



Phillips Lytle LLP

Via E-Mail

January 5, 2026

Bradley Wells
SDC Technology Services, LLC
2001 Ross Avenue, Dallas, TX 75021
bwells@stream-dc.com

Re: Project Double Reed Application to GCEDC - Project Application Requests

Dear Mr. Wells:

As you know, we represent the Genesee County Economic Development Center (“**GCEDC**”) with respect to the development of the Western New York Science and Technology Advanced Manufacturing Park (“**STAMP**”) campus in the Town of Alabama, New York (“**STAMP Site**”). We are in receipt of your December 12, 2025 application together with supporting documentation (collectively, the “**Application**”) regarding Stream U.S. Data Center, LLC’s (“**Applicant**”) proposal to purchase 60 acres of GCEDC-owned land at the STAMP Site (the “**North Campus**”) as well as 30 acres of land owned by Plug Power (“**South Campus**”), construct three, two-story buildings that will house data center equipment totaling approximately 2.2 million square feet on two sites within STAMP totaling approximately 90 acres, with an additional 40 acres of STAMP land utilized as temporary construction logistics areas, together with supporting infrastructure (“**Project Double Reed**”).

On December 18, 2025, the GCEDC Board declared its intent to act as “Lead Agency” for purposes of the review of the Application pursuant to the State Environmental Quality Review Act (“**SEQRA**”). GCEDC, together with its consultants Clark Patterson Lee and CC Environment & Planning (the “**Tech Team**”) have reviewed the SEQRA documentation in the Application and prepared the enclosed memoranda summarizing their comments, questions, and requests for clarification. As we have previously discussed, these comments are based upon the current Application materials which we understand will be revised as design progresses and following receipt of a completed noise study as well as feedback from the Town of Alabama Planning Board. GCEDC

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reserves the right to provide new or additional comments on the Application in the course of its ongoing SEQRA process.

ENVIRONMENTAL JUSTICE SITING LAW

We note that while the Environmental Justice Siting Law (“EJSL”) went into effect on December 30, 2024, the EJSL’s provisions relevant to GCEDC do not apply to STAMP (and as a result, the Project).

Section 3 of the EJSL amends Section 8-0109(2) of the Environmental Conservation Law (“ECL”) to provide that significant effects upon a disadvantaged community (“DAC”) must be included in an environmental impact statement (“EIS”). NY LEGIS 49 (2023), 2023 Sess. Law News of N.Y. Ch. 49 (A. 1286) (McKINNEY’S). In adopting the EJSL, however, the New York State Legislature expressly provided that “section three of this act shall not apply to any person who has received an initial determination pursuant to subdivision 4 of section 8-0109 [acceptance of a draft EIS] of the environmental conservation law prior to such date[.]” NY LEGIS 840 (2022), 2022 Sess. Law News of N.Y. Ch. 840 (S. 8830) (McKINNEY’S). The 2023 amendments to the EJSL confirm that “sections one, two, three, four, five, six, seven, eight, ten, eleven and twelve of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the environmental conservation law relating to the location of environmental facilities, as proposed in legislative bills numbers S. 8830 and A. 2103-D, takes effect.” NY LEGIS 49 (2023), 2023 Sess. Law News of N.Y. Ch. 49 (A. 1286) (McKINNEY’S).

A draft EIS for the development of STAMP was accepted by the GCEDC over a decade ago. Accordingly, the EJSL’s provision regarding DACs does not apply to the development of STAMP, and STREAM is not obligated to evaluate impacts to DACs in the Town of Alabama or the Tonawanda Seneca Nation.¹ The Department’s EJSL Interim Guidance confirms that “[c]ompletion of a negative declaration or acceptance of a draft EIS before December 30, 2024, will allow an agency to proceed with its

¹ GCEDC recognizes and respects the Nation’s disagreement of the use of the term “disadvantaged community” to characterize the Nation, and uses it only with regard to the classification of pursuant to the Environmental Conservation Law, consistent with the Department and Nation’s usage of the term.



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discretionary decision (funding, approval or undertaking) without a reevaluation specific to disadvantaged communities.” Nevertheless, GCEDC appreciates the inclusion of the DAC materials in the Application and has provided comments relative to same.

ESCROW

As you know, we are preparing a new Agreement for the Payment of Project Evaluation Expenses (“**Escrow Agreement**”) for your counsel’s review.

CONCLUSION

The GCEDC looks forward to working with Stream on the Application and the ongoing review of the Project pursuant to SEQRA. As you and your team work on revisions and updates to the SEQRA documentation, we encourage you to reach out with questions or clarification as needed. Also, we would discourage piecemeal submittal of revised documentation. In our experience, too many aspects of a project are impacted by changes to specific reports. Thus, it will move the process forward more efficiently if all revised materials can be provided in a single submission. If there are any questions or concerns about anything detailed herein, please reach out to me.

Very truly yours,

Phillips Lytle LLP

By /s/ *Adam S. Walters*

Adam S. Walters
ASW

MEMORANDUM

TO: Mark A. Masse, CPA | President & CEO, GCEDC

FROM: STAMP Tech Team: Andrew Kosa, P.E. | Civil Engineer, CPL; Katlyn Hojnacki, Senior Ecologist, CC Environment

DATE: January 5, 2026

RE: State Environmental Quality Review Act Process for Project Double Reed at the Western New York Science & Technology Advanced Manufacturing Park

1. Introduction

Clark Patterson Lee (“CPL”), CC Environment (“CCE”), & Phillips Lytle, LLP (collectively, the “Tech Team”), have reviewed the application documentation dated December 12, 2025 (“Application”) relating to the potential environmental impacts resulting from the siting of a proposed data center project at STAMP. Specifically, Stream U.S. Data Centers, LLC (“Project Double Reed” or “Project”) seeks to purchase 60 acres of GCEDC-owned land at the STAMP Site (the “North Campus”) as well as 30 acres of land owned by Plug Power (“South Campus” together, the North Campus and the South Campus are the “Campuses”), construct three, two-story buildings that will house data center equipment totaling approximately 2.2 million square feet on the Campuses totaling approximately 90 acres, with an additional 40 acres of STAMP land (30 acres adjacent to Edwards new manufacturing facility and 10 acres north of Plug Power’s site, designated the Utility Parcel) utilized as temporary construction logistics areas, together with supporting infrastructure.

Pursuant to the State Environmental Quality Review Act (“SEQRA”), GCEDC comprehensively analyzed the environmental impacts of the development of STAMP, with issuance of a final Generic Environmental Impact Statement and a GCEDC Findings Statement in 2012, and subsequently updated and supplemented through the 2012 STAMP Smart Growth Impact Statement (“SGIS”), 2016 Amended Findings, 2020 Amended Findings, 2021 SEQR Determination, 2022 Negative Declaration, 2022 Amended Negative Declaration, 2022 Second Amended Negative Declaration, 2023 Negative Declaration, and 2024 Negative Declaration (collectively, the “GEIS”). The STAMP GEIS analyzed and mitigated to the maximum extent practicable the environmental impacts of a full buildout of STAMP totaling 6,130,000 sq. ft. of floor space and over 9,000 employees.

The GCEDC is now evaluating Project Double Reed to determine whether the potential adverse environmental impacts associated with Project Double Reed are adequately analyzed in the STAMP GEIS. This memorandum summarizes the initial comments on the Application of the Tech Team, including requests for clarification or additional information relating to Project Double Reed. The format of this memorandum mirrors the format of the Application.

2. Double Reed Project Description Comments

1. The Application states that a noise study is still underway. Accordingly, a noise study reflecting the complete design of Project Double Reed will be required in order to complete the review process. Please submit for review.
2. Application states tenant for the Project is a Fortune 50 company; conflicts with statement in § III-r (pg. 22) DAC Burden Report which states the tenant is a Fortune 500 company. Please clarify/confirm/correct this discrepancy.
3. The Project Description recites that wetlands exist within Campus boundaries, however, neither the North Campus nor South Campus appear to contain either jurisdictional or non-jurisdictional wetlands. Please clarify/confirm/correct.
4. The description referring to the “requirements of the STAMP *EIA*” should be corrected to the STAMP *GEIS*. Please revise accordingly.
5. Section discussing the Architectural Design of the Project should reference and discuss the Alabama Town Code Design Guidelines applicable to the Project and how the Project addresses same. Please revise accordingly.
6. Construction description
 - Please provide detailed construction timeline, phases, and water usage during construction.
 - The description states that noise and dust mitigation measures have been proposed but same does not appear in plans or reports in the Application. Please provide detailed description of mitigation measures under separate section.
 - “Community Participation” subsection states that “the team has already identified multiple local programs for participation[.]” Please clarify and provide details on these programs and how they will address community participation.

3. Technical Summaries and Exhibits Comments

A. Architectural Massing and Elevations

1. Please provide a detailed analysis on how the Project design complies with the Town Code Design Guidelines.

2. Confirm final design elevations upon completion of noise study. The height of any screening on top of the buildings should be minimized based on the result of the noise study.

B. Visual Impact Analysis Technical Summary

1. Please provide additional visual simulations at the Tonawanda Seneca Nation border adjacent to the STAMP Site for both the North and South Campuses. Additional viewpoints should meet or exceed analysis completed for prior iteration of Project. Please ensure that the updated visual simulations reflect any changes in height/design based upon the pending noise study.

2. Please provide visual simulations from the approximate closest residence to the Project (west of corner of Crosby and Lewiston Rd). Provide visual simulations from eastern STAMP boundary (Alleghany Rd) for south Campus.

3. Please ensure that all visual simulations include all proposed elements of Project, including electrical substation, landscaping, and any above-ground utilities.

C. Site Plans

1. Electrical substation details should be provided. Please revise accordingly.

2. Please provide utility plans for water, sewer, electrical, and other utilities.

3. Construction Logistics plans show temporary stormwater management facilities. Please provide additional detail on these facilities including but not limited to timing of use, design, construction and restoration plans following use.

D. Stormwater Technical Summary

1. Stormwater considerations for temporary laydown area (30-acre lot, east of Crosby Rd and 10-acre lot north of south campus) should be included. Please provide.

2. SWPPP should consider natural hydrology when considering pre- and post-development runoff rates and volume. Please revise plans accordingly.

3. Please provide details on the total acreage to be disturbed at one time. Disturbance greater than 5-acres will require a 5-acre waiver.

4. On the North Campus, the conceptual temporary stormwater area at the laydown areas appears to be “uphill” from the laydown areas. Please clarify/confirm/correct. Currently, there is limited infrastructure in place to convey stormwater from the east side of Crosby Road with only minor roadside ditches and a 12” culvert under Crosby Road. Without

significant improvements, the existing infrastructure appears inadequate to convey the stormwater management that is to be included as part of the temporary construction area. Please clarify/confirm/correct.

5. There is no outfall noted for the stormwater basin proposed for the temporary construction area east of Crosby Road. Please clarify/confirm/correct.

6. Conceptual site development plans must be provided which adequately describe construction storm-water management areas and post-construction stormwater management areas. Please clarify/confirm/correct.

7. The provided stormwater management information does not discuss existing stormwater management already developed for the South Campus and how it will serve the proposed development. Please clarify/confirm/correct.

8. Per the NYSDEC Stormwater Management Design Manual, the maximum allowable contributing runoff area for bioretention and open-channel-type practices is 5 acres. The Campuses will likely need to be treated via Stormwater Treatment Ponds to achieve stormwater treatment requirements. Please clarify/confirm/correct.

9. Preliminary stormwater treatment & storage design should be provided to ensure requirements can be met within the proposed Campus footprints. Please provide.

10. Currently, only a relatively minor and undefined drainage channel exists at the location of the Northern Campus to carry runoff from the site's stormwater facilities. Stormwater management practices associated with the Project would likely result in a considerable increase in flows being directed to this channel. Further considerations should be taken into account into downstream improvements that may be necessary to properly convey the runoff from both sites. Please clarify/confirm/correct.

11. Please note that NYSDEC has requested that we relay that, consistent with General Permit for Stormwater Discharges from Construction Activities, Part II.B.2.e.iii, the project SWPPP must include a hydrologic analysis that compares pre- and post-development runoff rates and volumes for the different design storm events. This comparison is done for each designed discharge point. These may include streams, stormwater conveyances, wetlands, or ponds but sometimes also include smaller features such as vernal pools and isolated wetlands. As per the 2024 Stormwater Management Design Manual Chapter 3, one goal of the stormwater management is to maintain natural hydrology to, and preserve the ecological function of, natural resources. During NYSDEC's review of project SWPPPs NYSDEC staff will be looking to see that new projects identify all nearby natural resources outside the limits of

disturbance and that the site design preserves the natural hydrology and surface water flows to these features to the maximum extent possible.

12. The Tonawanda Seneca Nation has previously expressed concern that development of the Project could result in downstream impacts to the Nation's Territory. In preparing the above revisions, please ensure that sufficient information and design criteria are detailed to demonstrate no adverse impact to the Nation's Territory or downstream/downgrade resources generally.

E. Stormwater Plans

1. See above comments.

F. Photometric Plan

1. Please provide narrative explaining lighting plan, location, heights, dark sky compliance/shielding, and any other relevant details.

2. Locations on the provided maps show lighting impacts migrating off-site on North Campus in areas other than vehicle access. Please clarify the extent and cause of these impacts and reduce as appropriate.

3. No lights are included in proposed substation area. Please confirm whether any illumination (including temporary or timed lights) is proposed for substation area.

G. Landscape Plan

1. Additional details (e.g., species and number of plantings) should be provided.

2. When designing planting plans, native species should be given high consideration, especially for any areas in proximity to wetlands.

3. Climate resiliency should be taken into consideration to ensure long-term survival of any planted tree species.

4. The eastern end of the South Campus lies between jurisdictional wetlands along both the northern and southern boundaries of the property. The buffers along these wetlands should be maintained as natural habitat as much as possible, with minimal management. Please clarify/confirm/correct.

5. The southwestern border of the North Campus does not currently include any landscaping. Please add landscaping elements to Project, or advise as to reason for exclusion.

H. Traffic Technical Summary

1. Please provide more details regarding vehicle types for delivery traffic (box, tractor trailer, etc.).

2. Please provide number and types of trips associated with construction traffic (workers onsite, truck traffic/type) throughout all planned construction on both Campuses.
3. Plans currently propose the closure of Crosby Road during construction operations. This requires additional analysis, including impacts to alternate corridors with Edwards Vacuum operational. Please clarify/confirm/correct.

I. Utility Power Technical Summary

1. Please provide detail on the new proposed substations for the Project.

J. Utility Power Overall Infrastructure

1. See above comment.

K. Backup Power Technical Summary

1. Please provide detailed description of secondary containment design for generator fuel storage together with all other spill prevention protocols/plans and design features.
2. Please identify state and federal petroleum storage regulations applicable to the Project and how the Project design and/or operation incorporates or adheres to these requirements (e.g., petroleum bulk storage registration).

L. Geotechnical Technical Summary

1. Please provide results of additional geotechnical analysis.

M. USDA Soil Surveys

1. No comments at this time.

N. Air Emissions Technical Summary

1. Please provide analysis of emissions relative to GEIS thresholds.
2. Please note, the GCEDC may retain a separate Air Emissions consultant to fully review air emission materials. Thus, more comments may be forthcoming.

O. Acoustics Technical Summary

1. The pending noise study should include modeling that captures the following at all frequency levels:
 - a) Ambient noise at receptors as detailed in GEIS.
 - b) Cumulative noise impacts from all STAMP noise sources at receptors.

- c) Noise impacts at the STAMP boundary with residential receptors, near wildlife areas, and at Tonawanda Seneca Nation boarder for both campuses.
2. The noise emitting equipment should be explained in more detail (e.g., chillers/generator spec sheets). Please clarify/confirm/correct.
3. Noise modeling should include all operational acoustic profiles detailed in Application measured to both the Campuses' property lines, the STAMP borders (including the STAMP border with the Tonawanda Seneca Nation) and all sensitive receptors identified in the Application. Please clarify/confirm/correct.
4. As mitigation measures are identified and implemented into Project design, all Application materials must be updated to reflect final Project design.

P. Emergency Services Confirmation Technical Summary

1. Please provide additional detail regarding outreach efforts including:
 - a) when outreach to each of these agencies occurred and documentation of their feedback where possible.
 - b) information on what Project details were provided which formed the basis of the determinations from these agencies that the Project will have no impacts on levels of emergency services.
 - c) information on specific hazard concerns of data centers and specifically related to this Project.
2. Please provide description of the upgraded fire-fighting abilities of the Alabama Volunteer Fire Department specifically for STAMP.
3. Note: GEIS Findings Statement § 6.10.2 requires a facility specific emergency services impact study be prepared and submitted to an informal committee of local and county emergency response representatives. Please clarify/confirm/correct.

Q. Emergency Response Procedures Technical Summary

1. This section should be relabeled § III-q.
2. Stream's "rigorous emergency Response Protocols" are referenced in this section but they do not appear to be provided. Please clarify/confirm/correct.
3. Update with details on emergency response protocols and preferably a document prepared specifically for the Project.
4. Please provide information on the UPS batteries, their hazards, and how the hazards are mitigated through Stream's emergency protocols and plans.
5. Please provide specific information on the fuel storage and spill preparedness including:

- a) Details and design of the secondary containment
 - b) Applicable state and federal petroleum storage regulations that are being complied with.
6. Please provide details on employee emergency training.

R. Disadvantaged Communities Burden Assessment

1. While the DACs at issue do not appear to suffer air pollutant and water pollutant burdens, these issues should be specifically addressed considering they were previously raised as a significant concern by the Tonawanda Seneca Nation regarding:
 - a) Air pollutants
 - b) Pollutants to Oak Orchard Creek and Tonawanda Seneca Nation drinking water. Please note that it is our understanding, after discussions with NYSDEC, that onsite stormwater does not drain into the Oak Orchard Creek watershed.
2. Pg. 4 of the DAC assessment states that the Project will consist of developing a data center “on a total of 130-acres”. Please correct to explain the data center will occupy 90 acres with 40 acres of STAMP land temporarily utilized for construction logistics areas. Also correct assertion that Project will be permanently located on both sides of Crosby Road.
3. On Pg. 5, clarify whether there will be “three stormwater management areas” in total or three for each Campus (North & South). Provide details on the discharge of these stormwater management areas: volume, quality, and receiving waters impacts.
4. On Pg. 7, relate the current Project’s pricing/economic impacts to STAMP once such information is available.
5. On Pg. 10, please note, in past communications with the Tonawanda Seneca Nation, the Nation does not characterize itself as “disadvantaged” but has acknowledged that the term is used in reference to the Environmental Justice Site Law.
6. On Pg. 14, there does not appear to be specific discussion regarding the Tonawanda Seneca Nation or Town DAC tracts in this section, which should be revised to include same. Explain traffic route of expected traffic from the Project in more detail and provide map or other figures.
7. On Pg. 15, provide the expected impacts in acres to agricultural fields under the STAMP GEIS and compare with existing and proposed impacts under the Project.
8. On Pg 15-19 re emergency services, additional information on emergency response plans should be updated per any updates to those sections above.
9. On Pg. 20, the acoustic impacts section should be updated upon receipt of a final noise study

10. On Pg. 22, confirm whether the tenant is a fortune 500 or 50 company.

S. LEAF Part 1 Form

D.2 Project Operations

Potable Water Infrastructure:

1. c.i. Long Environmental Assessment Form (LEAF) indicates daily usage of 20,000 gallons per day from STAMP Water Works.
 - a. Identify water usage in the report and provide calculation backup for estimated water usage.

Sanitary Sewer Infrastructure:

1. d.i. LEAF indicates daily sanitary discharge of 20,000 gallons per day to the onsite sanitary sewer system. Discharge to V. Oakfield WWTF by STAMP Force Main. There is no mention of improvements required at the Oakfield WWTF.
 - a. Identify sewer usage in the report and provide calculation backup for estimated sewer usage.
 - b. Onsite sanitary sewer needs. Grades decrease from Crosby Road west. Onsite pump station, owned by Stream maybe needed. Please clarify/confirm/correct.
 - c. Identify sanitary sewage makeup.

E. Site and Setting of Proposed Action

Civil/ Site Development:

1. Clarify required construction worker parking. (30-acre lot, east of Crosby Rd and 10-acre lot north of south campus)
2. Access to north campus off STAMP Substation "driveway." How will access be handled?
3. How will the "Temporary Project Areas" be graded to support construction operations? How will they be restored?
4. Geotechnical discussion mentions the soils are "favorable" for the proposed development. To what extent will the site be graded? Conceptual cut/fill volumes? Where will any unsuitable, or excess soils be hauled to or stockpiled?
5. Phasing - indication of what is constructed first and time in between. EAF says no phasing, confirm concurrent construction.
6. Initial worker count was noted at 120 employees, yet the conceptual parking count appears to be 282. What is the rationale behind having more than double the parking spots required to accommodate employees?

E.2.Natural Resources on or Near Project Site

Stream & Wetland Impact:

1. As detailed above, consider existing hydrology, feeding existing drainage ways and wetlands offsite.
2. a. depth to bedrock is much greater than 6'. Review boring logs.
3. h.iv. Describe streams/ tribs consistent with the wetland/ stream delineation for the STAMP site. Note any potential offsite steam/ wetland impacts from regrading of the project site. The site plan needs to be clear whether there will be any impacts to Wetland 20, and if so, these impacts must be permitted. Any riprap installed for the outfall of the stormwater pond must remain outside of the delineated wetland boundary or a permit must be acquired for the addition of fill into the wetland.

E.2.Natural Resources on or Near Project Site

Threatened and Endangered Species:

1. The species listed in E.2.m, E.2.o, and E.2.p are pulled from the STAMP DGEIS without taking the specific project site into consideration. It also does not take into consideration federally listed species. Threatened and endangered species should include: short-eared owl, northern harrier, bald eagle, and northern long-eared bat. Tricolored bat should also be included, as it has been proposed for federal listing as endangered and has been known to occur within the area. The same applies for the monarch butterfly, which has been proposed for federal listing as threatened, although the proposed 4(d) rule likely makes this project exempt from possible monarch restrictions.
2. Rare species that should be listed in E.2.p should be horned lark, sharp-shinned hawk, and Cooper's hawk.
3. Question E.2.q should detail the distance between both Campuses and the Tonawanda Seneca Nation's territory and whether operations from Project Double Reed is anticipated to have any impact on wildlife on the Tonawanda Seneca Nation with explanation/analysis relative to same.

E.3. Designated Public Resources On or Near Project Site

Archeological Resources

1. Subsection g.i. - the portion of the North Campus that is currently privately owned will need an archeological review completed in coordination with the New York State Office of Parks, Recreation and Historic Preservation.

Agricultural Resources

1. The STAMP Site is not located in an Agricultural District, please revise accordingly.