

FINAL
Enhanced Public Participation Plan
STAMP Wastewater Treatment Facility

July 2021
Pursuant to the
New York State
Department of Environmental Conservation
Commissioner Policy - 29
Environmental Justice and Permitting

Name of Action:
Improvements to Western New York Science & Technology Advanced
Manufacturing Park

Location of Action:
Town of Alabama, Genesee County, NY; Town of Shelby, Orleans
County, NY (see location map attached)

Prepared by:

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STAMP Wastewater Treatment Facility

Environmental Justice

Enhanced Public Participation Plan

I. Introduction

Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. In March 2003, the New York State Department of Environmental Conservation (“**NYSDEC**”) issued Commissioner Policy - 29 (“**CP-29**”) governing environmental justice and permitting. This policy was issued by NYSDEC in response to concerns over the lack of meaningful public participation by minority or low income communities in the permit process; the unavailability or inaccessibility of certain information to the public early in the permitting process; and, the failure of the permitting process to address disproportionate adverse environmental impacts on minority and low income communities.

CP-29 is designed to promote the fair involvement of all people in the environmental permitting process and to ensure that NYSDEC’s environmental permitting processes promote environmental justice. One of the key ways CP-29 achieves these goals is to require permit applicants to prepare public participation plans for projects which are within or contiguous to minority or low income communities.

Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center (“**GCEDC**”), in conjunction with the Genesee Gateway Local Development Corporation (“**GGLDC**”), the non-profit real estate affiliate of the GCEDC, have been working for more than a decade on the development of the Western New York Science & Technology Advanced Manufacturing Park (“**STAMP**”), an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway (“**STAMP Site**”) in the Town of Alabama, New York (“**Town**”) (see attached Basis of Design Report for a Location Map).

The STAMP Site is within the ancestral territory of the Tonawanda Seneca Nation (“**Nation**”) and is adjacent to its treaty-confirmed, federally-recognized Reservation (“**Nation’s Territory**”). In light of the STAMP Site’s proximity to the Nation’s Territory, and consistent with a certain the Letter of Resolution (defined below), the GCEDC is required to prepare this Enhanced Public Participation Plan (“**EPPP**”) in connection with NYSDEC’s review of the certain improvements at the STAMP Site pursuant to and consistent with CP-29.

II. Background

a. **Programmatic Agreement**

Discussions among the GCEDC, the Nation, USACE, SHPO and NYSDEC on a Programmatic Agreement (“**PA**”) began in 2016. The PA established protocols for archeological sites at STAMP that had been identified through Phase 2 archeological investigations as potentially eligible for the National Register of Historic Places. The PA also established a consultation process with the Nation for development projects at STAMP within the APE of any federal Undertaking. In discussing the Programmatic Agreement, the Nation expressed concerns about the impacts of the development, construction, maintenance, and other use of the STAMP Site on the Nation and its people, culture, and environment, including lands, waters, air, plants, animals, birds, and the environment generally. In addition, Nation representatives raised the issue that the Nation’s Territory is a Traditional Cultural Property. The consulting parties developed protocols and procedures to evaluate potential impacts to the Nation’s Territory as a Traditional Cultural Property (“**TCP**”) and provided in the PA that “the results of the TCP investigation will be used to guide the evaluation of potential adverse effects to the Nation’s Territory as a property of religious and cultural significance resulting from the proposed STAMP Site development associated with the Undertaking.” Negotiations on the PA culminated in the execution of the PA by USACE and SHPO on July 17, 2018. The GCEDC and NYSDEC signed on to the PA as Invited Signatories. The Nation was also invited to sign the PA.

b. **Traditional Cultural Property Investigation**

Following the execution of the PA in July 2018, the consulting parties continued to meet to discuss protocols for the Nation to undertake a TCP investigation. The Consulting Parties agreed to support the Nation’s efforts to prepare a report to document the Nation’s Territory as a TCP pursuant to the four eligibility criteria for the National Register (“**TCP Project**”). Specifically, it was agreed that the TCP Project would gather the information necessary to document that the Nation’s Territory is a TCP and a property that is eligible for inclusion on the National Register under one or more of the four basic criteria for evaluation as outlined in *36 CFR Part 60.4 (a, b, c, d)* (“**TCP Report**”). The TCP Project, which has been ongoing since 2018, is being led by the Nation, will be the sole property of the Nation and will be shared with the Consulting Parties, subject to any conditions required to protect the privacy and rights of the Nation and its citizens. The TCP Report, once shared with the consulting parties, will be “used to guide the evaluation of potential adverse effects to the Nation’s Territory as a property of religious and cultural significance.”

c. **Letter of Resolution**

Discussions among the GCEDC, the Nation, NYSDEC and SHPO on a Letter of Resolution pursuant to 9 NYCRR Part 428.10 and 9 NYCRR Part 428.13 (“**LOR**”)

began in 2018. The purpose of the LOR is to establish detailed procedures for cultural resource review for any future development on the STAMP Site that is not subject to the PA (meaning that the USACE has no permitting role in the particular development project) but requires a permit or approval from NYSDEC (including authorization to discharge stormwater pursuant to the General Permit). The LOR incorporates many provisions of the PA and provides a process for evaluating potential impacts to the Nation of a particular development project at STAMP that requires NYSDEC permits or approvals. The Consulting Parties and Applicant, as an Invited Signatory, declined the Nation's request that the provisions of the PA on the TCP study and its inclusion in assessment of adverse impacts be incorporated by reference in the LOR. The Consulting Parties and Applicant, as an Invited Signatory, also declined the Nation's request that in the event that the TCP Report was not completed and/or its results were not yet available when NYSDEC is considering a permit or approval for any particular development project at STAMP, that the LOR provide that the Nation prepare an evaluation of eligibility document to be used by SHPO to render an eligibility determination as to the Nation's Territory pursuant to the State Historic Preservation Act. Instead, under the LOR, the GCEDC is required to prepare an initial assessment of each development project at STAMP to make a determination of whether or not the GCEDC believes that such project will have an adverse impact to the Nation's Territory as a property of religious and cultural significance based on the National Register criteria for eligibility (Criteria A through D). This initial assessment, which will include sufficient justification, will be provided to NYSDEC and OPRHP to help guide the evaluation of potential adverse impacts. A copy will also be provided to the Nation for a 30-day comment period. The LOR further provides that NYSDEC will consult with the Nation on the evaluation of potential adverse impacts to the Nation's Territory as a property of religious and cultural significance and will consider any comments from the Nation on the initial assessment when making its evaluation.

Separate and apart from this assessment process, the LOR requires the GCEDC to implement the provisions of CP-29 in relation to any NYSDEC administered permit applications subject to the NYS Uniform Procedures Act at the STAMP Site. The LOR specifically provides that any CP-29 Enhanced Public Participation Plan shall provide for enhanced public participation respectful of the Nation's status, culture and heritage. Specifically, such a plan shall, at minimum, consist of Applicant offering Nation leadership: 1) the opportunity for public information meetings on the Nation's territory, and 2) a special comment period for Nation citizens. Any enhanced public participation efforts shall be closely coordinated with Nation leadership and Applicant shall refrain from direct communications with Nation citizens without prior approval from Nation leadership. This EPPP has been prepared consistent with these requirements.

Negotiations on the LOR were completed in March 2021 and both NYSDEC and SHPO have executed the LOR. The GCEDC signed on to the LOR as an Invited Signatory. The Nation has also been invited to sign the LOR.

III. About the STAMP Wastewater Treatment Facility Project

The STAMP Wastewater Treatment Facility Project (“**Project**”) involves the construction of a wastewater treatment facility on the STAMP Site within the utility infrastructure area to treat the sanitary wastewater generated by STAMP’s manufacturing and other tenants. (See Attached Basis of Design Report). The Project will be constructed to treat the sanitary wastewater generated by the tenants of the STAMP Site. After treatment, the effluent flow from the onsite wastewater treatment facility and the treated process wastewaters will be combined at the main pump station wet well to be constructed on the designated utility parcel located on the western side of Crosby Road, just south of the Main Access Road within the STAMP Site, and then pumped to the discharge location in Oak Orchard Creek, north of Shelby Center in Orleans County through a force main.

The wastewater treatment facility will utilize a sequencing batch reactor process, as well as disc filters, and a UV disinfection system to treat sanitary wastewater. This biological treatment process is suited to accept sanitary wastewater and biological waste streams such as from food processing plants. The facility will also include a screw press to dewater solids for final landfill disposal.

The STAMP sewer collection system will flow by gravity to convey wastewater from the STAMP tenants to the wastewater treatment facility. The STAMP gravity sewer will enter the wastewater treatment facility site approximately 15 ft. below grade. Therefore, the wastewater will need to be lifted to grade to flow through the treatment process. The STAMP gravity sewer would be extended to connect to the influent wet well where submersible pumps will lift the wastewater to grade allowing flow by gravity to occur through the remaining system. After the influent wet well, wastewater will flow through a mechanical bar screen, which will remove large particles and debris. It will then flow to a distribution box which will evenly distribute the flows to the sequencing batch reactor basins.

The proposed designs are in accordance with the standards specified in the Recommended Standards for Wastewater Facilities, 2004 Edition (the “**10 States Standards**”) as well as the TR-16 Guides for the Design of Wastewater Treatment Works, 2011 Edition.

The treated onsite wastewater treatment facility effluent and the tenant’s treated process wastewater will be directed to the wet well of the main pump station. The combined flow will be pumped to the outfall location through the force main. The proposed main pump station will be constructed on the designated utility parcel located on the western side of Crosby Road, just south of the main access road within the STAMP Site. The wet well and main pump station building will be constructed to the east of the onsite wastewater treatment facility. Figure 3 in the attached Basis of Design Report shows the utility parcel located on the overall STAMP Site plan and Figure 4 in the attached Basis of Design Report shows the site plan of the wastewater treatment facility and main pump station within the utility parcel.

The main pump station will utilize a rectangular concrete structure sized in accordance with 10 States Standards to handle flows from both the wastewater treatment facility and the treated process water produced from the tenants at the STAMP Site. The full build-out wet well will have a storage volume of approximately 60,000 gallons. The storage will be provided by two 40'x32' tanks, which will be separated by a divider wall in order to isolate flow to specific pumps. The operating range of the wet well will be approximately 6 feet vertically. Just outside of the wet well on the downstream side will be isolation valves for each pump.

The Project also includes construction of a force main which involves the installation of approximately 47,000 linear feet of sanitary force main, metering vaults, and maintenance manholes. The vast majority of installation of sewer related infrastructure will be along public roads via a combination of open cut method and directional drill methods. The force main will convey up to one million gallons per day of treated wastewater from the STAMP Site to a new discharge location in Oak Orchard Creek north of Shelby Center in Orleans County. The force main leads to a discharge location in Oak Orchard Creek, north of Shelby Center in Orleans County.

IV. Identification of Stakeholders

CP-29 requires permit applicants to identify stakeholders to a proposed action and create a contact list for distribution of written information about the proposed action and the permit review process. For purposes of this EPPP, the following stakeholder contact list has been developed:

The Tonawanda Seneca Nation
PO Box 795
7027 Meadville Road
Basom, New York 14013

At the request of the Nation, the GCEDC will add any interested citizens of the Nation to the Stakeholder Contact List.

V. Distribution and Posting of Information

CP-29 requires the applicant to distribute written information about a proposed project and the permit review process. The Basis of Design Report ,for the Project along with copies of all permit applications to the NYSDEC for the Project shall be provided to the Nation:

By Email: tonseneca@aol.com

By Regular US Mail: The Tonawanda Seneca Nation
PO Box 795

7027 Meadville Road
Basom, New York 14013
c/o Christine Abrams

With a copy via email to: alex.c.page@gmail.com

VI. Informational Meetings

Pursuant to the requirements of CP-29 and the LOR, to inform the Nation about the Project and the permitting process and to solicit feedback from the Nation, the GCEDC will offer to hold an informational meeting with and a second meeting with Nation leadership. The Nation shall inform the GCEDC of whether the Nation accepts the GCEDC's offer to hold an informational meeting with Nation leadership within thirty (30) calendar days of such offer. If the offer is accepted by the Nation, a meeting shall be scheduled as promptly as reasonably possible.

GCEDC shall provide all information and materials related to the subject of such meeting to the Nation no fewer than fourteen (14) calendar days in advance of the meeting. At the meeting, the GCEDC shall present an overview of the Project and address any questions or preliminary concerns that Nation leadership have about the Project. The GCEDC will prepare detailed meeting notes which shall be circulated to the Nation for review promptly after the informational meeting ends. Within forty five (45) calendar days, the parties shall convene a second meeting at which Nation leadership may provide feedback to GCEDC on the Project. GCEDC shall provide any new or updated information or materials no fewer than fourteen (14) calendar days in advance of the second meeting. The parties will endeavor to schedule all meetings as promptly as reasonably possible. The GCEDC will prepare detailed meeting notes which shall be circulated to the Nation for review promptly after the second meeting ends.

In addition, the GCEDC will offer to hold a public information meeting for citizens of the Nation to inform them about the Project and the permitting process. The Nation shall inform the GCEDC of whether the Nation accepts the GCEDC's offer to hold an informational meeting with members of the Nation within forty five (45) calendar days of such offer. In the event that the Nation accepts the GCEDC's offer to hold such a public informational meeting, the informational meeting shall be scheduled as promptly as reasonably possible.

GCEDC shall provide all information and materials related to the subject of such public informational meeting to the Nation for distribution to its citizens no fewer than fourteen (14) calendar days in advance of the meeting. Prior to any public informational meeting, GCEDC and the Nation shall work collaboratively to establish mutually agreeable procedures for any such meeting that are respectful of the Nation's unique sovereign status and the cultural practices of the Nation and its citizens. At a minimum, Nation citizens shall be informed that comments made at the meeting will be made publicly available, and Nation citizens shall not be required to provide their names. The GCEDC

will provide NYSDEC and the Nation a written transcript from the meeting and an opportunity for the Nation, in connection with its citizens, to address any errors or other flaws in the transcript..

VII. Document Repository

CP-29 requires the GCEDC to establish a document repository to make information about the Project and the process readily available to the public. The GCEDC proposes the following as document repositories:

1. Genesee County Economic Development Center
99 MedTech Drive, Suite 106
Batavia, NY 14020
2. New York State Department of Environmental Conservation
Division of Environmental Permits
Region 8 Office
6274 E. Avon-Lima road
Avon, NY 14414

In addition, the GCEDC shall establish an online document repository. Additional or alternative document repositories will be identified if any of the above designated repositories are, for some reason, unavailable. Document repositories will contain a copy of all information relevant to the proposed Project starting with the EPPP. In addition, all documents related to the implementation of the EPPP including but not limited to the transcript of the public meeting; any written comments received; the GCEDC's report on the issues raised and how they will be addressed; as well as copies of all application materials submitted to NYSDEC. The GCEDC will also check each repository from time to time to ensure that no documents are missing. An index of items kept in each repository will be used to help keep the repository organized.

VIII. Plan Implementation

The GCEDC will commence implementation of the EPPP for the Project after completion of a thirty (30) calendar day review period of the EPPP by the Nation and NYSDEC and the incorporation of any requested changes to the EPPP by NYSDEC. The GCEDC understands that NYSDEC will carefully review all comments raised by the Nation during the review period to ensure that the EPPP process is consistent with CP-29 and with NYSDEC's responsibilities under Commissioner Policy 42, "Contact, Cooperation, and Consultation with Indian Nations."

X. Final Report and Certification

Upon completion of the EPPP, the GCEDC will submit written certification to NYSDEC that it has complied with this plan.