

BUFFALO

SEWER AUTHORITY

Selected Alternative Long-Term Control Plan

Public Participation Plan – **DRAFT**

December 2023

DRAFT

Table of Contents

Section 1 Introduction1

 1.1 Project Overview1

 1.2 Purpose of the Public Participation Plan.....1

Section 2 Stakeholders3

 2.1 Overview of Stakeholders.....3

 2.2 Residents Adjacent to the Proposed Action Site.....3

 2.3 Local Elected Officials4

 2.4 Community-Based Organizations and Community Residents Located in
 Potential Environmental Justice Area.....5

**Section 3 Distribute and Post Written Information on the Proposed Action and Permit
Review Process9**

Section 4 Public Information Meeting Plans11

Section 5 Document Repositories13

Section 1 Introduction

1.1 Project Overview

The Buffalo Sewer Authority’s (BSA’s) Combined Sewer Overflow Long Term Control Plan (LTCP) was accepted and approved on March 18, 2014, by the New York State Department of Environmental Conservation (NYSDEC) and the United States Environmental Protection Agency (USEPA). The approved document outlined a multi-year plan for implementing projects to reduce overflows in the BSA sewer collection system to target levels. Potential projects included a mix of in-line storage (ILS), off-line storage (OLS), real time control (RTC), and green infrastructure (GI).

The collection system hydraulic model used in the LTCP was updated after completion of the first phase of LTCP projects. Simulations from the updated LTCP model suggest that some projects envisioned in the LTCP are no longer feasible or necessary, other planned projects can be further optimized to meet targets, and additional projects are likely required.

The project team has worked collaboratively to compile a revised list of potential projects to be considered. The list included both new projects and those projects from the 2014 LTCP preferred alternative which have not since been ruled infeasible or unnecessary. An optimization process was then used to evaluate the impacts of implementing different variations and combinations of these projects with the goal of minimizing both CSO activations and construction costs. The project team also optimized the distributed control scheme to find the optimal combination of control set points that maximize the system’s conveyance and storage capacity. The result of these activities is a new set of recommended projects (the Selected Alternative) for achieving LTCP compliance.

1.2 Purpose of the Public Participation Plan

The purpose of this Public Participation Plan (PPP, Plan) is to document the mechanisms by which the Buffalo Sewer Authority will disseminate information about the proposed plan modifications to the public while seeking meaningful feedback from community members as to how to ensure the maximum community benefit.

Community engagement efforts for this project will be focused in four areas:

1. A series of public meetings to allow for in depth discussion;
2. Dissemination of information to and solicitation of feedback from the broader community through extemporaneous means;
3. Development of a stakeholder advisory committee to maintain a continuous community engagement; and

4. Direct outreach to local elected officials and community-based organizations in those communities and neighborhoods impacted by the revised long-term control plan.

The key elements of this Project to be discussed include the following:

- Water Quality Goals and Activation Targets by Waterbody
- Work Performed to Date in Furtherance of the LTCP Goals
- Changes in Modeling Results
- Proposed Projects
 - Site Locations
 - Project Costs
 - Timelines
 - Expected Short-term (Construction) Impacts
 - Long-term (Operation) Impacts
 - Opportunities for Community Betterment
- Commitment to Economic Growth: Supplier Diversity and Local Workforce
- Overall Cost, Penalties for Non-Compliance, and Potential Rate Impacts.
- Opportunities for Ongoing Involvement

Section 2 Stakeholders

2.1 Overview of Stakeholders

The Selected Alternative Long Term Control Plan will impact the entire population of the City of Buffalo directly and indirectly during construction, through rate increases, and the resultant improved water quality. Residents of North, Niagara, Lovejoy, and Fillmore districts will be most directly impacted due to the cost of investments in those Common Council Districts.

The specific individuals most directly impacted over the duration of the project are expected to change significantly due to the seventeen-year timeline as residents transition in and out of homes and as local elected officials and community-based organizations evolve and experience turnover. Specific stakeholders are identified for the most immediate projects and for the overall program rollout, but the identification of stakeholders will remain an ongoing process throughout the duration of the plan's implementation.

2.2 Residents Adjacent to the Proposed Action Site

Due to the breadth of this project, residents of eight of the nine council districts of the City of Buffalo are potentially adjacent to the proposed action site and residents of the ninth district (South) will likely be impacted due to the proximity of one of the larger projects to that district, traffic and public asset restrictions during construction, and increased sewer use rates.

Buffalo Sewer has already worked with the respective Councilmember's offices to introduce the following projects that have developed from the 2014 Approved Long-Term Control Plan to the most impacted residents through existing community forums and, upon invitation of one Councilmember's office and adjacent residents, a project specific meeting:

- CSO053_3.2 Amherst & Bailey RTC
- CSO010_1 Breckenridge Niagara RTC
- CSO006_2 Gates Circle RTC
- CSO053_3.3 Bailey & Minnesota SPP254 Modification

It is anticipated that for these projects, prior to construction, fliers will be distributed to adjacent residents and businesses regarding scheduling, construction expectations, and contact information for the project information and website information for ongoing project updates.

For the following projects, Buffalo Sewer's consulting engineer has subcontracted with a public outreach specialist whose office is located adjacent to the project site to develop pre-construction and ongoing public outreach and explore community betterment opportunities:

- CSO053_11 Canisius (Jefferson Delavan) OLS
- CSO053_10 SPP229A (Jefferson Florida) RTC

For the following projects, Buffalo Sewer’s work is a betterment to the City of Buffalo’s streetscape project, as such, our public engagement efforts are attached to the City’s, with a Buffalo Sewer representative present and available for interaction and to discuss green infrastructure options and opportunities with the public as the overall project advances:

- CSO053_12.2 Jefferson Ave GI
- CSO053_12.1 Jefferson Ave GI

For the following project, Buffalo Sewer conducted extensive public outreach throughout the City of Buffalo as part of the 2014 LTCP’s approval process. As this project progresses towards construction, meetings are being scheduled with the impacted Councilmember’s offices and local community organizations:

- WWTF Upgrades Phase II

2.3 Local Elected Officials

The local elected officials impacted by this project are:

1. The mayor of the City of Buffalo, currently Mayor Byron W. Brown;
2. The City of Buffalo’s common council members, as of January 1, 2024, these members will be:
 - a. Leah Halton-Pope– Ellicott District
 - b. David A. Rivera- Niagara District
 - c. Christopher Scanlon- South District
 - d. Joel P. Feroletto- Delaware District
 - e. Bryan Bollman- Lovejoy District
 - f. Mitch Nowakowski- Fillmore District
 - g. Joseph Golombek, Jr.- North District
 - h. Zeneta Everhart- Masten District
 - i. Rasheed Wyatt- University District
3. Erie County legislators whose districts include the City of Buffalo:
 - a. Howard J. Johnson, Jr.- District 1
 - b. April N.M. Baskin- District 2
 - c. Michael H. Kooshoian- District 3
 - d. Timothy J. Meyers– District 7
 - e. John J. Gilmour– District 9
4. Erie County legislators whose districts include areas which receive wastewater treatment at the Buffalo Sewer Authority’s Bird Island Treatment Facility:
 - a. Frank J. Todaro- District 8
 - b. James Malczewski- District 10

5. New York State senators whose districts include the City of Buffalo:
 - a. Sean M. Ryan- District 61
 - b. Timothy M. Kennedy- District 63

6. New York State assembly members whose districts include the City of Buffalo:
 - a. William C. Conrad III- District 140
 - b. Crystal D. Peoples-Stokes- District 141
 - c. Patrick B. Burke- District 142
 - d. Monica Piga Wallace- District 143
 - e. Jonathan D. Rivera- District 149

7. US Senators
 - a. Charles Schumer
 - b. Kirsten Gillibrand

8. US Representative Brian Higgins- District 26

All of these elected officials will be contacted regarding the Selected Alternative Long-Term Control Plan and expected impacts, at their discretion, meetings may be scheduled with these public officials and/or concerned community members who have reached out to them.

2.4 Community-Based Organizations and Community Residents Located in Potential Environmental Justice Area

The City of Buffalo, as shown by the below mapping is predominantly Potential Environmental Justice Areas.

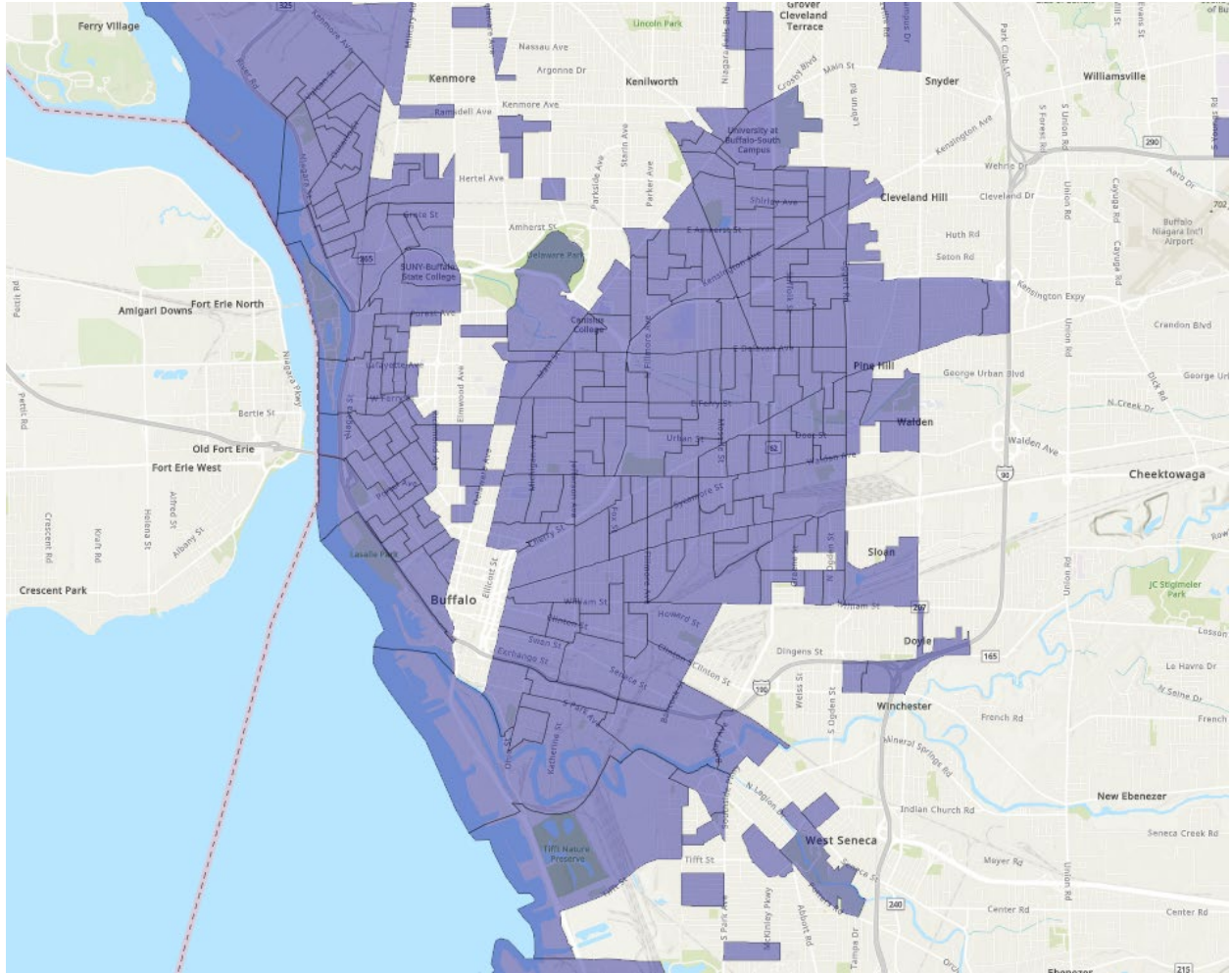


Figure 1: Potential Environmental Justice Areas as Identified by New York State Department of Environmental Conservation

In developing the Selected Alternative Projects for the Revised Long-Term Control Plan, Buffalo Sewer utilized the Council on Environmental Quality’s Climate and Economic Justice Screening Tool. The criteria for identifying burdens for the Selected Alternative were:

No.	Category	Threshold for Environmental, climate, or other burdens	Threshold for Socioeconomic Burden
1	Climate change	At or above the 90th percentile for expected agriculture loss rate, expected building loss rate, expected population loss rate, projected flood risk, or projected wildfire risk	At or above the 65th percentile for low income
2	Energy	At or above the 90th percentile for energy cost or PM2.5 in the air	At or above the 65th percentile for low income
3	Health	At or above the 90th percentile for asthma, diabetes, heart disease, or low life expectancy	At or above the 65th percentile for low income
4	Housing	Experienced historic underinvestment or are at or above the 90th percentile for the housing cost, lack of green space, lack of indoor plumbing, or lead paint	At or above the 65th percentile for low income
5	Legacy pollution	Have at least one abandoned mine land or Formerly Used Defense Sites or are at or above the 90th percentile for proximity to hazardous waste facilities, proximity to Superfund sites (National Priorities List (NPL)), or proximity to Risk Management Plan (RMP) facilities	At or above the 65th percentile for low income
6	Transportation	At or above the 90th percentile for diesel particulate matter exposure, transportation barriers, or traffic proximity and volume	At or above the 65th percentile for low income
7	Water and wastewater	At or above the 90th percentile for underground storage tanks and releases or wastewater discharge	At or above the 65th percentile for low income
8	Workforce development	At or above the 90th percentile for linguistic isolation, low median income, poverty, or unemployment	Fewer than 10% of people ages 25 or older have a high school education (i.e., graduated with a high school diploma)

As shown in Figure 2, there is significant overlap between disadvantaged communities as identified on the basis of the criteria and the LTCP Optimizations Selected Alternative Projects:

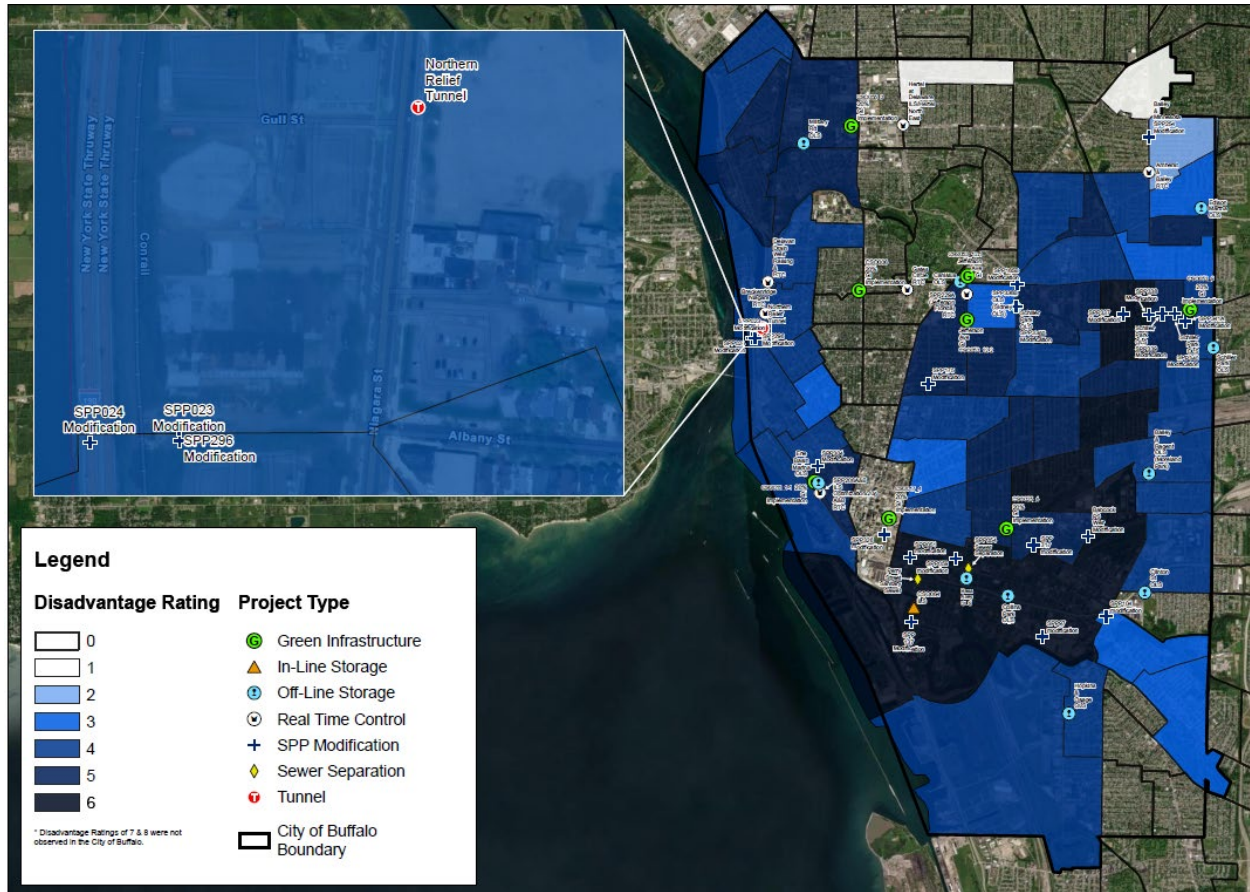


Figure 2: Selected Alternative Projects and Disadvantaged Communities.

Buffalo has many hyperlocal neighborhood groups including in these communities, as the City’s population continues to evolve, new neighborhood groups form and older ones may dissolve. Working together with the Common Council Members, the Partnership for the Public Good, the Buffalo Board of Block Clubs of Erie County, and other existing partners, Buffalo Sewer will continually work to identify community-based organizations and community residents specific to the neighborhoods of each of these project and throughout the implementation of the LTCP Selected Alternative project will maintain continuous community engagement.

2.5 Stakeholder Advisory Committee

Throughout the implementation of the Public Participation Plan and the Final Selected Alternative Long-Term Control Plan, a Stakeholder Advisory Committee of ten to twenty-five community members will be established to maintain ongoing community input into the program. Committee members will be chosen to represent the communities most impacted by the program both through self-nomination and the recommendations of others including Common Council Members, the Partnership for the Public Good, and the Buffalo Board of Block Clubs of Erie County.

Section 3 Distribute and Post Written Information on the Proposed Action and Permit Review Process

3.1 Materials Development and Distribution

Buffalo Sewer’s Long-Term Control Plan is in the midst of a radical alteration through the development of the Selected Alternative which will involve far greater costs than originally anticipated, larger underground storage facilities, and a longer timeline. All of these changes need to be discussed with the entire population of the City of Buffalo. More to the point however, we, as Buffalo Sewer need to hear from the community as to how the negative impacts can be mitigated, what issues the community is already facing in accessing clean and storm water services in an affordable and equitable fashion, how Buffalo Sewer can better serve the community, and how these projects can provide long-term benefits to the community beyond the required reductions in receiving water quality.

Educational materials will be developed for distribution to and through the local elected officials, community-based organizations, as fliers to those most directly impacted residents, and during Buffalo’s many parades and festivals, including, but not limited to:

- Dyngus Day (April 1, 2024)
- Buffalo Cherry Blossom Festival (April 27-28, 2024)
- Pride Festival (June 2, 2024)
- University United Festival (June 8-9, 2024)
- Juneteenth (June 15-16, 2024)
- Taste of Diversity Festival (June 22, 2024)

A public outreach team will be available to distribute these materials and for an estimated fifteen total events including the six cited above throughout 2024.

In addition to these distributions of physical materials, a minimum of twenty-five posts shall be developed for distribution through Buffalo Sewer’s existing social media channels and a comprehensive webpage will be developed to explain the changes and the reason for them together with information regarding upcoming public forums, a means to submit comments and questions, and links to discount programs. The webpage will incorporate an interactive map of the proposed changes to better inform residents of the neighborhood specific disruptions and benefits.

Beyond this initial LTCP program roll-out campaign, it is expected that an ongoing Public Participation Plan will also be developed to ensure that the community is informed of all planned upcoming capital projects that will impact their neighborhoods. It is further expected that this communication occurs on an at minimum semi-annual basis throughout project development and that the first community outreach will occur during the first six months of preliminary project development to ensure negative community impacts are mitigated to the greatest extent possible

and community benefits can best be tailored to the needs of the community and the specific project needs.

3.2 Language Access

According to the Buffalo Common Council’s website, “approximately 17% of Buffalo residents do not speak English as their primary language and have limited ability to read, speak or understand English.” Further, the “seven most common languages spoken in Buffalo by people with Limited English Proficiency and English language learners are:

- Spanish
- Arabic
- Karen
- Somali
- Burmese
- Swahili
- Bengali

Buffalo Sewer will work together with partners from the International Institute to ensure that not only are those materials developed for public outreach produced in accessible, easy-to-read, plain language, but also that they are translated into these seven languages plus French, as many of our residents with Limited English Proficiency, including many whose first language is not included in these initial seven, speak French as a second language.

Section 4 Public Information Meeting Plans

4.1. Meeting Types and Scheduling

A variety of meetings are proposed to provide ample opportunity to relay information about the project to community members and stakeholders, and to solicit questions and feedback on the proposed work and its impact to the surrounding neighborhood.

In consultation with the City of Buffalo’s ADA Advocate and the International Institute, translation and/transcription services for persons with hearing challenges and/or English language learners may be provided at some or all of these meetings.

The following types of meetings will be scheduled:

- Meeting with Common Council Members – traditionally BSA has held a meeting in their office on the 10th floor of City Hall to meet individually with Common Council Members to explain the project and review the design plans. The purpose of this meeting is to provide the Council Member and/or their staff with information before the public engagement begins so that they are prepared to respond to community questions and may also assist in proactively sharing project information through their public communications. Depending on Common Council preferences, a series of these meetings may be held, or a single presentation before the Common Council during a caucus or regular meeting may be substituted for or included in addition to these one-on-one meetings, but regardless each member of the Common Council will be provided the opportunity to discuss this plan at length.
- Community Group Meetings – many neighborhoods and parks in Buffalo have established community groups and block clubs with routine meeting schedules. Buffalo Sewer in coordination with the Common Council, the Partnership for the Public Good, and the Buffalo Board of Block Clubs of Erie County will reach out to these groups to request an opportunity to present the project and solicit feedback from these stakeholders.
- Scheduled District Meetings – similar to the community group and block club meetings, many Council Members hold routine meetings within their Common Council District. Buffalo Sewer will reach out to the Council Member’s staff to request an opportunity to present the project and solicit feedback from the constituents that attend these meetings.
- Selected Alternative Long-Term Control Plan Meetings – while it has been the past experience of Buffalo Sewer that organizing meetings specific to projects, specifically combined sewer overflow and water quality management projects, can be very difficult and tend to garner interest from a very limited population within the community, Buffalo Sewer will nonetheless organize a total of nine of these meetings at community centers

within each of the nine Common Council Districts in consultation with Common Council staff to attempt to garner maximum interest and participation.

- Virtual Meetings – for those that are unable to attend the Selected Alternative Long-Term Control Plan Meetings in the council districts, two virtual meetings, one during business hours and a second in the evening will be scheduled to encourage maximum participation.
- Stakeholder Advisory Committee Meetings – upon establishment of the stakeholder advisory committee, it is anticipated that this group will meet together with Buffalo Sewer’s representatives and design team at a minimum every six weeks with meetings held in accordance with New York State Open Meetings Law.

The approach to the projects specific meetings will follow the following format and practices:

- Publicize meeting logistics as early as possible to give stakeholders ample notification.
- The notification for the public meetings will include:
 - the name of the project owner (Buffalo Sewer);
 - the name and address of the proposed project;
 - the description of why the meeting is being held;
 - the time and place of the public meeting;
 - a short description of why the public should attend;
 - a short description about how the public can participate;
 - a brief description about the information that will be discussed; and
 - contact information for any questions about meeting.
- Notify common council members and other identified local elected officials, post notices in local publications and in Buffalo Sewer’s social media outlets and on our website and notify the Board of Block Clubs of Buffalo and Erie County and other stakeholders at least three (3) weeks before a meeting is to take place.
- At the beginning of the meeting, review the agenda and invite attendees to set and agree to meeting ground rules including providing time limits for individuals maximum participation by a greater populace. Let the attendees know how they can participate and allow for comment/question periods both during and at the conclusion of the meeting as time allows. Also, let the attendees know where they can obtain answers to questions they may have after the meeting has concluded.
- Encourage dialogue during the meeting. Avoid one-sided meetings where either the project sponsor does all of the talking or where the stakeholders read a prepared statement with no feedback from the project sponsor. Explore a variety of meeting

formats that incorporate small group discussions between the project sponsor’s staff and stakeholders. If a specific stakeholder group self-identifies a need for further discussion, meetings specific to that constituency may be arranged.

4.2. Community Benefits Program

Buffalo Sewer is committed to the goal of developing an inclusive and comprehensive Community Benefits Program to better serve and foster partnerships within our local communities, build a water workforce pipeline to support Buffalo Sewer’s core services, and ensure the people of the City of Buffalo experience public benefits including, most especially those residents and businesses most impacted by the disruptions inherent in large construction projects.

In meeting with the community regarding the Selected Alternative Long-Term Control Plan, the Community Benefits Program will be a topic of discussion. Buffalo Sewer has committed to incorporating at least 1% of the cost of the overall plan into a designated Community Benefits Program. This program by necessity cannot be a top-down driven effort, but rather must reflect the needs of the community and will require ongoing public participation in its implementation throughout the duration of design and construction of the Selected Alternative Long-Term Control Plan.

Section 5 Document Repositories

Document repositories – location points for the public to access written project information and subsequent updates to that information – have been identified as public facilities easily accessible by stakeholders and close to the Project site. The repository will contain a copies of information relevant to the proposed project and will be updated regularly. Repositories shall be checked regularly to ensure that there are sufficient quantities of copies available, and no information is missing.

Table 5-1: In-person Document Repositories	
Facility	Address
Central Library (Downtown Buffalo) Buffalo & Erie County Public Library	1 Lafayette Square Buffalo, NY 14203
Crane Branch Buffalo & Erie County Public Library	633 Elmwood Ave. Buffalo, NY 14222
Dudley Branch Buffalo & Erie County Public Library	2010 South Park Ave. Buffalo, NY 14220
East Clinton Branch Buffalo & Erie County Public Library	1929 Clinton Street Buffalo, NY 14206
Elaine M. Panty Branch Buffalo & Erie County Public Library	633 Elmwood Ave. Buffalo, NY 14222
Frank E. Merriweather, Jr. Branch Buffalo & Erie County Public Library	1324 Jefferson Ave. Buffalo, NY 14208
Isaias Gonzalez-Soto Branch Buffalo & Erie County Public Library	280 Porter Ave. Buffalo, NY 14201
Leroy R. Coles, Jr. Branch Buffalo & Erie County Public Library	1187 E. Delavan Ave. Buffalo, NY 14215
North Park Branch Buffalo & Erie County Public Library	975 Hertel Ave. Buffalo, NY 14216
Buffalo Sewer Authority Main Office	Room 1038 City Hall 65 Niagara Square Buffalo, NY 14202
Buffalo Sewer Authority Facility Office	Administrative Building Base of West Ferry Street Buffalo, NY 14213
Table 5-2: Online Document Repositories	
Buffalo Sewer Authority website	https://buffalosewer.org/news/