

State Environmental Quality Review

FINDINGS STATEMENT

STAMP WWTF, Force main, Laydown Area, and Substation and Associated Roads

September 2, 2022

Pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act [SEQRA]) and its implementing regulations at 6 NYCRR Part 617, the NYS Department of Environmental Conservation (DEC), as an involved agency, makes the following findings with respect to the project named and described below:

Name of Action: Western New York Science and Technology Advanced Manufacturing Park (STAMP) Infrastructure Projects including Force Main, Outfall and Wastewater Treatment Plant, and Substation

Name of Applicants: Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (GCEDC) and STAMP Sewer Works, Inc.

DEC Application Numbers:

8-9908-00210/00005, 00007 (SPDES and Article 24 Freshwater Wetlands)

8-1820-00032/00001(Article 11 Endangered and Threatened Species, Part 182)

Description of Action:

The action is the construction of a 9-mile outfall pipe (force main), along State Route 63 in the towns of Alabama and Shelby, and a wastewater treatment facility (WWTF) for 1.0 MGD of treated sanitary effluent, to serve the Western New York Science and Technology Advanced Manufacturing Park (STAMP) sanitary needs from a proposed wastewater treatment plant and potential future domestic users in the Town of Alabama. The force main will also serve future industrial tenants who will propose to directly treat their wastewater and discharge under separate SPDES permits. The WWTF is designed to convey up to six million gallons per day of treated sanitary effluent and treated industrial effluent from future facilities to be located in the industrial park.

The outfall pipe that will serve the STAMP WWTF and its tenants is designed for a future capacity of 6.0 MGD. The STAMP WWTF will discharge to a wet well, where all site discharges will be conveyed, prior to being pumped through a new outfall pipe approximately 9 miles long, generally situated along the west side of State Route 63, discharging to Oak Orchard Creek, a class C stream, at a location approximately 1 mile south of the Village of Medina.

The construction of the new outfall pipe, which will be undertaken by STAMP Sewer Works, Inc., will result in a temporary impact to 0.02 acres of federally regulated wetland and streams, and 0.28 acres of regulated NYS Freshwater Wetland Adjacent Area. Directional drilling will be conditionally authorized to cross wetlands and streams.

The WWTF will be constructed and permitted in the SPDES permit to provide for construction in phases, including Phase 1 (0.25 MGD), Phase 2, (0.5 MGD) and Phase 3, (1.0 MGD). The plant design includes a combination of screening, sequential batch reactors (SBRs), disc filters and UV disinfection. Sludge will be transported off site for disposal.

The project includes the construction and operation of a substation which will tap into the NYPA 345 kV electric transmission line just north of the STAMP site. The substation will be located within the northwestern portion of the STAMP site, west of Crosby Road. Substation construction will disturb a total of 21.5 acres.

The applicant also proposes to decommission and remove 1.2 miles of the existing Lockport-Batavia #112 115kV single-circuit power transmission line. 1.9 miles of new 115kV will be constructed along a new alignment within the STAMP site. A second circuit will also be added to the National Grid Line 112 that currently traverses the STAMP site, connecting to the existing 345kV transmission line via the new substation, during the relocation of the line to transmit power to the Plug Power Facility. The project includes a laydown yard for storage of poles for the construction of powerline. The laydown area is the same location as the future WWTF.

A water main of approximately 23,000 linear feet is proposed to be installed along the Lewiston Road right of way between the Genesee County line with Niagara County and the STAMP site. The water main project would be covered under separate DEC permitting and is not within the scope of this Findings Statement.

To the extent future development within the site may require further DEC review, separate Findings Statements will be issued at the appropriate time.

Location:

The STAMP site is in the Town of Alabama, Genesee County, consisting of approximately 1,300 acres generally northwest of the intersection of NYS Route 77, NYS Route 63, and Judge Road.

This project also includes the construction of approximately 47,000 linear feet of new effluent outfall pipe/force main north along the west side of Crosby Road, NYS Rt 77 and NYS Rt 63, extending from the proposed STAMP WWTF to Oak Orchard Creek, within the Town of Shelby, Orleans County.

Agency Jurisdiction(s):

- Article 24 ECL, Freshwater Wetlands
- Article 17 Titles 7&8 ECL – State Pollutant Discharge Elimination System (SPDES) Individual Permit for Municipal Major Surface Discharge
- SPDES General Permit for Stormwater Discharges from Construction Activities

(GP-0-20-001)

- Article 11 ECL, Endangered and Threatened Species

Date Final Generic EIS Filed and Findings:

The Draft Generic EIS was filed April 14, 2011, and the Final Generic EIS was filed January 19, 2012, by Genesee County Economic Development Center (“GCEDC”) as the SEQR Lead Agency. The Lead Agency Findings Statement on the Final Generic EIS was issued March 12, 2012. Pursuant to requirements in 6 NYCRR 617.10(d), the lead agency has evaluated additional information since preparation of the Final Generic EIS and has filed the additional SEQR resolutions listed below:

- 2016 SEQR resolution adopting an amended findings statement.
- 2020 SEQR resolution affirming prior SEQR record
- 2021 SEQR resolution
- 2022 SEQR resolution adopting a negative declaration.

Facts and Conclusions in the EIS, and other SEQR Record Documents, Relied Upon to Support the Decision:

SEQR Records:

NYS SEQR Signed Amended Findings Statement for the Western New York STAMP site dated July 2016

A Full EAF dated June 13, 2020, by GCEDC,

the Final Generic EIS referenced above; the “State Environmental Review Act Update for Proposed Improvements for Western New York Science and Technology Advanced Manufacturing Park” dated June 29, 2020, which includes a summary of changes,

The “Resolution of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center Pursuant to the State Environmental Quality Review Act for the Proposed Improvements at the Western New York Science and Technology Advanced Manufacturing Park” signed August 6, 2020.

GCEDC Notice of Intent to Act as Lead Agency and FEAF dated January 4, 2021, for STAMP Gateway Project.

The “Resolution of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center Pursuant to the State Environmental Quality Review Act Concerning Project Gateway- Proposed Future Use of a Portion of the Western New York Science and Technology Advanced Manufacturing Park dated February 2021.

The Updated SEQR for Proposed Improvements to Western New York Science & Technology Advanced Manufacturing Park – Wastewater Treatment Facility, Force Main, Substation, Powerline Reroute dated June 7, 2022 (which included a Notice of Intent to Act as Lead Agency and a Full Environmental Assessment Form (EAF) dated June 7, 2022).

GCEDC SEQR Determination for STAMP infrastructure Project dated July 21, 2022 (Neg Dec), which includes a Full Environmental Assessment Form and a Resolution of the Genesee County Economic Development Agency D/B/A Genesee County Economic Development Center Pursuant to the SEQRA Concerning Certain Proposed Infrastructure Improvements to the Western New York Science and Technology Advanced Manufacturing Park. Adopting a Neg Dec. Resolution of the Genesee County Industrial Development Agency D/B/A Genesee County Economic Development Center to Amend a Negative Declaration Pursuant to the State Environmental Quality Review Act Concerning Certain Proposed Infrastructure Improvements to the Western New York Science and Technology Advanced Manufacturing Park including FEAF, signed August 5, 2022.

Application Records:

The “Science and Advanced Manufacturing Park (STAMP) Off-site Wastewater, Joint Permit Application, Pre-Construction Notification” dated June 2016, revised October 2020 (with attachments) and February 2021 (updates only, no attachments). Basis of Design Reports dated January 2022 (Separated into two reports for a) Force main and Main Pump Station and b) Wastewater Treatment Facility) dated January 2022

The “Frac-Out Contingency Plan for Horizontal Directional Drilling” received March 2021 prepared by CPL.

Letters from Foundation Design PC to the CPL Design team providing geotechnical analysis for directional boring within the USFW Iroquois National Wildlife Preserve, dated March 4, 2021, and September 17, 2021.

GCEDC STAMP Discharge Analysis to Oak Orchard Creek dated May 22, 2020.

The SPDES permit evaluations were also based on the Application NY-2C for State Pollutant Discharge Elimination System (SPDES) Permit application dated July 20, 2020, which was deemed Complete on September 21, 2020, and public noticed.

Part 182 permit application entitled, “Western New York Science and Technology Advanced Manufacturing Park (STAMP) Endangered and Threatened Species of Fish and Wildlife Incidental Take Permit” dated June 2022.

Stormwater Pollution Prevention Plans submitted for coverage under State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001) for the WWTF, substation, and powerline, including:

- Genesee County Economic Development Center, STAMP Construction Laydown Area, Stormwater Pollution Plan (SWPPP), prepared by CPL, dated February 2022 and last updated May 2022
- Genesee County Economic Development Center (GCEDC), Science & Technology Advanced Manufacturing Park (STAMP), Electrical Substation, Stormwater Pollution Prevention Plan (SWPPP), prepared by CPL, dated May 2022
- National Grid, T1510 Lockport – Batavia #112, 115KV, 10477- Western New York Science and Technology Advanced Manufacturing Park (STAMP) Relocation Project, Stormwater Pollution Plan, prepared by DDS Companies, dated December 1, 2021.

Environmental Impacts Considered:

Water Quality:

The project requires compliance with the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001) for the disturbance of over one acre of land area. A stormwater pollution prevention plan has been prepared and will be implemented to address temporary and permanent stormwater management requirements. Stormwater pollution prevention plans, and 5-acre waivers were reviewed by the Department and determined to be consistent with GP-0-20-001. As a result, impacts to water quality that may result from stormwater discharges from construction activities for this project will be minimized.

An individual SPDES permit is required for the proposed wastewater treatment plant (WWTF) and a SPDES permit has been drafted and subject to public notice. The SPDES permit will include effluent limits and requirements to protect water quality and aquatic life. In addition, future SPDES permits that would be required for users of the outfall pipe/force main will undergo thorough Department review and will be developed to meet water quality standards for Oak Orchard Creek.

The SPDES permit includes tables for each proposed phase of construction of the WWTF up to 1 MGD. All phases could be built at one time, or separately. The effluent limits are based on “end of pipe” limits which are based on no dilution of the receiving stream. Thus, NYS water quality standards for a Class C stream will be met at the point of discharge and there will be no adverse impact on water quality.

The permit also includes requirements for Whole Effluent Toxicity testing, both acute

and chronic, which will determine if there are any synergistic short term and/or long-term effects of the effluent parameters on biota. The permit requires a complete analytical analysis (as required in the NY-2A application) 6 months after start-up. In addition, a biennial pollutant scan of the same analytical parameters (NY-2A requirements) is required every 2 years following start-up.

The mercury limit will be set at the water quality standard of 0.7 ng/L. For new dischargers, the mercury limit must be set at standards end of pipe, with no mixing, as required by the Great Lakes Water Quality Agreement regulations. This requirement is set in place to improve water quality related to mercury across the Great Lakes states.

The permit includes stringent limits for phosphorus. The discharge location is Oak Orchard Creek which is a Class C waterbody and is on the Final 2018 NY Section 303(d) list as impaired for phosphorus. To ensure that the effluent will not cause or contribute to the existing impairment, the total phosphorus (TP) effluent limit will be set at 0.2 mg/L and a mass loading offset, greater than the mass loading of the WWTF discharge, is achieved by removal of agricultural land use on the STAMP property. Future dischargers may need to perform phosphorous mitigation to obtain permits to discharge to Oak Orchard Creek in addition to stringent limits.

Odors:

The wastewater treatment processes where odors may be a concern are contained within buildings to mitigate odors. The Sequencing Batch Reactor (SBR) process is not expected to produce odors. The sludge processes, which include aeration and dewatering, will be enclosed in a building, or other odor control measures will be required. The sludge material will be removed from the site to the landfill for final disposal following dewatering.

Wildlife:

The project site is currently comprised primarily of active cropland and active hayfields, with some wooded area contained on the WWTF site. In addition to these land uses, some of the surrounding areas within several thousand feet of each project component are comprised of forested wood lots. In addition, much of the 9-mile force main route is located within a maintained shoulder of a state highway. Consistent with these land use types, the site would be occupied by common wildlife species like whitetail deer, coyote, red fox, woodchuck, racoon, eastern cottontail, eastern gray squirrel, eastern chipmunk, and wild turkey, among others. The site would also be occupied various mice and voles, and various birds common to agricultural cropland and hayfields. Less common species are also present within the project site and are addressed in the following section under "Endangered and Threatened Species and Imperiled and Critically Imperiled Species".

Based on the existing land uses within the project area there will be some local

displacement of common wildlife species associated with the installation of the powerline reroute and WWTF force main. However, these project components will have no long-term impacts to wildlife species once the utility corridors are stabilized and any disturbed land is revegetated. Construction of the WWTF will also displace some wildlife during construction and once permanent structures are completed. However, no substantial long-term impacts to common wildlife species will occur given the remaining areas available for the movement and occupation of those species in the reservation and surrounding areas.

Similarly, future further development of the STAMP site may have localized impacts to common wildlife species with some species experiencing displacement as the habitat is replaced with development, and other species potentially benefiting from different habitats being created. However, these impacts are likely to be restricted to the STAMP site itself and not measurably extend beyond the site borders. A notable exception may be that if future development results in retention ponds surrounded by lawn, Canada goose numbers will likely increase and potentially provide additional hunting opportunities on surrounding lands. Each new development project will be reviewed for potential impacts, as impacts are specific to the actual project and not hypothetical generic development plans.

Endangered and Threatened Species and Imperiled and Critically Imperiled Species¹:

A review of potential impacts to federally and state-listed bird species was conducted by the Department. It was determined that the WWTF and substation would be constructed in “occupied habitat.”

The WWTF and substation Part 182 permit are necessary to serve the existing legal and authorized development at the site. Plug Power was approved prior to any documentation of the northern portions of STAMP being used by wintering northern harriers and short-eared owls. The WWTF needs to be centrally located to serve the future tenants of STAMP. The WWTF and substation have been designed with the smallest permanent footprints to minimize disturbance of the occupied habitat. Approximately 1/3 of the substation's permanent impacts will be in forest/shrubland, not considered suitable for wintering raptors. Additionally, the substation has been sited so the grasslands that are impacted are grasslands closest to the forest edge leaving the remaining habitat less fragmented.

Since the construction of the WWTF and substation will result in approximately 11.5

¹ State-listed “endangered” and “threatened” species are designated and regulated pursuant to 6 NYCRR Part 182. “Imperiled” and “critically imperiled” species are identified and ranked by the New York Natural Heritage Program. “Critically imperiled” species are those ranked “S1” and where there are “Typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York State.” “Imperiled” species are those ranked “S2” and where there are “Typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State.”

acre of permanent impact to overwintering habitat used by NYS listed species, the Northern harrier and Short-eared owl, the applicant is required to mitigate the impacts. It is important to note that the impacted areas are overwintering areas and not confirmed breeding areas. As a result, the applicant is required to mitigate the proposed habitat impacts at a 1:1 ratio. The applicant is committed to restoring 11.5 acres of reverting farmland back to grassland. Because grassland birds require habitat blocks of at least 25 acres in size, the applicant has committed to not only restoring the 11.5 acres to grassland habitat but also maintaining the adjacent existing grassland habitat such that a total grassland area of 25 acres is maintained throughout the mitigation period.

The applicant submitted a Net Conservation Benefit Plan which includes restoring 11.5 acres of reverting farmland back to grassland by mowing/brush-hogging the field of tall shrubs, herbicide treatment, seeding with native forb mix and mowing annually to encourage grass and forb mix to establish. The created grassland must be maintained for a period of 7-years and the property must remain under GCEDC control. The plan includes maintaining 25 acres in grassland habitat which results in a 1:1 mitigation ratio which covers both permanent and temporary impacts of 23.7 acres (this excludes woodland impacts since they were not habitat for the subject species.). The size of the parcel required for mitigation must be able to stand on its own for purposes of providing enough acreage for wintering raptors. Therefore, if the neighboring parcels (which are currently in open ag field) are converted to other uses or habitats, the parcel should still be able to support the wintering raptors. However, it should be noted that any change in the adjacent grasslands to other habitats or other uses, would require a 6 NYCRR Part 182 permit. The applicant will be required to monitor and the mitigation area and report out on the status of it annually, as well as continue surveys on the wintering raptors. The mitigation meets the Part 182 standards, and the Part 182 permit reflects all these requirements.

A review of potential impacts to federally and state-listed bird species was also conducted for the WWTF force main. As a result, the freshwater wetland permit requires construction of the outfall pipe/force main not to occur during the breeding season for listed grassland bird species within areas of large grassland habitat. Construction of the force main may take place during the overwinter raptor season; however, the freshwater wetland permit and Iroquois National Wildlife Refuge access permit restrict it to the road right-of-way to protect listed winter raptors including Northern Harrier, Short-eared owls, and grassland birds. The Iroquois National Wildlife Refuge access permit also has time of year restrictions for work during the breeding season within the refuge.

It should also be noted that the Department sent a No Jurisdiction letter for the powerline reroute based on the sponsor's proposal and adherence to a seasonal work period that excludes work between November 1st and April 1st to avoid impacts to wintering raptors.

A review of potential impacts to Imperiled and Critically Imperiled mussel species was

conducted for the force main stream crossings and outfall, including a thorough geotechnical evaluation of the proposed directional drilling crossing of Oak Orchard creek and its tributaries. Further evaluation provided by the applicant and directional drill methodologies and safety measures required under the freshwater wetland permit will minimize the risk of inadvertent release of drilling fluids. A mussel survey conducted at the wastewater treatment outfall location also demonstrated that no mussels were present.

As discussed above under the section addressing water quality, the effluent will be protective of all aquatic biota.

Freshwater Wetlands:

The construction of the new outfall pipe, which will be undertaken by GCEDC, will result in a temporary impact to 0.02 acres of federally regulated wetland and streams, and 0.28 acres of regulated NYS Freshwater Wetland Adjacent Area. No impacts to State regulated freshwater wetlands will occur. Directional drilling is proposed to cross wetland adjacent area and streams. No staging or equipment is allowed in wetlands. An extensive Frac-Out Plan has been submitted and approved which will be implemented, to monitor, detect, contain a cleanup any potential inadvertent release of drilling fluids, including an on-site vacuum truck.

Flooding and CRRA:

GCEDC's consultants prepared a hydraulic analysis of the STAMP discharge to Oak Orchard Creek to verify that the effluent would not cause or exacerbate flooding in the discharge location, which is south of Medina. The hydraulic model indicated that the increased discharge would have a negligible effect on Oak Orchard Creek and the surrounding area. Therefore, the WWTF will meet the intent of the Community Risk and Resiliency Act (CRRA).

Air Quality:

The Department evaluated the proposed process for the WWTF and substation and determined that an air permit or registration would not be required, and as a result will have no impacts on air quality.

Cultural Resources:

WWTF, Substation, and Powerline Reroute

The WWTF, substation, and powerline reroute were subject to review pursuant to Section 14.09 of the State Historic Preservation Act (SHPA). In accordance with SHPA and applicable regulations (9 NYCRR Part 428), The GCEDC, NYSDEC, and New York State Office of Parks, Recreation, and Historic Preservation State Historic Preservation

Officer (SHPO) entered a Letter of Resolution (LOR) which governs how SHPO and NYSDEC consider impacts of the project on the Nation's Territory and on the Nation's Territory's status as a Traditional Cultural Property. Pursuant to the LOR, GCEDC prepared an Initial Assessment (IA) for all projects subject to the LOR.

GCEDC prepared an Initial Assessment of the WWTF dated August 2021 and revised October 2021. The Department also consulted with the Tonawanda Seneca Nation on several occasions, which is reflected in DEC's letter to the Tonawanda Seneca Nation dated August 30, 2022. This consultation included a tour of a similar WWTF with the Nation to show the Nation what the proposed STAMP WWTF would look like and how it would operate. On January 4, 2022, the SHPO issued a No Adverse Impact Letter on the WWTF.

In accordance with the LOR, GCEDC also prepared an Initial Assessment for the powerline reroute dated March 2022 and a Cultural Resource Assessment for the substation dated April 2022. The Department participated in a consultation meeting with the TSN on August 16, 2022.

The SHPO issued a No Adverse Impact Letter dated July 1, 2022, for the 115kV powerline reroute and substation for archaeological resources. In addition, the SHPO issued No Adverse Impact Letters regarding cultural resources dated August 25, 2022, for the 115kV powerline reroute and dated September 2, 2022, for the substation.

WWTF Force Main

Although the SHPA Letter of Resolution for the STAMP site does not include the offsite WWTF force main, a review under Section 106 of the Federal Historic Preservation Act was conducted ("Section 106 Review") for the section of the force main in the Iroquois National Wildlife Refuge because the work requires federal approval from the US Fish and Wildlife Service. The Section 106 review was also conducted in consultation with representatives of the Tonawanda Seneca Nation. See additional information below under the section "National Wildlife Refuge".

On August 11, 2021, the SHPO issued a determination that no historic properties would be affected by construction of the off-site sewer force main (OPRHP No. 16PR00775).

Environmental Justice:

As required under DEC Commissioner Policy on Environmental Justice and Permitting (CP-29), GCEDC prepared an Environmental Justice Enhanced Public Participation Plan for the WWTF. The plan was developed with input from Nation Leadership. GCEDC held an information meeting with the Nation Leadership, and a separate meeting with the members of the Nation. GCEDC's consultant responded to the Nation's questions in writing in a September 17, 2021, letter. A Final Report Summarizing Activities for the Enhanced Public Participation Plan was submitted for the

STAMP WWTF dated January 2022. A document repository was set up by GCEDC to make STAMP information, including the Final Enhanced Public Participation Report, available to Nation Leadership and members of the Nation.

Visual:

The area is mostly farm fields, so the WWTF will be visually different from the surrounding landscape, however, it should not result in a significant visual impact to the surrounding area as the footprint is quite small. The large substation will be visually different from the surrounding landscape. However, the applicant did evaluate potential visual impacts of these WWTF, substation and powerline in the Initial Assessment/Cultural Resource Screening documents prepared by the applicant. The August 4, 2022 Resolution by GCEDC indicates that the photo simulations prepared in connection with the Substation and Powerline Initial Assessments demonstrate that the project infrastructure are screened by existing vegetation as well as significant buffers between the project and surrounding properties.

Noise:

Temporary noise impacts are anticipated during the construction period of the WWTF because of the operation of construction equipment. These impacts will be during daylight hours when noise sensitivity is lowest and will largely be contained on the STAMP site itself. Noise impacts will be similar to other commercial construction activities in the area. The construction of the force main and the substation will also result in construction noise which is temporary in nature and will take place during daylight hours, adjacent to existing highways, where ambient noise is typically higher due to traffic.

The WWTF and Substation will be located more than 2,000 feet and 3,800 feet from the Tonawanda Seneca Nation Boundary, respectively. All WWTF treatment processes will be contained within structures. The operation of the substation will not generate significant noise beyond short-term construction related noise discussed above. At 715 feet, the distance to the nearest proposed building, the projected substation noise is only 28.914 decibels.

National Wildlife Refuge:

GCEDC worked with the US Fish and Wildlife Service (USFWS) to address proposed encroachment onto the Iroquois National Wildlife Refuge by the proposed outfall pipe. USFWS issued a Notice of Availability of an Environmental Assessment and Compatibility Determination for the STAMP Right-of-Way Permit at Iroquois National Wildlife Refuge on January 16, 2020, to obtain comments. A Compatibility Determination and Finding of No Significant Impact was issued by USFWS on July 27, 2020. This authorized the outfall pipe to be constructed in the ROW of Route 63 (Gravel Road) through the Iroquois National Wildlife Refuge. Conditions included time of

year restrictions.

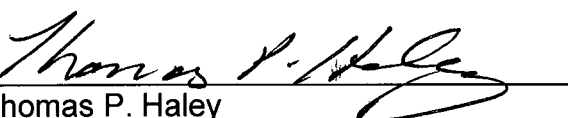
CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met.
2. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
3. (and, if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

New York State Department of Environmental Conservation

Signature:


Thomas P. Haley
Regional Permit Administrator
NYSDEC Region 8
6274 East Avon-Lima Road
Avon, NY 14414

Date: September 2, 2022