



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

December 21, 2015

By Overnight Mail and Electronic Mail

Tennille S. Parker, Director
Disaster Recovery and Special Issues Division
U.S. Department of Housing and Urban Development
451 7th Street, SW, Room 7272
Washington, D.C. 201410

Re: RROF and Environmental Certification for NYS CDBG-DR: Bergen Point Wastewater Treatment Plant Outfall Replacement Project

Dear Ms. Parker:

Attached is a Request for Release of Funds (RROF) and Environmental Certification for the above referenced project- Bergen Point Wastewater Treatment Plant Outfall Replacement. The Governor's Office of Storm Recovery, operating under the auspices of the New York State Homes and Renewal's Housing Trust Fund Corporation, performed an environmental assessment (EA) for the project pursuant to 24 CFR Part 58 for the activities covered by the RROF.

Pursuant to 24 CFR Section 58.70, the Notice of Intent to Request Release of Funds (NOI/RROF) and Finding of No Significant Impact (FONSI) were published on December 3, 2015 (see attached copy of the NOI/RROF and FONSI and the affidavit of publication). Through the Sandy Regional Infrastructure Resilience Coordination (SRIRC), comments were received from the U.S. Environmental Protection Agency, the Federal Emergency Management Agency, the New York State Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation. These comments have been fully addressed in the EA.

If you have any questions regarding this submission, please contact me at (518) 473-0015 or send me an email at Thomas.King@stormrecovery.ny.gov.

Sincerely,

Thomas J. King, Esq.

Certifying Officer

Governor's Office of Storm Recovery

Attachments

CC By Electronic Mail:

Therese Fretwell, Regional Environmental Officer, Regions I & II, HUD

Heather M. Spitzberg, Certifying Officer, NYSHCR

Lori Shirley, Deputy Environmental Director, GOSR

Amy Lentz, Environmental Records Manager, GOSR

Lisa Bova-Hiatt, Executive Director, GOSR

Daniel Greene, General Counsel, GOSR

Latoya Murphy, Deputy Executive Director, GOSR

Natalie Wright, Deputy Executive Director, GOSR

Kris van Orsdel, Managing Director, Infrastructure, GOSR

CC By Overnight Mail:

Rhoda M. Nicholson, Program Support Specialist, HUD

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 07/31/2017)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Community Development Block Grant - Disaster Recover (CDBG-DR)	2. HUD/State Identification Number B-13-DS-36-0001	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity NYS Homes & Community Renewal 38-40 State Street Albany, NY 12207	
6. For information about this request, contact (name & phone number) Thomas J. King, GOSR (518-473-0015)	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request HUD, Office of Block Grant Assistance Disaster Recovery and Special Issues Division 451 7th Street SW, Washington, D.C. 20410		

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

9. Program Activity(ies)/Project Name(s) Bergen Point Wastewater Treatment Plant Outfall Replacement Project	10. Location (Street address, city, county, State) Town of Babylon, Suffolk County, New York.
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11. Program Activity/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 carry out the Bergen Point Wastewater Treatment Plant Outfall Replacement Project located in the Town of Babylon, Suffolk County, New York.

GOSR proposes to provide CDBG-DR funding to replace a 14,200-foot long segment of the existing treated wastewater outfall pipe of the Bergen Point Wastewater Treatment Plant, located in the Town of Babylon, Suffolk County, New York (the "Proposed Project"). The existing outfall is in a deteriorated condition and at particular risk of failure during periods of high wastewater flow, such as those experienced during Superstorm Sandy. The new outfall segment would be constructed by tunnel boring machine to minimize disturbance of the surrounding environment.

GOSR is requesting \$12,000,000.00 for the completion of the design and installation of this project with a total project cost of \$207,000,00.00.

Part 2. Environmental Certification (to be completed by responsible entity)

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

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

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

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

Signature of Certifying Officer of the Responsible Entity

X 

Title of Certifying Officer

Assistant General Counsel

Date signed

December 21, 2015

Address of Certifying Officer

99 Washington Avenue, Suite 1224, Albany, New York 12260

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

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

Signature of Authorized Officer of the Recipient

X

Title of Authorized Officer

Date signed

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



PUBLIC NOTICE

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

BERGEN POINT WASTEWATER TREATMENT PLANT OUTFALL REPLACEMENT PROJECT

DECEMBER 3, 2015

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 (518) 473-0015.

Pursuant to 24 CFR Section 58.43, this combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) satisfies two separate procedural requirements for project activities proposed to be undertaken by HCR.

Project Description: The Governor's Office of Storm Recovery (GOSR), an office of HCR's HTFC, is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide CDBG-DR funding to replace a 14,200-foot long segment of the existing treated wastewater outfall pipe of the Bergen Point Wastewater Treatment Plant, located in the Town of Babylon, Suffolk County, New York (the "Proposed Project"). The existing outfall is in a deteriorated condition and at particular risk of failure during periods of high wastewater flow, such as those experienced during Superstorm Sandy. The new outfall segment would be constructed by tunnel boring machine to minimize disturbance of the surrounding environment.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the Proposed Project has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Project is anticipated. 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. HCR has determined that the Proposed Project will have no significant impact on the human environment and therefore does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA is available online at <http://stormrecovery.ny.gov/environmental-docs> 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, Albany, New York 12260. Contact: Thomas J. King (518) 473-0015.

Further information may be requested by writing to the above address, emailing NYSCDBG_DR_ER@nyshcr.org or by calling (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 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 and/or NOIRROF: Any individual, group or agency may submit written comments on the Project. The public is hereby advised to specify in their comments with “notice” their comments address. Comments should be submitted via email, in the proper format, on or before December 18, 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 December 18, 2015: Governor’s Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. Comments may be received by telephone by contacting Thomas J. King at (518) 473-0015. All comments must be received on or before 5pm on December 18, 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 AND CERTIFICATION

On or about December 21, 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 and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows GOSR to use CDBG-DR program funds.

Objection to Release of Funds: HUD will accept objections to the RROF and/or FONSI certification for a period of fifteen (15) days. The last day of the objection period will be January 3, 2016 or 15 days after the RROF is received by HUD, whichever is later. 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 HCR’s Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity or has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

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

Thomas J. King, Esq.
Certifying Officer
December 3, 2015



Newspaper
 65 Deer Park
 Babylon, NY
 Phone: (631) 535-1200
 Fax: (631) 535-1201
 email: beaconn@beaconnews.com

Affidavit of Publication
 County of Suffolk
 State of New York

Carolyn James, being sworn, says that she is the office manager of the weekly newspaper published in the County of Suffolk State of New York, and that notice, a printed copy of which has been published in the issue of the week for

week(s)

December 3, 2015

VIZ:

Sworn to me before this

Notary Public, Suffolk County

Donna M. Consola
 NOTARY PUBLIC State of New York
 No. 01C0507719
 Qualified in Suffolk County
 Commission Expires March 31, 2018

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Thomas J. King, Esq.
 Certifying Officer
 December 3, 2015



Newspapers

65 Deer Park Avenue
Babylon, NY 11702
Phone : (631) 587-5612
Fax: (631) 587-0198
email: beaconnews@rcn.com

Affidavit of Publication

County of Suffolk

State of New York

Carolyn James, being duly sworn, deposes and says that she is the office clerk of The Beacon, a weekly newspaper published at Babylon in the County of Suffolk Staete of New York, and that a notice, a printed copy of which is hereto annexed has been published in said newspaper once in each week for

week(s) one (1)

December 3, 2015

VIZ:

Sworn to me before this 3rd day of December, 2015.

Notary Public, Suffolk County

Donna M. Consola
NOTARY PUBLIC State of New York
No. 01C0507719
Qualified in Suffolk County
Commission Expires March 25, 2018