



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS
CITY OF NEWBURGH LIBERTY AND GRAND STREET SEWER IMPROVEMENTS
March 23, 2015

New York State Housing Trust Fund Corporation (HTFC)
38-40 State Street
Albany, NY 12207
(518) 473-0015

Name of Responsible Entity and Recipient: New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with the New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Thomas J. King. This combined notice satisfies two separate procedural requirements for project activities proposed to be undertaken by HCR. As a result, the comment periods for the FONSI/NOIRROF and the RROF have been combined.

Project Description: The Governor's Office of Storm Recovery (GOSR), operating under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of the HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide funding to upgrade a portion of the City of Newburgh's 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 would replace the existing combined sewers with new sanitary sewers and separate storm sewers in the project area. 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. 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. The total project cost is \$2.5 million with up to \$700,000.00 in funding from the CDBG-DR program.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the proposed project has been prepared and is maintained on file. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the proposed project is anticipated. A full copy of the EA, including a completed National Environmental Policy Act of 1969 (NEPA) Environmental Assessment Checklist and area map, is available for public inspection during normal business hours in accordance with 24 CFR Part 58 at the office listed below or online at <http://www.stormrecovery.ny.gov/environmental-docs>

HCR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58, et al. HCR has also determined that the project, as proposed, will have no significant adverse environmental on the human environment. Therefore, HCR has determined that the proposed project does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA is available online at the website listed above and is also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: *Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, New York, NY 12231, Contact: Thomas King (518) 473-0015.*

Further information may be requested at NYSCDBG_DR_ER@nyshcr.org or by calling HTFC at (518) 473-0015. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental



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Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

Public Comments on FONSI/Findings and NOIRROF: Any individual, group or agency may submit written comments on the Project. Those wishing to comment should specify in their comments which distinct parts of this Combined Notice they intend to address. Comments should be submitted via email, in the proper format, on or before April 9, 2015 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 April 9, 2015: Thomas J. King, Certifying Officer, NYS Homes and Community Renewal, 99 Washington Avenue, Suite 1224, Albany, New York 12231. Comments may be received by telephone at (518) 473-0015. All comments must be received on or before 5pm on April 9, 2015 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

Written notice of environmental clearance will be required prior to the removal of any limitation on commitment of federal funds in accordance with regulations at 24 CFR Part 58.70.

On or about Friday April 10, 2015, 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 Thomas J. King, 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, decision-making, and action, and that these responsibilities have been satisfied. Moreover, HCR certifies that an environmental review of the proposed project described herein has been completed. 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 the RROF and/or FONSI certification for a period of fifteen (15) days. The last day of the objection period is Thursday, April 9, 2015. Potential objectors may contact HUD 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 the responsible entity'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 has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or
- (d) 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/Assistant 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.*

Sincerely,

Thomas J. King
HCR Certifying Officer
March 23, 2015