

**Belgrave Water Pollution Control District
Outfall Project**

Environmental Assessment



**New York Governor's Office of Storm Recovery
Original Submission – July 7, 2015
Amended Submission – July 30, 2015**

Town of North Hempstead: Belgrave WPCD Outfall Environmental Assessment

Original Submission – July 7, 2015
Amended Submission – July 30, 2015

Project Name: Town of North Hempstead: Belgrave WPCD Outfall

Project Location: Belgrave Water Pollution Control District, Wastewater Treatment Plant, 255th Street and 34th Ave, Little Neck, NY 11363

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: Belgrave Water Pollution Control District
Primary Contact: Chester Steban, Superintendent, BWPCD, P.O. Box 408, Great Neck, NY 11022,
518-487-2759

Project NEPA Classification: 24 CFR 58.36 (Environmental Assessment)

Environmental Finding:	<input checked="" type="checkbox"/> Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment.
	<input type="checkbox"/> 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:** AKRF, Inc.
34 S Broadway
White Plains, NY 10601

CERTIFICATION OF NEPA CLASSIFICATION

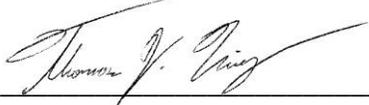
It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in its 2015 NYS CDBG-DR project,
Project Year

Town of North Hempstead: Belgrave WPCD Outfall are:
Project Name

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

July 30, 2015
Date

Thomas J. King
Print Name

Assistant General Counsel and Certifying Officer
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

Town of North Hempstead: Belgrave WPCD Outfall 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

July 30, 2015
Date

Thomas J. King
Print Name

Assistant General Counsel and Certifying Officer
Title

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

The Belgrave Water Pollution Control District (BWPCD) proposes to replace the existing 24-inch diameter, 3,100 foot outfall pipe with a new, high density, polyethylene, 24-inch pipe that will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired location and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The existing outfall will be abandoned in place. The existing outfall pipe will be disconnected from the physical plant and capped. The existing outfall will also be disconnected from the junction box and capped. The existing junction box will be sealed. The BWPCD will remain responsible for the abandoned outfall components. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. In addition, the project involves the installation of a pump station to pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to 'back up' into the Plant. The pump station will be located within the existing Wastewater Treatment Plant boundary, upland of the intertidal marsh and at a ground elevation of greater than 10 feet. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation.

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

On October 29th, 2012, Hurricane Sandy impacted the state of New York, as well as much of the northeastern U.S., causing widespread damage. The existing sewer outfall discharge pipe in Little Neck Bay was severely impacted by the storm surge which caused severe leakage of treated effluent from the outfall into the marshlands. The existing sewer outfall is 80 years old and is already in a deteriorated condition. In addition to 2 leaks found in the outfall pipe itself, it was also found that the above grade portion of the outfall pipe traversing the intertidal marsh needed structural support as the pilings, wooden supports and metal fasteners had also deteriorated. Hurricane Sandy exacerbated the leakage from the outfall with the overland portion of the outfall sustaining damage to two outfall manholes. On December 6, 2013, New York State Department of Environmental Conservation (NYSDEC) issued a Notice of Violation because the damaged outfall pipe is leaking treated effluent into the marshlands between the Sewage Treatment Plant (STP) and the outfall location. In addition, during Superstorm Sandy, the storm surge caused damage to the sewer outfall and flooding of the STP through the same outfall pipe. The storm surge created a hydraulic condition which resulted in the plant effluent liquid levels to rise within the treatment processes and thereby reduce plant performance.

The outfall replacement project proposed herein addresses the leaking outfall as well as improves the resilience of the STP by installing a pump station that will be able to pump treated effluent into the Bay during future storm events.

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

The Belgrave Water Pollution Control District was established in 1928 as a Special District within the Town of North Hempstead. The BWPCD owns and operates a municipal wastewater

treatment plant, serving the Villages of Lake Success, University Gardens, Russell Gardens and part of Great Neck and discharging into Little Neck Bay. The STP has an existing capacity of 2 million gallons per day and operates pursuant to a NYSDEC permit. The STP currently discharges treated effluent via a 24" outfall that was originally installed in 1931. The site is located adjacent to the border between Nassau and Queens Counties and is abutted by residential buildings to the west and by a vast tidal wetland area to the north, east, and south. The site is identified as Section 2, block 374, Lots 8, 9, 10, and 11 and is accessible via an entrance gate located at the intersection of 255th Street and 34th Avenue.

The Proposed Project will be designed and operated according to all NYSDEC specifications and permit conditions. The nature of the effluent being discharged will not change as a result of the Proposed Project. The Proposed Project will have beneficial impacts on the ecological health of the area as it will replace the current outfall, which is leaking treated effluent into the intertidal wetlands and mudflats between the STP and the outfall location. When the Proposed Project is completed, treated effluent will no longer leak into this sensitive environmental area. In addition, the Proposed Project will increase the resiliency of the existing STP by constructing a pump station that will pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to 'back up' into the Plant.

See Figure 1: Regional Location; Figure 2: Project Site; Figure 3: Proposed Project; Figure 4 Floodplain Map; Figure 5: NWI Wetlands; Figure 6: NYSDEC Wetlands; and Figure 7: Existing Site Photographs.

Funding Information

Estimated Total HUD Funded Amount: \$2,909,916

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$11,639,667

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 <input type="checkbox"/> <input checked="" type="checkbox"/>	Not applicable. Based on guidance provided by HUD in Fact Sheet #D1, the National Plan of Integrated Airport Systems was reviewed for civilian, commercial service airports within the vicinity of the project site. No known civil airports are located within 2,500 feet and no known military airports are located within 15,000 feet of the project site.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Not applicable. According to the Coastal Barrier Resource System maps, the proposed project is not located in a Coastal Barrier Resource System. Therefore, the proposed project would have no impact on any Coastal Barrier Resources. http://www.fws.gov/cbra/Maps/index.html

<p>Flood Insurance</p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The Project Site is located in the 500- and 100-year floodplain, as shown in Figure 4. The proposed pump station will be located within the WWTP boundary, which is in the 500-year floodplain at a ground elevation of greater than 10 feet. The outfall pipe, which will be underground, is within the 100-yr floodplain. There are no other elements of the project within the 100-year floodplain. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation; therefore flood insurance is not required.</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5</p>		
<p>Clean Air</p> <p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed action would be located in Nassau County, which is within a maintenance area for inhalable particulate matter (PM_{2.5}) and carbon monoxide, a marginal non-attainment area for the eight-hr Ozone standard and considered an area source for hazardous air pollutants (HAPs) emissions. Therefore, a conformity analysis was made according to the requirements of 40 CFR 93, Subpart B (federal general conformity regulations) and a screening analysis was performed (see Appendix B) assuming that the emissions intensity per expenditure (tons per dollar) for the project would be similar to the average intensity of the construction sector in the county. Projects with projected construction expenditure substantially lower than the average construction <i>de minimis</i> expenditure would clearly not exceed <i>de minimis</i> emissions levels for general conformity purposes.</p> <p>Based on the screening analysis, the construction expenditure threshold for Nassau County is \$410 million before a project may be expected to exceed the <i>de minimis</i> expenditure thresholds requiring further analysis or conformity determination. The estimated construction cost of the project is approximately \$9.9 million, which is much less than the \$410</p>

million threshold; therefore the proposed project would not require further analysis for conformity determination.

To further demonstrate compliance, the following specifications will be incorporated into the contract documents and a more detailed conformity analysis will be required to be completed for the bid package using the "General Conformity Worksheet" (see Appendix B).

- *Idling Restriction.* In addition to adhering to the local law restricting unnecessary idling on roadways, on-site vehicle idle time will also be restricted to five minutes for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine.

- *Utilization of Newer Equipment.* EPA's Tier 1 through 4 standards for nonroad engines regulates the emission of criteria pollutants from new engines, including PM, CO, NOx, and hydrocarbons (HC). All nonroad construction equipment with a power rating of 50 hp or greater would meet at least the Tier 2 emissions standard to the extent practicable.

- *Best Available Tailpipe Reduction Technologies.* Non-road diesel engines with a power rating of 50 horsepower (hp) or greater and controlled truck fleets (i.e., truck fleets under long-term contract with the project) including but not limited to concrete mixing and pumping trucks would utilize the best available tailpipe (BAT) technology for reducing DPM emissions. Diesel particulate filters (DPFs) have been identified as being the tailpipe technology currently proven to have the highest reduction capability. Construction contracts would specify that all diesel nonroad engines rated at 50 hp or greater would utilize DPFs, either installed by the original equipment manufacturer (OEM) or retrofitted. Retrofitted DPFs must be verified by

		<p>EPA or the California Air Resources Board (CARB). Active DPFs or other technologies proven to achieve an equivalent reduction may also be used.</p> <p>In addition, the proposed emergency stand-by generator located at the new pump station is subject to the stationary Reciprocating Internal Combustion Engine (RICE) Maximum Achievable Control Technology (MACT) regulations at 40 CFR 63 ZZZZ and the New Source Performance Standards (NSPS) at 40 CFR 60 IIII or 40 CFR 60 JJJJ that govern emission limits and compliance requirements for existing and new stationary RICE. Compliance will be demonstrated by purchasing an engine certified to the limits in these regulations. As the emergency engine does not require an NYSDEC permit or registration, is not located at a major source of HAP emissions, and is not intended for use in a demand response program, the proposed project would not trip conformity thresholds, do not require notification, and would likely not result in direct nor indirect adverse impacts to air quality.</p> <p>http://www.epa.gov/airquality/greenbook/ http://www.epa.gov/airquality/greenbook/adden.html</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The Project Site is located in the New York State Coastal Zone. Therefore, a Coastal Assessment Form was completed and submitted to the New York State Division of Coastal Resources on June 12, 2015 for the Project to determine its consistency with New York State's Coastal Management Plan. (See Appendix A) Based on that analysis, the Proposed Project is consistent with the State's CMP.</p>
<p>Contamination and Toxic Substances</p> <p>24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>There are no Superfund or toxic release sites on or near the Project Site. There are two RCRA sites proximate to the Project Site. Both are ConEdison facilities that will not be affected by the Proposed Project.</p>

<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The USFWS Information, Planning and Conservation (IPaC) online planning tool Trust Resource List generated for the proposed project on April 1, 2015 (see Appendix B) lists two endangered species (Roseate tern (bird) and Sandplain gerardia (plant)) as having the potential to occur near the Project Site. In addition, three threatened species and one proposed endangered species may be present near the Project Site. On 4/16/2015, the NMFS provided the following occurring in Little Neck Bay:</p> <p>-endangered species: Shortnose sturgeon (<i>Acipenser brevirostrum</i>); Atlantic sturgeon (<i>Acipenser oxyrinchus oxyrinchus</i>) (Distinct Population Segments [DPS]: New York Bight, Chesapeake Bay, Carolina, South Atlantic); Kemp’s ridley sea turtle (<i>Lepidochelys kemp</i>); green sea turtle (<i>Chelonia mydas</i>); and leatherback (<i>Dermochelys coriacea</i>;</p> <p>-threatened species: Atlantic sturgeon (<i>Acipenser oxyrinchus oxyrinchus</i>) (DPS: Gulf of Maine); and loggerhead sea turtle (<i>Caretta caretta</i>) (DPS: Northwest Atlantic Ocean)</p> <p>There is no critical habitat designated in the project area.</p> <p>A second consultation letter was submitted to the NMFS on May 13, 2015 discussing the following mitigation measures: The new outfall pipe would be installed inside a sheet pile coffer dam installed to keep water from entering the bore-hole during installation of the pipe. The coffer dam structure will be sized to accommodate the construction of the outfall with a multi-port diffuser (approximately 1,400 square feet). A turbidity curtain will be installed around the coffer dam location prior to driving the sheet pile with a vibratory hammer, and prior to removal of the coffer dam, to</p>
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		<p>minimize any sediment suspension during installation and removal of the sheet pile. Any dewatering of the coffer dam will occur inside the turbidity curtain. The outfall diffuser will be supported on timber piles that will be driven with a vibratory hammer.</p> <p>On the basis of these measures that will be implemented to ensure that sturgeon and sea turtles are not affected by underwater noise or increases in suspended sediment from the proposed project, GOSR has determined that the proposed project will have “No Effect” on shortnose and Atlantic sturgeon and sea turtles.</p>
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Not applicable. This criterion is applicable to HUD-assisted projects that involve new residential construction, conversion of non-residential buildings to residential use, rehabilitation of residential properties that increase the number of units, or restoration of abandoned properties to habitable condition. The proposed project does not include these activities.</p>
<p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Not applicable. The Project Site is not located in an agricultural district and does not contain any prime farmland soils. Therefore the Proposed Project will have no impact on farmland protection.</p>
<p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>As shown in Figure 4, the Sewer Treatment Plant is located almost entirely in the 500-year floodplain. (The northwestern portion of the plant is located outside of any floodplain, and portions of the southern and eastern sections of the plant are located in the 100-year floodplain.) The 8-step decision making process was followed, pursuant to EO 11988. A floodplain management and wetland protection plan was prepared and is included as Appendix B.</p>
<p>Historic Preservation</p>	<p>Yes No</p>	<p>The Project Site is located approximately</p>

<p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.</p>	<p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>800 feet from the Douglaston Historic District in Queens. In addition, the Project Site is located in an area considered by the NY SHPO as archaeologically sensitive. The Proposed Project is not expected to adversely affect the Douglaston Historic District. The only visible improvement to the Project Site will be the new Pump Station. While it may be visible from the Historic District, it would be set in the context of the existing wastewater treatment plant. Therefore, there is not expected to be any change in the visual character of the Site. Appendix A contains correspondence from SHPO stating their opinion that the Proposed Project will have no effect on cultural resources in or eligible for inclusion in the National Register of Historic Places. In addition, after consulting the tribal directory information, it was determined that no tribes have identified an area of interest in Nassau County.</p>
<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed project is not a noise sensitive use, and furthermore, the policies of 24 CFR 51.101(a)(3) do not apply to any action or emergency assistance under disaster assistance provisions or appropriations which are provided to protect property and protect public health and safety.</p> <p>The proposed project will cause temporary increases in noise levels during construction that will be mitigated by complying with local noise ordinances. Existing ambient noise levels will not be exceeded during operations. Therefore, the project would not generate any significant adverse noise impacts.</p>

<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The proposed project is located on the Nassau-Suffolk Sole Source Aquifer (SSA) system. An Initial Screen/Preliminary Review was submitted to the EPA on April 13, 2015 as per the Memorandum of Understanding (MOU) between EPA and HUD dated August 24, 1990. Comments from the EPA were received on April 17, 2015.</p> <p>No negative impacts to the Sole Source Aquifer are anticipated. The project will have a positive impact on the SSA as it will repair the severe leakage of treated effluent from the outfall into the marshlands.</p> <p>Permit applications are also being prepared in accordance with Clean Water Action Section 404/401 for submission to the U.S. Army Corps of Engineers (USACE) and New York State Department of Environmental Conservation (NYSDEC) for this work. All permit conditions would be implemented</p> <p>http://www.epa.gov/region02/water/aquifer/</p> <p>http://www.nassaucountyny.gov/3054/11581/Ground-Water-Protection</p>
<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The Proposed Project contemplates the replacement the existing 24-inch diameter, 3,100 foot outfall pipe with a new, high density, polyethylene, 24-inch pipe that will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired location and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The existing outfall will be abandoned in place. This method is the least</p>

		<p>intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. In addition, the project involves the installation of a pump station to pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to 'back up' into the Plant. While the NWI Wetland map shows a 'Freshwater Pond' on the Project Site, this is actually one of the treatment basins for the plant and is not a wetland. There are no wetlands on the site of the sewage treatment plant.</p> <p>Because the Proposed Project anticipates some work within tidal wetlands, the 8-step decision making process was followed, pursuant to EO 11990. Appendix B contains the Floodplain Management and Wetland Protection Plan for this Project.</p> <p>A Joint Application for Permit to permit the construction in DEC wetlands and/or adjacent areas and permit applications in accordance with Clean Water Action Section 404/401 for submission to the U.S. Army Corps of Engineers (USACE) will be submitted for the proposed project.</p>
<p>Wild and Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Not applicable. There are no Wild and Scenic Rivers within Nassau County, as designated by the U.S. Department of the Interior. There are no National Wild and Scenic Rivers System in Nassau County as designated by the National Wild and Scenic Rivers System. The project is not located along a Wild, Scenic and Recreational Rivers as determined by the NYSDEC. Therefore, the proposed project would not violate the Wild and Scenic Rivers Act.</p> <p>http://www.nps.gov/ncrc/programs/rtca/nri/states/ny.html</p> <p>http://www.rivers.gov/new-york.php</p>

		http://www.dec.ny.gov/permits/32739.html
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	Not applicable. The Project Site is not located in an area defined by the NYSDEC as a potential environmental justice area. http://www.dec.ny.gov/docs/permits_ej_operations_pdf/nassauej.pdf

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	1	<p>No impacts anticipated. A new pumping station will be located on the Site of the existing sewer treatment plant. Upgrading the outfall will protect the valuable natural resources of the coastal areas, including wetlands, which were identified in the County Master Plan.</p> <p>The proposed project would not result in the creation of new jobs and/or an increase in the number of employees and would therefore not have an urbanizing effect.</p>
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	<p>No impacts anticipated.</p> <p>The project will result in a small increase in impervious surface through the construction of a pump station and new transition manhole. Both of these features will have extremely small footprints, will not significantly increase the existing impervious coverage at the WWTP and will be located on urban fill on a previously disturbed site. Therefore, it is not expected that these facilities will affect stormwater run-off.</p> <p>Little Neck Bay is between the WWTP and the Long Island Sound. Tunneling work will occur beneath the bay bottom to minimize impacts to the Bay.</p> <p>During construction, soil erosion and sediment control best practices will be implemented to ensure that runoff from the construction site is properly managed and does not transport sediment or other materials from the site. As project design is</p>

		finalized, detailed soil erosion and sediment control plans will be developed. Soil erosion and sediment control measures will adhere to all State and local requirements. Since proposed soil disturbances will total less than one acre, it is anticipated that the project will not require coverage under the NYSDEC Stormwater Permit for Construction Activity.
Hazards and Nuisances including Site Safety and Noise	2	No impacts anticipated. The Proposed Project will not introduce any new uses or hazards to the area around the Project Site, nor will it result in additional noise.
Energy Consumption	2	No impacts anticipated. No impact with regards to energy consumption is anticipated as the pump station will only be used during storm events when the outfall pipe 'backs up' due to flooding. Construction of the proposed project would consume energy, including the use of fossil fuels, for construction equipment and the shipment of materials required for construction activities. However, the proposed project would not increase long-term energy consumption.

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	No impacts anticipated. After construction, the Proposed Project will have no impact on employment and income patterns. It will not increase the capacity of the sewer treatment plant. Construction of the Proposed Project will have temporary benefits with regards to employment and income.
Demographic Character Changes, Displacement	2	No impacts anticipated. The Proposed Project will have no impact on the demographic character of the area. The Proposed Project will not increase the capacity of the sewage treatment plant, only increase its reliability and environmental performance.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	No impacts anticipated. The Proposed Project will have no impact on educational or cultural facilities. The Proposed Project will not increase the capacity of the sewage treatment plant, only increase its reliability and environmental performance.
Commercial Facilities	2	No impacts anticipated. The Proposed Project will have no impact on commercial facilities. The Proposed Project will not increase the capacity of the sewage treatment plant, only increase its reliability and environmental performance.
Health Care and Social Services	2	No impacts anticipated. The Proposed Project will have no impact on health care or social facilities. The Proposed Project will not increase the capacity of the sewage treatment plant, only increase its reliability and environmental performance.
Solid Waste Disposal / Recycling	2	No impacts anticipated. The Proposed Project will have no impact on solid waste or recycling. Construction of the proposed pump station and outfall would result in the generation of waste. The amount of solid waste generated from construction would not significantly increase short-term generation of municipal solid waste. All waste would be hauled off-site by the selected contractor and would be handled in accordance with the State's solid and hazardous waste rules.
Waste Water /	1	The Proposed Project will improve the reliability and

Sanitary Sewers		resiliency of the Belgrave Sewage Treatment Plant by adding a pump station to be used during storm events.
Water Supply	2	No impacts anticipated. The Proposed Project will have no impact on water supply.
Public Safety - Police, Fire and Emergency Medical	2	No impacts anticipated. The Proposed project will have no impact on public safety.
Parks, Open Space and Recreation	1	The Proposed Project will increase the environmental quality of the intertidal marshlands and other wetlands through which the existing sewer outfall travels, and currently leaks treated effluent. Once the Proposed Project is completed, treated effluent will no longer leak into these critical environmental and recreational areas.
Transportation and Accessibility	2	No impacts anticipated. The Proposed Project will have no impact on transportation and accessibility.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	1	<p>The project is located on the Nassau-Suffolk Sole Source Aquifer system but is not anticipated to impact the Aquifer. The project required some work located within the tidal wetlands. A Joint Application for Permit to permit the construction in DEC wetlands and/or adjacent areas and permit applications in accordance with Clean Water Action Section 404/401 for submission to the U.S. Army Corps of Engineers (USACE) will be submitted for the proposed project.</p> <p>The Proposed Project will increase the environmental quality of the intertidal marshlands and other wetlands through which the existing sewer outfall travels, and currently leaks treated effluent. Once the Proposed Project is completed, treated effluent will no longer leak into these critical environmental areas. In addition, the pump station will ensure that the plant is able to continually discharge treated effluent through the outfall, even during storm events.</p>
Vegetation, Wildlife	2	<p>No impacts anticipated. The NMFS provided the following occurring in Little Neck Bay:</p> <p>-endangered species: Shortnose sturgeon (<i>Acipenser brevirostrum</i>); Atlantic sturgeon (<i>Acipenser oxyrinchus oxyrinchus</i>) (Distinct Population Segments [DPS]: New York</p>

		<p>Bight, Chesapeake Bay, Carolina, South Atlantic); Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>); green sea turtle (<i>Chelonia mydas</i>); and leatherback (<i>Dermochelys coriacea</i>); -threatened species: Atlantic sturgeon (<i>Acipenser oxyrinchus oxyrinchus</i>) (DPS: Gulf of Maine); and loggerhead sea turtle (<i>Caretta caretta</i>) (DPS: Northwest Atlantic Ocean)</p> <p>There is no critical habitat designated in the project area.</p> <p>Consultation with NMFS discussed the following mitigation measures: The new outfall pipe would be installed inside a sheet pile coffer dam installed to keep water from entering the bore-hole during installation of the pipe. The coffer dam structure will be sized to accommodate the construction of the outfall with a multi-port diffuser (approximately 1,400 square feet). A turbidity curtain will be installed around the coffer dam location prior to driving the sheet pile with a vibratory hammer, and prior to removal of the coffer dam, to minimize any sediment suspension during installation and removal of the sheet pile. Any dewatering of the coffer dam will occur inside the turbidity curtain. The outfall diffuser will be supported on timber piles that will be driven with a vibratory hammer.</p> <p>On the basis of these measures that will be implemented to ensure that sturgeon and sea turtles are not affected by underwater noise or increases in suspended sediment from the proposed project, GOSR has determined that the proposed project will have "No Effect" on shortnose and Atlantic sturgeon and sea turtles.</p>
Other Factors	2	There are no other factors applicable to the proposed project.

Additional Studies Performed:

- An engineering and design report was completed by D&B Engineers and Architects, P.C. in March 2014 and updated in March 2015.
- SEQRA Environmental Assessment Form, October 2014

Field Inspection (Date and completed by):

D&B Engineers and Architects, P.C. “Belgrave Water Pollution Control District: Replacement of Existing Outfall and Construction of Effluent Pumping Station: Design Report”, March 2014. (Supplemental information and reports also considered.)

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

Nassau County. “Draft Master Plan”. October 2010.

National Register of Historic Places – Nassau County, NY.

<http://www.nationalregisterofhistoricplaces.com/ny/Nassau/state.html>

New York State Department of State (NYSDOS). Coastal Boundary Map.

<http://www.dos.ny.gov/opd/atlas/> and

http://appext20.dos.ny.gov/coastal_map_public/map.aspx

New York State Office of Parks, Recreation and Historic Preservation. Agency response letter dated September 14, 2014.

NYSDEC Natural Heritage Program, consultation letter dated April 8, 2015 and agency response dated April 17, 2015

NYSDEC. Potential Environmental Justice Areas in Nassau County, New York.

http://www.dec.ny.gov/docs/permits_ej_operations_pdf/nassauej.pdf

NYSDEC. State Implementation Plan, <http://www.dec.ny.gov/chemical/8403.html>

State Register of Historic Places: Cultural Resources Information Systems (CRIS).

<http://parks.ny.gov/shpo/online-tools/>

U.S. Environmental Protection Agency (EPA) NEPassist.

<http://nepassisttool.epa.gov/nepassist/entry.aspx>

U.S. Environmental Protection Agency (EPA) Region 2. Sole Source Aquifers.

<http://www.epa.gov/region02/water/aquifer/>

US Federal Emergency Management Agency, National Flood Hazard Layer,

<http://msc.fema.gov>.

US National Marine Fisheries Service, consultation letter dated April 10, 2015 and agency response dated April 16, 2015

United States Fish and Wildlife Service (USFWS) IPaC, accessed April 1, 2015:

<http://ecos.fws.gov/ipac/>

USFWS - Threatened and Endangered Species – Nassau County, NY.

http://ecos.fws.gov/tess_public/countySearch!speciesByCountyReport.action?fips=36059

USFWS John H. Chafee Coastal Barrier Island Resources System map for Long Island,

http://www.fws.gov/cbra/Maps/Locator/NY_Long_Island.pdf

USFWS, Wetlands Online Mapper, National Wetlands Inventory Map.

<http://www.fws.gov/wetlands/Data/Mapper.html>

List of Permits Obtained or Required:

- US Army Corps of Engineers Section 10 Construction in Navigable waters of the US
- NYSDEC Part 608 Protection of Waters
- NYSDEC Part 661 Tidal Wetlands
- NYSDEC Section 401 Water Quality Certification
- NYSDEC Modification of SPDES Discharge Permit

Public Outreach [24 CFR 50.23 & 58.43]:

- Type I Negative Declaration published in Environmental Notice Bulletin October 15, 2014
http://www.dec.ny.gov/enb/20141015_not1.html
- Early Notice and Public Explanation of a Proposed Activity in a 100- and 500-Year Floodplain published in Great neck Record April 15, 2015
- Final Notice and Public Explanation of a Proposed Activity in a 100- and 500-Year Floodplain published in Great neck Record June 10, 2015
- Notice giving the public the opportunity to comment on the proposed project prior to submittal of the Final Application to GOSR will be published in the local newspapers and posted to the BWPCD website once Pre-Application is finalized.

Cumulative Impact Analysis [24 CFR 58.32]:

In accordance with NEPA, this EA considers the overall cumulative impact of the proposed project and other actions that are related in terms of time or proximity. According to the Council of Environmental Quality (CEQ) regulations, cumulative impacts represent the “impact on the environment which results from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR 1508.7).

This section examines the proposed project as well as other actions occurring or proposed in the vicinity of the proposed project. The combined effects of these actions are evaluated to determine if they could result in any cumulative impacts.

The Proposed Project would correct an existing deficiency of the Belgrave STP, which was exacerbated by Superstorm Sandy. The capacity of the STP will not be increased nor will the Proposed Project encourage or facilitate new development within the District. In addition, the Proposed Project is not expected to have any permanent adverse impacts on the floodplain or on wetlands. Therefore, it is not expected that the Proposed Project would have significant adverse cumulative impacts.

The Proposed Project would, however, contribute to a beneficial cumulative impact in the region. A properly functioning sewer outfall will, together with other water quality improvement projects and programs and regulations of the NYSDEC and Nassau County, help improve the health of the wetlands adjacent to the sewer plant, as well as the overall health of the Long Island Sound. The Proposed Project will be required to meet all new effluent limits that are set by the NYSDEC, which are explicitly based on the cumulative impact of the many discharges into the Long Island Sound. Therefore, construction of the new outfall will contribute to the positive cumulative impacts of improved water quality and improved ecological health.

In addition, the Proposed Project is one of many projects funded, in part, by the Governor's Office of Storm Recovery (GOSR), using federal CDBG-DR funding. These projects all have as a goal to repair and rehabilitate infrastructure that was damaged by recent storms and to increase the resiliency of key community assets. Together with other GOSR-funded projects, and projects funded with other sources of funding, the Proposed Project will increase the resiliency of a key community asset and improve the environmental performance of critical infrastructure.

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

In addition to the No Action alternative, analyzed below, the subgrantee considered two other alternatives. Alternative 1 was to replace the existing outfall pipe with a new outfall that was parallel to the existing. This alternative would cause significantly more environmental impact than the selected alternative. The construction in the tidal portion would disturb the wetlands and would result in the need for a restoration project to replant the wetlands to its original condition. This alternative would not mitigate the hazards from any future storms. The overland portion of the outfall would still be subject to damage from wave action. The outfall would be impacted by very high tides that could result in the flooding of the wastewater treatment plant.

The second alternative considered was to repair the existing outfall. Repairs to the intertidal portion and the marine portion of the outfall would be required. The intertidal portion repairs would include replacement of the damaged manholes and the addition of more supports and tie-downs. The marine portion of the outfall needs to be further investigated during design to

determine the exact condition of the pipe and the tie downs. The marine portion could be slip lined with a smaller diameter pipe and the tie downs replaced. In order to slip line the outfall, cofferdams would need to be constructed every 200 to 300 feet in the marine environment and the treated effluent would need to be bypassed around the work zone. The construction in the tidal portion would disturb/destroy the wetlands and would result in the need for a restoration project to replant the wetlands to its original condition. Construction in the marine environment would disturb Little Neck Bay with the potential of significant environmental impacts. An accidental spill during the bypassing operations could occur. This alternative would not mitigate the hazards from any future storms. The overland portion of the outfall would still be subject to damage from wave action. The outfall would be impacted by very high tides that could result in the flooding of the wastewater treatment plant. The repair/rehabilitation of the existing outfall will not have the same useful life as a new outfall. This alternative is the least desirable due to the environmental impacts and the fact that it does not mitigate the storm hazards.

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

If no action is taken, the above grade portion of the outfall pipe traversing the intertidal marsh, the structural support as the pilings, wooden supports and metal fasteners will continue to deteriorate. Superstorm Sandy's storm surge caused further damage to the outfall exacerbating leakage from the outfall. The overland portion of the outfall sustained damage to two outfall manholes. The potential exists that the outfall could float or be displaced from its existing location in a future similar storm event. The storm surge also caused the outfall to partially flood the wastewater treatment plant. If no action is taken, potential environmental damage to wetlands from the discharge of treated wastewater could occur. In addition, the plant would still be susceptible to flooding during storm surge events.

Summary of Findings and Conclusions:

The Proposed Project would replace an existing 24-inch diameter, 3,100 foot sewer outfall pipe with a new, high density, polyethylene, 24-inch pipe that will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired location and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The existing outfall will be abandoned in place. In addition, a new pump station would be constructed to pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to 'back up' into the Plant. The Proposed Project, while located in a floodplain, will have no impact on the value of the floodplain. In addition, all mechanical and electrical equipment associated with the Proposed Project will be elevated at least four feet above the 500-year floodplain. The Proposed Project will involve construction within a wetland in order to install the new outfall pipe. However, the method of installation chosen, directional drilling, will minimize the amount of direct wetland impacts that will be required. In addition, the Project will utilize a coffer dam around the bore hole to limit water from entering the bore

hole and will install a turbidity curtain around the coffer dam to minimize impacts to marine species. No adverse environmental impacts are anticipated.

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 will incorporate the following mitigation measures into the Proposed Project in order to reduce, avoid, or eliminate adverse environmental impacts:

- 1) Installation of the outfall by directional drilling to minimize wetland disturbance.
- 2) Elevation of all mechanical and electrical equipment at elevations four feet higher than the projected 500-year flood elevation to minimize impacts from the Project's location in a floodplain.
- 3) Soil and erosion control measures would be installed around areas proposed to be disturbed.
- 4) Limits on air emissions from construction equipment as detailed above, including idling restrictions, utilization of newer equipment, and utilization of best available tailpipe reduction technologies. In addition, the emergency stand-by generator will be subject to the stationary Reciprocating Internal Combustion Engine regulations.
- 5) Installation of a coffer dam structure to accommodate the construction of the outfall while preventing water from entering the bore hole. In addition, a turbidity curtain will be installed around the coffer dam location prior to the coffer dam's installation.
- 6) Any and all other permit conditions imposed by the USACE or NYSDEC.

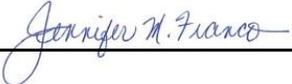
Determination:

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: 7/30/15

Name/Title/Organization: Jennifer M. Franco, PE, Senior Technical Director, AKRF, Inc.

Certifying Officer Signature:  Date: 7/30/15

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

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).

Figures

Figure 1: Regional Location

Figure 2: Project Site

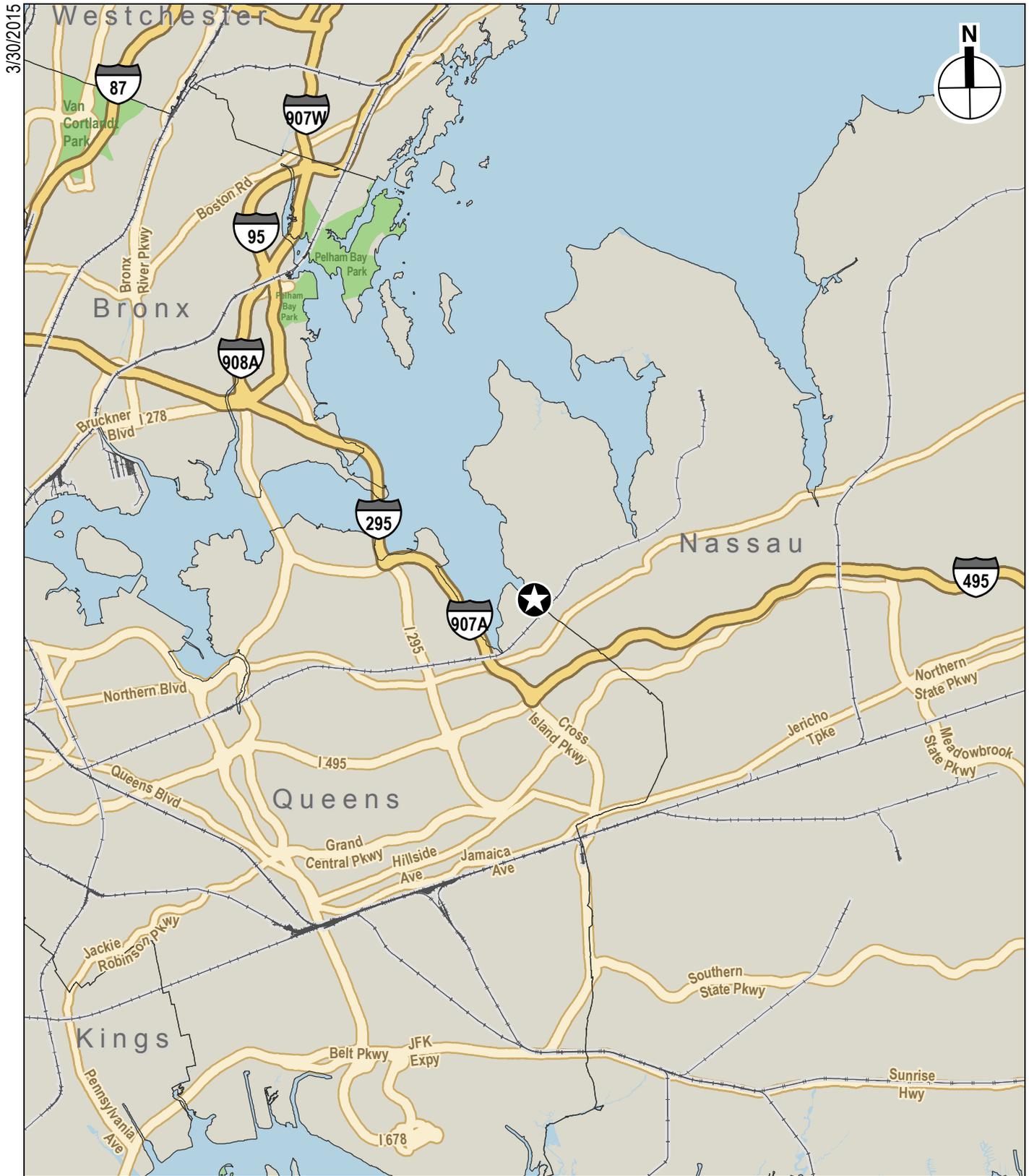
Figure 3: Proposed Project

Figure 4: Floodplain Map

Figure 5: NWI Wetlands

Figure 6: NYSDEC Wetlands

Figure 7: Existing Site Photographs



3/30/2015

 Project Location

0 5 Miles

Town of North Hempstead: Belgrave WPCD Outfall

**Project Location Map
Figure 1**

4/1/2015



Source: USGS Aerials

 Project Site

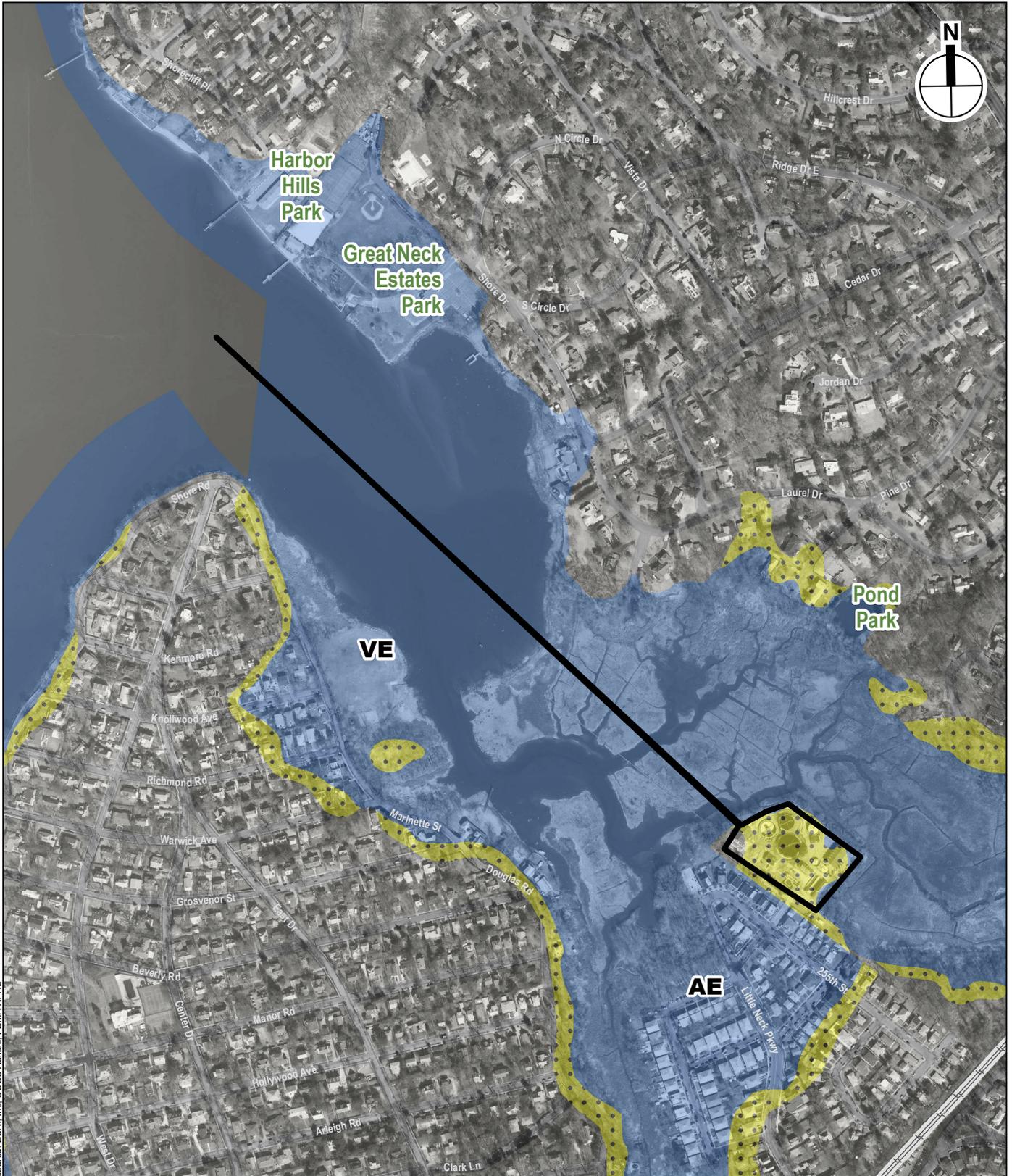
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NOTE: COORDINATES REFER TO NAD83(LIZONE)



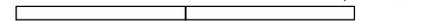
3/30/2015



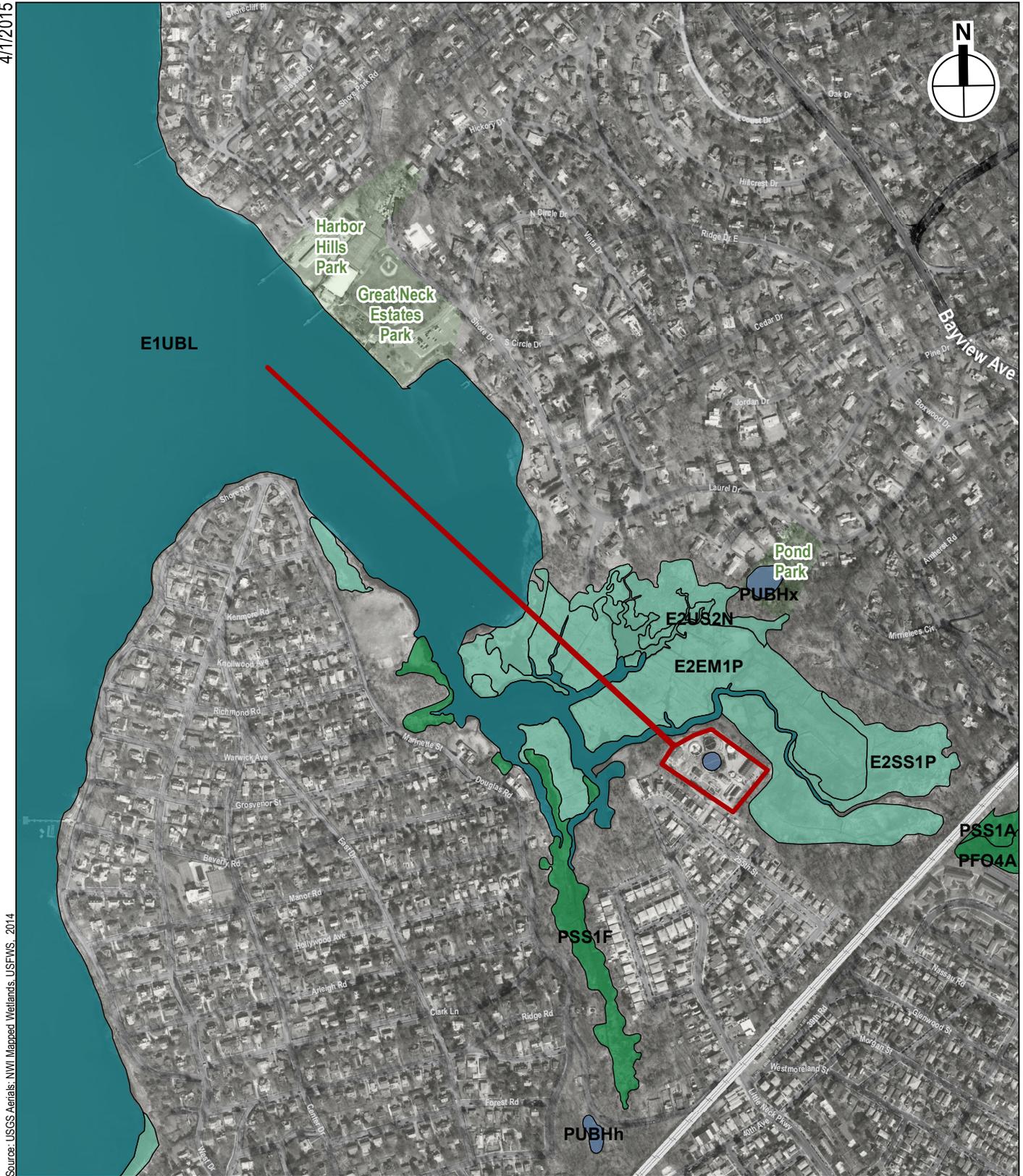
Source: ESRI, Inc.; USGS Aerials; FEMA NFHL

-  Project Site
-  100-Year Floodplain
-  500-Year Floodplain

0 1,000 FEET

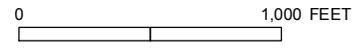


4/1/2015



Source: USGS Aerials; NWI Mapped Wetlands; USFWS, 2014

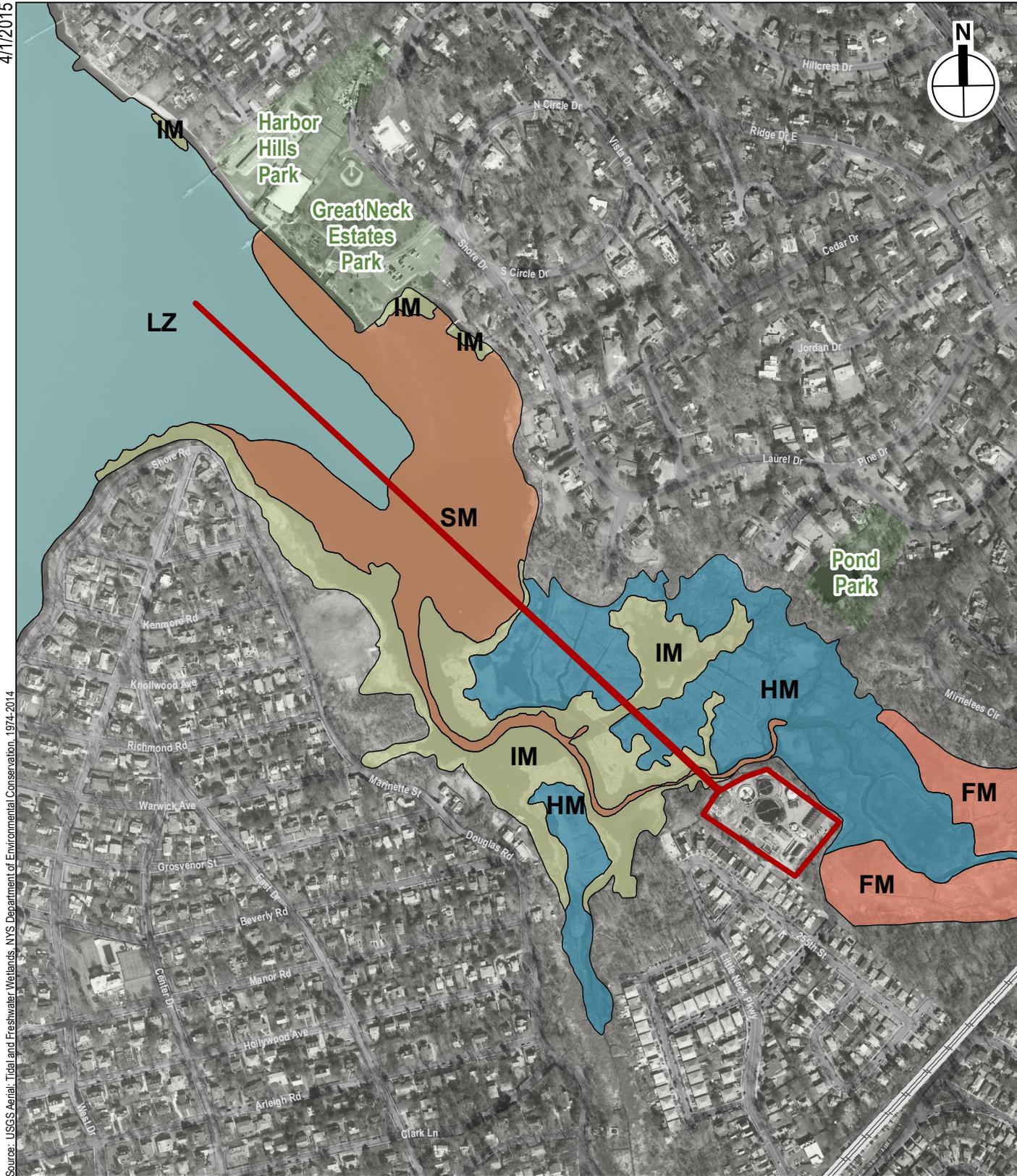
- | | |
|---|--|
|  Project Site |  Riverine |
|  Freshwater Forested/Shrub Wetland |  Lakes |
|  Freshwater Emergent Wetland |  Estuarine and Marine Deepwater |
|  Freshwater Pond |  Other Freshwater Wetland |
|  Estuarine and Marine Wetland | |



Town of North Hempstead: Belgrave WPCD Outfall

**NWI Wetlands
Figure 5**

4/1/2015



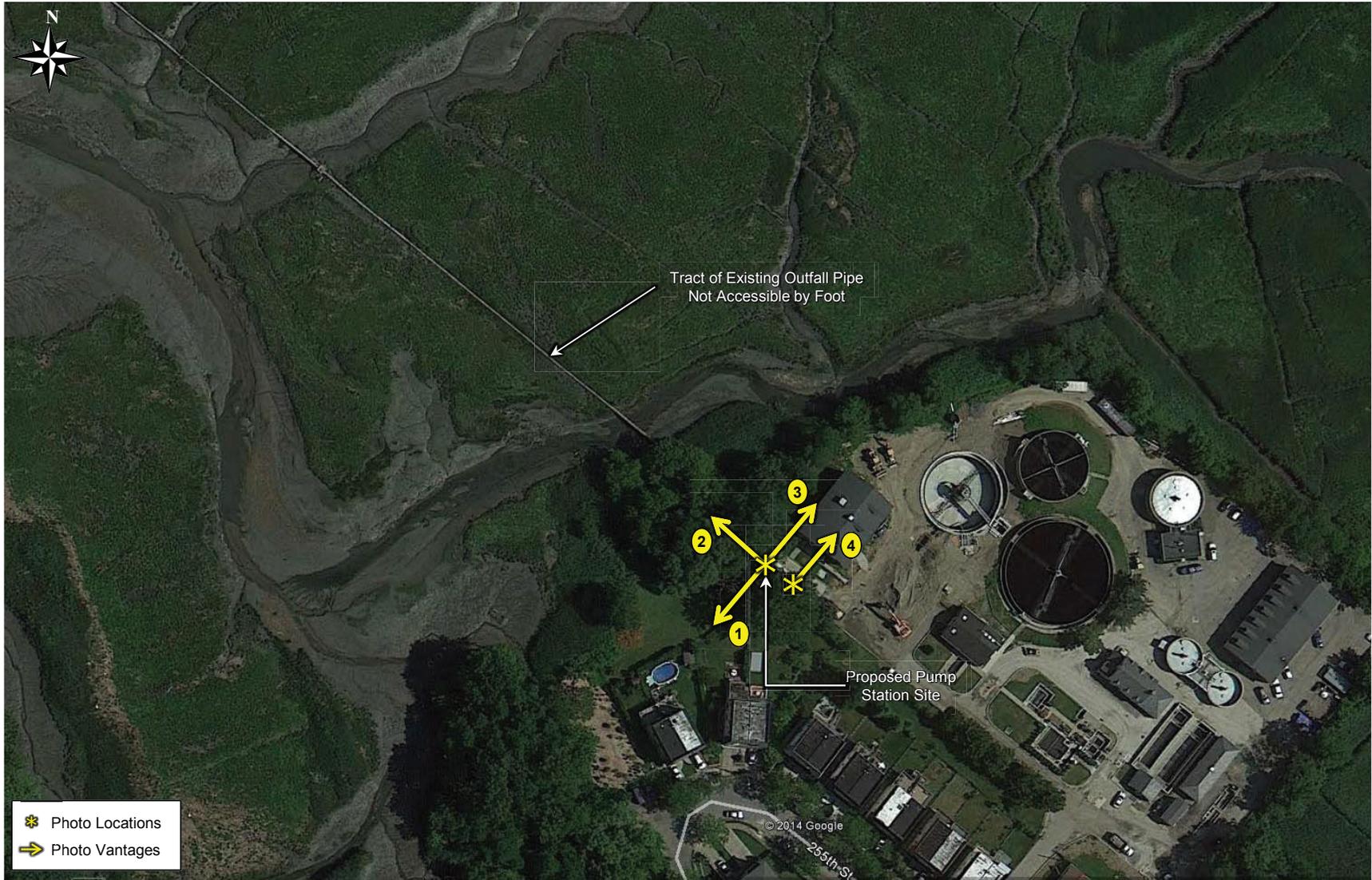
Source: USGS Aerial, Tidal and Freshwater Wetlands, NYS Department of Environmental Conservation, 1974-2014

- Project Site
- Littoral Zone
- Fresh Marsh
- Coastal Shoals, Bars and Mudflats
- High Marsh
- Dredged Spoil
- Intertidal Marsh
- Formerly Connected Wetlands
- Freshwater Wetlands

0 1,000 FEET



NYSDEC Tidal and Freshwater Wetlands
Town of North Hempstead: Belgrave WPCD Outfall
Figure 6



Source: Google Earth





From Pump Station Site Looking Southwest



From Pump Station Site Looking Northwest

Taken: August 7, 2014



From Pump Station Site Looking Northeast



From South of Pump Station Site Looking Northeast

Taken: August 7, 2014

Appendix A – Agency Correspondence

**New York State Office of Parks, Recreation, and Historic Preservation
(NYSOPRHP)
Division for Historic Preservation**



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

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

September 10, 2014

Steven Cabrera
330 Crossways Park Drive
Woodbury, NY 11797-2015

Re: Belgrave Water Treatment Plant
Replacement of Existing Outfall Pipe and
Construction of Effluent Pumping Station
14PR03324

Dear Mr. Cabrera:

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).

Based upon this review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Deputy Commissioner for Historic Preservation

**New York State Department of Environmental Conservation
(NYSDEC)
Division of Fish, Wildlife, and Marine Resources
New York Natural Heritage Program**



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



April 8, 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 Threatened and Endangered Species Request – for Belgrave Water Pollution Control District (BWPCD) Outfall Project

Dear Mr. Conrad:

We are writing to request a search of your Natural Heritage Program files for any records of state-listed or federally-listed plant or animal species, or significant habitats in the vicinity of a proposed project located in the Town of North Hempstead, NY. (See attached Project Location **Figure 1**). According to information reviewed from the New York State Environmental Resource Mapper, rare, threatened or endangered plant or animal species are not known to exist in the property's vicinity.

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 Belgrave Water Pollution Control District (BWPCD) Outfall Project (the "Proposed Action").

Proposed Action:

The Belgrave Water Pollution Control District (BWPCD) proposes to replace the existing 24-inch diameter, 3,100 foot outfall pipe with a new, high density, polyethylene, 24-inch pipe that will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired depth and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The directional drilling method will require removal of some sections of the aboveground portion of the existing outfall where it crosses intertidal creeks, as well as removal of the transition manhole. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary and any disturbed area would be restored to its pre-construction contours and stabilized. In addition, the project involves the installation of a pump station to pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to

'back up' into the Plant. The pump station will be located within the existing Wastewater Treatment Plant boundary, upland of the intertidal marsh and at a ground elevation of greater than 10 feet. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation. (See attached Plan View **Figure 2** and Cross Section **Figure 3**).

The information provided by NYNHP will be used for the environmental evaluations of the project. However, map(s) showing specific locations of sensitive species or habitats developed from lists provided by NYNHP will not be published in any document.

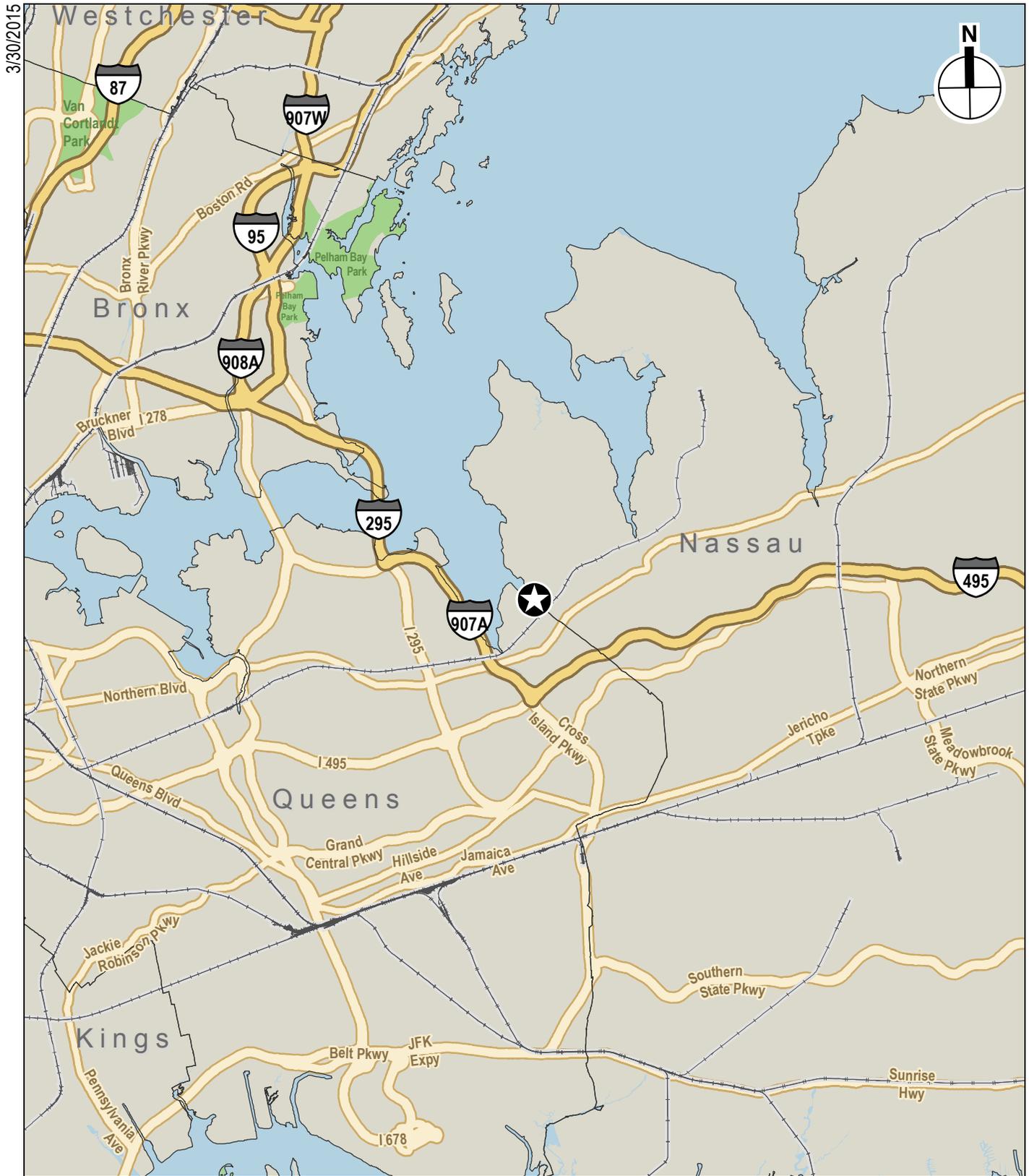
Please return the results of this request via email to Jim Nash at AKRF, Inc. – the consulting firm we've retained to conduct the environmental review. His email is jnash@akrf.com and phone is 914-922-2367.

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,

A handwritten signature in black ink, appearing to read "Thomas J. King". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas J. King, Esq.
Certifying Officer, NYS Homes and
Community Renewal



3/30/2015

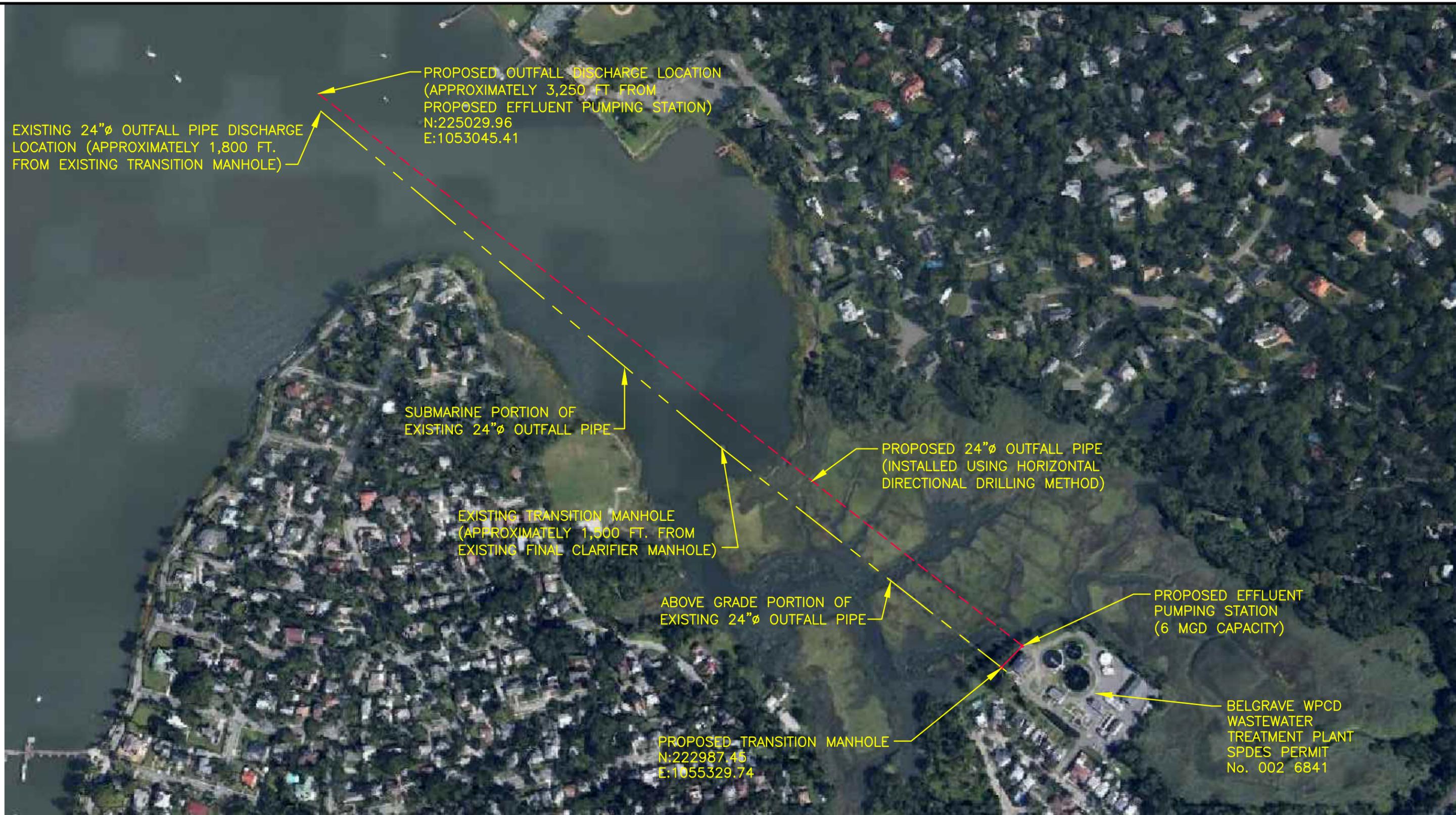
 Project Location

0 5 Miles

Town of North Hempstead: Belgrave WPCD Outfall

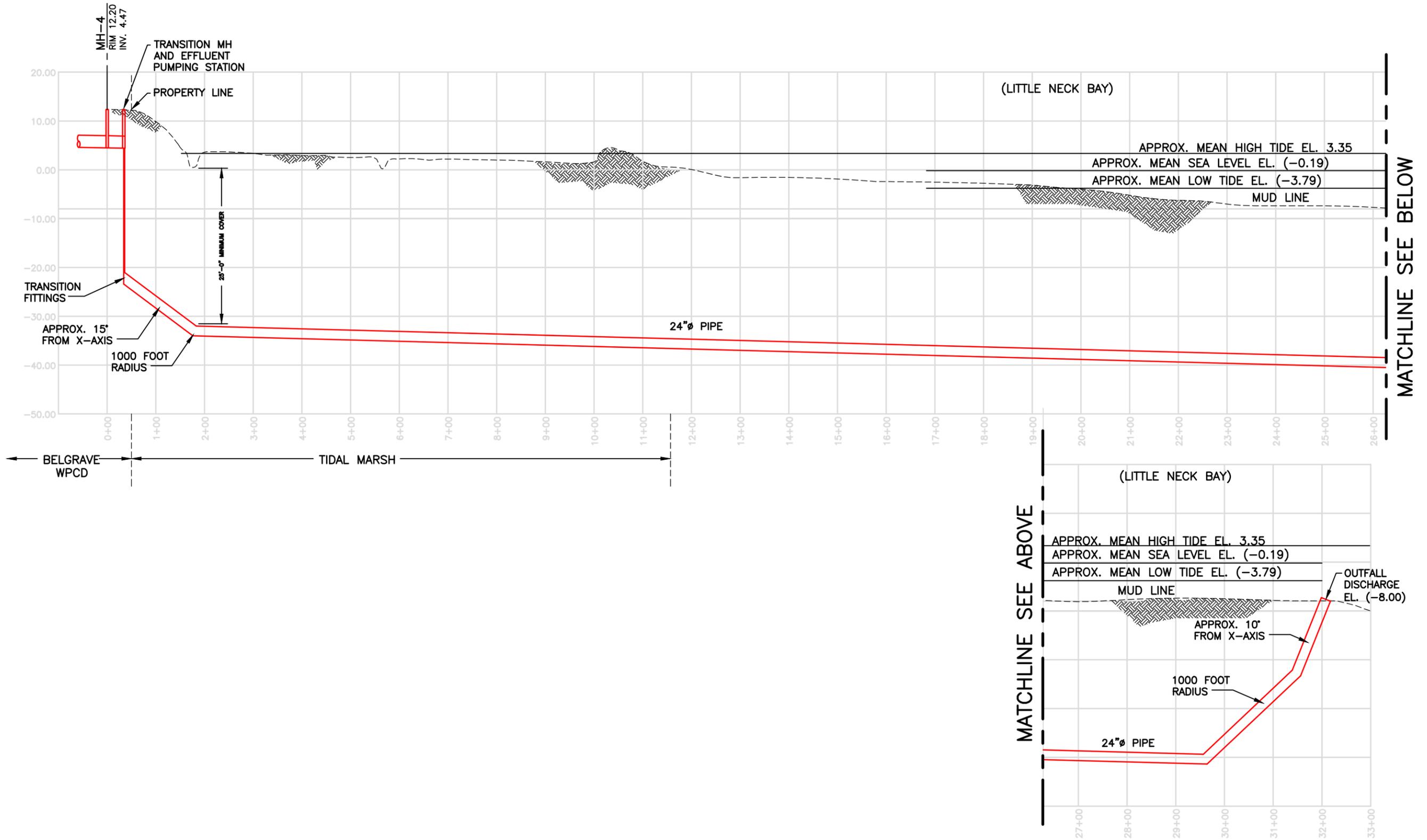
**Project Location Map
Figure 1**

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NOTE: COORDINATES REFER TO NAD83(LIZONE)

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NOTE: ELEVATIONS REFER TO NAVD88 DATUM

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

April 17, 2015

Jim Nash
AKRF
34 South Broadway, Suite 401
White Plains, NY 10601

Re: Belgrave Water Pollution Control District (BWPCD) Outfall Project
Town/City: North Hempstead. County: Nassau.

Dear Jim Nash :

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 rare or state-listed animals or plants, or significant natural communities, at your site or in its immediate vicinity. Note the project site is adjacent to Udalls Cove & Ravine Natural Resource Area, and it is within Little Neck Bay Significant Coastal Fish & Wildlife Habitat (SCFWH) and Udalls Cove SCFWH.

The absence of data does not necessarily mean that rare or state-listed species, significant natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological 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 database. 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,

A handwritten signature in black ink that reads "Andrea Chaloux".

Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program

**National Oceanic and Atmospheric Administration
(NOAA)
National Marine Fisheries Service
(NMFS)**



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



April 10, 2015

Kimberly Damon-Randall
Protected Resources
NMFS Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

Re: Informal Section 7 Consultation for the Town of North Hempstead – Belgrave Water Pollution Control District (BWPCD) Outfall Project

Dear Ms. Damon-Randall:

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 Belgrave Water Pollution Control District (BWPCD) Outfall Project (the "Proposed Action") located in the Town of North Hempstead, NY. 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 purpose of this letter is to provide the National Marine Fisheries Service Protected Resources Division (NMFS) notice of the Proposed Action and to initiate informal consultation with NMFS under Section 7 of the Endangered Species Act (ESA) to determine whether any federally threatened, endangered, candidate, or proposed species, or their designated critical habitats could be affected. A summary of the Proposed Project is provided below, and the enclosed figures show the location and extent. (See **Figures 1, 2 and 3**)

A SEQRA Negative Declaration/Notice of Determination of Non-Significance was issued on October 6, 2014, with the Belgrave Water Pollution Control District (BWPCD) acting as Lead Agency.

In addition to the NEPA EA, permit applications are being prepared in accordance with Clean Water Action Section 404/401 for submission to the U.S. Army Corps of Engineers (USACE) and New York State Department of Environmental Conservation (NYSDEC) for this work. These materials will be provided to your office when completed. Due to the aquatic location of the project and the need for in-water construction to replace the existing outfall, informal Section 7 consultation with the National Marine Fisheries Service is being undertaken at this time.

Proposed Action:

The BWPCD serves the Nassau County Villages of Lake Success, University Gardens, Russell Gardens and part of Great Neck, NY. The BWPCD discharges treated effluent through an existing outfall that is partially above-grade and partially below Little Neck Bay (SPDES Permit # NY0026841). Dye testing indicates that there are at least two leaks in the submarine segment of the outfall, and assessment of the above-grade segment indicates that there are significant structural deficiencies present.

The Belgrave Water Pollution Control District (BWPCD) proposes to replace the existing 24-inch diameter, 3,100 foot outfall pipe with a new, high density, polyethylene, 24-inch pipe that will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired depth and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The directional drilling method will require removal of some sections of the aboveground portion of the existing outfall where it crosses intertidal creeks, as well as removal of the transition manhole. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its preconstruction contours and stabilized. In addition, the project involves the installation of a pump station to pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to 'back up' into the Plant. The pump station will be located within the existing Wastewater Treatment Plant boundary, upland of the intertidal marsh and at a ground elevation of greater than 10 feet. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation.

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,

A handwritten signature in black ink, appearing to read "Thomas J. King". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas J. King, Esq.
Certifying Officer, NYS Homes and
Community Renewal



FW: Request for Informal Section 7 Consultation

1 message

King, Thomas J (STORMRECOVERY) <Thomas.King@stormrecovery.ny.gov> Thu, Apr 16, 2015 at 5:29 PM
To: "Jennifer Franco (jfranco@akrf.com)" <jfranco@akrf.com>

Let's chat

From: Jennifer Goebel - NOAA Affiliate [mailto:jennifer.goebel@noaa.gov]
Sent: Thursday, April 16, 2015 5:27 PM
To: King, Thomas J (STORMRECOVERY)
Subject: Re: Request for Informal Section 7 Consultation

Hi Tom,

As we discussed on the phone earlier today, I am sending along information on species listed by us under the Endangered Species Act that may be present in the vicinity of the Belgrave Water Pollution Control District Outfall Project, located in Little Neck Bay off of North Hempstead, NY.

The following endangered species occur in Little Neck Bay: Shortnose sturgeon (*Acipenser brevirostrum*); Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) (Distinct Population Segments [DPS]: New York Bight, Chesapeake Bay, Carolina, South Atlantic); Kemp's ridley sea turtle (*Lepidochelys kempi*); green sea turtle (*Chelonia mydas*); and leatherback (*Dermochelys coriacea*).

The following threatened species occur in Little Neck Bay: Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) (DPS: Gulf of Maine); and loggerhead sea turtle (*Caretta caretta*) (DPS: Northwest Atlantic Ocean).

There is no critical habitat designated in the project area.

Depending on habitat conditions at the project site (e.g. depth, substrate type, benthic resources, connectivity to tidal waters), listed species of sturgeon and sea turtles may occur within the vicinity of your proposed project, and any proposed in-water work could impact these species. We recommend placing a turbidity curtain around the project area. This will not only contain suspended sediment within the affected area, but will also prevent sturgeon and sea turtles from coming in contact with any increased turbidity or mechanical activity associated with the pier rehabilitation. For pile driving or other activities that may affect underwater noise levels, consider the use of cushion blocks and other noise attenuating tools to avoid reaching noise levels that will cause injury or behavioral disturbance to sturgeon or sea turtles (see the table below for more information regarding noise criteria for injury/behavioral disturbance in sturgeon or sea turtles).

Organism	Injury	Behavioral Modification
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Sturgeon	206 dB re 1 μ PaPeak <u>and</u> 187 dBcSEL	150 dB re 1 μ PaRMS
Sea Turtles	180 dB re 1 μ PaRMS	166 dB re 1 μ PaRMS

Sea turtles are generally not present in the proposed project area from the end of November to the beginning of May, and are most commonly encountered between June and October, depending on water temperatures. Atlantic and shortnose sturgeon may be present at any time of the year.

I am cc'ing Melissa Alvarez on this email, as she is your point of contact for this project for the Habitat Conservation Division, as we also discussed.

Please let me know if you have any further questions or if I can be of help in this project.

On Thu, Apr 16, 2015 at 4:27 PM, King, Thomas J (STORMRECOVERY) <Thomas.King@stormrecovery.ny.gov> wrote:

Hi Jennifer,

Would you be able to give me a call on this topic?

Sincerely,

Tom King

Assistant General Counsel

Governor's Office of Storm Recovery

99 Washington Avenue Suite 1224

Albany, New York 12260

Office: (518) 473-0015

Mobile: (646) 417-4660

Thomas.King@StormRecovery.NY.Gov

From: Jennifer Goebel - NOAA Affiliate [mailto:jennifer.goebel@noaa.gov]
Sent: Monday, April 13, 2015 12:56 PM
To: King, Thomas J (STORMRECOVERY)
Subject: Fwd: Request for Informal Section 7 Consultation

Hi Tom,

Could you resend me the materials you had attached with the original email? They did not come through with the forwarded mail, and both Kim and Mark are out today.

Thanks,

Jennifer

----- Forwarded message -----

From: Mark Murray-Brown - NOAA Federal <mark.murray-brown@noaa.gov>
Date: Fri, Apr 10, 2015 at 12:50 PM
Subject: Re: Request for Informal Section 7 Consultation
To: "King, Thomas J (STORMRECOVERY)" <Thomas.King@stormrecovery.ny.gov>
Cc: Kimberly Damon-Randall - NOAA Federal <kimberly.damon-randall@noaa.gov>, "Fretwell, Therese J" <Therese.J.Fretwell@hud.gov>, "Karen.Greene@noaa.gov" <Karen.Greene@noaa.gov>, Jennifer Goebel <jennifer.goebel@noaa.gov>

Dear Mr King - Your NMFS ESA Section 7 point of contact for this action will be Jennifer Goebel.

Thank you. Mark.

On Fri, Apr 10, 2015 at 11:44 AM, King, Thomas J (STORMRECOVERY) <Thomas.King@stormrecovery.ny.gov> wrote:

Thank you very much, Kim.

Your assistance in this matter is very much appreciated.

Sincerely,

Tom King

From: Kimberly Damon-Randall - NOAA Federal [mailto:kimberly.damon-randall@noaa.gov]
Sent: Friday, April 10, 2015 10:37 AM
To: King, Thomas J (STORMRECOVERY)
Cc: Mark.Murray-Brown@noaa.gov; Fretwell, Therese J; Karen.Greene@noaa.gov
Subject: Re: Request for Informal Section 7 Consultation

Good morning. We have received this request and will be in touch if we need additional information.

Thank you.

Kim

On Fri, Apr 10, 2015 at 9:55 AM, King, Thomas J (STORMRECOVERY) <Thomas.King@stormrecovery.ny.gov> wrote:

Dear Ms. Damon-Randall,

Please see the attached request for informal consultation pursuant to Section 7 of the Endangered Species Act. HUD has delegated Section 7 responsibilities to the State of New York and as such I am contacting you directly for this informal consultation. I have CC'd Therese Fretwell of HUD Region II in the case that you should have any questions as to this arrangement. If you have any questions regarding the substance of this request, please let me know. Thank you kindly.

Sincerely,

Tom King

Assistant General Counsel

Governor's Office of Storm Recovery

99 Washington Avenue Suite 1224

Albany, New York 12260

Office: [\(518\) 473-0015](tel:5184730015)

Mobile: [\(646\) 417-4660](tel:6464174660)

Thomas.King@StormRecovery.NY.Gov

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Kim Damon-Randall

Assistant Regional Administrator for Protected Resources

Greater Atlantic Regional Fisheries Office

(formerly, Northeast Regional Office)

Gloucester, MA 01930

Kimberly.Damon-Randall@noaa.gov

office: [978-282-8485](tel:9782828485)

fax: 978-281-9394

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Mark Murray-Brown
Section 7 Coordinator
Protected Resources Division
NOAA National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester MA 01930
[\(978\) 281-9306](tel:9782819306)

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Jennifer S. Goebel
Public Affairs: [978-281-9175](tel:9782819175) (cell [617-335-4301](tel:6173354301))
Protected Resources Division: [978-281-9373](tel:9782819373)

Greater Atlantic Regional Fisheries Office
NOAA Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

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Greater Atlantic Regional Fisheries Office

NOAA Fisheries Service

55 Great Republic Drive

Gloucester, MA 01930

**New York State Department of State
(NYSDOS)
Division of Coastal Resources**



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



June 12, 2015

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Division of Coastal Resources
State of New York
Department of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

Re: General Consistency Concurrence for the Belgrave WPCD Outfall Project, Town of North Hempstead, Nassau County, NY

Dear Mr. Zappieri:

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 Belgrave Water Pollution Control District (WPCD) Outfall Project, located in the Town of North Hempstead, NY (the "Proposed Action") (see Figure 1).

The purpose of this letter is to provide the New York State Department of State (DOS) notice of the Proposed Action and to obtain written confirmation from DOS that the proposed activities will be in compliance with general consistency concurrence criteria.

Project Overview

The Belgrave WPCD was established in 1928 as a Special District within the Town of North Hempstead. The WPCD own and operates a municipal wastewater treatment plant, serving the Villages of Lake Success, University Gardens, Russell Gardens and part of Great Neck and discharging into Little Neck Bay. The STP has an existing capacity of 2 million gallons per day and operates pursuant to a NYSDEC permit. The STP currently discharges treated effluent via a 24" outfall that was originally installed in 1931.

The existing sewer outfall is 80 years old and is in a deteriorated condition. The damaged outfall pipe is leaking treated effluent into the marshlands between the Sewage Treatment Plant (STP) and the outfall location. This damage has resulted in a Notice of violation issued by the New York State Department of

Environmental Conservation (NYSDEC). In addition, during Superstorm Sandy, the storm surge caused damage to the sewer outfall and flooding of the STP through the same outfall pipe.

Belgrave WPCD proposes to replace the existing 24-inch diameter, 3,100 foot outfall pipe with a new, high density, polyethylene, 24-inch pipe that will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired location and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The existing outfall will be abandoned in place. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. In addition, the project involves the installation of a pump station to pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to 'back up' into the Plant. The pump station will be located within the existing Wastewater Treatment Plant boundary, upland of the intertidal marsh and at a ground elevation of greater than 10 feet. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation.

Compliance

GOSR is requesting a response letter from DOS that can be included in the EA to document that coordination with DOS is being completed, and general consistency concurrence criteria will be met. Attached to this letter is a Federal Consistency Assessment Form, including an addendum analyzing the consistency of the Proposed Project with the relevant policies from the State's Coastal Management Plan.

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,

A handwritten signature in black ink, appearing to read "Thomas J. King". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas J. King, Esq.
Certifying Officer, NYS Homes and
Community Renewal

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: _____
2. Address: _____
3. Telephone: Area Code () _____

B. **PROPOSED ACTIVITY**

1. Brief description of activity:

2. Purpose of activity:

3. Location of activity:

_____	_____	_____
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: _____

5. Federal application number, if known: _____

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:

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: _____

Address: _____

Telephone: Area Code () _____

Applicant/Agent's Signature:  _____ Date: 6/12/2015 _____

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

This document is the addendum to the Coastal Assessment Form (CAF) for the Belgrave Water Pollution Control District (WPCD) Outfall Project. After describing the Proposed Project in more detail, this document analyzes the consistency of the Proposed Project with the State's Coastal Management Plan (CMP), specifically those policies that were identified as potentially applicable to this Project in the CAF.

PROJECT DESCRIPTION

The Belgrave WPCD was established in 1928 as a Special District within the Town of North Hempstead. The WPCD owns and operates a municipal wastewater treatment plant, serving the Villages of Lake Success, University Gardens, Russell Gardens and part of Great Neck and discharging into Little Neck Bay (see **Figure 1**). The STP has an existing capacity of 2 million gallons per day and operates pursuant to a NYSDEC permit. The STP currently discharges treated effluent via a 24" outfall that was originally installed in 1931.

The existing sewer outfall is 80 years old and is in a deteriorated condition. The damaged outfall pipe is leaking treated effluent into the marshlands between the Sewage Treatment Plant (STP) and the outfall location. This damage has resulted in a Notice of violation issued by the New York State Department of Environmental Conservation (NYSDEC). In addition, during Superstorm Sandy, the storm surge caused damage to the sewer outfall and flooding of the STP through the same outfall pipe.

Belgrave WPCD proposes to replace the existing 24-inch diameter, 3,100 foot outfall pipe with a new, high density, polyethylene, 24-inch pipe that will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe (see **Figure 2**). The process will result in a new line, buried to the desired location and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The existing outfall will be abandoned in place. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. In addition, the project involves the installation of a pump station to pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to 'back up' into the Plant. The pump station will be located within the existing Wastewater Treatment Plant boundary, upland of the intertidal marsh and at a ground elevation of greater than 10 feet. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation.

Funding for the Project will be provided by the Clean Water State Revolving Fund Storm Mitigation Loan Program (SMLP) with support from the HUD CDBG-DR program.

Pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) and the Housing and Community Development Act (42 U.S.C. § 5301 et seq.), the Governor's Office of Storm Recovery (GOSR) is acting under the auspices of New York State Homes and Community

Belgrave WPCD Outfall Project

Renewal's Housing Trust Fund Corporation as a recipient of Community Development Block Grant – Disaster Recovery (“CDBG-DR”) funds from the United States Department of Housing and Urban Development (“HUD”). GOSR is the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR processes environmental reviews for projects funded with HUD CDBG-DR on a case-by-case basis.

CONSISTENCY WITH NYS COASTAL MANAGEMENT PLAN

Policy 2: *Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.*

Response: The existing STP is a water-dependent use as the effluent from the plant must be discharged to the Bay. Therefore, the Proposed Project is consistent with this policy.

Policy 7: *Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.*

Response: The Proposed Project is not expected to have any significant adverse impact on SCFWH. The new outfall will be designed and operated according to all NYSDEC specifications and permit conditions. The nature of the effluent being discharged will not change as a result of the Proposed Project. The Proposed Project will have beneficial impacts on SCFWH as it will replace the current outfall, which is leaking treated effluent into the intertidal wetlands and mudflats between the STP and the outfall location. When the Proposed Project is completed, treated effluent will no longer leak into this sensitive environmental area. In addition, the Proposed Project will increase the resiliency of the existing STP by constructing a pump station that will pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to ‘back up’ into the Plant. Therefore, the Proposed Project is consistent with this policy.

Policy 8: *Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sub-lethal or lethal effect on those resources.*

Response: Please see the response to Policy 7. The Proposed Project will protect fish and wildlife resources from pollutants. Therefore, the Proposed Project is consistent with this policy.

Policy 11: *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.*

Response: The STP is currently located in the 500-year floodplain. The proposed pump station will be located within the existing Wastewater Treatment Plant boundary, upland of the intertidal marsh and at a ground elevation of greater than 10 feet. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation. Therefore, the Proposed Project is consistent with this policy.

Policy 12: *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.*

Response: The Proposed Project will install a new outfall line, buried to the desired location and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The existing outfall will be abandoned in place. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. Therefore, the Proposed Project is consistent with this policy.

Policy 17: *Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.*

Response: The STP is currently located in the 500-year floodplain. The proposed pump station will be located within the existing Wastewater Treatment Plant boundary, upland of the intertidal marsh and at a ground elevation of greater than 10 feet. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation. Therefore, the Proposed Project is consistent with this policy.

Policy 21: *Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.*

Response: The Proposed Project includes improvements to the existing STP, a water-dependent use. Therefore, the Proposed Project is consistent with this policy.

Policy 22: *Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.*

Response: Water related recreation is not compatible with the primary purpose of the Proposed Project, which is to improve an existing STP. The Proposed Project includes no above ground or in-water structures outside of the existing STP boundaries that could serve as barriers to existing or future water-related recreation. Therefore, the Proposed Project is consistent with this policy.

Policy 30: *Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.*

Response: The Proposed Project will be designed and operated according to all NYSDEC specifications and permit conditions. The nature of the effluent being discharged will not change as a result of the Proposed Project. The Proposed Project will have beneficial impacts on the ecological health of the area as it will replace the current

outfall, which is leaking treated effluent into the intertidal wetlands and mudflats between the STP and the outfall location. When the Proposed Project is completed, treated effluent will no longer leak into this sensitive environmental area. In addition, the Proposed Project will increase the resiliency of the existing STP by constructing a pump station that will pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to ‘back up’ into the Plant. Therefore, the Proposed Project is consistent with this policy.

Policy 38: *The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.*

Response: The Project Site is located in a sole source aquifer (SSA). The Proposed Project, however, will have no impact on drinking water supplies. Consultation with the US EPA regarding the Proposed Project and its location within a SSA has been initiated. Therefore, the Proposed Project is consistent with this policy.

Policy 40: *Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.*

Response: The Proposed Project will be designed and operated according to all NYSDEC specifications and permit conditions. The nature of the effluent being discharged will not change as a result of the Proposed Project. The Proposed Project will have beneficial impacts on the ecological health of the area as it will replace the current outfall, which is leaking treated effluent into the intertidal wetlands and mudflats between the STP and the outfall location. When the Proposed Project is completed, treated effluent will no longer leak into this sensitive environmental area. In addition, the Proposed Project will increase the resiliency of the existing STP by constructing a pump station that will pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to ‘back up’ into the Plant. Therefore, the Proposed Project is consistent with this policy.

Policy 44: *Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.*

Response: The Proposed Project will install a new outfall line, buried to the desired location and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The existing outfall will be abandoned in place. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. In addition, the Proposed Project will have beneficial impacts on the wetlands as it will replace the current outfall, which is leaking treated effluent into the intertidal wetlands and mudflats between the STP and the outfall location. When the Proposed Project is completed, treated effluent will no longer leak into this sensitive environmental area. In addition, the Proposed Project will increase the resiliency of the existing STP by constructing a pump station that will pump treated effluent into the Bay

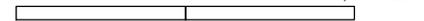
during storm events when a surge may cause the gravity fed outfall to ‘back up’ into the Plant. Therefore, the Proposed Project is consistent with this policy.

4/1/2015



Source: USGS Aerials

 Project Site

0 1,000 FEET




NOTE: COORDINATES REFER TO NAD83(LIZONE)



BELGRAVE WATER POLLUTION CONTROL DISTRICT

EXISTING AND PROPOSED OUTFALL LOCATION

APPROX. SCALE: 1"=400'

FIGURE ES-1

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

July 1, 2015

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

Re: F-2015-0407(FA)
GOSR - Belgrave WPCD Outfall
Replace existing sewer treatment plant (STP) outfall pipe
using directional drilling under the bay bottom. Install a
pump station to pump treated effluent into the Bay during
storm events. See addendum for more detail.
Town of North Hempstead, Nassau County
General Concurrence - No Objection To Funding

Dear Mr. King:

The Department of State received the information you submitted regarding the above matter on 6/12/2015.

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-2015-0407(FA).

Sincerely,



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

JZ/dc

Appendix B – Supplemental Technical Information

Floodplain and Wetland Protection Plan

Floodplain Management & Wetland Protection Plan

**Governor's Office of Storm Recovery
U.S. Department of Housing and Urban Development
Community Development Block Grant – Disaster Recovery**

**Belgrave WPCD Outfall Project
Town of North Hempstead, NY**

Nassau County, New York
Effective Date: June 17, 2015

**Executive Order 11988 – Floodplain Management
Executive Order 11990 – Protection of Wetlands**

**Governor’s Office of Storm Recovery
U.S. Department of Housing and Urban Development
Community Development Block Grant – Disaster Recovery**

**Belgrave WPCD Outfall Project
Town of North Hempstead, NY**

**Nassau County, New York
Effective Date: June 17, 2015**

This Floodplain Management and Wetland Protection Plan meets the requirements of 24 CFR Part 55.20 and Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands) for the Belgrave Water Pollution Control District (WPCD) Outfall Project (Project) in the Town of North Hempstead, Nassau County, NY. This Floodplain Management and Wetland Protection Plan documents the eight-step decision making for the Project and pertains to activities within the Special Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA), or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final, as well as within wetlands

Description of Proposed Program Activities

The U.S. Department of Housing and Urban Development (HUD) is responsible for administration of the CDBG-DR program pursuant to the Disaster Relief Appropriations Act of 2013. The CDBG-DR program is designed to address the needs of New York State (NYS) communities devastated by Superstorm Sandy. To date, this funding has been disbursed in three allocations. On Tuesday, March 5, 2013, HUD published Federal Register Notice 78 Fed. Reg. 14329, which established the requirements and processes for the first \$1.71 billion in federal CDBG-DR aid appropriated by the United States Congress and allocated to NYS for disaster relief. On November 18, 2013, HUD issued a second allocation of \$2.097 billion to NYS under Federal Register Notice 78 Fed. Reg. 69104. On October 16, 2014, HUD issued the third and final allocation of \$600 million to NYS under Federal Register Notice 79 Fed. Reg. 62194.

The Governor’s Office of Storm Recovery (GOSR) is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that Project activity in the floodplain and in wetland areas would have on the human environment.

Funding for the Project will be provided by the Clean Water State Revolving Fund Storm Mitigation Loan Program (SMLP) with support from the HUD CDBG-DR program.

The Belgrave WPCD was established in 1928 as a Special District within the Town of North Hempstead. The WPCD owns and operates a municipal wastewater treatment plant, serving the Villages of Lake Success, University Gardens, Russell Gardens and part of Great Neck and discharging into Little Neck Bay. The STP has an existing capacity of 2 million gallons per day and operates pursuant to a NYSDEC permit. The STP currently discharges treated effluent via a 24” outfall that was originally installed in 1931.

The existing sewer outfall is 80 years old and is in a deteriorated condition. The damaged outfall pipe is leaking treated effluent into the marshlands between the Sewage Treatment Plant (STP) and the outfall location. This damage has resulted in a Notice of violation issued by the New York State Department of Environmental Conservation (NYSDEC). In addition, during Superstorm Sandy, the storm surge caused damage to the sewer outfall and flooding of the STP through the same outfall pipe.

Belgrave WPCD proposes to replace the existing 24-inch diameter, 3,100 foot outfall pipe with a new, high density, polyethylene, 24-inch pipe that will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired location and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The existing outfall will be abandoned in place. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. In addition, the project involves the installation of a pump station to pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to ‘back up’ into the Plant. The pump station will be located within the existing Wastewater Treatment Plant boundary, upland of the intertidal marsh and at a ground elevation of greater than 10 feet. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation.

Executive Orders 11988 and 11990 & 24 CFR Part 55

Under 24 CFR Part 55.20, an eight-step decision making process must be completed for proposed actions taking place in a floodplain or wetland. 24 CFR Part 55.20 implements Executive Order 11988—Floodplain Management and Executive Order 11990—Protection of Wetlands.

EO 11988 requires federal agencies (or a state agency implementing a federal funding program) to reduce the loss of life and property caused by floods, minimize impacts of floods on human safety, health, and welfare, and preserve the natural and beneficial functions of floodplains. EO 11990 requires federal agencies (or a state agency implementing a federal funding program) to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. Under these orders, federal agencies should first look at avoiding all actions in or adversely affecting floodplains or wetlands unless no practicable alternatives exist. If no practicable alternatives exist, then federal agencies must evaluate the potential effects of the proposed action.

In addition, federal agencies are required to demonstrate that consideration of all practicable alternatives has resulted in the reduction or elimination of the long- and short-term adverse

impacts associated with occupancy and modifications of the floodplain or wetlands. This eight-step process includes assessing all practicable alternatives and incorporating public review.

Projects located within the SFHA are subject to Executive Order 11988. Information on where SFHAs are located is available on Flood Insurance Rate Maps (FIRMs) published by FEMA. FEMA uses engineering studies to determine the delineation of these areas or zones subject to flooding. The relevant data source for the SFHA is the latest issued FEMA data or guidance, which includes advisory data, such as Advisory Base Flood Elevations (ABFEs) or preliminary and final FIRMs.

The SFHA is the area that would be inundated by a 100-year flood: an area that has a one percent or greater chance of experiencing a flood in any single year. SFHAs are shown on FIRMs as shaded areas labeled with the letter “A” or “V”.

- “V” zones are coastal flood hazard zones subject to wave run-up in addition to storm surge.
- “A” zones include all other special flood hazard areas.
- “VE” zones, “AE” zones, “V” zones, or “A” zones followed by a number are areas with specific flood elevations, known as Base Flood Elevations (BFE).
- A zone with the letter “A” or “V” by itself is an appropriately studied flood hazard area without a specific flood elevation.
- Within an “AE” zone or a numbered “A” zone, there may be an area known as the “regulatory floodway,” which is the channel of a river and adjacent land areas which must be reserved to discharge a 100-year flood without causing a rise in flood elevations.

Projects located within, or otherwise modifying wetlands, are subject to EO 11990. As defined in 24 CFR 55.2 (b)(11), wetlands include those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

24 CFR Part 55.1 (c)

Under 24 CFR Part 55.1 (c), except with respect to actions listed in Part 55.12(c), no HUD financial assistance (including mortgage insurance) may be approved after May 23, 1994 with respect to:

- (1) Any action, other than a functionally dependent use, located in a floodway;
- (2) Any critical action located in a coastal high hazard area (V zone) (a “critical action” is an action such as storage of volatile materials, irreplaceable record storage, or construction of a hospital or nursing home); or
- (3) Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area or is a functionally dependent use and complies with the construction standards outlined in HUD Regulations 24 CFR Part 55 (c)(3).

24 CFR Parts 55.11 & 55.20

Under 24 CFR Parts 55.11 (including Table 1) and 55.20, non-critical actions are allowed in A or V zones only if the actions are reviewed in accordance with the floodplain management eight-step decision making process (eight-step process) outlined in 24 CFR Part 55.20. The eight-step process was conducted for the Project and is detailed below.

24 CFR Part 55.20 Eight-Step Process

Step One: Determine whether the proposed action is located in a 100-year floodplain (or a 500-year floodplain for a Critical Action) or results in new construction in a wetland.

As shown in **EXHIBIT 1**, the Sewer Treatment Plant is located almost entirely in the 500-year floodplain. (The northwestern portion of the plant is located outside of any floodplain, and portions of the southern and eastern sections of the plant are located in the 100-year floodplain.) It is on this site that the new pumping station will be located.

As shown in **EXHIBIT 2**, the outfall pipe crosses the intertidal wetlands and mudflats, and ultimately discharges in a bay within the Long Island Sound.

Step Two: Notify the public at the earliest possible time of a proposal to consider an action in a floodplain (or in the 500-year floodplain for a Critical Action) or wetland, and involve the affected and interested public in the decision making process.

Because the Project Site is located in a floodplain and involves construction in a wetland, GOSR must publish an early notice that allows the public an opportunity to provide input into the decision to provide funding for the Project.

Once the early public notice and comment period is complete, GOSR will assess, consider, and respond to the comments received individually and collectively for the project file, then proceed to Step Three.

A 15-day “Early Notice and Public Explanation of a Proposed Activity in a 500- and 100-Year Floodplain and Wetland” was published in Great Neck Record, on April 15, 2015. The 15-day period expired on April 30, 2015. The notice targeted local residents, including those in the floodplain and those served by the sewer treatment plant. The notice was also sent to the following state and federal agencies on April 15, 2015: U.S. Department of the Interior (DOI), U.S. Environmental Protection Agency (EPA), U.S. Department of Homeland Security Federal emergency Management Agency (FEMA), U.S. Fish and Wildlife Service (FWS); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); U.S. Army Corps of Engineers (USACE); NYS Department Environmental Conservation; the NYS Office of Parks, Recreation and Historic Preservation; NYS Department of Transportation; NYS Office of Emergency Management; City of New York Mayor’s Office; City of New York’s Department of Planning Queens Office; Queens Borough President; Nassau County Executive; Nassau County Clerk; Town of North Hempstead; and the Village of Great Neck Estates (see **EXHIBIT 3** for the notice).

GOSR received **0** public comments on this notice.

Step Three: Identify and evaluate practicable alternatives to locating the proposed action in a floodplain (or the 500-year floodplain for a Critical Action) or wetland.

After consideration of the following alternatives, Belgrave WPCD and GOSR have determined the best practicable alternative is the Proposed Action. The alternative actions considered are as follows: No Action, Parallel Outfall Routing, Repair Existing Outfall.

No Action

If no action is taken, the above grade portion of the outfall pipe traversing the intertidal marsh, the structural support as the pilings, wooden supports and metal fasteners will continue to deteriorate. Superstorm Sandy's storm surge caused further damage to the outfall exacerbating leakage from the outfall. The overland portion of the outfall sustained damage to two outfall manholes. The potential exists that the outfall could float or be displaced from its existing location in a future similar storm event. The storm surge also caused the outfall to partially flood the wastewater treatment plant. If no action is taken, potential environmental damage to wetlands from the discharge of treated wastewater could occur. In addition, the plant would still be susceptible to flooding during storm surge events.

Parallel Outfall Routing

This alternative would replace the existing outfall pipe with a new outfall that was parallel to the existing. This alternative would cause significantly more environmental impact than the selected alternative. The construction in the tidal portion would disturb the wetlands and would result in the need for a restoration project to replant the wetlands to its original condition. This alternative would not mitigate the hazards from any future storms. The overland portion of the outfall would still be subject to damage from wave action. The outfall would be impacted by very high tides that could result in the flooding of the wastewater treatment plant.

Repair Existing Outfall

Repairs to the intertidal portion and the marine portion of the outfall would be required in this alternative. The intertidal portion repairs would include replacement of the damaged manholes and the addition of more supports and tie-downs. The marine portion of the outfall needs to be further investigated during design to determine the exact condition of the pipe and the tie downs. The marine portion could be slip lined with a smaller diameter pipe and the tie downs replaced. In order to slip line the outfall, cofferdams would need to be constructed every 200 to 300 feet in the marine environment and the treated effluent would need to be bypassed around the work zone. The construction in the tidal portion would disturb/destroy the wetlands and would result in the need for a restoration project to replant the wetlands to its original condition. Construction in the marine environment would disturb Little Neck Bay with the potential of significant environmental impacts. An accidental spill during the bypassing operations could occur. This alternative would not mitigate the hazards from any future storms. The overland portion of the outfall would still be subject to damage from wave action. The outfall would be impacted by very high tides that could result in the flooding of the wastewater treatment plant. The repair/rehabilitation of the existing outfall will not have the same useful life as a new outfall. This alternative is the least desirable due to the environmental impacts and the fact that it does not mitigate the storm hazards.

These alternatives will be re-evaluated in light of any public comments received.

Step Four: Identify the potential direct and indirect impacts associated with the occupancy or modification of the floodplain (or 500-year floodplain for a Critical Action) or wetland.

GOSR has evaluated the alternatives to the proposed Project activities in the floodplain and wetland, and has determined that the proposed activities must take place in the floodplain and wetland.

The existing outfall, located within a wetland area, must be replaced. The new, high density, polyethylene, 24-inch pipe will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired location and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The existing outfall will be abandoned in place. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. The Project will obtain all appropriate state and federal permits for work within wetland areas.

In addition, the project involves the installation of a pump station to pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to ‘back up’ into the Plant. The pump station will be located within the existing Wastewater Treatment Plant boundary and therefore within the floodplain. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation.

The Proposed Project will eliminate the leakage of treated effluent into the intertidal marsh between the STP and the outfall location. This leakage has resulted in a Notice of violation issued by the New York NYSDEC. In addition, the installation of a pump station to pump treated effluent into the outfall pipe will prevent flooding of the STP, as was experienced during Superstorm Sandy. These improvements will have a beneficial impact on the local environment as well as on the residents of the Belgrave WPCD.

Step Five: Where practicable, design or modify the proposed action to minimize the potential adverse impacts within the floodplain (including the 500-year floodplain for a Critical Action) and wetlands and to restore and preserve their natural and beneficial values.

The new, high density, polyethylene, 24-inch pipe will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired location and will eliminate the need to repair the structural components aboveground in the inter-tidal portion of the outfall. The directional drilling method will require removal of some sections of the aboveground portion of the existing outfall where it crosses intertidal creeks, as well as removal of the transition manhole. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. The Project will obtain all appropriate state and federal permits for work within wetland areas.

The area of the STP in which the new pump station would be placed has previously been disturbed and currently provides minimal value to the floodplain. Therefore, the construction of the new pump station is not expected to cause a significant adverse impact to the natural and beneficial function of the floodplain. In addition, all mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation.

Step Six: Reevaluate the proposed action to determine: (1) Whether it is still practicable in light of its exposure to flood hazards in the floodplain or wetlands, the extent to which it will aggravate the current hazards to other floodplains or wetlands, and its potential to disrupt floodplain or wetland values; and (2) Whether alternatives preliminarily rejected at Step Three are practicable in light of the information gained in Steps Four and Five.

GOSR has reevaluated the Proposed Action and determined that the Belgrave WPCD Outfall Project is still practicable in light of its exposure to floodplain hazards and its disturbance to wetlands. The Proposed Project is not expected to have a significant adverse impact on floodplain or wetland functions, as described above.

The Proposed Project will take the following steps to mitigate the exposure of the project's components to the effects of the floodplain and to preserve the natural and beneficial properties of the floodplain and wetlands:

- 1) Installation of the outfall by directional drilling;
- 2) Elevation of all mechanical and electrical equipment at elevations four feet higher than the projected 500-year flood elevation.

GOSR has also reconsidered the alternatives discussed in Step Three and determined the best practicable alternative is the Proposed Project. The alternative actions considered are as follows: No Action, Parallel Outfall Routing, Repair Existing Outfall. These alternatives do not meet the goals of the project, which are to prevent leaking of treated effluent into the marshlands with minimal disturbance to the wetlands and to prevent floodwaters and storm surges from backing-up the outfall and flooding the STP. In addition, all alternatives, with the exception of the No Action alternative, also require work in the floodplain and in wetlands. Therefore, there is no practicable alternative to locating the Proposed Project in the floodplain and wetlands.

Step Seven: If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the floodplain (or the 500-year floodplain for a Critical Action) or wetland, publish a final notice.

It is GOSR's determination that the preferred alternative is the proposed Belgrave WPCD Outfall Project. The benefits of the Project would be to eliminate the leaking of treated effluent into the marshlands and preventing floodwaters and storm surges from backing up the outfall and flooding the STP.

A 7-day "Notice for Final Public Review of a Proposed Activity in a 500- and 100-Year Floodplain and Wetland" was published in Great Neck Record, on June 10, 2015. The 7-day period expired on June 17, 2015. The notice targeted local residents, including those in the floodplain and those served by the sewer treatment plant. The notice was also sent to the following state and federal agencies on June 10, 2015: U.S. Department of the Interior (DOI), U.S. Environmental Protection Agency (EPA), U.S. Department of Homeland Security Federal emergency Management Agency (FEMA), U.S. Fish and Wildlife Service (FWS); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); U.S. Army Corps of Engineers (USACE); NYS Department Environmental Conservation; the NYS Office of Parks, Recreation and Historic Preservation; NYS Department of Transportation; NYS Office of Emergency Management; City of New York Mayor's Office; City of New York's Department of Planning Queens Office; Queens Borough

President; Nassau County Executive; Nassau County Clerk; Town of North Hempstead; and the Village of Great Neck Estates (see **EXHIBIT 4** for the notice).

GOSR received **0** public comments on this notice.

Step Eight: Implement the Action

Step eight is implementation of the proposed action. GOSR will ensure that all mitigation measures prescribed in the steps above will be adhered to. Also, prior to project implementation, GOSR will conduct a National Environmental Policy Act (NEPA) review in accordance with 24 CFR Part 58.

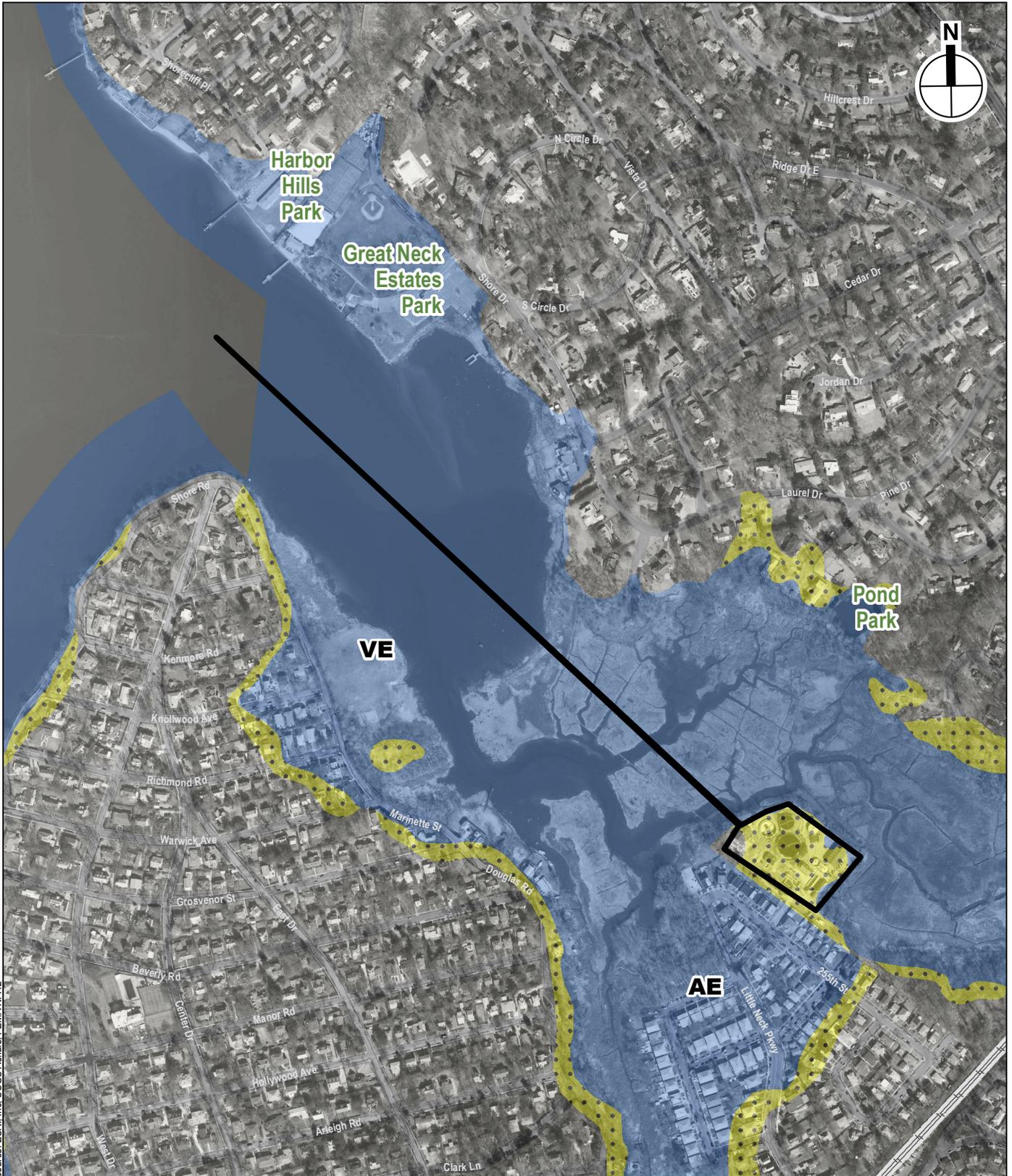
EXHIBIT 1 Project Location Floodplain Map

EXHIBIT 2 Project Location Wetland Map

EXHIBIT 3 Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

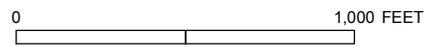
EXHIBIT 4 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication

3/30/2015

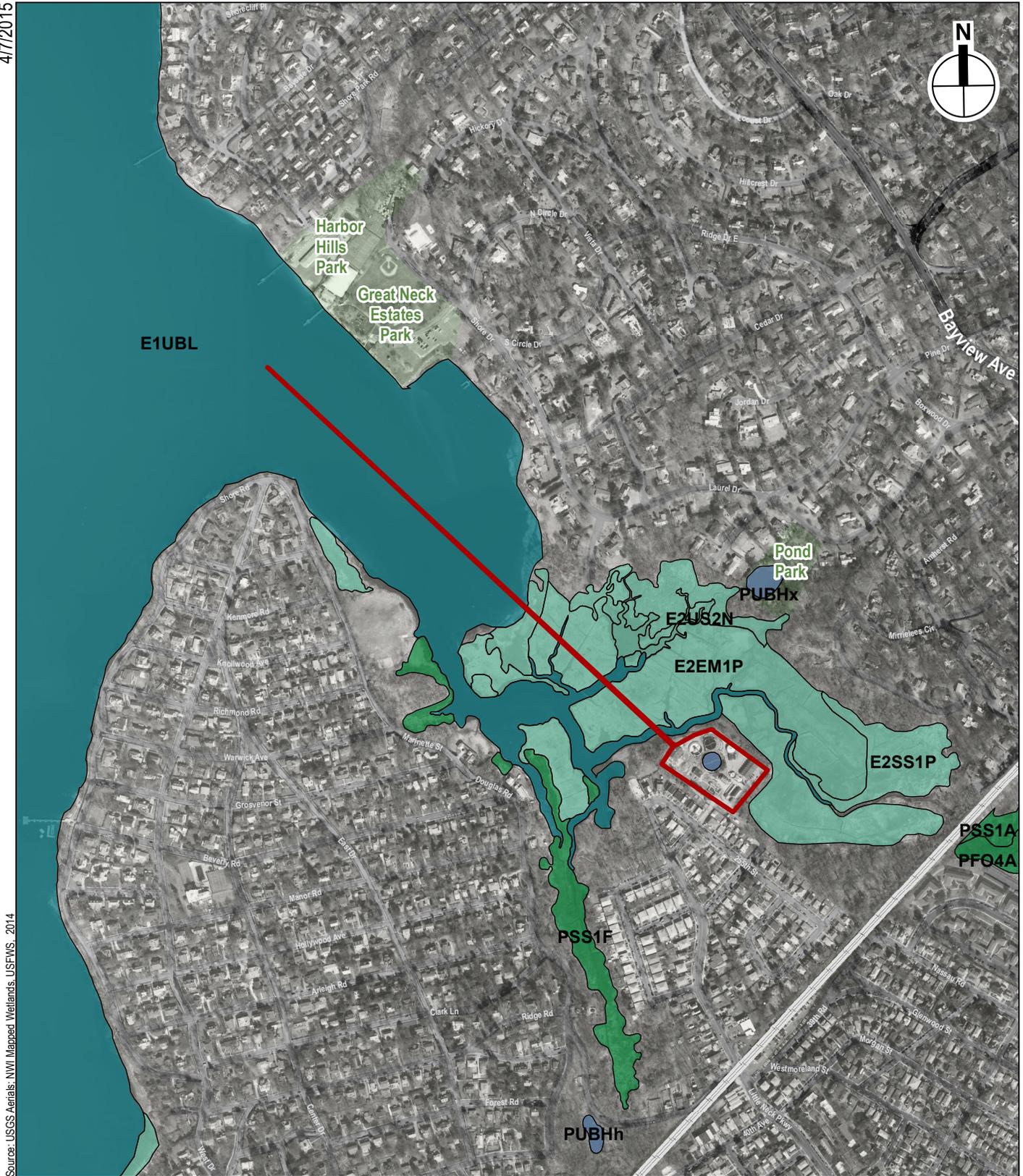


Source: ESRI, Inc. USGS Aerials; FEMA NFHL

-  Project Site
-  100-Year Floodplain
-  500-Year Floodplain

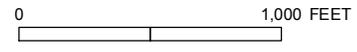


4/7/2015



Source: USGS Aerials; NWI Mapped Wetlands; USFWS, 2014

- Project Site
- Freshwater Forested/Shrub Wetland
- Freshwater Emergent Wetland
- Freshwater Pond
- Estuarine and Marine Wetland
- Riverine
- Lakes
- Estuarine and Marine Deepwater
- Other Freshwater Wetland



Town of North Hempstead: Belgrave WPCD Outfall

EXHIBIT 3 Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

**EARLY NOTICE AND PUBLIC EXPLANATION OF
A PROPOSED ACTIVITY IN A 500- and 100-YEAR FLOODPLAIN and WETLAND
BELGRAVE WATER POLLUTION CONTROL DISTRICT OUTFALL PROJECT
TOWN OF NORTH HEMPSTEAD, NY**

Thomas King, Assistant General Counsel and Certifying Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, NY 12260

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

To: All interested Agencies, Groups, and Individuals

This is to give notice that the Governor's Office of Storm Recovery (GOSR) is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human environment.

The Belgrave Water Pollution Control District (BWPCD) was established in 1928 as a Special District within the Town of North Hempstead. The BWPCD owns and operates a municipal Sewage Treatment Plant (STP), serving the Villages of Lake Success, University Gardens, Russell Gardens and part of Great Neck and discharging into Little Neck Bay. The STP has an existing capacity of 2 million gallons per day and operates pursuant to a NYSDEC permit. The STP currently discharges treated effluent via a 24" outfall that was originally installed in 1931. The existing sewer outfall is over 80 years old and is in a deteriorated condition. The damaged outfall pipe is leaking treated effluent into the marshlands between the STP and the outfall location. This damage has resulted in a Notice of Violation issued by the New York State Department of Environmental Conservation (NYSDEC). In addition, during Superstorm Sandy, the storm surge caused damage to the sewer outfall and flooding of the STP through the same outfall pipe.

BWPCD proposes to replace the existing 24-inch diameter, 3,100 foot outfall pipe with a new, high density, polyethylene, 24-inch pipe that will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired location and will eliminate the need to disturb tidal wetlands by repairing the structural components aboveground in the inter-tidal portion of the outfall. The directional drilling method will require removal of some sections of the aboveground portion of the existing outfall where it crosses intertidal creeks, as well as removal of the transition manhole. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. In addition, the project involves the installation of a pump station to pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to 'back up' into the Plant. The pump station will be located within the existing STP boundary, upland of the intertidal marsh and at a ground elevation of greater than 10 feet. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation.

Funding for the project will be provided by the Clean Water State Revolving Fund Storm Mitigation Loan Program (SMLP) with support from the HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) program for storm recovery activities in New York State.

A floodplains map based on the FEMA Base Flood Elevation Maps and a wetlands map based on the National Wetland Inventory and NYSDEC data, have been prepared for this project and are available for review at <http://www.stormrecovery.ny.gov/environmental-docs>

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains or wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains and wetlands facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains or wetlands, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the proposed action or a request for further information to Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; email: NYSCDBG_DR_ER@nyshcr.org. All comments received by **April 30, 2015** will be considered.

Thomas King, Assistant General Counsel and Certifying Officer

April 15, 2015

**EARLY NOTICE AND PUBLIC EXPLANATION OF
A PROPOSED ACTIVITY IN A 500- and 100-YEAR FLOODPLAIN and WETLAND**

**BELGRAVE WATER POLLUTION CONTROL DISTRICT
OUTFALL PROJECT
TOWN OF NORTH HEMPSTEAD, NY**

Thomas King, Assistant General Counsel and Certifying Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, NY 12260

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

To: All interested Agencies, Groups, and Individuals

This is to give notice that the Governor's Office of Storm Recovery (GOSR) is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human environment.

The Belgrave Water Pollution Control District (BWPCD) was established in 1928 as a Special District within the Town of North Hempstead. The BWPCD owns and operates a municipal Sewage Treatment Plant (STP), serving the Villages of Lake Success, University Gardens, Russell Gardens and part of Great Neck and discharging into Little Neck Bay. The STP has an existing capacity of 2 million gallons per day and operates pursuant to a NYSDEC permit. The STP currently discharges treated effluent via a 24" outfall that was originally installed in 1931. The existing sewer outfall is over 80 years old and is in a deteriorated condition. The damaged outfall pipe is leaking treated effluent into the marshlands between the STP and the outfall location. This damage has resulted in a Notice of Violation issued by the New York State Department of Environmental Conservation (NYSDEC). In addition, during Superstorm Sandy, the storm surge caused damage to the sewer outfall and flooding of the STP through the same outfall pipe.

BWPCD proposes to replace the existing 24-inch diameter, 3,100 foot outfall pipe with a new, high density, polyethylene, 24-inch pipe that will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired location and will eliminate the need to disturb tidal wetlands by repairing the structural components aboveground in the inter-tidal portion of the outfall. The directional drilling method will require removal of some sections of the aboveground portion of the existing outfall where it crosses intertidal creeks, as well as removal of the transition manhole. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. In addition, the project involves the installation of a pump station to pump treated effluent into the Bay during storm events when a surge may cause the gravity fed outfall to 'back up' into the Plant. The pump station will be located within the existing STP boundary, upland of the intertidal marsh and at a ground elevation of greater than 10 feet. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation.

Funding for the project will be provided by the Clean Water State Revolving Fund Storm Mitigation Loan Program (SMLP) with support from the HUD Community Development Block Grant - Disaster Recovery (CDBG-DR) program for storm recovery activities in New York State.

A floodplains map based on the FEMA Base Flood Elevation Maps and a wetlands map based on the National Wetland Inventory and NYS DEC data, have been prepared for this project and are available for review at <http://www.stormrecovery.ny.gov/environmental-docs>

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains or wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains and wetlands facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains or wetlands, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the proposed action or a request for further information to Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; email: NYSDBG_DR_ER@nysocr.org. All comments received by **April 30, 2015** will be considered.

Thomas King, Assistant General Counsel and Certifying Officer

April 15, 2015

133809

EXHIBIT 4 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication

**FINAL NOTICE AND PUBLIC EXPLANATION OF
A PROPOSED ACTIVITY IN A 500- AND 100-YEAR FLOODPLAIN AND WETLAND
BELGRAVE WATER POLLUTION CONTROL DISTRICT OUTFALL PROJECT
TOWN OF NORTH HEMPSTEAD, NY**

Thomas King, Assistant General Counsel and Certifying Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, NY 12260

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN AND WETLAND

To: All interested Agencies, Groups, and Individuals

This is to give notice that the Governor's Office of Storm Recovery (GOSR) has conducted an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human environment.

Pursuant to the CDBG-DR Program and Federal Register Notices 78 Fed. Reg. 14329, 78 Fed. Reg. 69104, and 79 Fed. Reg. 62194 (Notices), published March 5, 2013, November 18, 2013, and October 16, 2014, respectively, NYS has been allocated approximately \$4.4 billion of CDBG-DR funds for storm recovery activities. Funding for the Belgrave Water Pollution Control District (BWPCD) Outfall Project (Project) will be provided by the Clean Water State Revolving Fund Storm Mitigation Loan Program (SMLP) with support from the CDBG-DR program.

The BWPCD was established in 1928 as a Special District within the Town of North Hempstead. The BWPCD owns and operates a municipal Sewage Treatment Plant (STP), serving the Villages of Lake Success, University Gardens, Russell Gardens, and part of Great Neck and discharging into Little Neck Bay. The STP has an existing capacity of 2 million gallons per day and operates pursuant to a NYSDEC permit. The STP currently discharges treated effluent via a 24-inch diameter outfall that was originally installed in 1931. The existing sewer outfall is over 80 years old and is in a deteriorated condition. The damaged outfall pipe is leaking treated effluent into the marshlands between the STP and the outfall location. This damage has resulted in a Notice of Violation issued by the New York State Department of Environmental Conservation (NYSDEC). In addition, during Superstorm Sandy, the storm surge caused damage to the sewer outfall and flooding of the STP through the same outfall pipe.

BWPCD proposes to replace the existing 24-inch diameter, 3,100 foot outfall pipe with a new, high density, polyethylene, 24-inch pipe that will be installed using directional drilling underneath the bay bottom to a point in proximity to the existing outfall pipe. The process will result in a new line, buried to the desired location and will eliminate the need to disturb tidal wetlands by repairing the structural components aboveground in the inter-tidal portion of the outfall. The existing outfall will be abandoned in place. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats. Any disturbance in the wetlands would be minor and temporary, and any disturbed area would be restored to its original condition. In addition, the project involves the installation of a pump station to pump treated effluent into the Bay during storm events when a surge may cause the gravity-fed outfall to 'back up' into the Plant. The pump station will be located within the existing STP boundary, upland of the intertidal marsh and at a ground elevation of greater than 10 feet. All mechanical and electrical equipment will be installed at elevations four feet higher than the projected 500-year flood elevation.

This Notice pertains to the portion of the Project that is located within the Federal Emergency Management Agency (FEMA) flood hazard area and mapped wetlands. A floodplains map based on the FEMA Base Flood Elevation Maps and a wetlands map based on the National Wetland Inventory and NYSDEC data, have been prepared for this project and are available for review at <http://www.stormrecovery.ny.gov/environmental-docs>

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains or wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains and wetlands facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains or wetlands, it must inform those who may be put at greater or continued risk.

FLOODPLAIN MANAGEMENT PLAN

GOSR has reevaluated the alternatives to Project activities in the floodplain and wetlands and has determined that there is no practicable alternative. A full copy of the Floodplain Management Plan (8-step process) documenting compliance with Executive Order 11988 and Executive Order 11990 can be viewed online at <http://www.stormrecovery.ny.gov/environmental-docs>.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the proposed action or a request for further information to Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; email: NYSCDBG_DR_ER@nyshr.org. All comments received by **June 17, 2015** will be considered.

Thomas King, Assistant General Counsel and Certifying Officer

June 10, 2015

**BELGRAVE WATER POLLUTION CONTROL DISTRICT OUTFALL PROJECT
TOWN OF NORTH HEMPSTEAD, NY**

Thomas King, Assistant General Counsel and Certifying Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, NY 12260

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN AND WETLAND

To: All interested Agencies, Groups, and Individuals

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Thomas King, Assistant General Counsel and Certifying Officer

June 10, 2015

136200

vit of Publication

SS

ing duly sworn, deposes and says that
al Clerk of the Publisher of
ECK RECORD
per published at Mineola in the county of
ate of New York, and that a notice, a printed
hereunto annexed, has been published in
once in each week for

June 10, 2015

Linda Bacco

e this 10 day of
e-2015

Shari M. Egnasko

Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 6, 2016

General Conformity Screening Analysis



Environmental and Planning Consultants

Evaluation of de minimis Levels for General Conformity of Construction Projects with New York State Implementation Plans

The conformity requirements of the CAA and regulations promulgated thereunder (conformity requirements) limit the ability of federal agencies to assist, fund, permit, and approve projects in non-attainment areas that do not conform to the applicable SIP. When subject to this regulation, the lead agency is responsible for demonstrating conformity for its proposed action. Conformity determinations for federal actions other than those related to transportation plans, programs, and projects that are developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.) must be made according to the requirements of 40 CFR 93, Subpart B (federal general conformity regulations).

The general conformity regulations apply to those federal actions in non-attainment or maintenance areas where the action’s direct and indirect emissions have the potential to emit one or more of the six criteria pollutants at rates equal to or exceeding the prescribed rates.

General conformity de minimis threshold levels for the non-attainment and maintenance areas in New York State are presented in **Table 1**.

Table 1
General Conformity Threshold Levels

Non-Attainment Area and Pollutants	Threshold (tons/year)
ozone, other non-attainment areas inside an ozone transport region:	
volatile organic compounds (VOC)	50
nitrogen oxides (NO _x)	100
carbon monoxide (CO), maintenance areas:	
direct emissions	100
inhalable particulate matter (PM ₁₀), nonattainment areas:	
direct emissions	100
fine particulate matter (PM _{2.5}), maintenance areas:	
direct emissions	100
SO ₂	100
Source: 40 CFR § 93.153(b)	
Notes: NO _x and VOCs also limited at 100 tpy in PM _{2.5} maintenance areas, but ozone requirements are stricter.	

The general conformity requirements do not apply to federal actions that:

- Do not satisfy either one of the above conditions (where the action’s direct and indirect emissions have the potential to emit one or more of the six criteria pollutants at rates

Evaluation of De Minimis Levels for General Conformity of Construction Projects with New York State Implementation Plans

equal to or exceeding the threshold levels above within a non-attainment or maintenance area);

- Occur in an attainment area;
- Are related to transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601); or
- Qualify for exemptions established at 40 CFR Part 93.153.

The regulation assumes that a proposed federal action whose criteria pollutant emissions have already been included in the local SIP's attainment or maintenance demonstrations conforms to the SIP.

Most construction work would not require a general conformity evaluation, since construction activity in general is included in the SIP estimates, based on past activity levels and assumptions regarding growth in future years. However, there may be projects which are not considered to be included in the SIP if they were beyond the scope of what was anticipated during SIP preparation. If a project is not included in the SIP or there is uncertainty regarding its inclusion, a preliminary evaluation of emissions may be sufficient to demonstrate that the project's emissions would be de minimis under the above general conformity regulations. If that is the case, a detailed conformity analysis and determination would not be required. The following analysis provides a simplified approach to preliminary evaluation, based on construction expenditure.

As a conservative estimate, the analysis below assumes that the emissions intensity per expenditure (tons per dollar) for the project would be similar to the average intensity of the construction sector in the county. This would not be applicable for projects with higher intensity (emissions per dollar) such as large infrastructure projects or intense development projects including substantial excavation and foundations work. Given this and other limitations of this analysis, it is recommended that this approach not be seen as definitive if the results are not clearly de minimis. In such cases, a more refined approach may be needed.

Construction expenditure data is available from the U.S. Census Bureau's 2007 Survey of Business Owners.¹ Since the expenditure data represent firms by their location and not necessarily the location where construction takes place, applying this data at the county level may skew the results in some cases. As a broader estimate, we have categorized the expenditure as 'upstate' and 'downstate', reflecting the higher cost of construction in the downstate area. Downstate counties include Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, and Westchester. Total construction expenditure in 2007 was approximately 23.1 billion dollars in the upstate area, and 71.8 billion in the downstate area.

Construction emissions by county for the year 2007 were obtained from the New York State Department of Environmental Conservation (NYSDEC).² The fraction each de minimis emissions level represents of total regional emissions was calculated for each pollutant and area (upstate and downstate). The fraction of construction expenditure in each area equivalent to

¹ U.S. Census Bureau. *2007 Survey of Business Owners*, Statistics for All U.S. Firms by Industry, Gender, Ethnicity, and Race for the U.S., States, Metro Areas, Counties, and Places: 2007; SB0700CSA01.

² NYSDEC. 2007 SIP data. (provided by DEC, 2014)

**Evaluation of De Minimis Levels for General Conformity of
Construction Projects with New York State Implementation Plans**

those emission fractions were then calculated, representing de minimis project construction expenditures which would be equivalent to de minimis emissions.

For example, the downstate VOC emissions were 2,401.6 tons per year (tpy), and the relevant de minimis VOC emissions are 50 tpy; therefore—

de minimis as fraction of total emissions: $50 \text{ tpy} \div 2,401.6 \text{ tpy} = 2.08\%$
de minimis fraction of total expenditure: $2.08\% \times \$71.8 \text{ bn} = \1.5 bn

The total SIP emissions by pollutant and region and the resulting average project expenditure equivalent to de minimis levels are presented in **Table 2**.

**Table 2
Regional SIP Emissions and
de minimis Construction Expenditure**

Pollutant	Region	2007 SIP Emissions (tpy)	De Minimis (tpy)	Average Construction De Minimis Expenditure (million \$)
VOC	Downstate	2,401.6	50	1,496
	Upstate	1,464.3	50	789
NOx	Downstate	16,332.1	100	440
	Upstate	9,745.2	100	237
CO	Downstate	17,522.1	100	410
	Upstate	11,746.2	100	197
PM ₁₀	Downstate	1,489.6	100	4,823
PM _{2.5}	Downstate	1,442.3	100	4,981
SO ₂	Downstate	1,251.9	100	5,738
Notes: Only relevant pollutants by area are presented; see Table 3 for details.				

Based on the above analysis, projects with projected construction expenditure substantially lower than the average construction de minimis expenditure would clearly not exceed de minimis emissions levels for general conformity purposes. **Table 3** identifies the minimum de minimis expenditure threshold in each county, based on the lowest level for all nonattainment or attainment maintenance areas within which the county is located. For example, New York County is in 4 nonattainment/maintenance areas; of all the pollutants relevant to those areas, the CO de minimis emissions have the lowest corresponding construction expenditure of 410 million dollars. Standard construction projects in Manhattan with construction expenditure substantially lower than 410 million dollars in New York County would not exceed the de minimis level for any of the relevant pollutants and would not require any further analysis or conformity determination. For projects with components in more than one county, use the lowest threshold for all counties (if that exceeds de minimis levels, this can be refined by reviewing all appropriate pollutants based on the nonattainment/maintenance areas identified in **Table 3**, the appropriate pollutant for the area type from **Table 1**, and the de minimis expenditure for each pollutant from **Table 2**).

Evaluation of De Minimis Levels for General Conformity of
Construction Projects with New York State Implementation Plans

Table 3
De Minimis Construction Expenditure Threshold by County

County	Nonattainment / Maintenance Area				Critical Pollutant	De Minimis Expenditure Threshold (million \$)
	Ozone	CO	PM _{2.5}	PM ₁₀		
Upstate:						
Albany	√				NO _x	237
Erie	√				NO _x	237
Genesee	√				NO _x	237
Greene	√				NO _x	237
Livingston	√				NO _x	237
Monroe	√				NO _x	237
Montgomery	√				NO _x	237
Niagara	√				NO _x	237
Onondaga		√			CO	197
Ontario	√				NO _x	237
Orleans	√				NO _x	237
Rensselaer	√				NO _x	237
Saratoga	√				NO _x	237
Schenectady	√				NO _x	237
Schoharie	√				NO _x	237
Wayne	√				NO _x	237
Downstate:						
Bronx	√	√	√		CO	410
Dutchess	√				NO _x	440
Kings	√	√	√		CO	410
Nassau	√	√	√		CO	410
New York	√	√	√	√	CO	410
Orange	√		√		NO _x	440
Putnam	√				NO _x	440
Queens	√	√	√		CO	410
Richmond	√	√	√		CO	410
Rockland	√		√		NO _x	440
Suffolk	√		√		NO _x	440
Westchester	√	√	√		CO	410

*

General Conformity Worksheet

GENERAL CONFORMITY WORKSHEET

Air Emissions Information

PROJECT NAME _____

LOCATION (COUNTY, STATE) _____

FOR CALENDAR YEAR _____

Estimated Construction Start Date: _____ End Date: _____

A. ON-ROAD VEHICLES

ACTIVITY	VEHICLE TYPE	# OPERATING	ON / OFF SITE	GVWR PER VEHICLE	TOTAL MILES PER VEHICLE	TOTAL MILES ALL VEHICLES
Example: Demolition	Truck	2	ON	33,000	36	72

B. OFF-ROAD VEHICLES

ACTIVITY	EQUIPMENT TYPE	# OPERATING	HORSE-POWER	GAS/ DIESEL	TOTAL HRS PER VEHICLE	TOTAL HRS ALL VEHICLES
Example: Site Clearing	Backhoe	3	90	Diesel	80	240

Notes:

- If construction occurs over more than one calendar year, provide a separate table for each calendar year.
- For ACTIVITY, include a short description of the type of activity
 - On-Road examples: workers commuting to/from job site, materials deliveries, material movement to site, etc.
 - Off-Road examples: site clearing, demolition, excavation, construction, material placement, etc.
- For EQUIPMENT
 - On-Road examples: auto, pickup truck (gas or diesel), heavy trucks (gas or diesel), etc.
 - Off-road examples: crane, backhoe, dozer, mixer, chain saw, forklift, etc.
- Specify whether the on-road vehicles listed are being used for transportation to/from site, or are used exclusively on the site, as this will affect the emission estimates.
- Specify the Gross Vehicle Weight Ratings for any on-road heavy-duty diesel vehicles, as these are necessary to determine the correct emissions factors.
- For worker commutation, the number of vehicles and miles traveled can be estimated by using any available data to estimate commuting distance, carpool rates, etc., (e.g., Census Journey-to-Work data).

**Information, Planning, and Conservation System (IPaC)
Trust Resources List**



U.S. Fish and Wildlife Service

Trust Resources List

This resource list is to be used for planning purposes only — it is not an official species list.

Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:

Long Island Ecological Services Field Office
340 SMITH ROAD
SHIRLEY, NY 11967
(631) 286-0485

Project Name:

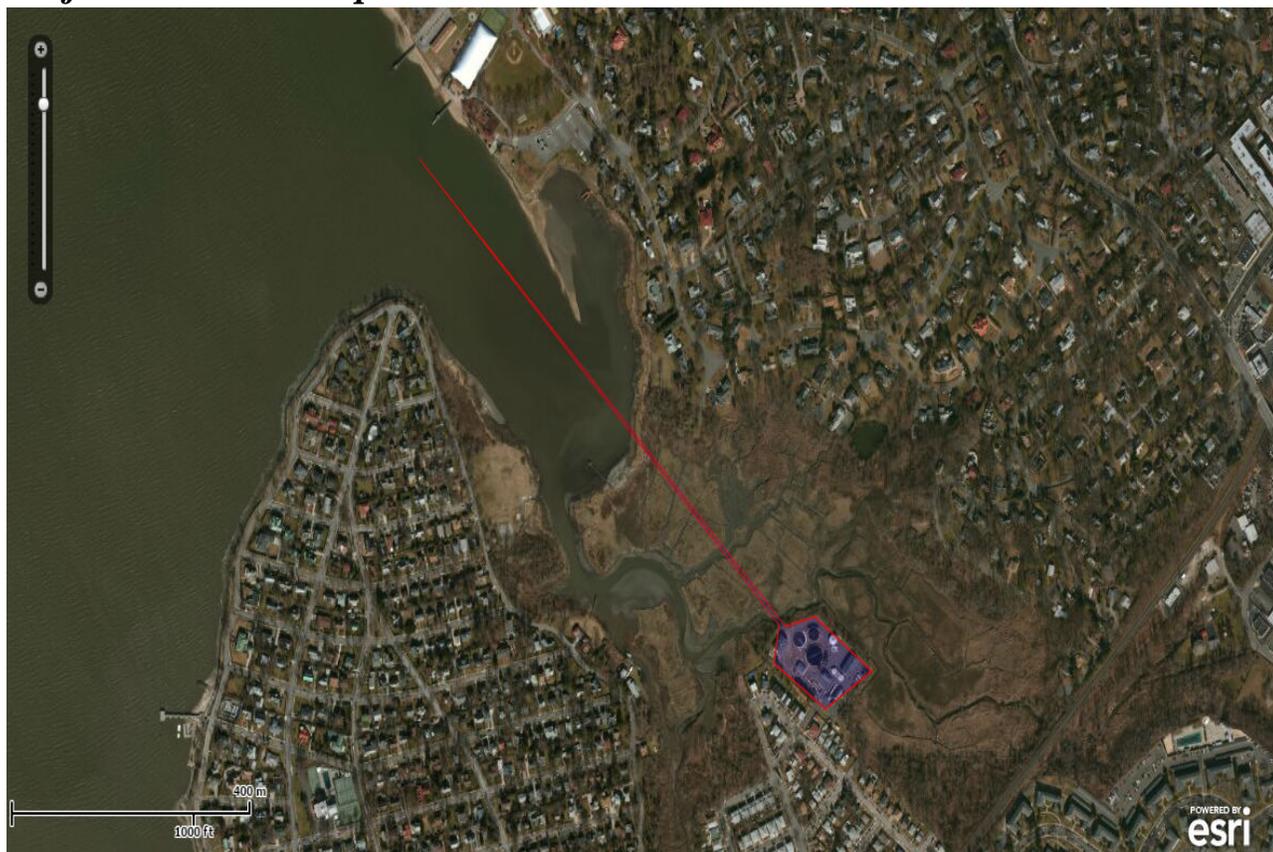
Belgrave WPCD Outfall



U.S. Fish and Wildlife Service

Trust Resources List

Project Location Map:



Project Counties:

Nassau, NY | Queens, NY

Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):

MULTIPOLYGON (((-73.7432534 40.7782624, -73.7431461 40.7787181, -73.7503345 40.7843066, -73.7430174 40.7787011, -73.742438 40.7788148, -73.7413008 40.7781649, -73.7422235 40.7777099, -73.7432534 40.7782624)))

Project Type:

Wastewater Pipeline



Trust Resources List

Endangered Species Act Species List (USFWS Endangered Species Program).

There are a total of 6 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section below for critical habitat that lies within your project area. Please contact the designated FWS office if you have questions.

Species that should be considered in an effects analysis for your project:

Birds	Status		Has Critical Habitat	Contact
Piping Plover (<i>Charadrius melodus</i>) Population: except Great Lakes watershed	Threatened	species info	Final designated critical habitat Final designated critical habitat	Long Island Ecological Services Field Office
Red Knot (<i>Calidris canutus rufa</i>) Population:	Threatened	species info		Long Island Ecological Services Field Office
Roseate tern (<i>Sterna dougallii dougallii</i>) Population: northeast U.S. nesting pop.	Endangered	species info		Long Island Ecological Services Field Office
Flowering Plants				
Sandplain gerardia (<i>Agalinis acuta</i>)	Endangered	species info		Long Island Ecological Services Field Office
Seabeach amaranth (<i>Amaranthus pumilus</i>)	Threatened	species info		Long Island Ecological Services Field Office
Mammals				
northern long-eared Bat (<i>Myotis septentrionalis</i>) Population:	Proposed Endangered	species info		Long Island Ecological Services Field Office

Critical habitats within your project area:



U.S. Fish and Wildlife Service

Trust Resources List

There are no critical habitats within your project area.

FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#)).

There are no refuges found within the vicinity of your project.

FWS Migratory Birds ([USFWS Migratory Bird Program](#)).

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. For more information regarding these Acts see: <http://www.fws.gov/migratorybirds/RegulationsandPolicies.html>.

All project proponents are responsible for complying with the appropriate regulations protecting birds when planning and developing a project. To meet these conservation obligations, proponents should identify potential or existing project-related impacts to migratory birds and their habitat and develop and implement conservation measures that avoid, minimize, or compensate for these impacts. The Service's Birds of Conservation Concern (2008) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

For information about Birds of Conservation Concern, go to:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html>.

To search and view summaries of year-round bird occurrence data within your project area, go to the Avian Knowledge Network Histogram Tool links in the Bird Conservation Tools section at: <http://www.fws.gov/migratorybirds/CCMB2.htm>.

For information about conservation measures that help avoid or minimize impacts to birds, please visit:

<http://www.fws.gov/migratorybirds/CCMB2.htm>.

Migratory birds of concern that may be affected by your project:

There are **26** birds on your Migratory birds of concern list. The underlying data layers used to generate the migratory bird list of concern will continue to be updated regularly as new and better information is obtained. User feedback is one method of identifying any needed improvements. Therefore, users are encouraged to submit comments about any questions regarding species ranges (e.g., a bird on the USFWS BCC list you know



Trust Resources List

does not occur in the specified location appears on the list, or a BCC species that you know does occur there is not appearing on the list). Comments should be sent to [the ECOS Help Desk](#).

Species Name	Bird of Conservation Concern (BCC)	Species Profile	Seasonal Occurrence in Project Area
American Oystercatcher (<i>Haematopus palliatus</i>)	Yes	species info	Year-round
American bittern (<i>Botaurus lentiginosus</i>)	Yes	species info	Breeding
Bald eagle (<i>Haliaeetus leucocephalus</i>)	Yes	species info	Year-round
Black Skimmer (<i>Rynchops niger</i>)	Yes	species info	Breeding
Black rail (<i>Laterallus jamaicensis</i>)	Yes	species info	Breeding
Black-billed Cuckoo (<i>Coccyzus erythrophthalmus</i>)	Yes	species info	Breeding
Blue-winged Warbler (<i>Vermivora pinus</i>)	Yes	species info	Breeding
Canada Warbler (<i>Wilsonia canadensis</i>)	Yes	species info	Breeding
cerulean warbler (<i>Dendroica cerulea</i>)	Yes	species info	Breeding
Fox Sparrow (<i>Passerella liaca</i>)	Yes	species info	Wintering
Gull-billed Tern (<i>Gelochelidon nilotica</i>)	Yes	species info	Breeding
Hudsonian Godwit (<i>Limosa haemastica</i>)	Yes	species info	Migrating
Least Bittern (<i>Ixobrychus exilis</i>)	Yes	species info	Breeding
Least tern (<i>Sterna antillarum</i>)	Yes	species info	Breeding
Pied-billed Grebe (<i>Podilymbus podiceps</i>)	Yes	species info	Year-round
Prairie Warbler (<i>Dendroica discolor</i>)	Yes	species info	Breeding



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Purple Sandpiper (<i>Calidris maritima</i>)	Yes	species info	Wintering
Red Knot (<i>Calidris canutus rufa</i>)	Yes	species info	Wintering
Rusty Blackbird (<i>Euphagus carolinus</i>)	Yes	species info	Wintering
Saltmarsh Sparrow (<i>Ammodramus caudacutus</i>)	Yes	species info	Breeding
Seaside Sparrow (<i>Ammodramus maritimus</i>)	Yes	species info	Year-round
Short-eared Owl (<i>Asio flammeus</i>)	Yes	species info	Wintering
Snowy Egret (<i>Egretta thula</i>)	Yes	species info	Breeding
Upland Sandpiper (<i>Bartramia longicauda</i>)	Yes	species info	Breeding
Wood Thrush (<i>Hylocichla mustelina</i>)	Yes	species info	Breeding
Worm eating Warbler (<i>Helmitheros vermivorum</i>)	Yes	species info	Breeding

NWI Wetlands ([USFWS National Wetlands Inventory](#)).

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

Data Limitations, Exclusions and Precautions

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level



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information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery and/or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Exclusions - Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Precautions - Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

The following wetland types intersect your project area in one or more locations:

Wetland Types	NWI Classification Code	Total Acres
Estuarine and Marine Deepwater	E1UBL	102.8796
Estuarine and Marine Wetland	E2SS1P	1.7006
Estuarine and Marine Wetland	E2EM1P	23.9758
Freshwater Pond	PUBHh	0.1684

Response to Comment



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

July 30, 2015

Ms. Grace Musumeci
Chief of the Environmental Review Section
U.S. Environmental Protection Agency
Region 2 Main Regional Office
290 Broadway
New York, NY 10007-1866

RE: CDBG-DR Funding Application, Belgrave Water Pollution Control District Outfall Project

Dear Ms. Musumeci:

On July 8, 2015, 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 as responsible entity for direct administration of the HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State, issued a Finding of No Significant Impact (FONSI) related to the above-mentioned project. As a part of the FONSI, GOSR requested comments by July 23, 2015. As you are aware, on July 24, 2015, EPA submitted comments on the Environmental Assessment (EA) and Sole Source Aquifer consultation.

In all instances GOSR has responded and revised the EA accordingly, as follows:

- (1) EPA states: "The EA indicates that the purpose and need of the proposed action is to address the 2013 Notice of Violation issued by the NYS Department of Environmental Conservation indicating untreated effluent leaking into the Little Neck Bay. Additionally, the project will improve resiliency against future storm events that caused damaged to the outfall." *To clarify, the Notice of Violation dealt with treated, not untreated, effluent leaking from the compromised and impacted outfall pipe. See attachment.*
- (2) EPA States: "The EA should discuss the details for the pipe decommissioning to ensure that the outfall is properly abandoned, and indicate who will be responsible for the pipe once decommissioned." *The EA has been revised accordingly. The existing outfall will be abandoned in place. The existing outfall pipe will be disconnected from the physical plant and capped. The existing outfall will also be disconnected from the junction box and capped. The existing junction box will be sealed. The BWPCD will remain responsible for the abandoned outfall components. This method is the least intrusive and will limit disturbance to intertidal wetlands and mudflats.*

We trust that this will satisfy EPA's July 24, 2015 comments related to the above-mentioned EA. If you or your staff have any questions please do not hesitate to contact me via email at Thomas.King@stormrecovery.ny.gov or by phone at (518) 473-0015.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. King". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas J. King
Assistant General Counsel and Certifying Officer

CC:

T.S. Parker, HUD
T. Fretwell, HUD
D. Bradley, NYS EFC

New York State Department of Environmental Conservation
Division of Water, Region One
Stony Brook University
50 Circle Road, Stony Brook, New York 11790-3409
Phone: (631) 444-0405 • Fax: (631) 444-0424
Website: www.dec.ny.gov



December 6, 2013

Mr. Chester Steban
Belgrave Water Pollution Control District
P. O. Box 408
Great Neck, New York 11022

Subject: SPDES Permit No. NY 0026841
Belgrave WPCD Wastewater Treatment Plant
Outfall Repair Schedule

Dear Mr. Steban:

This office has documented the Belgrave Wastewater Treatment Plant outfall discharge pipe in Little Neck Bay is damaged and leaking treated effluent into the marshlands. This discharge is not the terminus location authorized by SPDES Permit No. NY 002684 and is in violation of ECL 17-0505.

You are hereby required to submit a corrective action plan with a proposed schedule of implementation, to this office before January 3, 2014.

If there are any questions regarding this matter, please contact me at (631) 444-0413.

Sincerely,



Paul Harding
Environmental Program Specialist

cc: Joe Sun, Ph.D., P.E., DEC-R-1
Elizabeth Feaster, Commissioner BWPCD
Steven Fangmann, P.E., D&B