

FEMA
FINDING OF NO SIGNIFICANT IMPACT
Village of Patchogue Out-of-District Sewer Extension
Suffolk County
FEMA-4085-DR-NY

BACKGROUND

On October 29, 2012, heavy rain, wind, and storm surge from Hurricane Sandy caused damage across the state of New York. President Barack Obama declared a major disaster for selected counties in New York on October 30, 2012 (FEMA-4085-DR-NY). The declaration authorized the Department of Homeland Security-Federal Emergency Management Agency (FEMA) to provide assistance to the state in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) of 1974 (Public Law [P.L.] 93-288) (42 U.S.C. 5121-5206) as amended, implementing regulations in 44 Code of Federal Regulations [CFR] 206.31-206.48, the Sandy Recovery Improvement Act (SRIA) of 2013 (P.L. 113-2), and the accompanying Disaster Relief Appropriations Act, 2013. Suffolk County (subrecipient) has applied to the FEMA Hazard Mitigation Grant Program (HMGP) for funding of the Suffolk County Coastal Resiliency Initiative (the Initiative). For this project, Suffolk County proposes to construct a new sewer collection system to connect 648 parcels to existing conveyance and treatment systems and retire the existing on-site wastewater treatment systems (OSWS). The New York State (NYS) Division of Homeland Security and Emergency Services (DHSES) is the recipient partner.

FEMA is required, as part of its decision-making process, to evaluate the environmental consequences of proposed actions it funds or undertakes. This Environmental Assessment (EA) is prepared in accordance with Section 102 of the National Environmental Policy Act (NEPA) of 1969, as amended; the Regulations for Implementation of the National Environmental Policy Act (40 Code of Federal Regulations [CFR] Parts 1500 to 1508); and FEMA's implementing regulations (44 CFR Part 10.). The purpose of the EA is to evaluate and document the potential impacts of the proposed project and alternatives, including a No Action Alternative, on the human and natural environment and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

PROJECT DESCRIPTION

Suffolk County proposes to construct upgrades to the existing sewer collection system to connect sanitary sewer service to 648 parcels outside the boundary of the existing District. Approximately 19,225 linear feet of re-routed existing sewer mains and new bypass mains would be constructed within existing paved public rights-of-way. Approximately 38,500 linear feet of piping would be installed to connect unsewered parcels to the system including 291 new home service laterals and 648 individual on-site low-pressure sewer grinder pump stations (LPSGPS). The West Avenue Pump Station would be upgraded by replacing the existing submersible sewage pumps and the existing 60-kilowatt (kW) diesel emergency generator. The existing wastewater treatment plant has sufficient capacity for the additional 300,000 gallons per day (GPD) flow that would be collected and no changes would be needed at the plant. Existing OSWS would be decommissioned.

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SUMMARY OF POTENTIAL IMPACTS AND MITIGATION

There would be a negligible effect on soils and topography due to construction, and there would be no effect on geology. Construction would result in minor, short-term, adverse impacts related to noise and traffic, but these would be minimized through adherence to local regulations. During construction, excavation and ground disturbance could encounter hazardous materials resulting in negligible, short-term, adverse impacts. Construction activity would result in emissions of air pollutants and greenhouse gases, but emissions would be temporary and, by implementing best management practices (BMP), impacts on air quality and climate change would be negligible. There would be no long-term effects on air quality. Over the long-term, the project would result in beneficial effects on climate change through greenhouse gas sequestration and mitigation of the effects of sea-level rise.

There would be negligible to minor adverse impacts on water resources due to construction. Water quality, floodplains, and coastal resources would be affected through sedimentation and erosion resulting from ground disturbing activities during construction that would be minimized with the use of BMPs. There would be no construction-related effects on wetlands. There would be a negligible, long-term, adverse impact on the Upper Glacial Aquifer water balance and the elevation of the water table in the project area, but there would be no effect on the sole source aquifers that underlie Suffolk County. Most long-term effects on water resources would be beneficial with a reduction in total nitrogen loading benefitting water quality, wetlands, floodplain functions, and coastal resources. Improved wetland health would stabilize the shoreline and provide flood and storm surge protection. However, there is potential for induced development of 10 vacant parcels within the floodplain that could result in sustained flood risk.

There would be negligible, short-term, adverse impacts on vegetation, fish, and wildlife, including migratory birds, from construction activity and noise and the potential removal of some street landscaping. Construction would have no effect on threatened or endangered species or designated critical habitats. Long-term improvements in the health of adjacent tidal wetlands would result in minor, beneficial effects on vegetation, fish, wildlife, and threatened and endangered species.

There would be a potential long-term, adverse impact on archaeologically sensitive resources due to ground disturbance associated with construction of service laterals and LPSGPS. There would also be a potential negligible, adverse impact on architectural resources if construction diminishes the integrity of significant landscape features associated with historic properties. If adverse effects cannot be avoided, mitigation measures would be employed.

The project area contains low income and minority populations and although there would be minor, short-term, adverse, construction-related impacts, there would be no potential for disproportionately high impacts on environmental justice communities. The project would result in long term beneficial effects for entire project area including minority and low-income populations.

There would be no change in land uses; although over the long term, up to 12 vacant parcels could be developed consistent with zoning. Operation could result in a negligible long-term impact on utilities and

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public services because additional sewage would be routed to the wastewater treatment plant using available capacity and there would be an incremental amount of electricity needed at each property to operate the LPSGPS. Overall, there would be long-term beneficial effects on public services and public health and safety through proper treatment of sewage and reduced risk from flooding and storm surge.

Part 1 of the NYS Environmental Quality Review (SEQR) Full Environmental Assessment Form was published on May 4, 2015. If additional information becomes available in the ongoing SEQR process becomes available it will be sent to FEMA for review. If the new information changes the impact analysis in the EA, a supplemental EA may be required.

PUBLIC INVOLVEMENT

An electronic copy of the EA was made available by email request and for download at <http://stormrecovery.ny.gov/environmental-docs>. The public was invited to submit written comments by mail to: FEMA Region II – DR-4085-NY, 26 Federal Plaza, New York, NY 10278 Attn: Village of Patchogue Out-of-District Sewer Extension EA Comments, or: FEMA-4085-Comment@fema.dhs.gov.

This EA reflects the evaluation and assessment of the federal government, the decision maker for the federal action; however, FEMA has taken into consideration any substantive comments received during the public review period to inform the final decision regarding grant approval and project implementation.

PERMITS & PROJECT CONDITIONS

Suffolk County is responsible for obtaining and adhering to all applicable federal, state, and local permits, permit conditions, regulatory compliance, and authorizations for project implementation. Any substantive change to the approved scope of work would require re-evaluation by FEMA for compliance with NEPA and other environmental and historic preservation laws and Executive Orders. Suffolk County must also adhere to the following conditions during project implementation. Failure to comply with grant conditions may jeopardize federal funds.

1. EPA conformity analysis shall be conducted in accordance with federal general conformity regulations as required by the Clean Air Act to ensure that emissions would not affect the state's ability to meet the NAAQS and New York State Ambient Air Quality Standards prior to initiating construction.
2. Floodplain Best Available Data shall be used to determine the 100-year floodplain elevation for final engineering design in accordance with 44 CFR Part 9. At the time of this publication, FIRM panels 36103C0694H and 36103C0907H, dated September 25, 2009, are the best available data.
3. BMPs that prevent the introduction, establishment, and spread of invasive plant species shall be implemented. Invasive species shall be removed when encountered, per U.S. Department of Agriculture and state agency guidelines, and suppression or removal practices to prevent their introduction, establishment, and spread shall be implemented. Woody materials and debris shall be treated and stored to manage for invasive insects, particularly for sites in Asian longhorn beetle and

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emerald ash borer quarantine zones. Any trees that may need to be replaced as a result of the project should be tree species that are resistant to these invasive insects.

4. Removal of trees will occur outside of the bird breeding season between April 1 and September 30.
5. Electric utility connections shall be approved by the affected public service companies and be completed in accordance with their requirements and local building codes.
6. Excavated soils and waste materials, including hazardous waste, shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Solid waste haulers will be required to have a NYSDEC waste transporter permit and all waste will need to be disposed of or processed at a permitted solid waste management facility.
7. Proposed construction shall comply with the NYSDEC SPDES permit for Stormwater Discharge from Construction Activity, in accordance with New York State Environmental Conservation Law. A Soil Erosion and Sediment Control Plan and SWPPP shall be developed and implemented.
8. Construction BMPs shall be employed during construction, including soil erosion and sediment control measures, dust control, noise abatement, and restriction of work areas to limit vegetation removal and habitat impacts.
9. Construction BMPs shall be employed, such as covering haul trucks and soil piles, restoring/replanting areas where vegetation is disturbed to prevent erosion and dust, and limiting idling to five minutes or less in accordance with New York State regulations.
10. In the event of an unexpected discovery of threatened or endangered species, the subrecipient shall immediately stop construction until consultation by FEMA with USFWS has been completed.
11. Noise abatement in residential areas shall limit construction activities, including operation of heavy machinery, to comply with the Village of Patchogue Noise Code. As such, construction shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, excluding legal holidays. Construction activities within 200 feet of noise-sensitive receptors shall be avoided to the extent practicable.
12. Excavation dewatering shall adhere to BMPs for water management and adherence to all applicable local, state, and federal regulations. Treatment of groundwater may be required prior to recharge back into the shallow groundwater flow system, if required.
13. A Health and Safety Plan shall be developed and OSHA standards shall be followed during construction to avoid adverse impacts on worker health and safety. Procedures will be established in the Health and Safety Plan for the proper handling and treatment of any unforeseen soil contamination in the case of soil excavation.
14. In the event of an unexpected discovery of cultural resources, the subrecipient shall immediately stop construction in the vicinity of the discovery; and take all reasonable measures to avoid or minimize harm to the property until FEMA has completed consultation with the SHPO.
15. Adequate maintenance of equipment shall be ensured, including proper engine maintenance, adequate tire inflation, and proper maintenance of pollution control devices.
16. Construction activities shall not commence until 15 days after the date that the FONSI has been signed as “Approved.”

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PUBLIC COMMENTS

During the 45 day public comment period that ended July 8th 2016, FEMA received public comments on the EA. The below table states who made the comment, what their comment was, and FEMA’s response. Any comment regarding formatting and grammar is not addressed below but has been updated in the Final EA.

Commenter	Comment	FEMA’s Response
US Environmental Protection Agency	General conformity applicability analysis is required prior to construction.	Condition 1 in this FONSI is to complete a general conformity analysis prior to construction. FEMA will supply a copy of the analysis to EPA when it is completed.
US Environmental Protection Agency	EPA recommends that building restrictions on any vacant parcel within the floodplain that may be included in the newly sewerred area during the final project design.	The number of parcels located in the floodplain represents approximately 1.5% of the parcels to be directly impacted by this project. As this project does not incorporate property acquisition, FEMA has limited ability to prohibit potential construction on these parcels. However, Patchogue participates in the National Flood Insurance Program thus potential new construction in floodplains must follow all NFIP regulations as implemented by the local floodplain administrator.

FINDINGS

In accordance with NEPA and 44 CFR Part 10, FEMA has determined that the proposed action will have no significant adverse impact on the quality of the human environment. As a result of this FONSI, an Environmental Impact Statement will not be prepared, and the proposed project as described in the EA may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED:

John Dawson
 FEMA Region II Regional Environmental Officer Representative

July 25, 2016