times but also during high intensity rainfall events and storms. These improvements would effectively eliminate sewer lateral backups in this portion of the city, as well as improve water quality in the Hudson River by reducing the number of overflow events associated with a combined sewer overflow regulator.

With the likelihood of high intensity rainfall events becoming increasingly plausible, it is critical that the city take proactive action to repair and replace their sanitary and stormwater conveyance system within the project area to prevent conditions from worsening.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The City of Newburgh is located sixty miles north of New York City on the western edge of the Hudson River in Orange County, New York. Many sections of the city's sewer system were installed during the population boom of the late 19th Century.

The reinforced concrete pipe combined sewer along Liberty Street has exhibited signs of failure resulting in an increase in the frequency of trouble calls related to sewer backups. Along Grand Street, the reinforced concrete sewer has deteriorated and collapsed causing sinkholes to form in the roadway, and has become a serious health and safety concern. Another sewer failure incident resulted in sewage backing up into a residence in August 2012 and a subsequent claim against the city. During January 2014, the City DPW discovered that a dead end sewer along Grand Street was completely deteriorated and collapsed requiring excavation and emergency repairs (see **Figure 2** for photos of existing conditions).

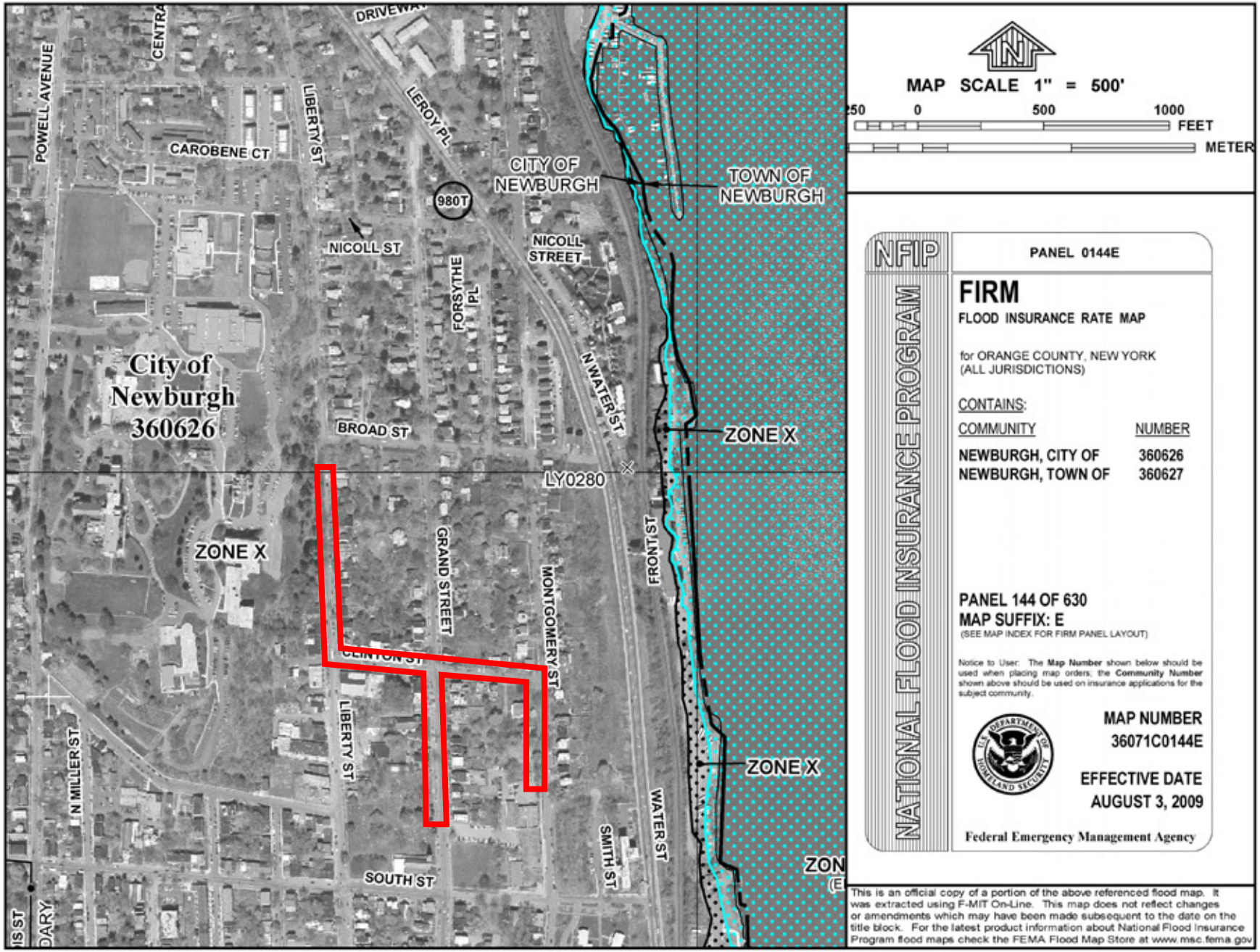
Due to the sinkholes, reported sewer backups, and the discovery of the collapsed sewer along Grand Street, the city hired a Contractor to perform closed circuit television (CCTV) inspections of the sewers within the project area. CCTV inspections revealed signs of severe deterioration including cracks, holes, and infiltration within sewer pipe walls, deteriorated pipe crowns, and offset joints and improperly installed sewer laterals.

The project area is located in the northeast quadrant of the City and is roughly bound by Mount Saint Mary College to the west, Water Street to the east, and I-84 to the north (see **Figure 1**). The Hudson River is located just beyond Water Street to the east. The area is predominantly composed of multi-family residential buildings.

It should be noted that the project area is located in Zone X (unshaded) and is not within the 100 or 500-year floodplain (see **Figure 3**). The area is not located within a tidal wetland boundary (see **Figure 4**).

Sewer Deterioration captured on CCTV

Emergency Repair Work



Sewer Improvements Project Area

Sewer Improvements Project Area

Figure 4
USFWS Wetlands Map

Funding Information

Estimated Total HUD Funded Amount:

The proposed project is requesting up to approximately $700,000 in funding from the Community Development Block Grant – Disaster Recovery (CDBG-DR) program to cover the costs of repair, reconstruction, replacement, and separation of the combined sewer system within the project area.

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]**:**

The total project cost is estimated at up to approximately $2.5 million. The proposed project would be funded using up to approximately $700,000 in requested funding from the CDBG-DR program and approximately $1.8 million in non-HUD funding.

Compliance with 24 CFR 58.5, and 58.6 Laws and Authorities

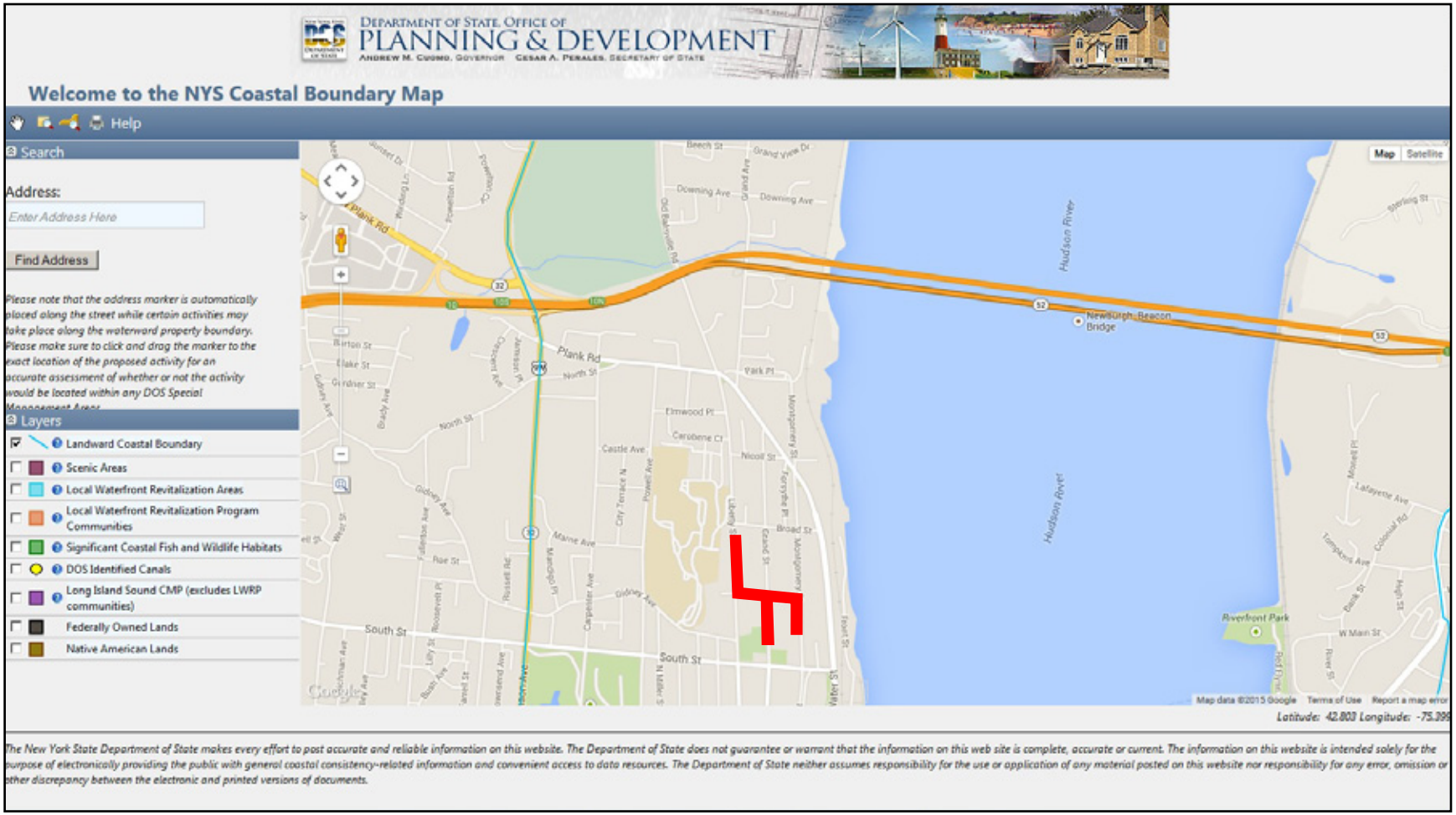
Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes ☐ No ☒	There are no military or civil airports within 1 mile of the project area. No impacts would result.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes ☐ No ☒	The project area is not located within a coastal barrier resource area; therefore, this standard is not applicable.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes ☐ No ☒	Based on Flood Insurance Rate Map 36071C0144E, the project area is not located within a Special Flood Hazard Area (See **Figure 3** – FEMA Flood Map); therefore, this standard is not applicable.

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes ☐ No ☒	Construction of the project would not generate significant levels of vehicular traffic; therefore, no exceedances of the National Ambient Air Quality Standard (NAAQS) associated with carbon monoxide (CO) or particulate matter (PM) would occur. Operation of the proposed project would not result in any major new stationary source of air pollutants. The project would not adversely affect the State Implementation Plan (SIP). No significant impacts on air quality would occur.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes ☐ No ☒	The project area is located within the boundaries of the New York State Coastal Zone (See **Figure 5** – NYSDOS Coastal Zone Map). The proposed project is considered a Type II Action under SEQRA (6 NYCRR §617.5 (c)), and therefore exempt from State coastal consistency review. Nevertheless, based on the attached letter dated 03/09/2015, the New York Department of State has concurred with GOSR's assessment that the proposed project was consistent with the State Coastal Consistency Policies and City of Newburgh Local Waterfront Revitalization Plan (See **Appendix A** for correspondence).
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes ☐ No ☒	There are no known hazardous materials, contaminants, toxic chemicals, gases, or radioactive substances that could affect health and safety within the project area.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes ☐ No ☒	The proposed project is not expected to have any impact on endangered or threatened species. Nevertheless, the U.S. Fish and Wildlife Service was consulted. Based on the attached letter dated 03/18/2015, USFWS has concurred that the proposed project will have "no effect" on endangered or threatened species (See **Appendix B** for correspondence). NYSDEC was also consulted. Based on the attached letter dated 03/11/2015, NYSDEC has no records of concern of rare or state-listed animals, plants, or significant natural communities and no detrimental impacts on these resources are expected (See **Appendix C** for correspondence).
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes ☐ No ☒	There are no known hazardous operations handling conventional fuels or chemicals of an explosive or flammable nature in the vicinity of the project area.
Farmlands Protection	Yes ☐ No ☒	The proposed project would not cause disturbance of Prime, Unique, or Statewide Important Farmland and would not involve the conversion of farmland to non-

Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658		agricultural use. Therefore, the proposed project would not violate the Farmland Protection Policy Act.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes ☐ No ☒	The project area is located within Zone X (unshaded) and is not within the 100 or 500-year floodplain. Therefore, the proposed project would not have any impact to floodplain management. See attached FEMA floodplain map (Map #36071C0144E) (See **Figure 3** – FEMA Flood Map)
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.	Yes ☒ No ☐	The proposed project involves the replacement of an existing combined sewer with new sanitary sewers and separate storm sewers. The project area is located within the East End Historic District, which is listed in the National Register of Historic Places, and the New York State Historic Preservation Office (SHPO) was consulted. In the attached letter dated 03/24/2014, SHPO notes that Liberty Street is paved with brick, a character defining feature of the historic district, and it is recommended that bricks are reinstalled in-kind. Based on this recommendation, the proposed project is expected to have no adverse impact upon cultural resources, including resources listed on (or eligible for listing on) the National Register of Historic Places (See **Appendix D** for correspondence).
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes ☐ No ☒	The proposed project involves the replacement of an existing combined sewer with new sanitary sewers and separate storm sewers. The proposed project would not result in a new facility that would generate noise within the project area, nor would it introduce any new or rehabilitate any existing noise sensitive uses. Therefore, no significant noise impacts would occur as a result of the proposed project.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes ☐ No ☒	The proposed project is located approximately 10 miles from the Highlands Sole Source Aquifer and would not result in any indirect or secondary impacts in terms of new development or new demands. The proposed project is not expected to impact the supply or quality of water of any aquifer, or introduce contaminants into an aquifer.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes ☐ No ☒	The project area is not located in nor does it encroach upon any federal wetlands. Therefore, the proposed project would not violate Executive Order 11990 (See **Figure 4** – USFWS Wetlands Map).
Wild and Scenic Rivers	Yes ☐ No ☒	The project area is not located within the vicinity of any designated wild, scenic, or recreational rivers.

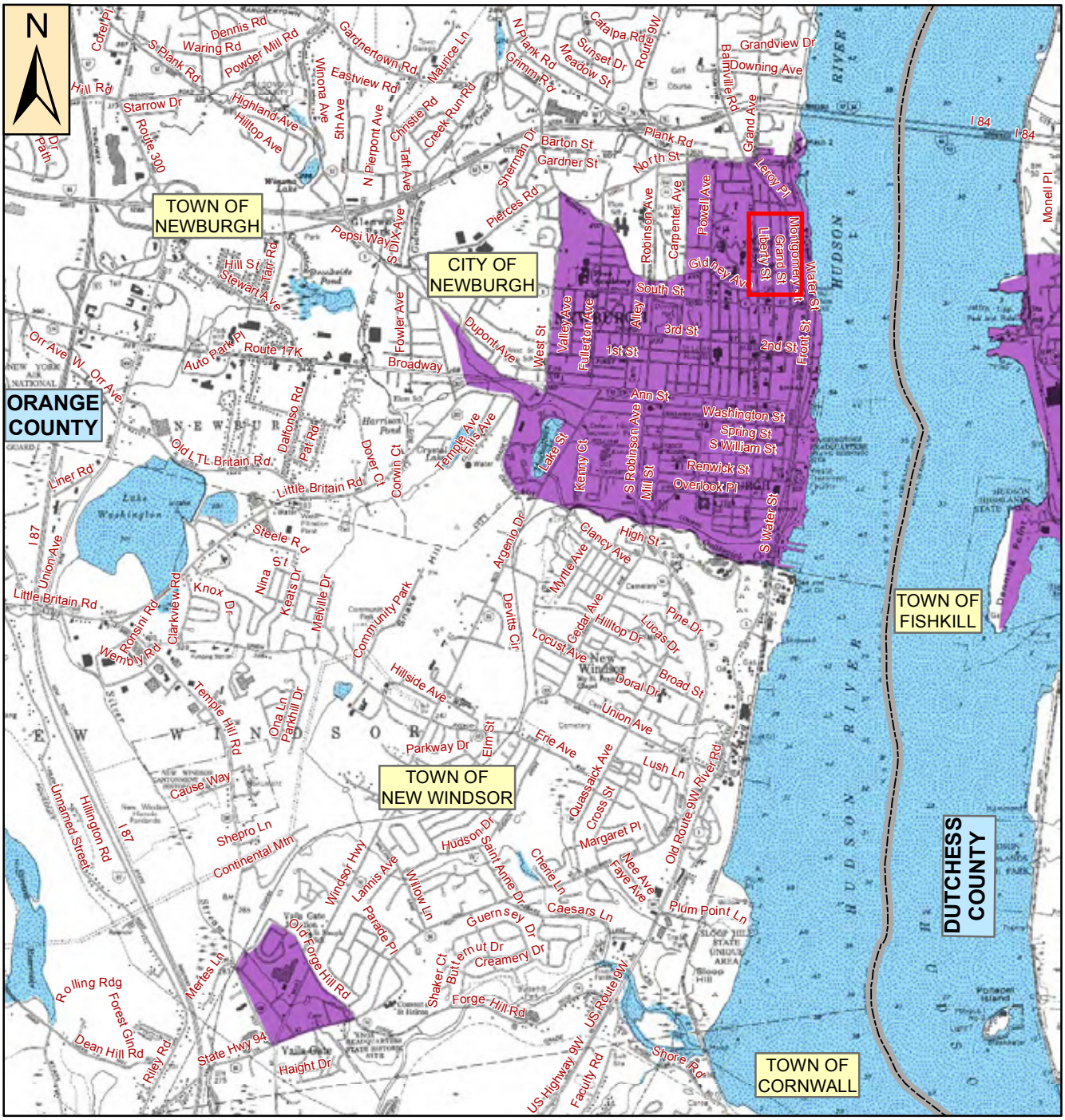
Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)		Therefore, the proposed project would not violate the Wild and Scenic Rivers Act.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes ☐ No ☒	The project area is located within a potential environmental justice area identified by the New York State Department of Environmental Conservation (See **Figure 6**); however, the project will not create an adverse and disproportionate environmental impact or aggravate an existing impact to minority or low-income populations as it will improve an existing sewer line, thus providing a benefit to the residents within the project area.



Sewer Improvements Project Area

Figure 5
NYSDOS Coastal Zone Map

NYSDEC Environmental Justice Map



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Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

Legend

- Potential EJ Area
- County Boundary
- Waterbodies
- **Sewer Improvements Project Area**

Miles
0 0.2 0.4 0.6 0.8 1
SCALE: 1:40,000

For questions about this map contact:
New York State Department of Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.
(1) Minor beneficial impact
(2) No impact anticipated
(3) Minor Adverse Impact – May require mitigation
(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The proposed project involves the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system. The proposed project would be compatible with existing land uses in the surrounding area and would not result in changes to land use. Therefore, no impacts would result.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	1	During construction, soil disturbance of less than 1 acre is anticipated and erosion and sediment controls would be utilized. If an area greater than 1 acre would be affected, a stormwater prevention pollution plan (SWPPP) would be prepared. The proposed project would reduce the level of infiltration and sewer backups currently experienced, reducing the possibility for future sinkhole formation (a type of erosion). Therefore, the proposed project would be potentially beneficial.
Hazards and Nuisances including Site Safety and Noise	2	The proposed project would not result in hazards and nuisances. All state and local construction safety procedures would be followed. Therefore, no impacts would result.
Energy Consumption	2	The proposed project would not significantly increase energy generation or distribution and would meet New York State energy requirements. Therefore, no impacts would result.

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	The actions comprising the proposed project are limited to the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system and have no potential to affect employment opportunities or income patterns.
Demographic Character Changes, Displacement	2	The proposed project is being undertaken to reduce the volume of inflows and infiltration the aging sewer system currently receives. This would reduce sewer backups and create additional capacity at the WPCP during high intensity rainfall events/storms. The project is not expected to induce any change in the demographic character of the surrounding area, displace individuals or families, eliminate jobs, local businesses, or community facilities, or disproportionately affect particular populations.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	The proposed project would not introduce any new populations that would increase the student population of the area. As a result, the proposed project has no potential to affect educational facilities. The proposed project would not adversely impact historic/cultural facilities. As documented in **Appendix D**, SHPO notes that Liberty Street is paved with brick, a character defining feature of the East End Historic District, and it is recommended that bricks are reinstalled in-kind. Based on this recommendation, the proposed project is expected to have no adverse impact upon cultural resources.
Commercial Facilities	2	The proposed project is limited to the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system and would not introduce any new development that would require retail services or other commercial facilities.
Health Care and Social Services	2	The proposed project is limited to the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system and would not introduce any new development that would require the availability of routine or emergency health services. The proposed project would not significantly impact social services. Social services are provided by a range of non-profit and government agencies.
Solid Waste Disposal / Recycling	2	The proposed project is limited to the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system and would not introduce any new development that would generate solid waste.
Waste Water / Sanitary Sewers	1	The proposed project is limited to the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system and would not introduce any new development that

		would generate waste water. The project would create additional waste water capacity at the WPCP during high intensity rainfall events/storms and at all other times. Therefore, the proposed project would be potentially beneficial.
Water Supply	2	The proposed project is limited to the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system and would not introduce any new development that would generate demand for water.
Public Safety - Police, Fire and Emergency Medical	2	The proposed project is limited to the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system and would not introduce any new development that would generate demand for police, fire, or emergency medical services.
Parks, Open Space and Recreation	2	The proposed project is limited to the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system and would not introduce any new development that would generate demand for open space resources.
Transportation and Accessibility	2	The proposed project would not introduce any new development that would require new or improved transportation connections and would not add any new demand on transportation services. During construction, traffic maintenance would take place.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	1	The proposed project involves the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system. The proposed project would reduce the level of infiltration and sewer backups currently experienced, as well as reducing the possibility of overflows into the Hudson River. Therefore, the proposed project would be potentially beneficial.
Vegetation, Wildlife	2	The proposed project is limited to the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system and would not result in any adverse impacts to vegetation or wildlife.
Other Factors	2	N/A

Additional Studies Performed:

N/A

Field Inspection (Date and completed by)**:**

- January, 2014 – Inspection of sinkholes along Grand Street performed by City of Newburg Department of Public Works
- March, 2014 – CCTV inspection of sewer system performed by Barton & Loguidice, P.C.
- March 10, 2014 – Smoke testing of Grand Street performed by Barton & Loguidice, P.C.

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]**:**

- New York State Historic Preservation Office
  Letter dated March 24, 2014 to Anthony Eagan, Barton & Loguidice, P.C.

- National Wild and Scenic Rivers – New York
  http://www.dec.ny.gov/permits/32739.html
  Last accessed March 4, 2015

- FEMA – Map Service Center
  https://msc.fema.gov/portal
  Last accessed March 4, 2015

- United States Fish and Wildlife Service – Wetland Mapper
  http://www.fws.gov/wetlands/Data/Mapper.html
  Last accessed March 4, 2015

- New York State Department of State, Office of Planning & Development
  NYS Coastal Zone Boundary
  http://appext20.dos.ny.gov/coastal_map_public/map.aspx
  Last accessed March 4, 2015

- New York State Department of Environmental Conservation – Sole Source Aquifer
  http://www.epa.gov/region2/water/aquifer/
  Last accessed March 4, 2015

List of Permits Obtained or Required or Involved Agencies:

- State Environmental Quality Review Act (SEQRA)

- New York State Department of Environmental Conservation (DEC)

- Orange County Department of Health (OCDOH)

- New York State Office of Parks Recreation and Historic Preservation (SHPO)

- New York State Environmental Facilities Corporation (NYSEFC)

Public Outreach [24 CFR 50.23 & 58.43]**:**

The City of Newburgh City Council holds public meetings twice per month, as well as public workshops a few days prior to each council meeting. Typically, engineering projects must be approved by the City Council during a public meeting. The public is encouraged to attend these meetings and workshops to discuss any potential infrastructure improvements within the City. In addition, the City frequently posts important information on its website, and issues press releases for publication in the City's Official Newspapers.

Both hard copies and digital copies of this report will be made available to the public by request. Public Notice of the Intent to Request Release of Funds (NOI-RROF) will be given in the Times Herald Record on Monday, March 23, 2015. Any individual, group, or agency will be allowed to submit written comments that will be considered prior to authorizing submission of a request for release of funds.

Cumulative Impact Analysis [24 CFR 58.32]**:**

N/A

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

Install a Liner within the Existing Sewer

Like the preferred alternative described above, this alternative would reduce the volume of inflows and infiltration experienced within the existing sewer; however, it would not increase capacity to effectively convey both sanitary and storm flows during high intensity rainfall events. This alternative would also be less economical in the long-term due to operations and maintenance expenses. The potential consequences of this alternative would be sewage backups during high intensity rainfall events.

No Action Alternative [24 CFR 58.40(e)]:

Under the No-Action alternative, no improvements or rehabilitation of the existing sewers along Liberty and Grand Streets would be completed. The existing system is still partially functioning and may continue functioning for some unknown time without rehabilitation. This alternative is not recommended due to the deteriorated condition of the existing sewer. The emergency repair costs associated with “fixing-it-when-it-breaks” under the No-Action alternative are expected to greatly exceed the costs of the other alternatives described above. The potential consequences of this alternative would include continued inflows and infiltration, sewage backups during high intensity rainfall events, and degraded road conditions (sinkholes).

Summary of Findings and Conclusions:

The City of Newburgh’s proposed repair, construction, replacement, and separation of a portion of an existing combined sewer would allow the city to reduce the volume of inflows and infiltration the aging sewer system currently receives, which would create additional capacity at the WPCP at all times but also during high intensity rainfall events and storms. These improvements would effectively eliminate sewer lateral backups in this portion of the city, as well as improve water quality in the Hudson River by reducing the number of overflow events associated with a combined sewer overflow regulator. As shown above in the Environmental Assessment Checklist, no significant land development, neighborhood, socioeconomic, natural resources, community facility or other direct, indirect, or cumulative impacts would result from the proposed project. As shown in the accompanying Statutory Checklists, the proposed project would comply with all relevant regulations listed in 24 CFR subparts 58.5 and 58.6.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

The proposed project is not expected to result in any environmental impacts. However, as discussed above, as the project area is located within the East End Historic District, SHPO has recommended that any bricks disturbed along Liberty Street be reinstalled in-kind (see **Appendix D** for correspondence). Based on this recommendation, the proposed project would not have an adverse impact upon cultural resources.

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: _____ Date: 3/23/2015

Name/Title/Organization: Michael Curley, Planner, Philip Habib & Associates

Certifying Officer Signature: _____ Date: 3/23/2015

Name/Title: Thomas J. King, Assistant General Counsel

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

APPENDIX A
COASTAL ZONE CONSISTENCY DETERMINATION

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

March 9, 2015

Mr. Thomas King
Certifying Environmental Officer
NYS Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1010
Albany, New York 12231

Re: F-2015-0153(FA)
City of Newburgh
Upgrade a portion of its aging gravity combined sewer system along Liberty, Grand, Montgomery, and Clinton Streets between Broad and South Streets.
City of Newburgh, Orange County
General Concurrence - No Objection To Funding

Dear Mr. King:

The Department of State received the information you submitted regarding the above matter on February 27, 2015.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, the Department of State has no objection to the use of U. S. Housing and Urban Development funds for this financial assistance activity. This concurrence pertains to the financial assistance activity for this project only. If federal permits or other form of federal agency authorization is required for this activity, the Department of State will conduct a separate review for those permit activities. In such a case, please forward a copy of the federal application for authorization, a completed Federal Consistency Assessment Form, and all supporting information to the Department at the same time it is submitted to the federal agency from which the necessary authorization is requested.

When communicating with us regarding this matter, please contact Jeffrey Zappieri at (518) 474-6000 and refer to our file #F-2015-0153(FA).

Sincerely,

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Office of Planning and Development

JZ/dc

February 27, 2015

Jeffrey Zappieri
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

Re: CDBG-DR Program – City of Newburgh Liberty and Grand Street Sewer Improvements

Dear Mr. Zappieri:

On behalf of the New York State Governor's Office of Storm Recovery (GOSR), please find enclosed coastal zone consistency materials for your review.

The City of Newburgh is proposing to upgrade a portion of its aging gravity combined sewer system. The affected area stretches along Liberty, Grand, Montgomery, and Clinton Streets between Broad and South Streets in the northeast quadrant of the city, which is located in Orange County, New York. The proposed project is intended to create additional capacity at the City of Newburgh Water Pollution Control Plant (WPCP) by reducing the volume of inflows and infiltration the sewer system currently receives. Please see Attachment 1 for additional details. The proposed project would be funded through Clean Water Act State Revolving Fund (CWASRF) and the Community Development Block Grant – Disaster Recovery (CDBG-DR) program.

The NYS Office of Homes and Community Renewal (HCR) is acting as the Responsible Entity (RE) under 24 CFR Part 58—Environmental Review Procedures For Entities Assuming HUD Environmental Responsibilities for NYS. HCR has prepared the attached Federal Consistency Assessment Form to certify that the proposed project is consistent with New York's Coastal Management Program. At this time, we are requesting that New York State Department of State and the City of Newburgh concur with the attached certification.

Thank you for taking the time to review the enclosed materials. Please do not hesitate to contact me at 646-417-4660 should you have any questions or require additional information.

Sincerely,

Thomas J. King
Certifying Environmental Officer
Governor's Office of Storm Recovery
Housing Trust Fund Corporation
NYS Homes and Community Renewal

Attachments

- Attachment 1 – Project Description
- Attachment 2 – Federal Consistency Assessment Form

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: City of Newburgh
2. Address: 83 Broadway, Newburgh, NY 12550
3. Telephone: Area Code ( )

B. **PROPOSED ACTIVITY**

1. Brief description of activity:

The Governor's Office of Storm Recovery, in partnership with the Environmental Facilities Corporation, is proposing to use HUD CDBG-DR and EPA SRF funding for the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system. The proposed improvements to the storm and sanitary sewer system generally include: maintenance of traffic, placement and maintenance of erosion and sediment controls, excavation, construction of new higher-capacity storm and sanitary sewer, installation of new catch basins, installation of new sanitary sewer manholes, reconnection of existing laterals to the new sewers, and restoration of disturbed areas.

2. Purpose of activity:

The proposed project is intended to reduce the volume of inflows and infiltration the failing sewer system currently receives, which would create additional capacity at the WPCP at all times but also during high intensity rainfall events and storms. These improvements would effectively eliminate sewer lateral backups in this portion of the city, as well as improve water quality in the Hudson River by reducing the number of overflow events associated with a combined sewer overflow regulator.

3. Location of activity:

Orange County	Newburgh	Liberty, Grand, Montgomery, and Clinton Streets
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: CDBG-DR and SRF funding

5. Federal application number, if known: Not applicable

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:

New York State Department of Environmental Conservation: permit number unknown

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: Thomas J. King

Address: 99 Washington Ave. Suite 1224, Albany NY 12231

Telephone: Area Code ( ) 518-473-0015

Applicant/Agent's Signature: _____ Date: 2/27/2015

F. **SUBMISSION REQUIREMENTS**

1. The applicant or agent shall submit the following documents to the New York State Department of State, Office of Coastal, Local Government and Community Sustainability, 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. *Revised 10/04/1010*

Attachment 1
Project Description

Project: City of Newburgh – Liberty and Grand Street Sewer Improvements

Location: City of Newburgh, Orange County NY 12550

Introduction

The project analyzed herein proposes to receive Community Development Block Grant - Disaster Recovery (CDBG-DR) and Clean Water Act State Revolving Fund (CWA-SRF) funding for the repair, reconstruction, replacement, and separation of a portion of an existing combined sewer system.

Background and Existing Conditions

The City of Newburgh is located sixty miles north of New York City on the western edge of the Hudson River in Orange County, New York. Many sections of the city's sewer system were installed during the population boom of the late 19th Century. The combined sewer system is subject to highly variable flow depending on hydrologic conditions. Many of the existing sewer sections do not possess sufficient capacity to effectively convey inflow from high intensity rainfall events and sewage flows downstream. With the likelihood of high intensity rainfall events becoming increasingly plausible, it is critical that the city take proactive action to repair and replace their sanitary and stormwater conveyance system within the project corridor to prevent conditions from worsening.

The reinforced concrete pipe combined sewer along Liberty Street has exhibited signs of failure resulting in an increase in the frequency of trouble calls related to sewer backups. Along Grand Street, the reinforced concrete sewer has deteriorated and collapsed causing sinkholes to form in the roadway, and has become a serious health and safety concern. Another sewer failure incident resulted in sewage backing up into a residence in August 2012 and a subsequent claim against the city. During January 2014, the City DPW discovered that a dead end sewer along Grand Street was completely deteriorated and collapsed requiring excavation and emergency repairs.

Due to the sinkholes, reported sewer backups, and the discovery of the collapsed sewer along Grand Street, the city hired a Contractor to perform closed circuit television (CCTV) inspections of the sewers within the project corridor. CCTV inspections revealed signs of severe deterioration including cracks, holes, and infiltration within sewer pipe walls, deteriorated pipe crowns, and offset joints and improperly installed sewer laterals. The proposed project intends to address these problems in order to make the sewer system more efficient and resilient to future heavy rainfall events and storms.

It should be noted that the project corridor is located in Zone X (unshaded) and is not within the 100 or 500-year floodplain. The corridor is also not located within a tidal wetland boundary.

Purpose and Need

The proposed project is intended to reduce the volume of inflows and infiltration the failing sewer system currently receives, which would create additional capacity at the City of Newburgh Water Pollution Control Plant (WPCP) at all times but also during high intensity rainfall events and storms. These improvements would effectively eliminate sewer lateral backups in this portion of the city, as well as improve water quality in the Hudson River by reducing the number of overflow events associated with a combined sewer overflow regulator.

Proposed Project

The proposed project would replace the existing combined sewers with new sanitary sewers and separate storm sewers in the project corridor. The improvements to the storm and sanitary sewer system would generally include: maintenance of traffic, placement and maintenance of erosion and sediment controls, excavation, construction of new higher-capacity storm and sanitary sewer, installation of new catch basins, installation of new sanitary sewer manholes, reconnection of existing laterals to the new sewers, and restoration of disturbed areas.

The sanitary and storm sewers are proposed to be sized to ensure that the city possesses the necessary infrastructure to allow for redevelopment or rehabilitation of any abandoned properties in the area as well as to accommodate for reasonable future growth of nearby Mount Saint Mary's College. Compared to the existing combined sewer, the proposed improvements to the storm sewer system would result in capacity increases on all four streets within the project corridor.

Coastal Policies Assessment

In accordance with the guidelines of the New York State Department of State Coastal Management Program, a Federal Consistency Assessment Form (FCAF) was prepared for the proposed project and is provided at the end of this attachment. As indicated in the form, the proposed project was deemed to potentially require further assessment of several coastal policies. Each of the policies that were identified in the FCAF as requiring further assessment is presented below, followed by a discussion of the proposed project's consistency with the policy. As noted below, the proposed project does not conflict with any of the coastal policies.

<u>POLICY 11</u>: 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.

The purpose of the proposed project is to reduce the volume of inflows and infiltration the failing sewer system currently receives, which would create additional capacity at the City of Newburgh WPCP at all times but also during high intensity rainfall events and storms. These improvements would effectively eliminate sewer lateral backups in this portion of the city, as well as improve water quality in the Hudson River by reducing the number of overflow events associated with a combined sewer overflow regulator. This project does not involve residential buildings and

would not endanger human lives. Therefore, the proposed project would be consistent with this policy.

<u>POLICY 12</u>: 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.

The proposed project is the replacement of the existing combined sewers with new sanitary sewers and separate storm sewers. This work is proposed in order to reduce the volume of inflows and infiltration within the existing system and would create additional capacity at the City of Newburgh WPCP during high intensity rainfall events and storms. The proposed improvements would not have the potential to damage natural protective features including beaches, dunes, barrier islands, and bluffs. Therefore, the proposed project would be consistent with this policy.

<u>POLICY 17</u>: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

Given the man-made nature of the sewer system, it is not feasible to recommend non-structural measures to accomplish the intended goals of the proposed project. However, the proposed project is intended to create additional capacity at the City of Newburgh WPCP during high intensity rainfall events and storms. These improvements would effectively eliminate sewer lateral backups in this portion of the city, as well as improve water quality in the Hudson River, minimizing damage to natural resources and property from flooding. Therefore, the proposed project would be consistent with this policy.

<u>POLICY 23</u>: Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities, or the Nation.

The proposed project involves the replacement of an existing combined sewer with new sanitary sewers and separate storm sewers. The project corridor is located within the East End Historic District, which is listed in the National Register of Historic Places, and the New York State Historic Preservation Office (SHPO) was consulted. In a letter dated 03/24/2014, SHPO found that the proposed project has no potential to affect cultural resources, including resources listed on (or eligible for listing on) the National Register of Historic Places. Therefore, the proposed project would be consistent with this policy.

<u>POLICY 44</u>: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

The purpose of the proposed project is to reduce the volume of inflows and infiltration the failing sewer system currently receives, which would create additional capacity at the City of Newburgh WPCP at all times but also during high intensity rainfall events and storms. These improvements would help protect the Hudson River from sewage back-ups which may detrimentally affect the

quality of the river's waters. Therefore, the proposed project would be consistent with this policy.

Local Waterfront Revitalization Program: City of Newburgh

As described above, the purpose of the proposed project is to reduce the volume of inflows and infiltration the failing sewer system currently receives in order to create additional capacity at the City of Newburgh WPCP during high intensity rainfall events and storms. The proposed improvements would help protect this area of the city as well as the Hudson River from sewage back-ups. The proposed project would support and reinforce the City of Newburgh LWRP's goals of limiting discharge of pollutants and hazardous substances into coastal waters and exerting control over stormwater runoff and combined sewer overflows into coastal waters. Therefore, the proposed project would be consistent with the City of Newburgh LWRP.

APPENDIX B
ENDANGERED SPECIES ACT DETERMINATION

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Field Office
3817 Luker Road
Cortland, NY 13045
Phone: (607) 753-9334 Fax: (607) 753-9699
http://www.fws.gov/northeast/nyfo

To: Thomas J. King Date: Mar 18, 2015

USFWS File No: 15I0564

Regarding your: x Letter ___Fax ___Email Dated: Mar 18, 2015

For project: Liberty and Grand Street Sewer Improvements

Located: Liberty, Grand, Montgomery, and Clinton Streets between Broad and South Streets

In Town/County: City of Newburgh, Orange County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service:

x Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

___ Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.

___ Is taking no action pursuant to ESA or any legislation at this time, but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (http://www.fws.gov/northeast/nyfo/es/section7.htm) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s): Robyn A

Supervisor: Carl Schmitt Date: 3/18/15

March 18, 2015

Patricia Cole
Deputy Field Supervisor
New York Field Office
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045

Re: Early Coordination for the Section 7 Review for the City of Newburgh Liberty and Grand Street Sewer Improvements, Orange County, NY

Dear Ms. Cole:

The Governor's Office of Storm Recovery (GOSR), acting under the auspices of New York State Homes and Community Renewal's (HCR) Housing Trust Fund Corporation (HTFC), on behalf of the Department of Housing & Urban Development (HUD), is currently preparing an Environmental Assessment (EA) for the repair, reconstruction, replacement, and separation of a portion of a combined sewer system in the City of Newburgh, Orange County, New York (the "Proposed Action"). GOSR is acting as HUD's non-federal representative for the purposes of conducting consultation pursuant to Section 7 of the Endangered Species Act. The affected area stretches along Liberty, Grand, Montgomery, and Clinton Streets between Broad and South Streets (the "project corridor") in the northeast quadrant of the city (see Figure 1).

The purpose of this letter is to provide the U.S. Fish and Wildlife Service – New York Field Office (USFWS) notice of the Proposed Action and to document Endangered Species Act Section 7 compliance.

Program Overview

The proposed project would replace the existing combined sewers with new sanitary sewers and separate storm sewers in the project corridor. The improvements to the storm and sanitary sewer system would generally include: maintenance of traffic, placement and maintenance of erosion and sediment controls, excavation, construction of new higher-capacity storm and sanitary sewer, installation of new catch basins, installation of new sanitary sewer manholes, reconnection of existing laterals to the new sewers, and restoration of disturbed areas.

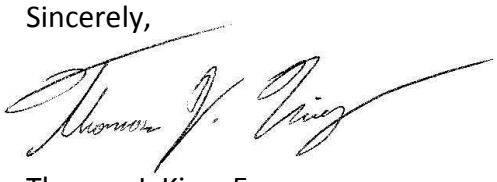
The proposed project is intended to reduce the volume of inflows and infiltration the failing sewer system currently receives, which would create additional capacity at the City of Newburgh Water Pollution Control Plant at all times but also during high intensity rainfall events and storms. These improvements would effectively eliminate sewer lateral backups in this portion of the city, as well as improve water quality in the Hudson River by reducing the number of overflow events associated with a combined sewer overflow regulator.

Compliance

GOSR has concluded that the Proposed Action will have "no effect" on any federal or state protected (listed or proposed) rare, threatened or endangered species nor adversely modify designated critical habitats (see attached list). The Proposed Action will involve the repair, reconstruction, replacement, and separation of the combined sewer system within the project corridor. The location of the Proposed Action, within an existing paved street corridor, as illustrated in the attached Map of Project Site, does not provide habitat to any of the species listed below. GOSR respectfully requests USFWS review of the Proposed Action and location and concurrence with our determination, if appropriate.

If you have questions or require additional information regarding this request, please contact me at (646) 417-4660 or thomas.king@stormrecovery.ny.gov. Thank you for your time and consideration.

Sincerely,



Thomas J. King, Esq.
Certifying Officer
Governor's Office of Storm Recovery
NYS Homes and Community Renewal

cc: Tim Burns, New York State Environmental Facilities Corporation

FEDERAL ENDANGERED AND THREATENED SPECIES KNOWN TO OCCUR IN ORANGE COUNTY				
Common Name	***Scientific Name***	***Status***	***Distribution***	***Present?***
CLAMS				
Mussel, dwarf wedge	*Alasmidonta heterodon*	E	Lower Neversink River	
MAMMALS				
Bat, Indiana	*Myotis sodalist*	E		
Bat, northern long-eared	*Myotis septentrionalis*	P		
REPTILES				
Turtle, bog	*Clemmys [=Glyptemys]*	T		
FLOWERING PLANTS				
Pogonia, small whorled	*Isotria medeoloides*	T		
E=endangered T=threatened P=proposed				

APPENDIX C
NEW YORK NATURAL HERITAGE DETERMINATION

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov

Joe Martens
Commissioner

March 11, 2015

Thomas J. King, Esq.
New York State Governor's Office of Storm Recovery
25 Beaver Street
New York, NY 10004

Re: City of Newburgh Liberty and Grand Street Sewer Improvements
Town/City: City Of Newburgh. County: Orange.

Dear Thomas J. King, Esq. :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of concern of rare or state-listed animals or plants, or significant natural communities, at your site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. While we cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities, the nature of the project and the conditions at the project site do not lead us to expect any detrimental impacts on these resources.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

March 9, 2015

Nicholas Conrad
New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program – Information Services
625 Broadway, 5th Floor
Albany, New York 12233-4757

Re: Natural Heritage Compliance Process Request for the City of Newburgh Liberty and Grand Street Sewer Improvements, Orange County, NY

Dear Mr. Conrad:

The Governor's Office of Storm Recovery (GOSR), acting under the auspices of New York State Homes and Community Renewal's (HCR) Housing Trust Fund Corporation (HTFC), on behalf of the Department of Housing & Urban Development (HUD), is currently preparing an Environmental Assessment (EA) for the repair, reconstruction, replacement, and separation of a portion of a combined sewer system in the City of Newburgh, Orange County, New York (the "Proposed Action"). The affected area stretches along Liberty, Grand, Montgomery, and Clinton Streets between Broad and South Streets (the "project corridor") in the northeast quadrant of the city (see Figure 1).

The purpose of this letter is to provide the New York State Department of Environmental Conservation (DEC) Natural Heritage Program (NYNHP) notice of the Proposed Action and determine whether the Proposed Action has the potential to impact any state or federal endangered, threatened, or rare species or significant natural communities.

Project Overview

The proposed project would replace the existing combined sewers with new sanitary sewers and separate storm sewers in the project corridor. The improvements to the storm and sanitary sewer system would generally include: maintenance of traffic, placement and maintenance of erosion and sediment controls, excavation, construction of new higher-capacity storm and sanitary sewer, installation of new catch basins, installation of new sanitary sewer manholes, reconnection of existing laterals to the new sewers, and restoration of disturbed areas.

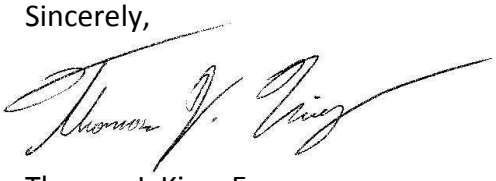
The proposed project is intended to reduce the volume of inflows and infiltration the failing sewer system currently receives, which would create additional capacity at the City of Newburgh Water Pollution Control Plant at all times but also during high intensity rainfall events and storms. These improvements would effectively eliminate sewer lateral backups in this portion of the city, as well as improve water quality in the Hudson River by reducing the number of overflow events associated with a combined sewer overflow regulator.

Compliance

GOSR has concluded that the Proposed Action will have "no effect" on or "is not likely to adversely affect" any federal or state protected (listed or proposed) rare, threatened or endangered species nor adversely modify designated critical habitats (see attached list of federal species). The Proposed Action will involve the repair, reconstruction, replacement, and separation of the combined sewer system within the project corridor. According to information reviewed from the New York State Environmental Resource Mapper, rare, threatened or endangered plant or animal species are known to exist in the property's vicinity. However, the project activities will have no effect on the documented rare, threatened or endangered plant or animal species or any natural habitats containing such species or any designated or proposed critical habitat. GOSR respectfully requests NYNHP review of the Proposed Action and location and concurrence with our determination, if appropriate.

If you have questions or require additional information regarding this request, please contact me at (646) 417-4660 or thomas.king@stormrecovery.ny.gov. Thank you for your time and consideration.

Sincerely,



Thomas J. King, Esq.
Certifying Officer
Governor's Office of Storm Recovery
NYS Homes and Community Renewal

cc: Tim Burns, New York State Environmental Facilities Corporation

FEDERAL ENDANGERED AND THREATENED SPECIES KNOWN TO OCCUR IN ORANGE COUNTY				
Common Name	***Scientific Name***	***Status***	***Distribution***	***Present?***
CLAMS				
Mussel, dwarf wedge	*Alasmidonta heterodon*	E	Lower Neversink River	
MAMMALS				
Bat, Indiana	*Myotis sodalist*	E		
Bat, northern long-eared	*Myotis septentrionalis*	P		
REPTILES				
Turtle, bog	*Clemmys [=Glyptemys]*	T		
FLOWERING PLANTS				
Pogonia, small whorled	*Isotria medeoloides*	T		
E=endangered T=threatened P=proposed				

APPENDIX D
HISTORIC/CULTURAL RESOURCES DETERMINATION

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation
Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

December 30, 2014

Anthony T. Eagan
Barton & Loguidice, P.C.
280 Broadway, Suite 12
Newburgh, NY 12550

Re: NYSEFC
Liberty & Grand St. Sewer Rehabilitation Project
Liberty, Grand & Clinton Streets, Newburgh Orange County
14PR00723

Dear Mr. Eagan:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

The proposed sewer rehabilitation project is located within the National Register listed East End Historic District. We understand that the existing sewer line may be replaced and separate storm sewers will be installed. We have no archeological concerns owing to previous disturbance. We note that Liberty Street is paved with brick. Brick-paved streets are character defining features of the historic district and we recommend that where excavation occurs, that the bricks are reinstalled in-kind. Based upon this review, it is the OPRHP's opinion that your project will have No Adverse Effect upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

If I can be of any further assistance do not hesitate to contact me at (518) 237-8643, ext. 3263.

Sincerely,

John A. Bonafide
Director,
Technical Preservation Services Bureau

Barton & Loguidice
Engineers • Environmental Scientists • Planners • Landscape Architects
Celebrating over 50 years of service

February 26, 2014

Ms. Ruth Pierpont, Deputy Commissioner
NYS Office of Parks, Recreation & Historic Preservation
Peebles Island, P.O. Box 189
Waterford, New York 12188-0189

Re: Liberty and Grand Street Sewer Rehabilitation Project
City of Newburgh, Orange County, NY
EFC IUP # C3-7332-09-00

File No.: 1352.005.001

Dear Ms. Pierpont:

Barton & Loguidice, D.P.C. (B&L) has been authorized by the City of Newburgh (City) to perform the initial study phase of the Liberty and Grand Streets Sewer Rehabilitation Project. The study phase of the project will serve as the basis of an Engineering Report for submission to the New York State Environmental Facilities Corporation (NYSEFC) to obtain project funding through the Storm Mitigation Loan Program. The deadline for the application submission is April 1, 2014. B&L appreciates consideration given to this stringent timeline and request that SHPO review and provide a determination of effect as expeditiously as possible.

A Project Location Map delineating the project corridor within the City is enclosed for reference. The project is located at approximately 41° 30' 32" N latitude and 74° 00' 32" W longitude. The existing combined sewer system in the vicinity of Liberty and Grand Streets, upstream of the combined sewer overflow regulator No. 008, has exhibited partial failure. There have been numerous occurrences of sewer backups causing raw sewage discharges to residences along Grand Street. The existing combined sewers within the project corridor display visible signs of malfunctioning, such as holes in the top of the pipe and inverts of pipes which have been completely eroded.

Preliminary investigation methods including closed-circuit televising (CCTV) and smoke testing of the sewers is scheduled to take place in early March. The information garnered from these efforts will aid in determining the most effective engineering design to repair the existing sewer. Depending on the condition of the existing sewer it is suspected that a combination of cured-in-place pipe (CIPP) lining and replacement of the existing sewer will be necessary. In addition to the sanitary sewer rehabilitation, installation of separate storm sewers will be required.

Photographs of the project corridor, as well as a Site Photo Map, are included herein. The project corridor is bound by Mount Saint Mary College to the west and Montgomery Street to the east. The existing combined sewers within the project area serve as both the means of stormwater and wastewater conveyance for the existing parcels. The adjoining properties are predominantly residential, compromised of row homes and single lot dwellings. The proposed scope of work is

characterized as a linear utility project with the anticipated limits of work being confined within the existing public right-of-way. It is expected that the project shall in no way be detrimental to any existing buildings. The existing roadways within the project corridor are comprised of a combination of asphalt paving along Grand and Clinton Streets, as well as brick paving along Liberty Street.

A preliminary screening of NYSHPO's online resources has identified that the proposed sewer rehabilitation project is located within the East End Historic District, which is listed on the National Registers of Historic Places. This map is enclosed for reference.

We request SHPO review the submitted information and provide a determination of project effect upon cultural resources pursuant to Section 106 of the National Historic Preservation Act of 1966 as well as the State Environmental Quality Review Act (SEQRA). As this project proposes to rehabilitate, repair, and/or replace existing infrastructure, it is the opinion of our office that the project site has previously been disturbed prior to the proposed project.

If you need additional information or have any questions, do not hesitate to contact our office at (845) 391-8360. Thank you for your assistance with this project.

Very truly yours,

BARTON & LOGUIDICE, D.P.C.

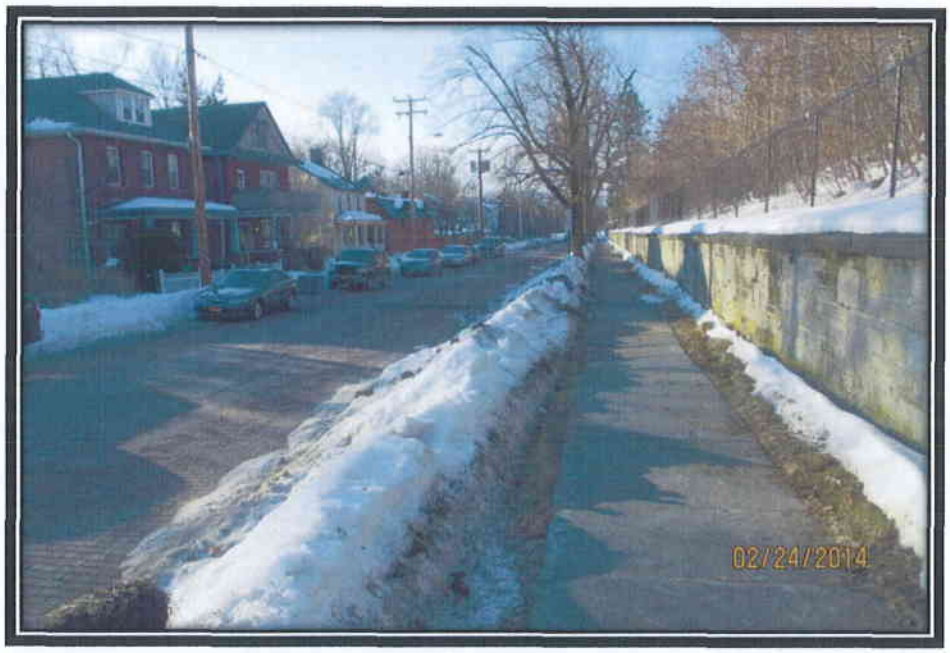
Anthony Eagan

Anthony T. Eagan, P.E.
Managing Engineer

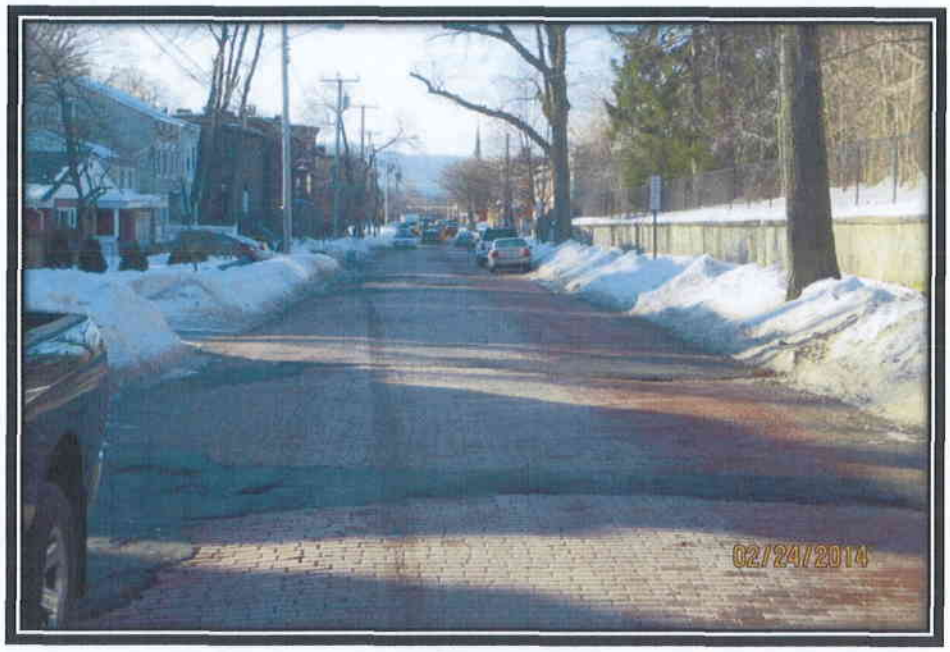
AMK/ojf

Enclosures: SHPO Project Review Cover Form
USGS Topographic Map
Site Photo Map and Site Photographs
NYSOPRHP Online GIS Screening Map

City of Newburgh
Liberty and Grand Streets Sewer Rehabilitation Project
Project Site Photos



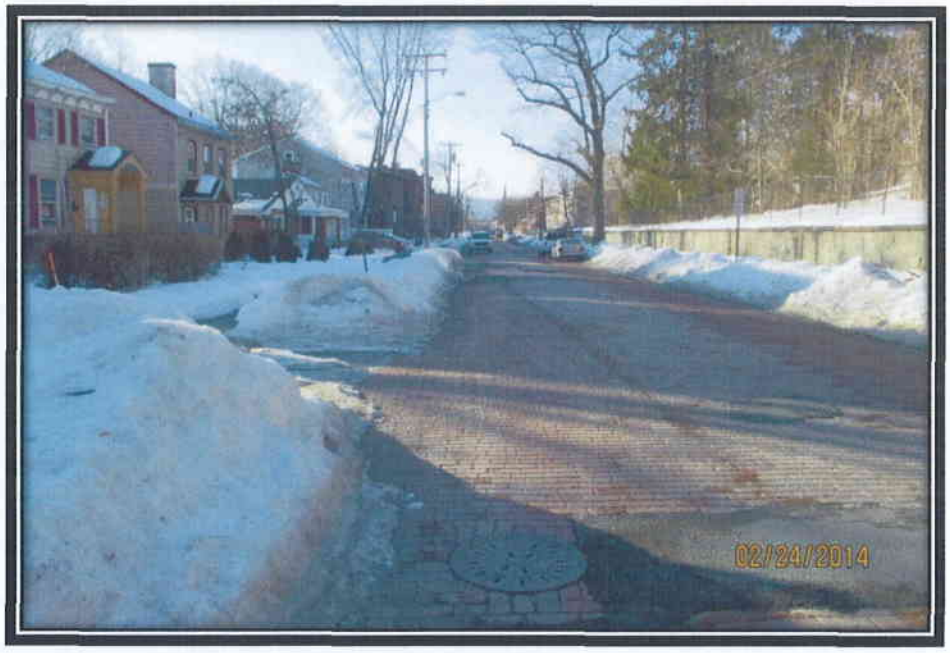
Photograph 1



Photograph 2

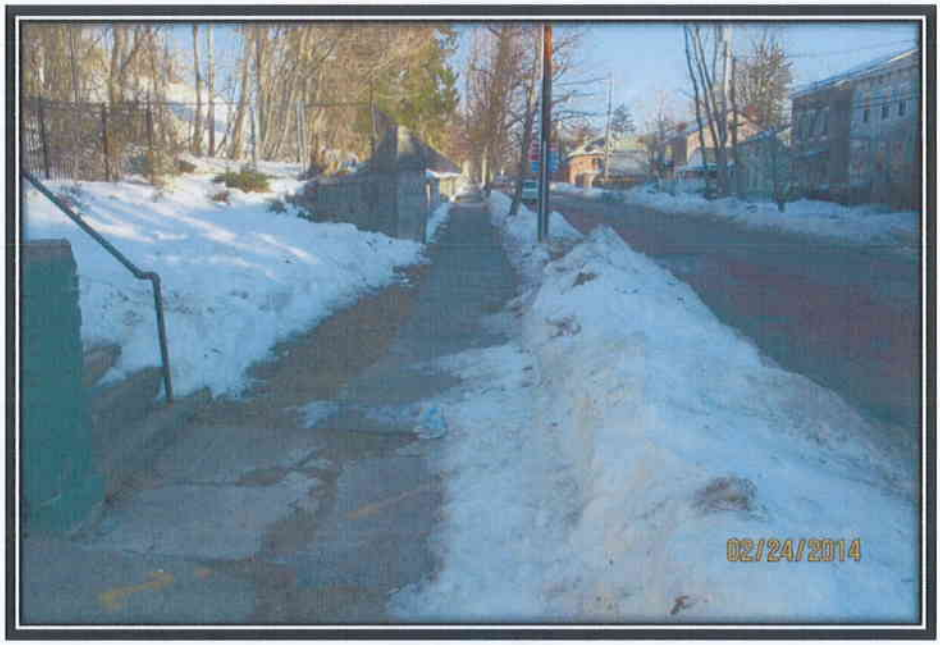
Photograph 3

Photograph 4



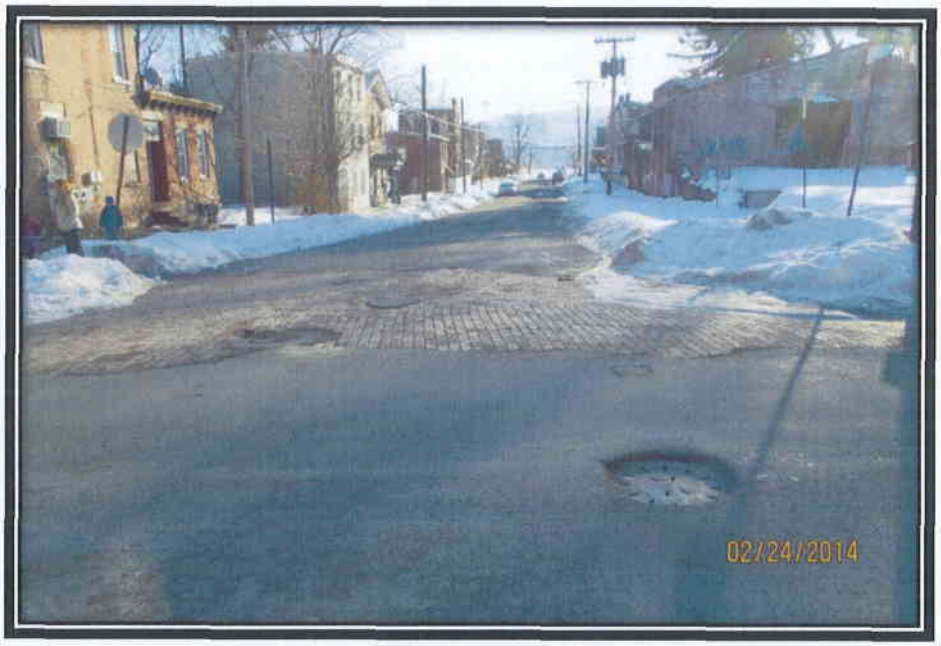
Photograph 5

Photograph 6



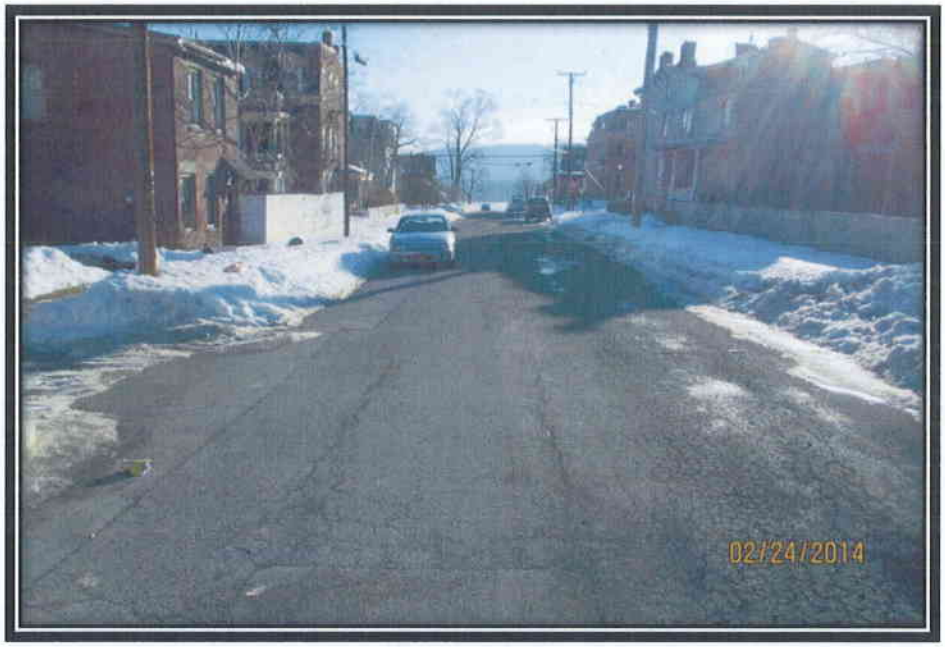
Photograph 7

Photograph 8



Photograph 9

Photograph 10



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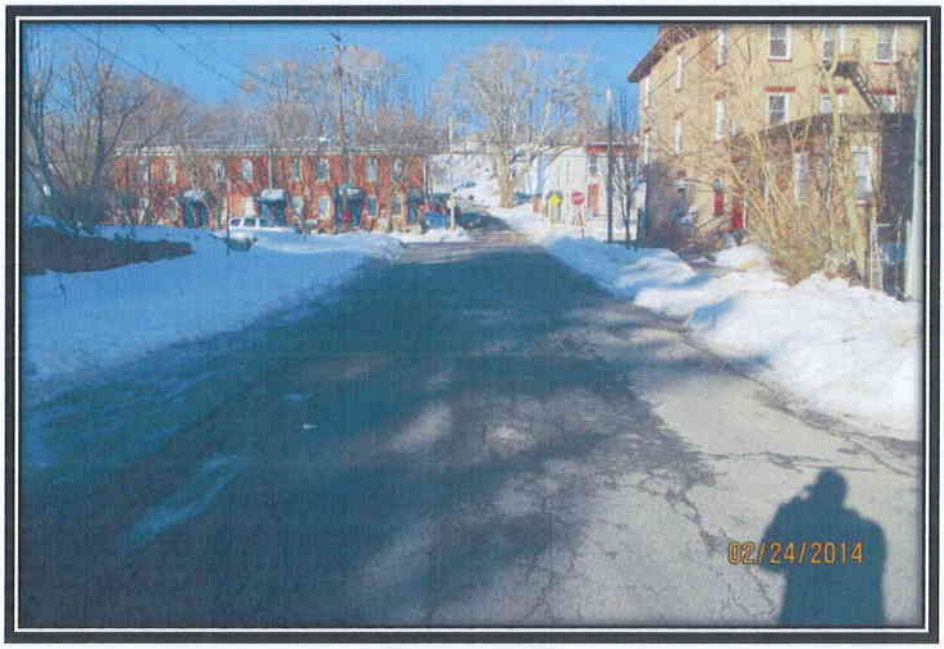
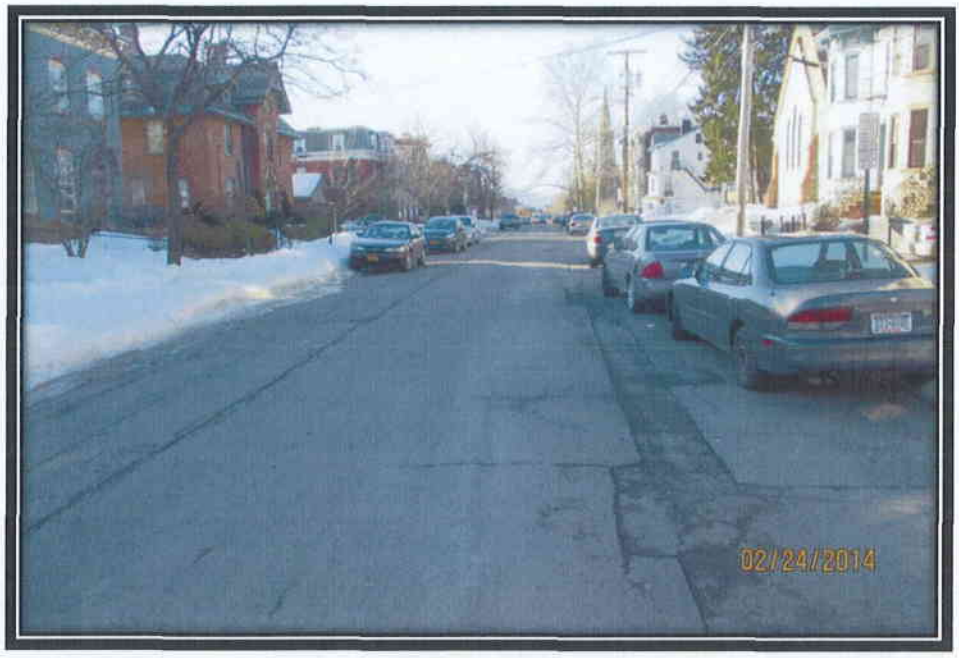


Photograph 12

Photograph 13

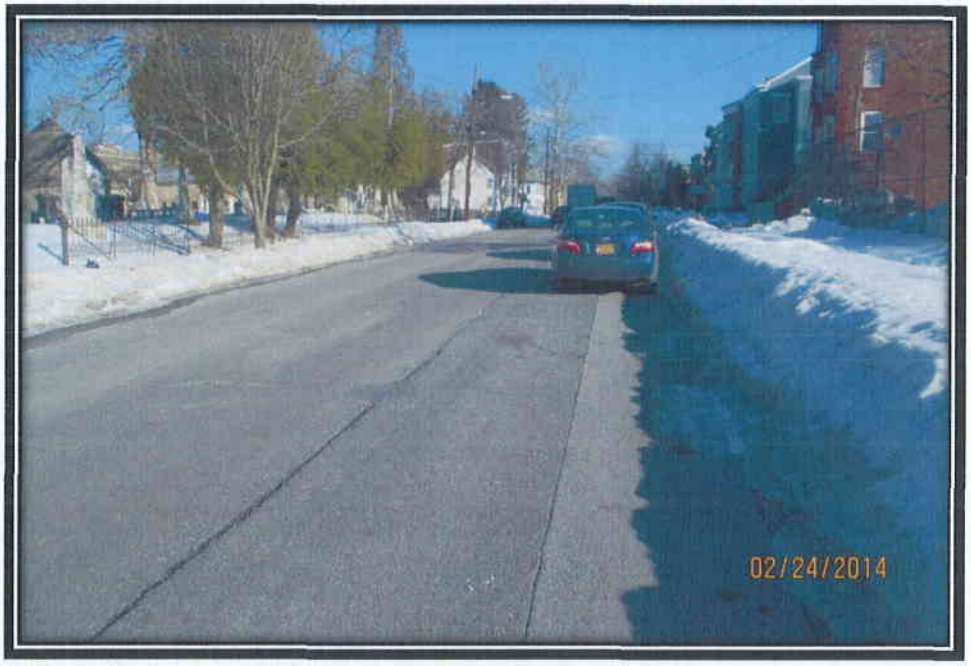


Photograph 14

Photograph 15

Photograph 16

Photograph 17



Photograph 18

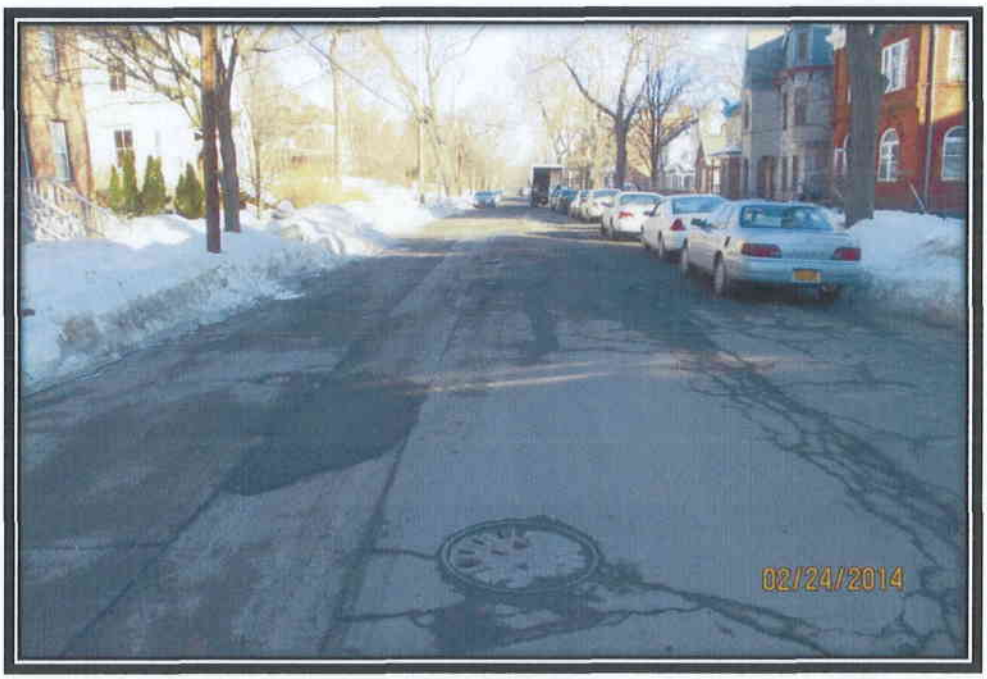
Photograph 19

Photograph 20

Photograph 21

Photograph 22

Photograph 23



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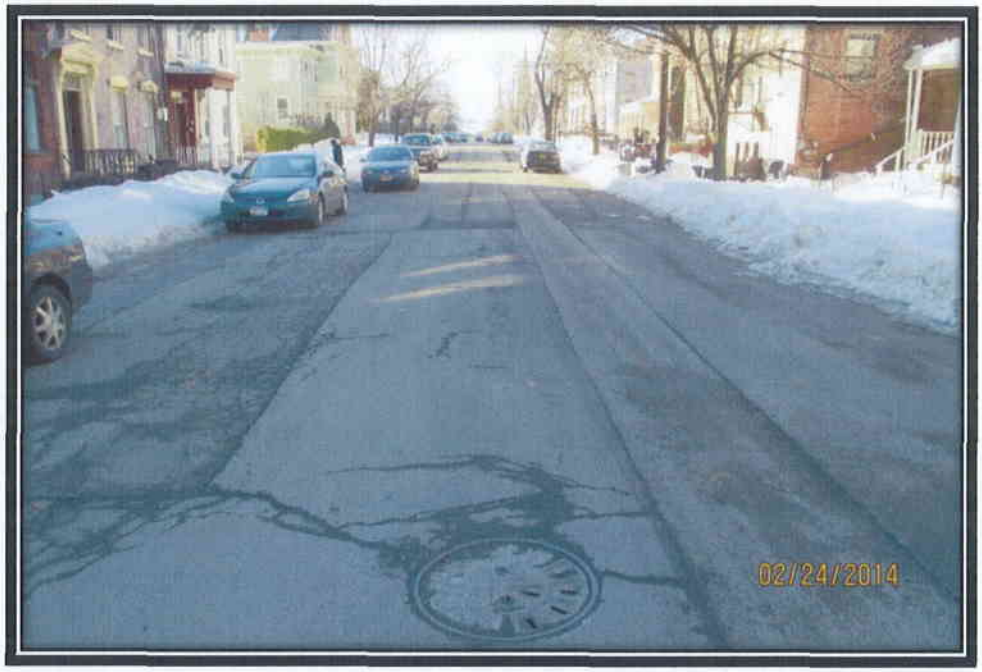

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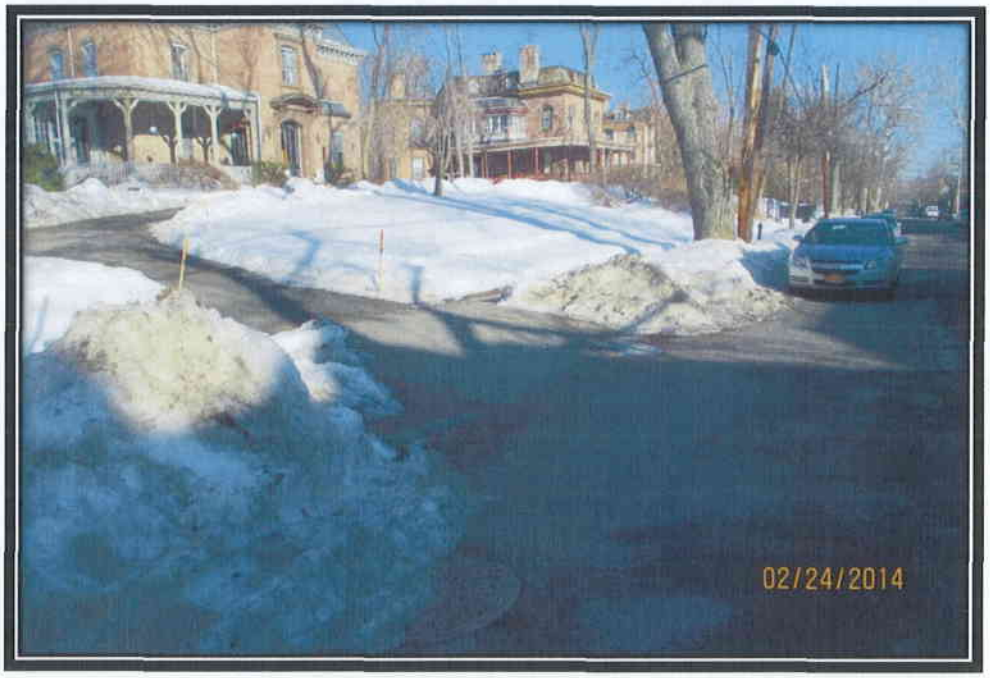
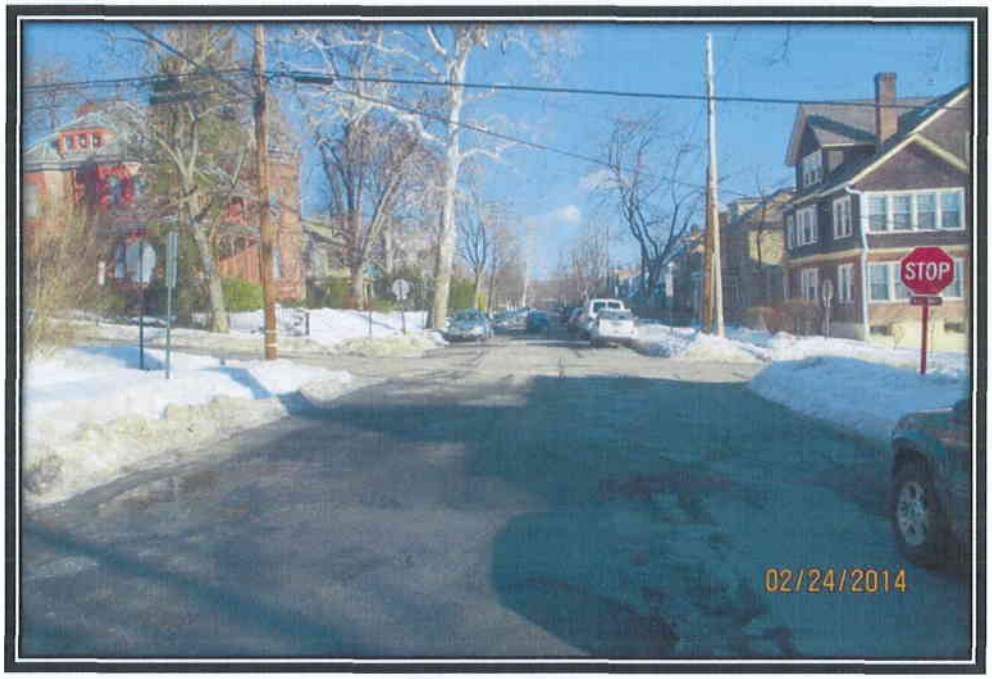


Photograph 26

Photograph 27

Photograph 28



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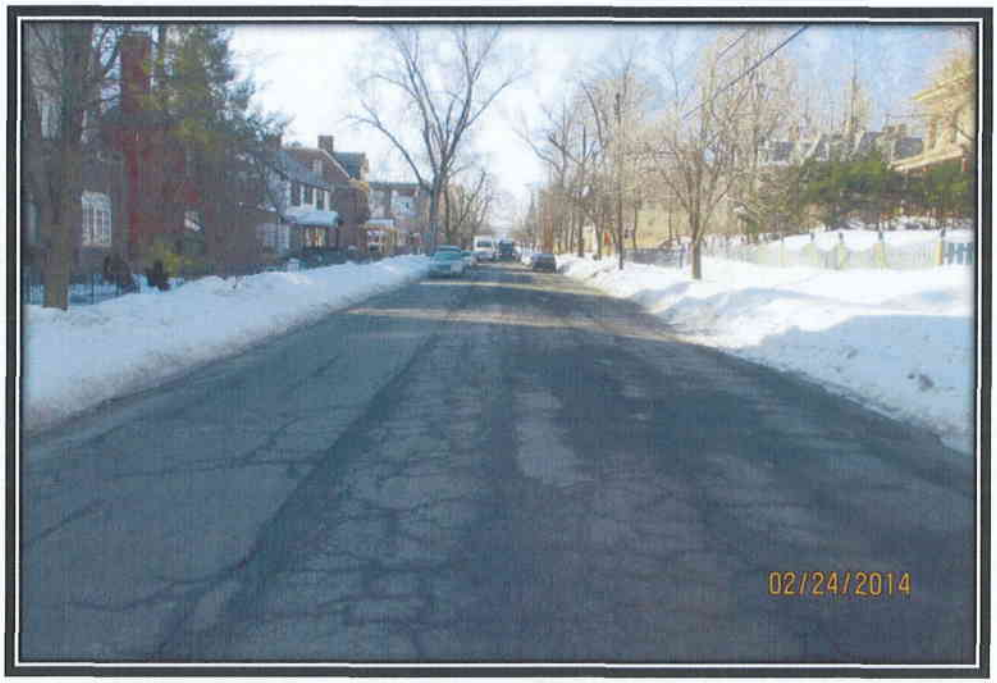

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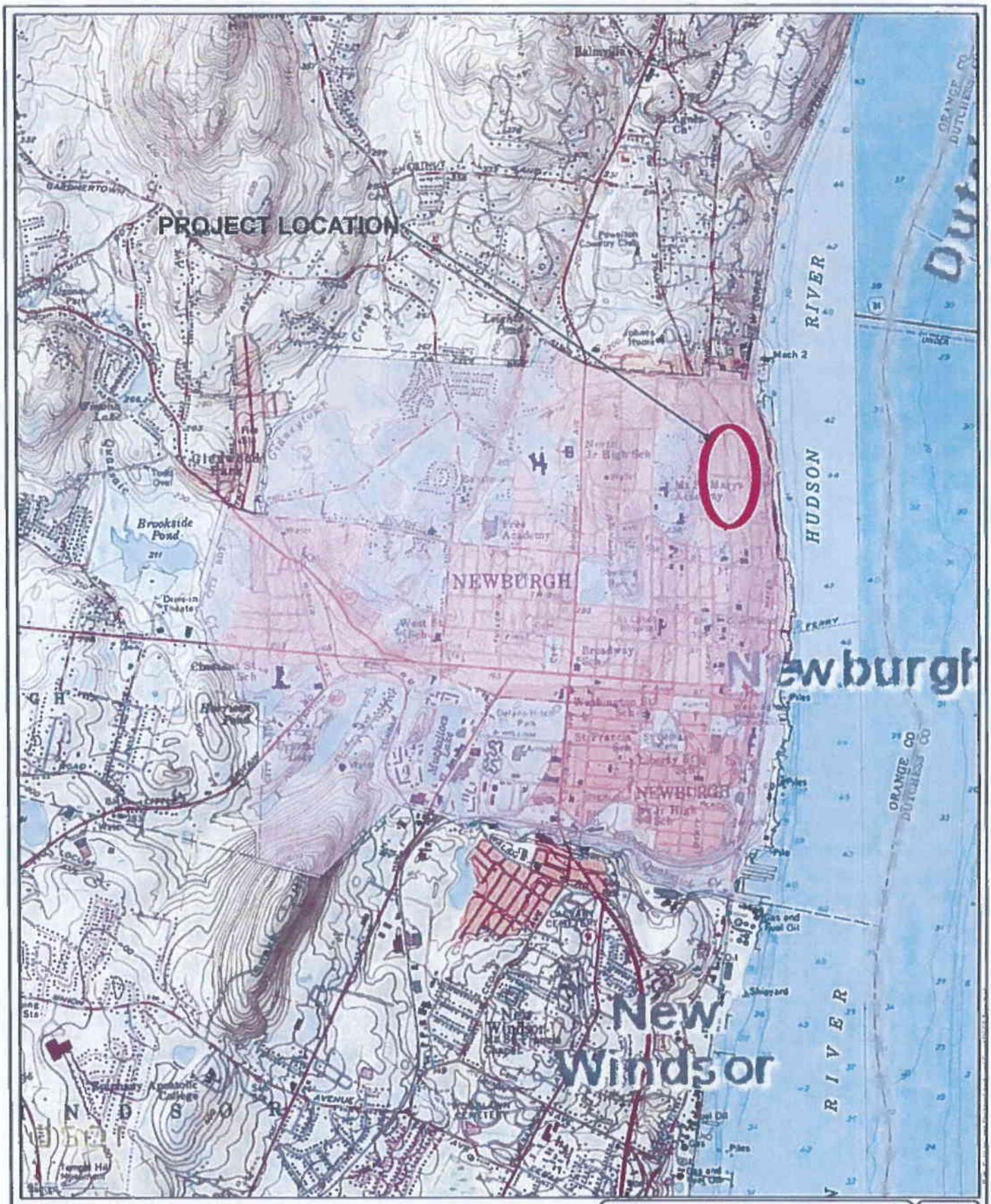

Barton & Loguidice, P.C.

Engineers · Environmental Scientists · Planners · Landscape Architects

1 inch = 2,500 feet

City of Newburgh - Liberty and Grand Streets Sewer Rehabilitation Project

USGS Topographic Map

Orange County February 2014 New York

Figure ----

Project No. ----

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island Resource Center, PO Box 189, Waterford, NY 12188-0189 (Mail)
Delaware Avenue, Cohoes 12047 (Delivery) (518) 237-8643

PROJECT REVIEW COVER FORM

Rev. 5-05

Please complete this form and attach it to the top of any and all information submitted to this office for review. Accurate and complete forms will assist this office in the timely processing and response to your request.

This information relates to a previously submitted project.

☐ If you have checked this box and noted the previous Project Review (PR) number assigned by this office you do not need to continue unless any of the required information below has changed.

PROJECT NUMBER ____ **PR** _____

COUNTY _____

2. This is a new project. ☒ If you have checked this box you will need to complete ALL of the following information.

Project Name Liberty & Grand Street Sewer Rehabilitation Project

Location Liberty Street, Grand Street & Clinton Street
You MUST include street number, street name and/or County, State or Interstate route number if applicable

City/Town/Village City of Newburgh
List the correct municipality in which your project is being undertaken. If in a hamlet you must also provide the name of the town.

County Orange County
If your undertaking* covers multiple communities/counties please attach a list defining all municipalities/counties included.

TYPE OF REVIEW REQUIRED/REQUESTED (Please answer both questions)

A. Does this action involve a permit approval or funding, now or ultimately from any other governmental agency?

☒ No ☐ Yes

If Yes, list agency name(s) and permit(s)/approval(s)

Agency involved	Type of permit/approval	State	Federal
NYSDEC	Approval of Plans & Specifications	☒	☐
		☐	☐
		☐	☐

B. Have you consulted the NYSHPO web site at **http://nysparks.state.ny.us to determine the preliminary presence or absence of previously identified cultural resources within or adjacent to the project area? If yes: ☒ Yes ☐ No

Was the project site wholly or partially included within an identified archeologically sensitive area? ☒ Yes ☐ No

Does the project site involve or is it substantially contiguous to a property listed or recommended for listing in the NY State or National Registers of Historic Places? ☒ Yes ☐ No

CONTACT PERSON FOR PROJECT

Name Anthony T. Eagan, P.E. **Title** Managing Engineer

Firm/Agency Barton and Loguidice, P.C.

Address 280 Broadway, Suite 12 **City** Newburgh **STATE** NY **Zip** 12550

Phone (845) 391-8360 **Fax** (845) 391-8361 **E-Mail** eeagan@bartonandloguidice.com

http://nysparks.state.ny.us then select **HISTORIC PRESERVATION then select **On Line Resources**

Note: Several Manholes possessed the title "MH-0". The manholes which have been revised include: MH-95, MH-273, MH-275, MH-283, and MH-285.

Barton & Loguidice

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1 inch = 300 feet

City of Newburgh - Liberty and Grand Streets Sewer Rehabilitation Project

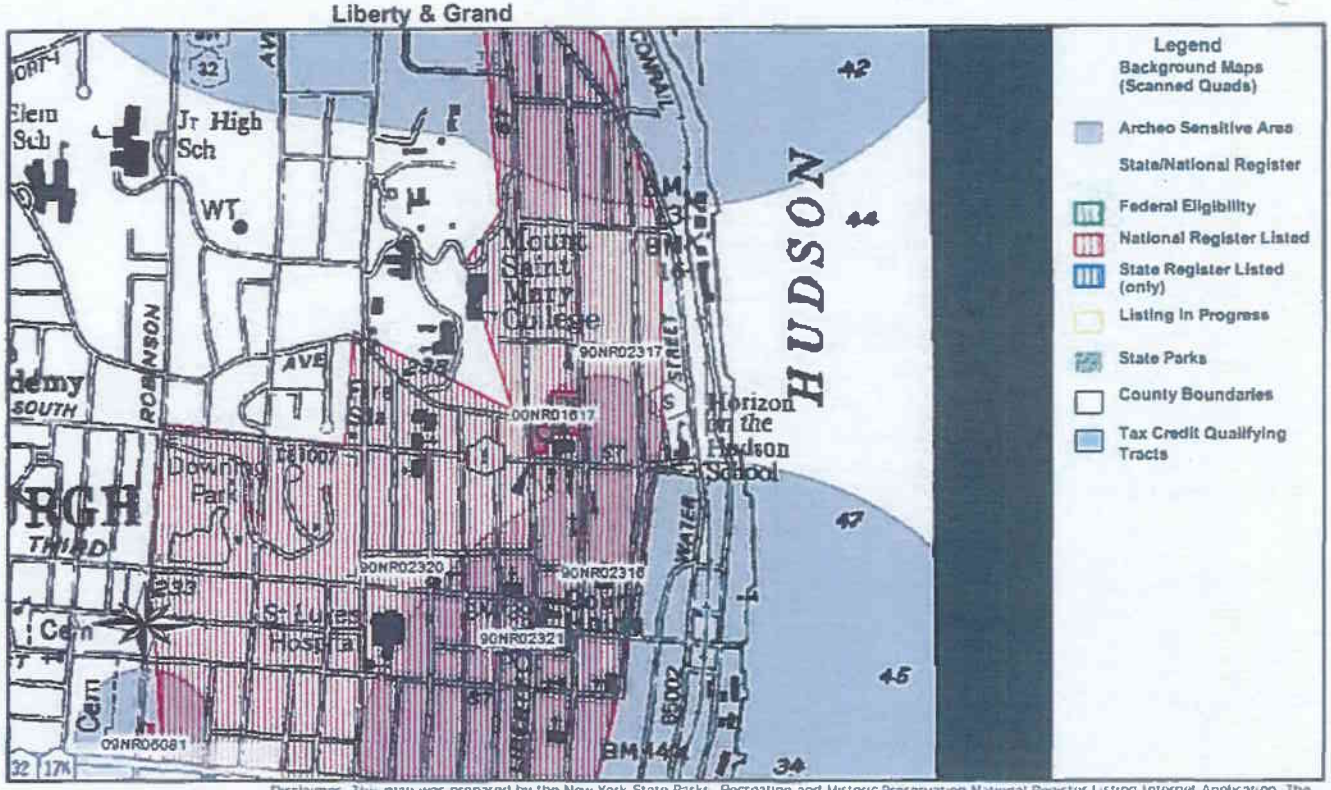
Site Photo Map

Orange County February 2014 New York

Figure ----

Project No. ------

Liberty & Grand



February 25, 2014

Disclaimer: This map was prepared by the New York State Parks, Recreation and Historic Preservation National Register Listing Internet Application. The information was compiled using the most current data available. It is deemed accurate, but is not guaranteed.