

**STATE ENVIRONMENTAL QUALITY REVIEW
AMENDED NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

Date: March 16, 2012

- TO:** NYS Department of Environmental Conservation, Albany
- NYS Department of Environmental Conservation, Region 9
- NYS Office of Parks, Recreation & Historic Preservation
- NYS Office of Parks, Recreation & Historic Preservation, Niagara Falls
- NYS Environmental Facilities Corporation, Albany
- NYS Department of Transportation
- US Army Corps of Engineers
- CSX Railroad
- South Buffalo Railway
- Erie County DEP – Planning
- Erie County DEP – Sewerage Management
- Erie County Executive
- Erie County Legislature
- Erie County Sewer District No. 3 Board of Managers
- Town of Hamburg – Supervisor, Engineering Dept.
- Village of Blasdell - Mayor

LEAD AGENCY: Erie County DEP

PROJECT NUMBER: C617-05-55

SRF PROJECT NO. : C9-6649-07

SEQR STATUS: Type I

NAME OF ACTION: Rush Creek Interceptor and Elimination of Pumping Stations and the Blasdell Wastewater Treatment Plant

6D-1

DESCRIPTION OF ACTION: Construction of the Rush Creek Interceptor and Influent Pumping Station, modifications to the existing Overflow Retention Facility at the Southtowns Sewage Treatment Plant and elimination of the Blasdell Wastewater Treatment Plant.

Note: This SEQR has been amended to reflect a change in the Sanitary Sewer location and the addition of additional influent pumping capacity and modifications to the existing Overflow Retention Facility (ORF) at the Southtowns Wastewater Treatment Facility.

LOCATIONS: Town of Hamburg, Village of Blasdell, Erie County, NY

SEQR PROCESS:

In accordance with adopted review procedures and the criteria set forth in Part 617, the proposed action described will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

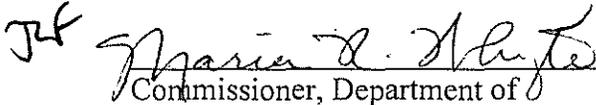
Reasons supporting this determination:

- No substantial long-term adverse change in existing air quality, solid waste production, traffic patterns or noise levels is anticipated as a result of this action. During construction, there will be increased noise levels, dust and minor traffic disruptions due to the operation of construction equipment, however, these impacts are small to moderate and will exist only during construction.
- The New York State Office of Parks, Recreation and Historic Preservation has reviewed the project and concluded the project will have no impact on cultural resources (Project No. 09PR01588).
- The project site has sections with hydric soils and prior to construction, a Joint Application for Permit will be filed with the U.S. Department of Army, Corps of Engineers to determine if wetlands exist within the project site. If wetlands are impacted, a Water Quality Certification could be required from NYSDEC.
- The project is located within the Coastal Management Area designated by the Department of State. The Town of Hamburg monitors the Local Waterfront Revitalization Plan (LWRP) and has determined that the project is consistent with the Town of Hamburg LWRP.
- The project will involve land disturbance over one acre; therefore, a State Pollution Discharge Elimination System General Permit GP-02-01 for Stormwater Discharge for Construction Activities and a Notice of Intent (NOI) will be obtained from the NYSDEC, Bureau of Water Permits prior to construction.

- Review of the parcel characteristics indicates that this project will not affect any significant wildlife, plant or fish habitats; nor substantially increase the potential for erosion, flooding, or drainage problems.
- The project will require removal of fill material during installation of the sanitary sewer. Disposal in wetlands, New York State freshwater wetland adjacent areas or floodplains are prohibited without appropriate prior permits. Disposal location will be provided to NYSDEC prior to construction and incorporated as a requirement in the contract documents.
- The project is within the 100 year floodplain, manholes, etc., will be flood proofed to prevent extraneous flows from entering the sanitary sewer. Erie County will submit to the Town of Hamburg a Floodplain Development Permit Application for approval.
- Rush Creek has a Class and Standard of "C" (not protected) and therefore pursuant to the provisions of Article 15 (Protection of Water) of the NYS Environmental Conservation Law, a Department permit will not be required for sewer line installation. However, soil and erosion control measures will be utilized during construction.

All facts and findings of this review are on file at the Department of Environment and Planning, 10th Floor, Rath Building, 95 Franklin Street, Buffalo, New York 14202. These files may be examined by the public between the hours of 8:30 a.m. and 4:30 p.m. of any normal operating day.

Written comments may be submitted to the Commissioner at the same address:



Commissioner, Department of
Environment & Planning

For further information, contact:

John Mallory, Assistant Sanitary Engineer (716) 858-6153

JM:sm