



# Delavan Trunk Sewer Improvements Project

## Enhanced Public Participation Plan



**DRAFT**

May 9, 2024

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# **1. Introduction**

## **1.1 Project Overview**

In 2014, the Buffalo Sewer Authority (BSA or Authority) received approval of the Combined Sewer Overflow Long Term Control Plan (LTCP) from the New York State Department of Environmental Conservation (NYSDEC). The purpose of this plan was to outline a multi-year strategy to implement projects to reduce overflows within the Authority's sewer collection system and to ensure that the system was reaching target conditions. The LTCP included a comprehensive list of improvements to reduce combined sewer overflow (CSO) activations and improve water quality within the 110 square miles in the City of Buffalo where the Authority owns, operates, and maintains its combined sewer system. Implementation of projects within the Authority's LTCP will ultimately support the overall health and environmental conditions of the differing receiving waterbodies such as the Scajaquada Creek and Hoyt Lake over a 20-year period.

At this time, the Authority is proposing the Delavan Trunk Sewer Improvements Project (the Project), which involves upgrades to the Authority's sewer collection system along Florida Street and Spillman Place in the City of Buffalo, New York to control combined sewer overflow (CSO) discharges to Scajaquada Creek, one of the projects identified in the Draft 2023 LTCP. Aside from providing water quality benefits downstream, the Delavan Trunk Sewer Improvements Project, like all components of the Authority's LTCP, will also implement a community betterment project. Feedback on the Delavan Trunk Sewer Improvements Project and the corresponding community betterment project will be developed through implementation of this project-specific Enhanced Public Participation Plan (EPPP). In parallel to the PPP, the project will undergo environmental review in accordance with the New York State Environmental Quality Review Act (SEQR).

## **1.2 Purpose of the Enhanced Public Participation Plan**

Commissioner Policy 29 (CP-29), *Environmental Justice and Permitting* is a framework that aims to incorporate and address environmental justice concerns into the New York State Department of Environmental Conservation (NYSDEC) environmental permit review process and NYSDEC's administration of the State Environmental Quality Review Act. Part of CP-29 requires that an applicant must submit a written Enhanced Public Participation Plan as part of a complete permit application.

An overall Public Participation Plan for the Authority's LTCP was issued for public comment in December 2023. This project-specific PPP follows the intent and structure of the plan for the overall LTCP program. The purpose of this project-specific PPP is to document the methods the Authority will use to share project information with the public and receive valuable feedback from the community regarding the Delavan Trunk Sewer Improvements Project.

Having equitable outcomes and ensuring transparency are part of the Authority's history and Code of Ethics. As per § 12-1. *Legislative Intent of the Authority's Code of Ethics*, both consideration of ethical

problems and enhancing accountability of the government are core practices for the Authority. Equitable outcomes the Authority has provided and participated in the past include:

- Targeted public outreach to neighborhoods and communities most impacted during construction;
- Ensuring that Public Participation Plans are seen through from beginning to end;
- Workforce development in affected communities and neighborhoods;
- Green infrastructure in affected communities and neighborhoods;
- Requirement of Community Benefit Projects; and
- Prioritizing communities or neighborhoods with impacted waterways that have the greatest environmental justice concerns as early as possible.

The PPP for the Delavan Trunk Sewer Improvements project has been developed to maintain and build upon the Authority's public outreach efforts to date and align with their Code of Ethics while promoting equity through thoughtful community engagement.

### **1.3 Coordination with the SEQR Act Process**

The Delavan Trunk Sewer Improvements Project requires review in accordance with the State Environmental Quality Review (SEQR) Act. SEQR requires all government agencies at the local, regional, and state government levels equally examine environmental, social, and economic impacts associated with a proposed project. SEQR is enforced by each agency, in this case the Authority will serve as Lead Agency.

At this time, it is anticipated the Authority will prepare an Environmental Impact Statement (EIS) for the project in accordance with SEQR. The EIS process will identify areas where the potential for project impacts may need to be eliminated or minimized. In cases where impacts will still occur, the EIS process will determine ways to mitigate these remaining impacts.

The SEQR process for an EIS requires the Lead Agency to complete public participation activities, which includes but is not limited to:

- Scoping the Draft EIS
- Reviewing the Draft EIS
- Holding public hearings

The EIS process will run in parallel to outreach and engagement activities identified within this PPP and will not serve as a substitute to broader and deeper community engagement to be realized by the plan, further described in Section 3.

## 2. Stakeholders Involved

A variety of stakeholders were identified who are likely to have a direct interest in or be affected by the proposed project. These stakeholders include:

- Neighborhood block clubs and residents who reside near or adjacent to the proposed project that will be potentially directly affected by the construction and operation;
- Elected and appointed officials;
- Neighborhood businesses;
- Neighborhood religious institutions;
- Educational institutions;
- Emergency services; and
- Other entities or people who have an interest in the proposed project.

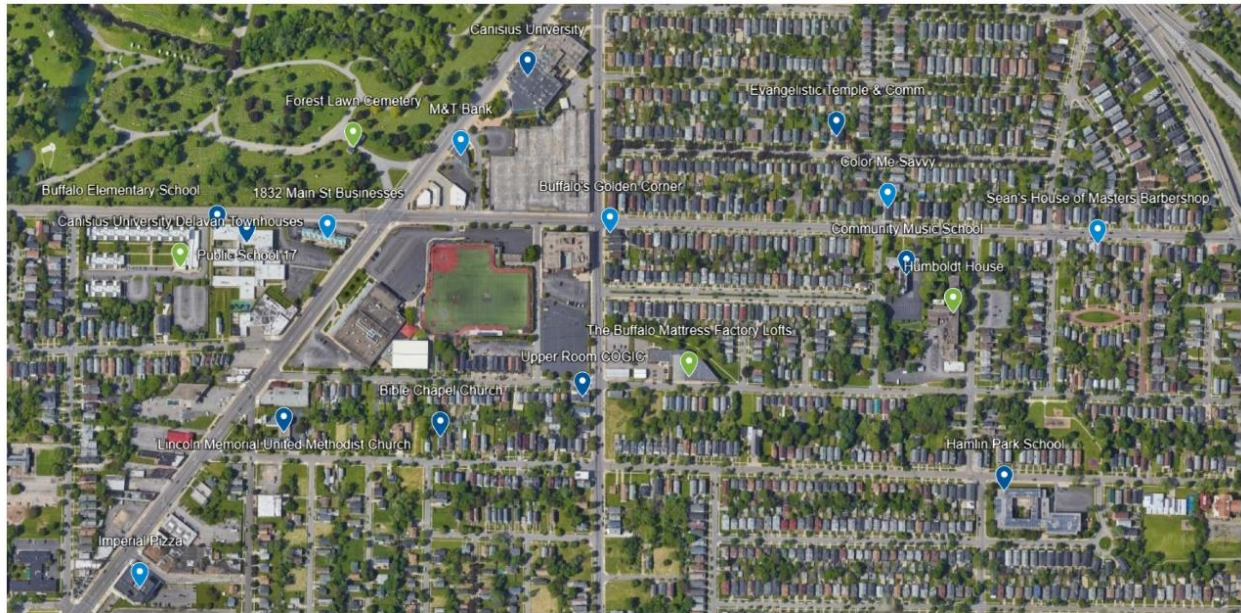
**Table 2-1** provides a list of the stakeholders that the Authority plans to engage during advancement of the Delavan Trunk Sewer Improvements project and the general locations of those within the surrounding community are shown on **Figure 2-1**. This list will be updated, as necessary, as the project advances.

**Table 2-1: Overview of Stakeholders**

<b>Elected &amp; Appointed Officials</b>	<b>Emergency Services</b>
Masten District Buffalo Common Council Member: Zeneta Everhart	Buffalo Police
Ellicott and Delaware Common Council Members: Leah M. Halton-Pope and Joel P. Feroletto	Buffalo Fire Department
City of Buffalo DPW Director of Infrastructure & Quality of Life: Marc Pope	Buffalo EMS
City of Buffalo Mayor: Byron Brown	<b>Local Businesses</b>
Erie County Legislator District 2 Chair: Hon. April N.M. Baskin	1832 Main Street (salons and restaurants)
NYS Assembly District 141 Member, Majority Leader: Hon. Crystal Peoples-Stokes	M&T Bank (1877 Main Street)
NYS Senator 63rd District: Timothy Kennedy/TBD	Buffalo's Golden Corner (1715 Jefferson Avenue)
US Congressman: Brian Higgins/Timothy Kennedy	Imperial Pizza (1665 Main Street)
<b>Educational &amp; Religious Institutions</b>	Delavan Barber Shops and Salons
Canisius University	<b>Other Entities</b>
Buffalo Public School 17	NFTA Metro Rail
Hamlin Park School	The Mattress Factory Loft apartments
Buffalo Elementary School	Canisius University Delavan Townhouses
Superintendent of Buffalo City School District: Dr. Tonja M. Williams	National Grid Substation
Evangelistic Temple & Community Church Center	Humboldt House (64 Hager Street)
Bible Chaple Church	Forest Lawn Cemetery
Lincoln Memorial United Methodist Church	
Buffalo Public School Board Representative	
Upper Room Church of God in Christ	
217 Delavan Avenue (Community Music School)	



**Figure 2-1: Overview of Stakeholders Map**



-  Educational and Religious Institutions
-  Local Businesses
-  Other Entities

Source: Google Earth



### 3. Community Engagement

Led by principals of inclusive planning and design outlined in *Advancing Racial Equity Across the Water Sector: A Toolkit for Utilities*<sup>1</sup>, community engagement for the Delavan Trunk Sewer Improvements Project will be focused on the areas below:

1. Public meetings to ensure information is accessible, approachable, and comprehensible.
2. Collaborative information sharing focused on ensuring all feedback that is received is acted upon or otherwise considered.
3. Clearly defining the immediate impacts and direct benefits of the project.
4. Development of a Community Betterment component which will be developed as part of the public participation process.

**Figure 3-1** on the following page illustrates the anticipated points of integration between two concurrent public engagement processes -- the Enhanced Public Participation Plan (EPPP) and the Environmental Impact Statement (EIS).

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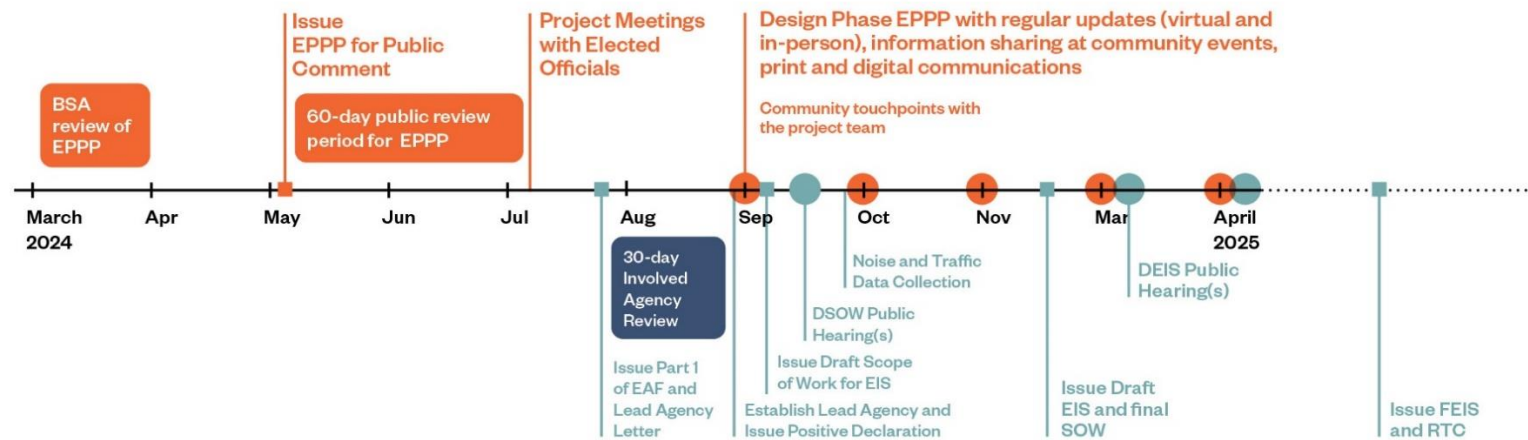
<sup>1</sup> US Water Alliance. (2022, December). Racial equity toolkit. US Water Alliance. Retrieved February 21, 2024, from <https://uswateralliance.org/resources/racial-equity-toolkit/>



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**Figure 3-1: Enhanced Public Participation Plan and Environmental Impact Statement Timeline**

### Enhanced Public Participation Plan (EPPP) Timeline



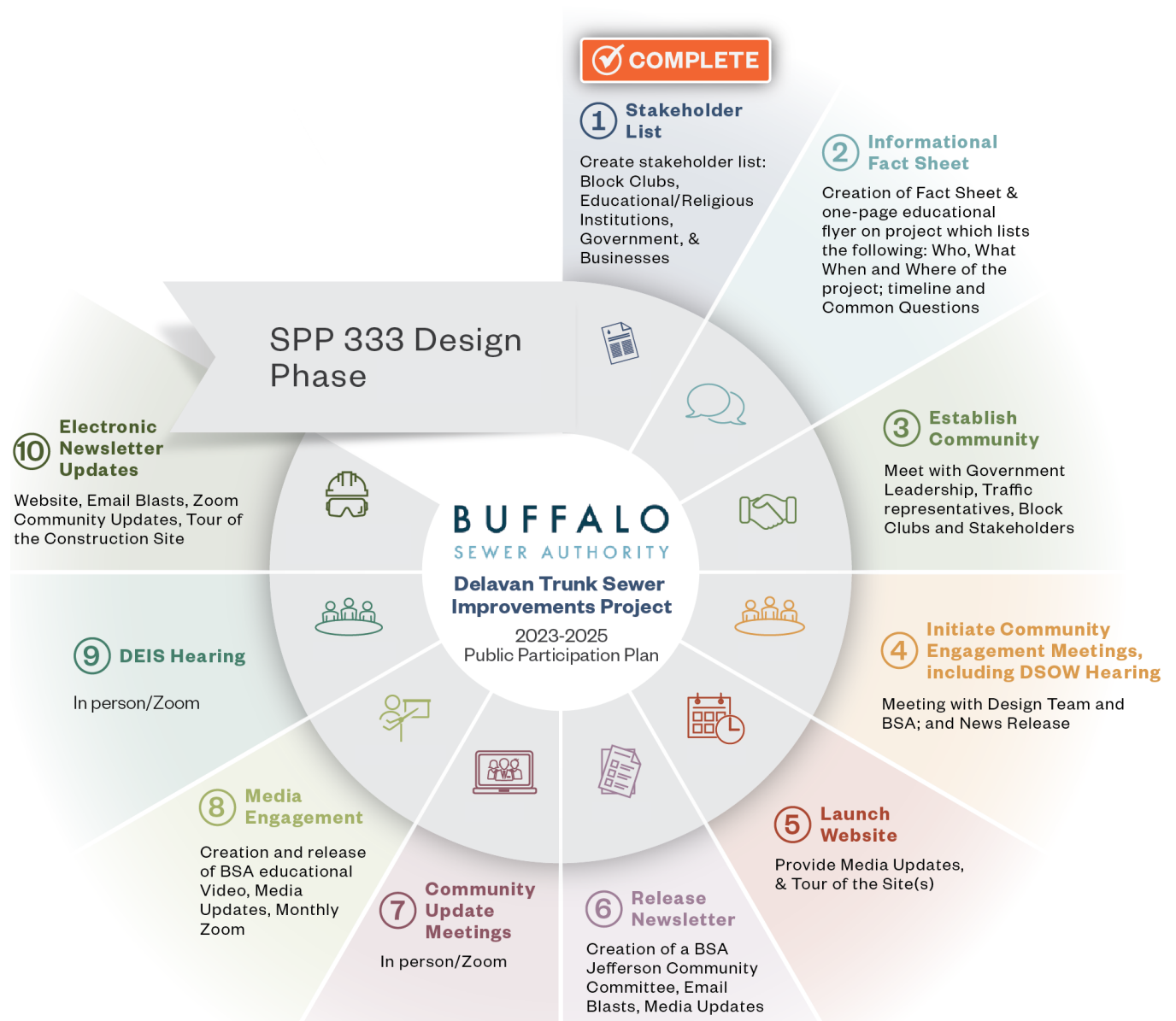
### Environmental Impact Statement (EIS) Timeline

BSA: Buffalo Sewer Authority  
EPPP: Enhanced Public Participation Plan  
EAF: Environmental Assessment Form  
DSOW: Draft Scope of Work  
DEIS: Draft Environmental Impact Statement  
FEIS: Final Environmental Impact Statement  
RTC: Response to comments

### 3.1 Outreach Activities

A variety of differing outreach activities and approaches will be implemented during design and construction of the proposed project. **Figure 3-2** depicts the Design Phase for the proposed project and lists the various planned engagement activities that will take place to ensure intentional and transparent community outreach. Details on the differing components of the outreach that will take place are further discussed within this section.

**Figure 3-2: Delavan Trunk Sewer Improvements Project Design Phase**



### 3.1.1 Community Engagement Meetings

The Authority will follow the highest standards for engaging the community in public discussions. The following engagement points below are guided by the *Racial Equity Toolkit* developed by the *US Water Alliance* where the Buffalo Sewer Authority's General Manager (Oluwole A. (OJ) McFoy) has made pertinent contributions toward the contents of this document:

- **Locations:** In-person public meetings will be held at venues in the neighborhood, not at City Hall, where local residents can comfortably and easily attend.
- **Times:** Public meetings will be scheduled to maximize community participation and influence. Where possible, meetings will also be accessible via Zoom.
- **Combined Meetings:** Project updates will be added to the agenda of regularly scheduled community meetings and in places where residents are already likely to gather. Tabling at existing festivals, career/health fairs and University events will be used to supplement more formal meetings.
- **Cadence:** Project updates will not be limited to one meeting but recur for the duration of the project, including during construction.
- **Local Businesses:** Costs for meetings and events -- venues, materials, refreshments, and supplies -- will support local independent businesses whenever possible.
- **Transparency:** Meeting minutes, recordings, and presentation materials will be shared promptly on the Authority's project website.
- **Accountability:** Meeting facilitators will provide a clear path to communicate comments and concerns to the Authority, integrate concerns with the project timeline, and return feedback to commenters.

### 3.1.2 BSA Delavan Community Committee

The Authority aims to collaborate with those impacted by creating the BSA Delavan Community Committee. The vision for this committee is to have a group of volunteers from the community who will serve as liaisons between the surrounding neighborhoods co-located with the project and the Authority. This committee will meet monthly and discuss concerns, items that are going well, and areas where more attention may be needed to effectively communicate about the project and/or engage others in the community. This could include tours of the construction site and collaborating with specialists to explain the mechanisms of the proposed project and what impacts it could have on neighbors.

### 3.1.3 Materials Development and Distribution

As depicted in **Figure 3-2**, a variety of methods will be used to share and collaborate on information pertaining to the project. This includes but is not limited to:

- Informational Fact Sheets listing: Who, What, When, Where, and Why of the project; a timeline for project implementation and a section discussing common questions/answers.

- Launching a website with media that is frequently updated.
- Releasing a newsletter through the creation of a BSA Delavan Community Committee which has regular email blasts with media updates.
- Creation and release of BSA educational videos or other media.
- In Person or Zoom community update meetings.

### **3.2 Project Awareness of Overlapping Projects in the Area**

The project team is aware of the New York State Department of Transportation (NYSDOT) Kensington Expressway redesign project and is sensitive to the cumulative impacts of major infrastructure projects. The Humboldt Parkway section of this project is directly adjacent to the Delavan Trunk Sewer Improvements Project.

Part of the EIS process under SEQR requires assessing the cumulative impacts of proposed projects. Cumulative impacts are the effects of an action and how they interact with other effects during a particular time and place. This process includes analyzing how the impact of the proposed project coincides with other projects occurring in the area on similar time horizons. Therefore, based on the timing of the two projects, any potential for cumulative impacts to occur between the Delavan Trunk Sewer Improvements Project and NYSDOT Kensington Expressway project will be disclosed with an opportunity for public review and comment.

### **3.3 Community Betterment Initiatives**

The Authority is committed to providing community betterment initiatives to support all impacted individuals. These initiatives will undergo further refinement following increased community engagement. Below reflects a list of community betterment ideas that may suit the needs of the community:

- Proactive Lead Service Line and Sewer Line Replacement for community members directly impacted by the proposed project.
- Ensuring construction workforce engagement to support workforce development training and job creation.
- Ensuring the roadway for the project site is fully paved.
- Having a permanent educational placard onsite.

### **3.4 Language Access and American Sign Language (ASL) Interpretation Services**

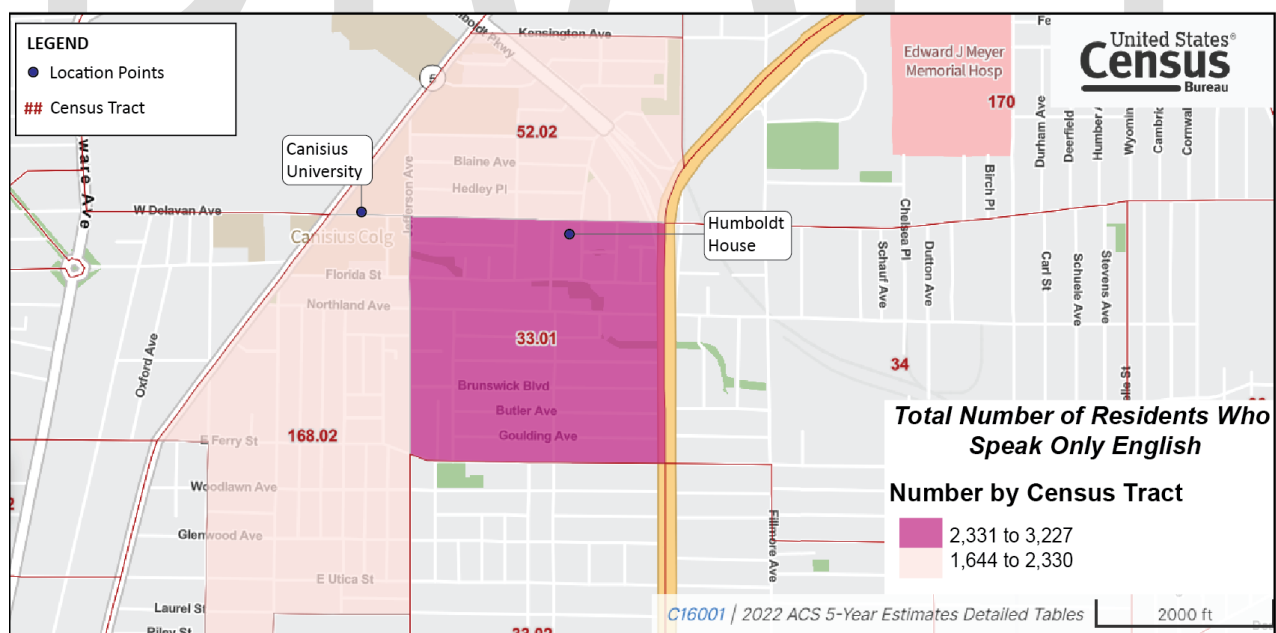
According to the U.S. Census Bureau, the total population in the surrounding project area is 8,185, according to census tracts 52.02, 33.01, and 168.02, as shown in **Figure 3-3**. Of the total population in the surrounding project area, 88 percent speak only English; however, 6 percent speak English less than “very well” and other unspecified languages and as shown in **Table 3-1**.

**Table 3-1: Language Spoken at Home for the Population 5 Years and Over**

	Census Tracts 33.01, 52.02, and 168.02	City of Buffalo
<b>Total</b>	8,185	259,078
<b>Speak only English</b>	88.0%	80.9%
<b>Speak English less than "very well"</b>		
<b>Spanish</b>	0.9%	61.7%
<b>French, Haitian, or Cajun</b>	0.0%	4.5%
<b>German or other West Germanic languages</b>	0.0%	0.6%
<b>Russian, Polish, or other Slavic languages</b>	0.0%	2.0%
<b>Other Indo-European languages</b>	0.0%	45.6%
<b>Korean</b>	0.5%	0.6%
<b>Chinese (incl. Mandarin, Cantonese)</b>	0.0%	3.5%
<b>Vietnamese</b>	0.0%	2.4%
<b>Tagalog (incl. Filipino)</b>	0.0%	0.7%
<b>Other Asian and Pacific Island languages</b>	0.0%	26.0%
<b>Arabic</b>	1.5%	10.2%
<b>Other and unspecified languages</b>	2.6%	16.8%

Source: 2022 ACS 5-Year Estimates

**Figure 3-3: Census Tract Map of Project Area**



Source: U.S. Census Bureau

While the majority of residents in the area speak English, it will be important that all individuals who wish to take part in the public engagement activities can do so in their preferred language. In addition, as part of the City of Buffalo's 2022 Council Goals for Language Access, the Council established the goal to have a Language and Disability Access Plan to meet constituent needs with Limited English Proficiency (LEP). The Language and Disability Access Plan will outline actions that will be taken by the Buffalo Common Council. These same actions will also be conducted for this plan to ensure that there is meaningful access to services for all residents, these aligned considerations include:

- On-demand requests for language interpreter and ASL interpreter services
- List of languages that can be currently translated
- List of services for people with disabilities

According to the overall Public Participation Plan for the Authority's LTCP, approximately 17 percent of Buffalo residents do not speak English as their primary language; this includes having the limited ability to read, speak, write, or understand English. According to the City of Buffalo, the seven most common languages spoken in Buffalo with LEP are as follows and, as a result, consideration will be given to providing materials in these languages:

1. Spanish
2. Arabic
3. Karen
4. Somali
5. Burmese
6. Swahili
7. Bengali

## 4. Document Repositories

Document repositories are accessible locations or places where documents and files are organized, kept, updated, and managed. The repository will contain copies of all relevant documents and information regarding the proposed project and will be updated regularly. **Table 4-1** below lists locations where in-person document repositories can be accessed.

**Table 4-1: Document Repository Locations**

Facility	Address
Central Library (Downtown Buffalo) Buffalo & Erie County Public Library	1 Lafayette Square Buffalo, NY 14203
Franke E. Merriweather, JR. Branch Buffalo & Erie County Public Library	1324 Jefferson Avenue Buffalo, NY 14208
Leroy R. Coles, Jr. Branch Buffalo & Erie County Public Library	1187 E. Delavan Ave. Buffalo, NY 14215
Buffalo Sewer Authority Main Office	Room 1038 City Hall 65 Niagara Square Buffalo, NY 14202
Online Document Repositories	
Buffalo Sewer Authority Website	<a href="https://buffalosewer.org/">https://buffalosewer.org/</a>



## 5. Definitions

Abbreviations used throughout this plan are included below.

Abbreviation	Definition
ASL	American Sign Language
BSA or Authority	Buffalo Sewer Authority
CP-29	New York State Commissioner Policy 29 Environmental Justice and Permitting
CSO	combined sewer overflow
DEIS	draft Environmental Impact Statement
DSOW	draft scope of work
EAF	Environmental Assessment Form
EIS	Environmental Impact Statement
EPPP	Enhanced Public Participation Plan
FEIS	final Environmental Impact Statement
LEP	Limited English Proficiency
LTCP	Long-Term Control Plan
NYSDEC	New York State Department of Environmental Conservation
NYSDOT	New York State Department of Transportation
PPP	Public Participation Plan
RTC	response to comments
SEQR	New York State Environmental Quality Review Act
SPP	sewer patrol point
TBD	to be determined