

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

SENT VIA EMAIL

December 23, 2020

Mr. Robert Westfall, Town Engineer
Town of Grand Island
Dept. of Engineering & Water Resources
2255 Baseline Road
Grand Island, New York 14072

Dear Mr. Westfall:

**SEQR LEAD AGENCY SOLICITATION
LONG ROAD DISTRIBUTION FACILITY
2780 LONG ROAD
TOWN OF GRAND ISLAND, ERIE COUNTY**

In response to the Town of Grand Island's SEQR Lead Agency solicitation letter for the above-noted project, please be advised of the following:

1. The project site includes portions of NYS Freshwater Wetland TW-30 and its regulated 100-foot-wide adjacent area. A delineation of this wetland within the project site was verified by NYSDEC, as documented in the enclosed letter dated January 23, 2020. Any proposed impacts to this wetland or its adjacent area will require an Article 24 Freshwater Wetlands permit from NYSDEC.

Federally jurisdictional U.S. Department of Army, Corps of Engineers (USACE) wetlands exist within the project area. If a permit is required from the USACE for wetland impacts, a Section 401 Water Quality Certification (WQC) will be required from NYSDEC whether or not NYS Wetland TW-30 or its regulated adjacent area will be impacted. Please note that, effective September 11, 2020, a request for a WQC is subject to a new United States Environmental Protection Agency rule which requires that a pre-filing meeting request be filed 30 days prior to submitting an application for a WQC. More information related to this requirement and a pre-filing meeting request form can be found on NYSDEC's website at <https://www.dec.ny.gov/permits/6546.html>.



Department of
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Conservation

2. This proposed project requires a sanitary sewer connection that is designed to convey 2,500 gallons/day or more of municipal sewage and is therefore considered a sanitary sewer extension. The Erie County Health Department (503 Kensington Avenue, Buffalo, New York 14214, telephone: 716/961-6800), which acts as our agent, will be the approving agency.

A detailed Downstream Sewer Capacity Analysis must be performed and submitted for the proposed project as part of the Project's Engineering Report. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists.

Recent wet weather system flow data can consist of:

- Comprehensive information from recent Sanitary Sewer System Evaluation Studies, or
- Wet weather data collected at (minimum of 3) key downstream nodes specified by the municipality.
 - This dated information can consist of instantaneous flow measurements, or continuous flow or sewer depth measurements obtained during significant wet weather events, preferably during high groundwater conditions. Peak sewer flow recording methods are an acceptable method to collect this information.
 - Depth or flow measurements should continue until a significant wet weather event occurs, but would not have to extend beyond three months. A significant wet weather event is considered to be a daily rainfall amount of $\frac{1}{2}$ " or greater.

The Downstream Sewer Capacity Analysis must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity, and pump stations must be identified and included in the analysis.

This Downstream Sewer Capacity Analysis, as well as any required infiltration and inflow (I/I) rehabilitation offset work at a 4:1 ratio, should be part of the Project's Engineering Report. These items must be received as part of a complete sanitary sewer extension plan submission. The Town of Grand Island shall coordinate the information contained in this submission. If adequate capacity is not available, the sewer extension will not be approved until an acceptable remediation plan is developed.

The above guidance will help in the preparation of a complete Sewer Extension submission, which will facilitate our review. If the project sponsor has any questions or requires additional information, they should contact the NYSDEC Division of Water (telephone: 716/851-7070), or the Erie County Health Department.

3. A tributary to the Niagara River is located within the project area and is considered an “unprotected” stream. Although a NYSDEC Protection of Waters Permit will not be required for work in the areas of this stream, project activities cannot cause contravention of water quality standards (either directly or indirectly). Accordingly, appropriate erosion and sediment control measures must be utilized during and after project construction to prevent contravention of water quality.
4. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-20-001, as well as the NOI form, is available on the NYSDEC’s website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC’s website at www.dec.ny.gov/chemical/8468.html.

The Town of Grand Island is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The “MS4 SWPPP Acceptance” form must be signed by the principal executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the NOI, to the NYSDEC at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive NYSDEC approval before construction commences.

5. The entire site appears to be within an archaeologically sensitive area based on information obtained through the Cultural Resource Information System (CRIS) on the New York State Office of Parks, Recreation and Historic Preservation’s (OPRHP) website at <https://cris.parks.ny.gov/>. A cultural resources report was previously provided to NYSDEC for this site. If any future additional studies or information is acquired, please provide a copy to this office for review.

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We concur that the Town of Grand Island should act as SEQR Lead Agency, as the proposal is primarily of local significance. If you have any questions, please feel free to contact Ms. Michelle Woznick of my staff or me at 716/851-7165.

Respectfully,

David S. Denk
Regional Permit Administrator

Enclosure

MRW

ecc: Mr. Charles Rosenburg, NYSDEC, Division of Fish and Wildlife
Ms. Angela Driscoll, NYSDEC, Division of Fish and Wildlife
Molly Bebak, NYSDEC, Division of Water
Steve Metivier, USACE, Buffalo District
Martin Crosson, USACE, Buffalo District
Mr. Michael Huntress, Acquest Development
Mr. Mike Finan, Langan Eng., Env., Surveying and Landscape Arch & Geology