

STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Type I

EE

Date: April 30, 2012

LEAD AGENCY: Erie County

Project No. C617-09-295
SRF Project No. 6699-09

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 and the implementing regulations found at 6 NYCRR Part 617.

The Erie County Department of Environment and Planning, Division of Sewerage Management has reviewed the proposed project which involves decommission the Aurora North Pump Station and construct approximately 12,543 feet (2.38 miles) of new gravity sanitary sewer and has determined that the proposed action will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

- TO:** NYS Department of Environmental Conservation, Region 9
 NYS Environmental Facilities Corporation
 NYS Office of Parks, Recreation & Historic Preservation (09PR01588)
 NYS Department of Transportation, Region 5
 Erie County DEP – Sewerage Management
 Erie County Executive
 Erie County Legislature
 Erie County DEP - Planning
 Erie County Sewer District No. 1 Board of Managers
 Erie County Sewer District No. 4 Board of Managers
 Erie County Department of Public Works
 Town of Cheektowaga – Supervisor and Engineering
 Town of Lancaster – Supervisor
 Village of Lancaster - Mayor

NAME OF ACTION: Aurora Street Pump Station Elimination Project

Note: This SEQR Coordinated Review is being conducted to facilitate a modification in the alignment of the proposed 12,534 foot sanitary sewer. The new alignment will be constructed in the right-of-way of Losson Road in Cheektowaga. In the Town of Lancaster the new alignment has been shifted south into an open field to accommodate anticipated residential development.

LOCATION OF ACTION: Towns of Cheektowaga and Lancaster, Erie County

SEQR/SERP: Type I

9D-8

ECDEP PROJECT No. C617-09-295

SRF PROJECT No.: 6699-09

DESCRIPTION OF ACTION:

The Erie County Department of Environment and Planning, Division of Sewerage Management proposes to eliminate the Aurora North Pump Station and construct approximately 12,543 feet (2.38 miles) of new gravity sanitary sewer. The new sanitary sewer will be located between the existing Aurora North Pump Station located on Aurora Street at Americo Court in Lancaster, NY and Borden Road (at Losson Road) in Cheektowaga, NY. The lower reaches of the proposed sewer between Transit Road and Borden Road will consist of 24" diameter PVC pipe while the upper reaches between Aurora Road and Transit Road will consist of 21" diameter PVC pipe. The existing forcemain would be capped and left in place to provide an option for potential sewer capacity for future sewer projects. No significant aboveground structures will be constructed as part of the Project.

The 30-year old Aurora North Pumping Station is nearing the end of its design life. Under existing conditions, the occurrences of wet-well alarms at the pumping station indicate an exceedance of in-flow capacity or pumping inefficiency. The Project will provide capacity for the existing population and anticipated residential growth in the service area. The proposed sewer will divert flows from the Depew Pumping Station which will save in pumping costs and efficiency. The Project will also mitigate surcharging that currently exists in the Village of Lancaster during wet weather events.

REASONS SUPPORTING THIS DETERMINATION:

Potential environmental impacts associated with the Project were identified in the Full Environmental Assessment Form to assess potential adverse environmental impacts and compared to the criteria for determining significance identified in § 617.7 (c). As indicated below, the County has determined that the Project will not have a significant adverse impact on the environment and that, as a result, the Project does not require the preparation of an Environmental Impact Statement.

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

Air Quality: The Project does not involve the construction of stationary air emission sources and, therefore, no air emissions permit from the New York State Department of Environmental Conservation will be required.

While the Project represents an extension of 12,543 feet (2.38 miles) of new sanitary sewer line, most of the area is developed and standard construction related impacts can be easily controlled. Fugitive dust control measures include minimization of soil disturbance, spray-on

adhesives, tillage, chemical treatment and water spraying, and ensuring trucks are tarped upon leaving the construction site.

In addition to a number of temporary alternatives for dust control, permanent site restoration and stabilization will be implemented at the site to eliminate dust generation. Restoration will include measures such as covering exposed areas with vegetation, mulch, stone, asphalt or concrete to reestablish pre-construction conditions. Soil tracked onto streets by construction vehicles eventually dries and creates a fugitive dust. Where appropriate, a stabilized construction entrance will be provided to aid in removing soil from vehicles before they enter the area roadways.

By implementing these techniques during and after construction, the Project will not create a substantial adverse change in existing air quality.

Ground and Surface Water Quality or Quantity: Since Project activities will involve greater than 1 acre of land disturbance during construction (3.46 acres), coverage under the SPDES General Permit for Storm Water Discharges from Construction Activities (Permit No. GP-0-10-001) is required. A Storm Water Pollution Prevention Plan (SWPPP) will be prepared to show how stormwater runoff will be controlled. The SWPPP will address soil and erosion control measures during construction as well as how stormwater discharges to the North Branch of Slate Bottom Creek will maintain water quality and quantity in the post-construction condition. The SWPPP and a Notice of Intent will be filed before construction commences.

The County will not use pesticides or herbicides on the right-of-way for insect and weed control thus further eliminating the potential for chemical contamination of ground and surface waters.

It is not anticipated that the Project will create a substantial adverse change in existing surface water quality or quantity.

Traffic: It is not anticipated that the construction of the Project will generate traffic beyond those minor increases associated with construction of the Project. Construction related traffic will be limited to material deliveries and hauling with most of the vehicles working along road right-of-ways. The increase in construction-related vehicles will be minimal and temporary and will not significantly impact traffic levels. Highway work permits will be obtained from the New York State Department of Transportation and Erie County Department of Public Works. Open cutting of pavement will be minimized and coordinated with the appropriate jurisdiction(s). Crossings of Transit Road and Losson Road and along areas near Michael Anthony Way will be via jack and boring methods.

It is not anticipated that the Project will create any substantial adverse changes in traffic.

Noise: The Project will not generate long-term or permanent changes in the existing noise environment. Minor increases in noise from construction activities are anticipated. However, these increases will be short term and sporadic and will not have a long-term adverse impact on noise receptors. Therefore, the Project will not create a substantial adverse change in existing noise levels.

Solid Waste Production: It is anticipated that the Project will generate construction and demolition debris during construction activities. However, this increase in solid waste production will be temporary, and it is not anticipated that the amounts of solid waste generated will be substantial. Since operation of the project will not produce solid waste, no increases are anticipated as a result of the Project. Therefore, the Project will not result in a substantial increase in solid waste production during construction or not at all during operation of the facilities.

Erosion, Flooding, Leaching, or Drainage: As the Project develops, temporary measures will be utilized during construction to control soil erosion and sedimentation. The State's standard procedures will include the installation of silt fence, hay bales, and construction sediment traps. In addition, inlet protection around stormwater receivers will be utilized to control sediment entry to the existing drainage networks, and efforts to control sediment as close to potential sources will be made and monitored. A SWPPP will be prepared in accordance with the SPDES General Permit (GP-0-10-001) and the program's general guidelines to reduce the potential for pollution, erosion and flooding in conformance with the NYS Stormwater Design Manual.

A portion of the Project will cross a designated special flood hazard area. Areas along the North Branch of Slate Bottom Creek are located within a mapped 100-year floodplain (FEMA, 1981). As the Project will not significantly change the finished grade elevations, there will be no change in the mapped floodplain. In the event that the final design of the proposed sanitary sewer line requires that permanent structure(s) (manhole, vent, etc.) be located within the regulated 100-year floodplain boundary, they will be constructed in a way that prevents floodwaters from entering the sewer system (e.g., utilizing waterproof manhole covers), and a permit from the Town of Lancaster will be sought.

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

Removal or Destruction of Large Quantities of Vegetation or Fauna:

It is not anticipated that the Project will create a substantial adverse change in existing wildlife habitat. The change in alignment in the western end of the Project now follows the right-of-way along Losson Road. The Project will now involve the removal of less than 1 acre of forested, meadow or brushland vegetation and/or along the eastern and southern ends of the right-of-way on which the sewer line construction is proposed. However, these areas will remain in pervious surfaces (i.e., landscaped and undeveloped) and will maintain and blend with the natural conditions of the area. A preliminary survey of the vegetation along the alignment was reviewed for potential impacts which revealed common species for the area and low ecological value along the preliminary alignment.

Interference with the movement of any resident or migratory fish or wildlife species and significant habitat area:

The natural areas containing light stands of woods and natural fields will be impacted temporarily by construction and restored by re-grading of disturbed areas and seeding, mulching and restoring existing landscaping to pre-construction conditions. Areas currently undeveloped will be seeded, mulched and allowed to return to a natural state of successional regeneration. The natural areas along the new alignment route will require occasional maintenance cutting to avoid large woody vegetation from becoming established over the sewer line. This portion of the Project site is where wildlife would likely traverse and/or locate habitat. However, a site inspection conducted by URS Corporation did not reveal the presence of any resident or migratory fish or wildlife species or significant habitat within this area.

Based on a field review by URS Corporation, it is not anticipated that the construction of the sanitary sewer line would interfere with the movement of any resident or migratory fish or wildlife species and significant habitat area.

Threatened or endangered species of animal or plant, or the habitat of such a species:

A site review conducted by URS Corporation did not reveal the presence of a threatened or endangered species of animal or plant within the Project area. In addition, the U.S. Fish & Wildlife Service ("USFWS") and the New York State Department of Environmental Conservation ("NYSDEC") databases were accessed to determine whether any federally listed (or proposed for listing) endangered or threatened species or critical habitat are located within the Project area.

Correspondence from the US Fish and Wildlife Service's (USFWS) office in Cortland, NY indicated that "In an effort to streamline project reviews, we are shifting the majority of species lists requests to our website at <http://www.fws.gov/northeast/nyfo/es/section7.htm>. Please go to our website and print the appropriate portions of our county list of endangered, threatened, proposed, and candidate species, and the official list request response." The results of the USFWS database research revealed that "Except for occasional transient individuals, no Federally-listed or proposed endangered or threatened species, or candidate species under our jurisdiction are known to exist in this county."

In a letter from the NYSDEC Division of Fish and Wildlife - Natural Heritage Program dated February 14, 2012, the NYDEC stated that : "We have no records of rare or state-listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of your site."

Based on a field review by a URS Corporation biologist and the results of the database search of federal and state records, it is not anticipated that the construction of the sanitary sewer line would interfere or have a significant adverse impact on threatened or endangered species of animals or plants, or the habitat of such species.

Other significant adverse impacts to natural resources:

No other significant adverse impacts to natural resources were identified as part of the Project. During construction, the removal of approximately 9,400 cubic yards of natural material will be required. No material excavated during the construction phase of the project will be disposed of in any State or Federal wetland or designated floodplain area. Contract specifications will contain a special conditions section that will legally require contractors to provide proposed location(s) for construction spoil material prior to construction.

The new sewer alignment avoids wetlands originally delineated in the northern portion of the project area. Based on wet ground surface conditions and/or the presence of wetland vegetation, the new alignment would cross approximately 1,675 linear feet of potential wetland areas. The project would be authorized under U.S. Army Corps of Engineers Nationwide Permit No. 12 (utility line crossings) because no permanent fill would be placed in a wetland and the original topographic contours and topsoil position in the soil profile would be restored.

(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

According to the NYSDEC Web site¹, the Project site is not located within or adjacent to a *Critical Environmental Area* as designated pursuant to 6 NYCRR § 617.14(g). Three CEAs are located in the Town of Cheektowaga; however none are along the project area. Therefore, the Project will not impair the environmental characteristics of a *Critical Environmental Area*.

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

The Project will be located completely underground and will have very small effect on the natural or man made environment of the area. The project is consistent with the plans and goals of the County and communities they serve in providing safe and effective wastewater disposal, and will not create a material conflict with the community's current plans or goals as officially approved or adopted.

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

Historic, Archaeological, Architectural, and Aesthetic Resources: The majority of the proposed pipeline alignment is located in developed areas of commercial and residential land uses in both Lancaster and Cheektowaga.

¹ <http://www.dec.state.ny.us/website/dcs/seqr/cea/index.html>

A preliminary review of the SHPO database indicated that the land on which the Project (09PR01588) is to be constructed is not located in an archeologically sensitive area or contain structures of historic significance.

In addition to undertaking this preliminary desktop review, in accordance with State Environmental Facilities Corporation procedures and Section 14.09 of the State Historic Preservation Act, the County submitted a Project Review Cover Form with supporting documentation to the New York State Historic Preservation Office (SHPO) a request an affirmation of their previous determination (April 2009) that the Project would have “no effect” upon cultural resources in or eligible for inclusion in the National Register of Historic Places. On February 15, 2012 the SHPO provided a response confirming “the project will continue to have No Effect upon cultural resources” (09PR01588). Therefore, the Project will not impair historical, archeological, architectural or aesthetic resources.

Neighborhood and Community Character: The Project will be located completely underground and will have very small effect on the natural or man made environment of the area. The project is consistent with the plans and goals of the County and communities they serve in providing safe and effective wastewater disposal, and will not create a material conflict with the community character of the surrounding area. The County has considered the input of municipalities and realigned the project to meet their concerns. The careful routing of the alignment will eliminate significant contrast or impairment to existing community or neighborhood character.

(vi) a major change in the use of either the quantity or type of energy;

During construction activities, there will be temporary increases in the use of electricity and petroleum products to power construction equipment. However, this increase will be minor, will not constitute a major change in the use in the quantity or type of energy and will not continue into the operation of the Project. Overall, the Project will not create a major change in the use of either the quantity or type of energy. Elimination of the Aurora Street pumping station and decreased flows to the Depew pumping station will decrease electrical power use.

(vii) the creation of a hazard to human health;

The Project will be located completely underground and will have very small effect on the natural or man made environment of the area. Access to the system requires significant effort and special equipment which should eliminate the potential for system entry by unauthorized persons thereby eliminating the potential for a hazard to human health.

It is not anticipated that pesticides or herbicides will be used for insect and weed control on the sewer line right-of-way. Therefore, no chemical runoff to groundwater or surface waters will result from the Project and no impacts to human health from chemical contamination is anticipated.

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

The Project will be located completely underground and will have very small effect on the natural or man made environment of the area. In addition, the land on which the project will be constructed, is located in both developed and natural areas and will not negatively impair the existing uses or significantly alter the area's capacity to support existing uses.

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The Project will not encourage or attract a large number of people to the area. In addition, the Project will not encourage or attract a large number of people to the area for more than a few days.

(x) the creation of a material demand for other actions that would result in one of the above consequences;

The Project will not create the material demand for any other actions that would result in one of the above consequences.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or


No other changes in the environment as a result of the Project will result in a substantial adverse impact on the environment.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Project will not involve two or more related actions undertaken, funded, or approved by an agency which, when considered cumulatively, would meet one or more of the above criteria.

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, NY 14202. These files may be examined by the public between the hours of 9:30 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