

B U F F A L O
SEWER AUTHORITY

ATTACHMENT C-1

**Full Environmental Assessment Form (FEAF)
Part 3 - Determination of Significance**

Lead Agency: Buffalo Sewer Authority

Project: CSO-053 Sewer Patrol Point (SPP) Modification at Colorado Avenue at Scajaquada Street (CSO053_2.5 SPP337 Modification)

Proposed Activity:

For this project, SPP337 would be modified by incorporating an additional 30-inch diameter underflow pipe. SPP337 is located near the intersection of Scajaquada Street and Colorado Avenue in the City of Buffalo. This modification would reduce overflows at CSO053 and would benefit from the installation of the Schiller Park Offline Storage (OLS) or the Sidney OLS to free up additional capacity within the Scajaquada Tunnel. To obtain the necessary flow capacity, a new sewer diversion chamber and drop shaft connection to the Scajaquada Tunnel Interceptor will be constructed. The new drop shaft will be connected directly to a new diversion chamber constructed in line with the existing sewer along Colorado Avenue. Flow will enter the diversion chamber and be directed towards the drop shaft as the primary flow path. Any high flow event that exceeds the 48 (million gallons per day) MGD flow for the new drop shaft connection will pass over a weir in the structure and continue down the sewer in Colorado Avenue which outlets to the Scajaquada Drain.

Background:

The BSA entered into an Administrative Order (AO) with New York State Department of Environmental Conservation (DEC) and the United States Environmental Protection Agency (EPA) as part of their approved Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) that was approved on March 18, 2014. The purpose of the LTCP is to reduce CSO activations within the existing collection system and to alleviate flow spikes for influent flow to the wastewater treatment facility.

Compliance with the LTCP is defined by the number of activations allowed in the typical precipitation year for the Sewer Patrol Point's (SPP's) receiving waterbody as determined by BSA's collection system hydraulic model. Following the approval of the LTCP in 2014 by the regulatory agencies, the collection system hydraulic model used in the LTCP was updated and recalibrated to reflect current system conditions. The updated and re-calibrated LTCP (now re-named the Queen City Clean Waters Initiative) model suggested that some projects originally envisioned in the 2014 LTCP are no longer feasible and that other planned projects can be further optimized to meet targets. The BSA undertook an optimization process that defined many projects within a Selected Alternative. Pursuant to the State Environmental Quality Review Act ("SEQRA") and 6 NYCRR 617.6(b)(3)(i), BSA has prepared this Significance Statement for the Colorado Avenue at Scajaquada Street CSO053_2.5 SPP337 Modification.

Agency Coordination:

Ten potentially involved agencies were identified. SEQR project materials were prepared and sent: City of Buffalo Common Council (Masten District), City of Buffalo Department of Public Works (Parks & Streets – Parks, Parks & Streets - City Engineer), New York State Department of State - Coastal Management Program, New York State Department of Transportation –

Region 5, New York State Department of Environmental Conservation - Region 9, City of Buffalo Office of Strategic Planning, City of Buffalo Water Authority, Erie County Department of Health, Buffalo Environmental Management Commission, U.S. Fish and Wildlife Service. No agencies objected to the BSA serving as Lead Agency or expressed concern with the project.

Agency Consultations:

Additionally, project information was submitted for review to New York State Parks, Recreation and Historic Preservation – Office of Parks, Recreation and Historic Preservation (OPRHP). OPRHP issued an Effect Finding of No Impact Letter. Based upon the review, no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

A consultation was also made with the US Fish and Wildlife Service Information for Planning and Consultation (IPaC) system. The project site is located within the vicinity of four (4) listed endangered/proposed endangered species: the Northern Long Eared Bat, the Tricolored Bat, the Salamander Mussel, and the Monarch Butterfly. The site is also located within the vicinity of two (2) protected eagle species and twenty-three (23) bird species that are listed on the US Fish and Wildlife Service (USFWS) Birds of Conservation Concern list. There are no critical habitats in the vicinity or the project site. USFW issued a letter stating the project is not reasonably certain to cause incidental take of any endangered species.

The site did not require consultation with the NY State Natural Heritage Program (NHP) as the site does not contain a designated significant natural community or contain any species that NYS lists as species of special concern. The SEQR project materials and correspondence from responding agencies is included as an attachment to this document.

Analysis of Impacts:

Using the information provided in the Full Environmental Assessment Form (FEAF) Part 1, project impacts were evaluated for each of the 18-areas identified in the FEAF Part 2. Impacts were evaluated based on magnitude, duration, and likelihood of occurring. Potential impacts were identified in three areas: Land, Impacts on Surface Water, and Impact on Human Health. The magnitude of the impacts is discussed below:

Impact on Land

The proposed action involves the construction of the land surface on the proposed site. The total land area to be disturbed is approximately 6,700 square feet (0.15 acres). It will also involve an excavation to approximately 18-feet below grade, and a total of 1,700 cubic yards of material to be excavated. Given the relatively small area of disturbance and the targeted nature of the excavation, the impact on existing land use is expected to be minor. Temporary disruption may occur during construction, but the long-term land use will be consistent with the project's goals of improving sewer capacity and reducing overflows.

The excavation process will expose soil to the elements, increasing the potential for erosion and sediment runoff. Mitigation measures, such as erosion control practices and proper site management, will be essential to minimize these impacts. Implementing effective control measures will be crucial to prevent adverse effects on surrounding areas.

During construction, the primary impacts will be related to noise, dust, and temporary disruption

of local traffic. These impacts are anticipated to be localized and temporary. Once construction is complete, the land will be restored and maintained in accordance with project plans, with minimal long-term land use changes anticipated.

Overall, while the project involves a moderate excavation and land disturbance, the impacts on land are expected to be minor in magnitude and a short-term impact. The benefits of improving sewer capacity and reducing overflows outweigh the temporary construction impacts. Proper management and mitigation strategies will ensure that the land impacts are minimized and that the project contributes positively to the overall infrastructure improvements.

Impacts on Human Health

The proximity of the project area to the 1001 East Delevan Avenue Brownfield Cleanup Site and the 320 Scajaquada Street State Superfund site raises concerns about potential exposure to contaminants. The 1001 East Delevan Avenue site is known for polychlorinated biphenyl (PCB) contamination and hazardous waste, while the 320 Scajaquada Street site is a State Superfund site with historical contamination issues.

The 1001 East Delavan Avenue site, located directly north of the project area, spans 32.884 acres and includes a 2.54-acre Class 2 New York State Inactive Hazardous Waste Site. Formerly used by GM and American Axle for manufacturing, the site was contaminated with oil and PCBs and is now partially redeveloped by East Delavan Properties. A Brownfield Cleanup Agreement was executed in 2018, with ongoing investigations since 2021. The nearby Saginaw-Buffalo site, 0.1-mile northeast, is a 7.248-acre former industrial site with a history of oil and PCB contamination. The contaminated soils at the Saginaw-Buffalo site are covered by pavement, with deed restrictions limiting the site to industrial use. Remediation has been completed, and residual contamination is managed under a Site Management Plan.

While conducting soil borings at the project site, free product was encountered while core drilling bedrock at approximately 38-feet below grade. A sample of the free product was analyzed for PCBs and petroleum hydrocarbon identification. The sample chromatogram most closely matches hydraulic fluid or motor oil. The sample also contained PCBs (Aroclor-1248) at 4.2 parts per million. Soil samples collected at the soil-groundwater interface did not contain concentrations of contaminants above regulatory levels. The results of the investigation were shared with the New York State Department of Environmental Conservation, and they will be conducting further investigation.

Although soil testing in the area has largely indicated low levels of contamination, the presence of free product contamination in bedrock, coupled with the nearby contaminated sites, presents a higher risk of exposure. Excavation and soil disturbance may mobilize contaminants, leading to possible exposure through dust or direct contact, particularly during construction.

To mitigate health risks, several measures will be implemented:

- **Dust and Contaminant Control:** Active dust suppression, covering exposed areas, and secure management of excavated materials will prevent the spread of contaminants through air or water.
- **Protective Equipment for Workers:** Construction workers will use personal protective equipment (PPE) to reduce exposure to any hazardous substances during the excavation process.
- **Health and Safety Plans:** A detailed Health and Safety Plan (HASP) will be developed,

- incorporating procedures for safely managing any contaminated materials encountered.
- Contingency Plan: A contingency plan will be developed for this project to outline steps to be taken if contamination is encountered.

Although the project is in close proximity to known contaminated sites and free product has been discovered, a series of protective measures will be put in place to mitigate human health risks. Through diligent soil testing, dust control, the use of PPE, and continuous monitoring, the project aims to minimize potential exposure to contaminants. With the NYSDEC conducting further investigation, additional safety protocols will be adopted as needed to protect workers and the surrounding community from health impacts. Therefore, the impact to public health will be a moderate magnitude and a short-term impact.

Determination of Significance:

In determining the significance of this project, it is important to emphasize the long-term benefits it will have on the overall public health of Buffalo and its citizens. By reducing Combined Sewer Overflow (CSO) activations as part of the BSA's compliance with the LTCP, the project directly contributes to improved water quality in Buffalo's receiving waterbodies, reducing pollutants and contaminants entering the local waterways. The decrease in overflow events also alleviates the stress on the wastewater treatment facility, ensuring more reliable and effective wastewater management for the community.

While short-term impacts from land disturbance, excavation, and potential exposure to contaminants during construction are anticipated, these are temporary and manageable with proper mitigation measures. The long-term benefits, including enhanced environmental quality, safer water bodies, and compliance with state and federal environmental mandates, far outweigh these temporary inconveniences. Ultimately, the project promotes a healthier and more sustainable urban environment for the residents of Buffalo, contributing to cleaner water resources, improved infrastructure, and the overall resilience of the city's wastewater management system. These public health and environmental improvements underscore the importance of advancing the project despite any short-term impacts.

With consideration of the aforementioned environmental factors, along with findings from Part 1 and Part 2 of the Full Environmental Assessment Form, the magnitude, importance, duration, and scale of adverse environmental impacts related to the installation of the new sewer diversion chamber and drop shaft connection to the Scajaquada Tunnel Interceptor are very low.

Therefore, the lead agency checks "A" on the last page of the Full Environmental Assessment Form, issuing a negative declaration (Neg. Dec) for the action.