



September 21, 2026

Matthew J. Fitzgerald
Phillips Lytle LLP
One Canalside
125 Main Street
Buffalo, NY 14203

**Re: RESPONSE TO INDEPENDENT ENGINEERING REVIEW – PROJECT DOUBLE REED
(STREAM U.S. DATA CENTERS, LLC), WNY SCIENCE & TECHNOLOGY ADVANCE
MANUFACTURING PARK TOWN OF ALABAMA, GENESEE COUNTY NEW YORK.**

Dear Mr. Fitzgerald:

It is our understanding that you have received supplemental comments, dated July 22, 2026 (the "Geotech Comments"), from Stephen D. Daly, Esq., counsel to the Sierra Club, Atlantic Chapter ("Sierra Club"), regarding the geotechnical investigation report (the "Geotech Report") submitted by Stream U.S. Data Centers, LLC ("Stream") for the North Campus of the proposed data center development at STAMP ("Project Double Reed" or, the "Project"). These comments were accompanied by an independent engineering review prepared by Ian Kuchman, P.E., of McMahon LaRue Associates ("MLA"), in response to the June 25, 2026, letter prepared by CPL.

The independent engineering review prepared by MLA compares the original Generic Environmental Impact Statement ("GEIS") prepared for the STAMP project with the current SEQR application and supporting engineering materials submitted for the Stream U.S. Data Centers project proposed at the STAMP site. CPL assisted in the preparation of the GEIS for STAMP and has a deep working knowledge of the GEIS, its contents, and the basis for the conclusions contained therein. As part of its review, MLA identified six principal comments for consideration:

1. Site Grading and Earthwork
2. Site Geology and Ground Improvements
3. Groundwater and Dewatering
4. Stormwater Management and Hydrology
5. Construction Sequencing and Temporary Impacts
6. Administrative Record Consistency

These items are discussed at length below.

1. Site Grading and Earthwork



The GEIS is a conceptual, program-level environmental review of the STAMP site. At the time the GEIS was prepared, no specific tenant had been identified, and the ultimate building configurations, operational requirements, and supporting infrastructure were not yet known. As a result, it was not possible to predict the final grading plan, earthwork requirements, or site functionality for future development. Accordingly, the GEIS did not quantify cut and fill volumes, and its discussion of site grading was appropriately conceptual in nature. Instead, the GEIS assumed only that cut and fill volumes across the STAMP Site would be approximately balanced with no significant changes in existing topography. CPL maintains that the grading conclusions presented in the GEIS remain valid and were not intended to provide detailed quantitative earthwork analyses for individual development projects.

MLA's review identifies approximately 69,500 cubic yards of fill for the South Campus and approximately 322,600 cubic yards of fill for the North Campus to raise portions of the site by as much as ten feet which it explains were not quantified anywhere within the GEIS. Based on Stream's site plan submissions, the grade in some areas of the Campuses will be raised by as much as 10 feet with structural fill and will be cut by as much as 10 feet in other areas. Although the site-specific earthwork quantities are not precisely balanced, this condition is driven by the substantial building footprints and the need to establish level construction areas across the varying elevations of the Campuses. Accordingly, the cut and fill approach proposed for the Project furthers the GEIS assumption that the topography of the STAMP Site would not be significantly altered and that "Native soils will be re-arranged on the Project Site and additional fill, as needed, will be brought to the Project Site to create a level surface for construction of buildings, roadways, and parking lots within the development areas."

Furthermore, as discussed in CPL's June 25, 2026, correspondence, the proposed building heights do not exceed 65 feet. Even when accounting for the proposed fill, the development remains below the maximum permitted elevation threshold of 110 feet established within the TD-1 Zoning District. The fact that cut and fill volumes for the Stream Data Center project were not quantified in the GEIS is of no relevance, as the project was not proposed at the time the GEIS was created, and as MLA correctly admits, the GEIS contains **no** quantifiable cut and fill grading assumptions.

In addition, the Project represents approximately 18 percent of the developable acreage within the Main Manufacturing Campus, leaving more than 250 acres available for future development. This remaining acreage provides opportunities to balance cut and fill operations across the broader campus as development progresses. Furthermore, the Geotechnical Report proposes the reuse of suitable excavated materials in designated fill areas, thereby reducing the need for imported material and supporting overall site grading efficiency.



MLA's letter also notes that retaining walls ranging from approximately 9.9 feet to 11.7 feet in height are proposed in connection with certain stormwater management facilities and were not specifically referenced in the Town of Alabama (Town) Planning Board's (Planning Board) June 8, 2026, Draft Findings Statement. CPL notes that Genesee County Economic Development Center ("GCEDC") is evaluating the potential environmental impacts from all structures proposed to be constructed for the Stream Data Center project. Furthermore, the design minutia and evaluation of such retaining walls are being addressed during the site plan review and detailed engineering design process by the Planning Board and GCEDC concurrently with its SEQR review of the project.

2. Site Geology and Ground Improvements

As discussed previously, the Geotech Report recommends the use of deep foundation systems based on the structural requirements of the proposed Project facility. The Geotech Report identified deposits of lacustrine clay and silt extending to bedrock, reaching depths of up to approximately 49 feet in certain locations. These soil strata are characterized by relatively low bearing capacity and increased compressibility compared to more competent subsurface materials.

To adequately support the proposed facility and its associated structural loads, the Geotech Report recommends the use of deep foundations and related ground improvement measures. The selection of these foundation systems is based on the specific design requirements of the proposed Stream data center and the site-specific subsurface conditions identified during the investigation. The recommended deep foundation and ground improvement techniques are common throughout the construction industry and represent well-established engineering solutions for addressing the soil conditions present at the STAMP site. Based on this fact alone, the soil condition underlying the Campuses for the Project is consistent with the assumption in the GEIS that the soils "do not present any unusual or unanticipated conditions for construction activities."

MLA asserts that the GEIS "did not identify rigid inclusions, micropiles, preload, or other deep ground improvement techniques as part of the anticipated construction approach for the STAMP site." This is correct by virtue of the fact that the GEIS did not evaluate or prescribe **any** specific foundation systems or anticipated construction approaches for future development within STAMP, and such omission is irrelevant. Indeed, this is acknowledged by MLA in its letter wherein it states: "[t] The GEIS addressed construction-phase impacts in general terms, principally through standard erosion and sediment control best management practices, and did not separately analyze impacts specific to staged construction sequencing, retaining wall installation, or a data center heat island effect[.]"

As a generic environmental review document, the GEIS was prepared to assess broad environmental impacts associated with future development scenarios rather than the



detailed engineering design of individual projects. Accordingly, the specific foundation system proposed by Whitestone for the Stream project is appropriately addressed through project-specific engineering review and site plan approval processes, as contemplated by the GEIS.

The GEIS did assume that no adverse impact to either bedrock or surficial geologic materials is anticipated, since there will not be any significant removal of these earth materials. Project Double Reed is aligned with this assumption even with the newly proposed use of deep foundation systems discussed in the Geotech Report, which do not propose any significant removal of bedrock or surficial geologic materials.

MLA also questions whether the SEQR record adequately documents the potential environmental impacts from the use of the proposed ground improvements and deep foundation systems, “including the scale of fill import, the duration and staging of construction activity, and the extent of grade change in building areas, and whether that documentation demonstrates consistency with the disturbance and impact assumptions that underpinned the original GEIS.” As discussed above, the GEIS did not evaluate any specific construction approaches but rather programmatically evaluated the potential impacts of the full build-out of the STAMP Site. The GEIS did assume that “[s]urficial soils will be affected by excavation and grading work done on the Project and within any potential off-site improvement areas. Native soils will be re-arranged on the Project Site and additional fill, as needed, will be brought to the Project Site to create a level surface for construction of buildings, roadways, and parking lots within the development areas.” Such development included soil disturbance across 618 acres over multiple years. The GEIS did not identify that any specific construction approach would require additional evaluation under a supplemental GEIS.

Project Double Reed’s land disturbance, including the extent and duration, is consistent and within the thresholds and assumptions for development of STAMP under the GEIS. Furthermore, Project Double Reed proposes to conduct such development in accordance with appropriate erosion controls including an approved Stormwater Pollution Prevention Plan (“SWPPP”) and the New York State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Construction Activity (“GP-O-25-001”), consistent with the assumption under the GEIS.

3. Groundwater and Dewatering

Groundwater was encountered during the geotechnical investigation at depths ranging from approximately 15 feet to 34 feet below ground surface. While the presence of groundwater may influence the installation methods selected for the proposed deep foundation systems, it does not preclude their use. Rather, foundation installation techniques will be adjusted as necessary to account for site-specific groundwater



conditions. The use of deep foundations in the presence of groundwater is a common engineering practice and is routinely employed on construction projects throughout the industry. The conditions identified at the STAMP site are not unusual and do not present unique engineering challenges.

Temporary dewatering activities may be required during certain phases of construction. However, as noted in the Geotechnical Report, any dewatering needs are expected to be limited and will likely involve the removal of accumulated surface runoff, infiltrating surface water, or localized pockets of water perched within the relatively impermeable clay strata. Given the low permeability of the on-site soils, significant groundwater inflow is not anticipated.

Accordingly, any dewatering activities are expected to be temporary, localized, and limited in scope. Such activities are not anticipated to result in measurable impacts to the regional groundwater table, nor are they expected to require large-scale or continuous pumping operations. The management of temporary groundwater and surface water encountered during construction represents a standard construction practice that can be effectively addressed through conventional means and methods.

The GEIS assumed that the operation of the STAMP Site for technology and advanced manufacturing uses would not involve groundwater discharge. Likewise, Project Double Reed does not propose groundwater discharge during the operation of the Project, and only proposes temporary dewatering during the construction phase in accordance with the GP-0-25-001. Temporary dewatering of infiltrated rain and groundwater seepage into construction excavations during the development of the project is not the continual and consistent groundwater discharge the GEIS assumed would be avoided. Similarly, Project Double Reed proposes that rigid inclusions or micropiles may be utilized which may reach the underlying water table but will not require any significant excavation for their installations.

4. Stormwater Management and Hydrology

MLA claim “[t]hree items in particular remain open in the record” with respect to stormwater management and hydrology:

- I. whether the approximately 2,506 cubic feet of combined water quality volume left untreated by design across three South Campus Points of Analysis has been evaluated as a cumulative impact or is otherwise considered acceptable as a matter of Town or state stormwater policy;
- II. whether the South Campus's stormwater management practices, designed to 2015 Manual criteria, would be sized or configured differently if evaluated under the 2024 Manual's current design and performance criteria; and
- III. whether the four North Campus stormwater outlet points and potential flow



increases to Wetland 10 and Tributary 2, raised in CPL's March 11, 2026 memorandum, have since been resolved, and if so, in what document.

First the New York State Department of Environmental Conservation ("NYSDEC") allows compliance through a combination of runoff reduction volume ("RRV") practices and water quality treatment measures. The criteria of providing 100% of the RRV is not required but rather the project satisfies the applicable water quality volume and runoff reduction requirements using the compliance methods authorized by the Manual. Where the minimum required runoff reduction volume has been achieved, the Manual does not require additional reduction solely to reach an arbitrary percentage target.

The NYSDEC stormwater regulations do not require every square foot of runoff to be routed through a treatment practice, nor do they prohibit the use of bypass areas where site constraints, hydraulics, or design standards warrant. The mere presence of bypass drainage does not establish that pollutant loads are significant, uncontrolled, or inconsistent with permit requirements. The project utilizes various runoff reduction and water quality practices that are consistent with compliance mechanisms expressly recognized by the NYS Stormwater Management Design Manual.

Second, the South Campus stormwater management practices were designed, approved and constructed in accordance with the 2015 Stormwater Design Manual. As a part of Project Double Reed, there will be no increase in impervious area on the South Campus above that already reviewed under the previously approved SWPPP. Rather, the impervious area will decrease as a result of the construction of the Project Double Reed facilities. Therefore, it is irrelevant whether the previously approved SWPPP will meet the new design standards.

Third, in review of the May 5, 2026 SWPPP report, the four (4) discharge points of the North Campus are designed in accordance with the design standards of the 2024 Stormwater Design Manual. Runoff rates have been reduced, the plans meet both the Water Quality and RRV requirements as outlined in the 2024 Stormwater Design Manual. Due to the proposed stormwater management practices, there will be no adverse impacts to the downstream wetlands or tributaries.

The Geotech Report and the SWPPP serve different purposes and address distinct aspects of site development. The Geotech Report evaluates subsurface soil conditions and provides recommendations regarding foundations, earthwork, and ground improvement measures. In contrast, the SWPPP addresses erosion and sediment controls during construction, as well as the management of stormwater runoff during both construction and post-construction conditions.

Ground improvement measures are not typically evaluated within the SWPPP because they



generally do not affect stormwater management design criteria. Similarly, stormwater management practices do not influence the engineering design of foundation systems or subsurface ground improvements. As a result, the absence of ground improvement discussions within the stormwater management documentation does not represent a deficiency, as these subjects are addressed through separate engineering analyses and design disciplines.

With respect to permit coverage under the GP-0-25-002, it is common practice for the NYSDEC to acknowledge coverage shortly after receipt of a complete Notice of Intent ("NOI"), provided all permit requirements have been satisfied. Stream received such acknowledgement from NYSDEC by letter dated July 12, 2026. However, given the heightened level of regulatory and public scrutiny associated with development activities at STAMP, NYSDEC has required additional review of wetland documentation for projects within the STAMP development area. Accordingly, NYSDEC has rescinded its prior acknowledgment of coverage pending completion of its additional review.

SEQR review is being conducted with the assistance of third party consultants to evaluate specific stormwater design elements, detailed review of SWPPP calculations, drainage infrastructure, and compliance with applicable design standards. Additionally, these matters are also being addressed during the site plan review and permitting process, where detailed engineering plans are evaluated for compliance with applicable NYSDEC requirements and accepted engineering standards. Prior to the commencement of construction, all stormwater management facilities and practices will be required to comply with NYSDEC standards and receive all necessary regulatory approvals.

5. Construction Sequencing and Temporary Impacts

The MLA comments take issue with the iterative nature of the SEQR review of the Project conducted by GCEDC in which GCEDC has requested additional information on various topics following public comments or comments received from the Planning Board. The GCEDC has undertaken a robust public participation process as part of the SEQR review for the Project. This process has included public meetings, opportunities for written public comment, and ongoing engagement with interested stakeholders regarding potential environmental impacts associated with the proposed development.

Given the evolving nature of the data center industry and the increased public attention surrounding such facilities, certain concerns have emerged throughout the review process. As is common in complex SEQR reviews, the evaluation of these issues has been informed, in part, by public and agency feedback received during the review process. Indeed, the specific purpose of requesting public comment on the project is to obtain comments on project aspects and potential impacts which may have not been considered or analyzed. Especially here, under the context of a GEIS, which provides a general programmatic



template through which to generally analyze potential project impacts, it is not reasonable to assume that a single proactive technical submission will resolve all potential environmental inquiries. Such expectation would obviate the utility of the iterative process born out of public comment periods and is contrary to the purpose of SEQR review.

GCEDC remains committed to thoroughly considering all substantive comments and concerns raised by agencies, stakeholders, and members of the public. The purpose of this review is to ensure that potential environmental impacts are appropriately identified, evaluated, and addressed, and that the SEQR Findings Statement is supported by a complete and well-developed administrative record. Accordingly, GCEDC will continue to evaluate relevant information submitted during the review process and incorporate appropriate findings and mitigation measures, where warranted, to support an informed decision-making process.

6. Administrative Record Consistency

MLA, in its discussion of the project administrative record, allege a number of issues that are unrelated to its expertise and purported purpose of providing an “objective, engineering-focused comparison between the assumptions and impact analyses set forth in the [GEIS], and the site-specific engineering information that has since been developed for Project Double Reed.”

First, MLA point out that CPL was involved in the completion of the GEIS, which it is now evaluating against the Project documentation. It is not clear what or why this is asserted and MLA does not explain. Notwithstanding, the fact that CPL participated in the development of the GEIS as GCEDC’s engineering consultant, and now continues to assist GCEDC in SEQR review of STAMP development presents no unusual circumstances and is quite typical. Furthermore, CPL’s substantial familiarity with the GEIS makes it uniquely situated to provide adequate review of proposed projects at STAMP.

Next, MLA notes that the Geotech Report submitted to GCEDC was dated April 10, 2026 but not posted to the GCEDC’s website until May 27, 2026, after the May 7, 2026 close of the public comment period, seemingly in an effort to claim GCEDC purposefully withheld the document to prevent public comment. CPL notes this is unrelated to MLA’s apparent expertise and is also factually incorrect. GCEDC has promptly published all project documentation to its website which it has received despite the fact that there is no such requirement to do so. Notwithstanding the fact that the Geotech Report is ***dated*** April 10, 2026, the same was not ***submitted*** to GCEDC until May 27, 2026, after the completion of the public comment period. GCEDC posted the Geotech Report shortly after. Furthermore, as evidenced by the MLA comments, the fact that the public comment period has expired has not prevented the submission of specific comments by the Sierra Club, NYSDEC, or the Tonawanda Seneca Nation.



MLA go on to alert the fact that the geotechnical investigation for the North Campus SWPPP is separate and does not involve analysis of the geology of the building area, only the areas underlying the proposed stormwater management facilities. Its unclear why this fact is raised and indeed is irrelevant. As explained above, the two reports were created for two different purposes and under different review contexts, one being compliance with SWPPP requirements, and the other involving the foundation design requirements for the project, largely irrelevant for SEQR purposes.

The remaining issues raised by MLA involve the Town of Alabama Planning Board's review of the project, and CPL will defer to that agency for such response.

Very truly yours,

Andrew R. Kosa, P.E.
Principal

Enclosures

C: File