



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 7, 2025

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

**RE: Erie County Sewer District No. 8 Increase and Improvement of Facilities Project
Environmental Review**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, pertaining to the State Environmental Quality Review Act ("SEQRA") actions in relation to the proposed bond issue for improvement projects within Erie County Sewer District No. 8.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:dw
Enclosure

CC: Joseph Fiegl P.E. Deputy Commissioner, Division of Sewage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 8 Increase and Improvement of Facilities Project
Environmental Review
Date: March 7, 2025

SUMMARY

Pursuant to the New York State Environmental Quality Review Act (“SEQRA”), consideration of the environmental factors is necessary as part of governmental approval of actions. The County of Erie has determined that the projects associated with the “Erie County Sewer District No. 8 Increase and Improvement of Facilities” are essential for the protection of public health, protection of the environment, and will support the local community and economy of the County. As the approving entity pursuant to SEQRA, it is requested that the Erie County Legislature review the Project and make a determination of environmental impact. Based upon a thorough review and examination of the known facts and careful review of all potentially adverse environmental impacts, it is the Department of Environment and Planning’s conclusion that the action will not have a significant adverse impact on the environment.

FISCAL IMPLICATIONS

There is no fiscal impact to the County associated with the Environmental Review.

REASONS FOR RECOMMENDATION

The existing sewerage facilities in Erie County Sewer District No. 8 are in need of various upgrades and improvements which will require the issuance of bonds. Pursuant to the SEQRA, consideration of the environmental factors is necessary as part of governmental approval of actions. The Department of Environment and Planning determined that most of the projects to be funded in this bond issue will be Type II actions under SEQRA and will not require a review. One project, the East Aurora Water Resource Recovery Facility Electrical Upgrades, was determined to be an Unlisted Action. The Department, acting on behalf of the Legislature, conducted an uncoordinated review, completed a Short Environmental Assessment Form, and drafted a Negative Declaration. Therefore, pursuant to the proposed resolution, the Legislature declares themselves Lead Agency and may issue a determination of environmental impact.

BACKGROUND INFORMATION

Erie County Sewer District No. 8 provides sewage collection, transmission, and treatment services portions of the Village of East Aurora and the Town of Aurora. Many of the District’s facilities are nearing the end of their useful lives and will require rehabilitation and upgrades to continue to meet the District’s needs. A SEQRA Declaration must be made to advance the issuance of bonds to finance these projects.

CONSEQUENCES OF NEGATIVE ACTION

Erie County Sewer District No. 8 will be unable to advance the necessary capital improvements to the facilities.

STEPS FOLLOWING APPROVAL

The Department of Environment and Planning, Division of Sewerage Management will advance the next steps in the process necessary to garner approval of the “Increase and Improvement of Facilities” and ultimately issuance of the bonds.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 8 Increase and Improvement of Facilities Project
Environmental Review

WHEREAS, the County of Erie must conduct a review pursuant to the State Environmental Quality Review Act (“SEQRA”) in conjunction with the Erie County Sewer District No. 8 Increase and Improvements of Facilities (2024) Project; and

WHEREAS, in this instance, the County is the Lead Agency pursuant to SEQRA, as it is the only agency that has discretionary approval authority over this Action; and

WHEREAS, the County has determined that both Type II Actions and Unlisted Actions are associated with projects to be funded in this bond; and

WHEREAS, the County has duly considered the Actions, the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the draft Negative Declaration, and such other information deemed appropriate; and

WHEREAS, the County has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature declares itself Lead Agency; and be it further

RESOLVED, that based upon a thorough review and examination of the known facts relating to the Actions and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Actions, the County finds that the Actions will not have a significant adverse impact on the environment and that a draft environmental impact statement will not be prepared; and be it further

RESOLVED, that the attached negative declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the determination of non-significance; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office, Comptroller’s Office, Department of Law, Division of Budget and Management, and the Division of Sewerage Management.

COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT
******MEMORANDUM******

TO: 8.5.0.Increase & Improve (2024)
FROM: Daniel Wierzba, P.E., Sanitary Engineer
DATE: February 14, 2025
SUBJECT: SEQR Determination – Erie County Sewer District No. 8 Increase and Improvement of Facilities 2024

Erie County Sewer District No. 8 has applied for \$5.9 million of bond authorization to finance various construction projects in the District. Projects include replacement of the existing sand filters at the East Aurora Water Resource Recovery Facility (EAWRRF), electrical system upgrades to meet the energy demands of the EAWRRF, and various collection system improvements.

The EAWRRF Sand Filters Replacement Project involves replacement of existing sand filters with new disk-style filters in the approximate footprint of the existing sand filters. This action will fall under the Type II action described in 615.5(c)(1) "maintenance or repair involving no substantial changes in an existing structure or facility;".

The electrical system will also be upgraded at the EAWRRF. This project will include construction of two new non-residential structures with a combined gross floor area of approximately 915 square feet to house the replacement electrical substation equipment and a replacement generator. This project has been determined to be an Unlisted Action. The Project was reviewed and determined to have no moderate to significant effects on the environment. A Short Environmental Assessment Form Parts 1, 2, and 3 as well as a Negative Declaration are attached to this memo.

Finally, it is anticipated that the collections system improvements will be replacements-in-kind of existing infrastructure to correct deficiencies. These repairs will fall under 617.5(c)(1). If any of these improvements involve more than a replacement-in-kind, the action will need to be re-evaluated.

Attached: SEAF Parts 1, 2, and 3
Negative Declaration

cc: J. Flegl/D. Mittar/M. Salah
M. Plesh, Secretary, ECSD No. 8 board of Managers

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

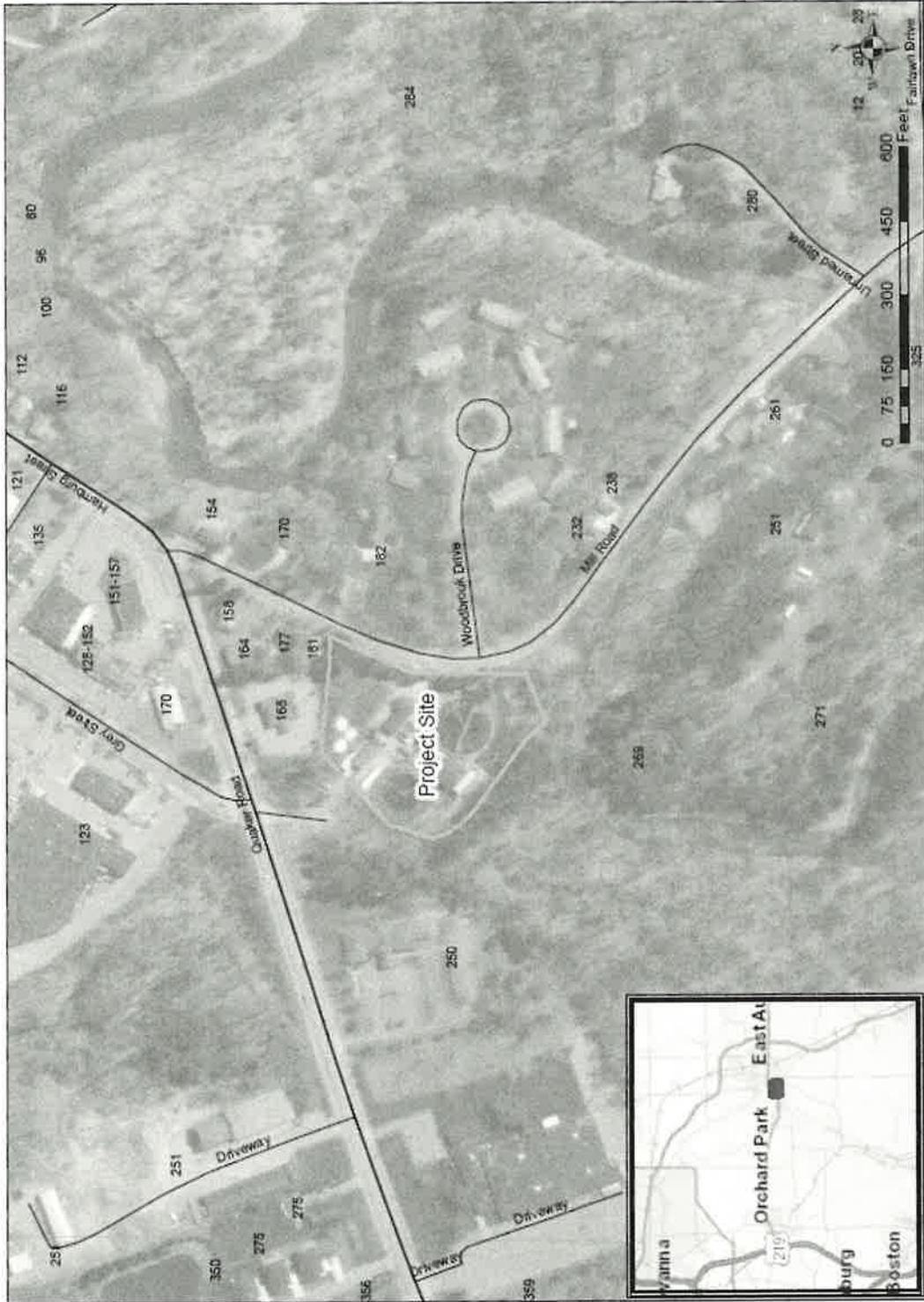
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Erie County Sewer District No. 8			
Name of Action or Project: East Aurora Water Resource Recovery Facility (WRRF) Electrical Upgrades			
Project Location (describe, and attach a location map): 201 Mill St, East Aurora, NY			
Brief Description of Proposed Action: This Project will upgrade the electrical system at the East Aurora WRRF and replace the existing obsolete generator to meet current and projected electrical demands. This Project also includes construction of new buildings to house the replacement electrical equipment as well as new driveways to access the new structures. The total proposed building area is approximately 915 sq. ft. and the driveways, walkways, and graveled areas are approximately 6,300 sq.ft.			
Name of Applicant or Sponsor: Erie County Sewer District No. 8		Telephone: 716-858-8383	
		E-Mail: usm@erco.gov	
Address: 95 Franklin St			
City/PO: Buffalo		State: NY	Zip Code: 14202
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: ECDPW Building Permit			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 2.67 acres	
b. Total acreage to be physically disturbed?		_____ <1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 3.04 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action:	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NY's Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

Erie County Sewer District No. 8 Increase and Improvements

Location Map



Agency Use Only [If applicable]

Project:	EA WRRF Electrical
Date:	2/12/25

*Short Environmental Assessment Form
Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. <u>Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>Will the proposed action result in a change in the use or intensity of use of land?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>Will the proposed action impair the character or quality of the existing community?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. <u>Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. <u>Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. <u>Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. <u>Will the proposed action impact existing:</u> a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. <u>Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. <u>Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. <u>Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. <u>Will the proposed action create a hazard to environmental resources or human health?</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Agency Use Only (If applicable)

Project:	EA WRRF Electrical
Date:	2/12/25

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

This project may have small impacts during construction including noise, traffic, and visual impacts associated with building construction and paving projects. As the project is confined to the site of an existing wastewater treatment facility and the new facilities will not increase use of the site no moderate to large impacts are expected. The contract will require stormwater pollution control measures during construction as well as restoration of disturbed areas following the project.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Erie County Sewer District No. 6	
Name of Lead Agency <u>Joseph Fiegl, P.E., BCEE</u>	Date <u>2/16/25</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer <u>Deputy Commissioner</u>
Signature of Responsible Officer in Lead Agency 	Signature of Preparer (if different from Responsible Officer) <u>Dan White</u>

PRINT FORM

STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the NYS Environmental Conservation Law.

Date: February 14, 2025

TO: Interested parties

LEAD AGENCY: Erie County Department of Environment and Planning – Division of Sewerage Management

NAME OF ACTION: Erie County Sewer District No. 8 East Aurora Water Resource Recovery Facility (WRRF)

LOCATION: 201 Mill Street, East Aurora, NY

PROJECT NUMBER: Erie County Sewer District No. 8 Contract No. 25

SEQR STATUS: Unlisted

DESCRIPTION OF ACTION:

This Project will upgrade the electrical system at the East Aurora WRRF and replace the existing obsolete generator to meet current and projected electrical demands of the Facility. This Project also includes construction of new buildings to house the replacement electrical equipment as well as new driveways to access the new structures. The total proposed building area is approximately 915 sq. ft. Additionally, new driveways, walkways, and gravelled areas are approximately 6,800 sq.ft.

In accordance with adopted review procedures and the criteria set forth in Part 617, the proposed action described above will not have a significant effect on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

Reasons Supporting This Determination:

- The proposed action will not cause any change in the use of the land or character of the community and will be consistent with the community's plans/goals.
- Due to the nature, size, and location of the proposed action no significant adverse impacts on aesthetic, agricultural, archaeological, historic or other natural or cultural resources are expected.
- Review of the parcel characteristics indicates that this action will not affect any significant wildlife, plant, or fish habitats; nor substantially increase the potential for erosion, flooding, or drainage problems.
- No substantial adverse change in existing air quality, water quality, solid waste production, traffic patterns, or noise levels is anticipated as a result of this action.

During construction of the various improvements, there may be increased noise and dust as well as impacts to traffic; however, these will result in small to moderate impacts of limited duration.

- The proposed action will not adversely affect energy, water, or wastewater facilities on the site.



Joseph Fiegl, P.E., ECDE, Deputy Commissioner
ECDEP - Division of Sewerage Management

For further information contact:
Daniel Wierzba, Sanitary Engineer
716-858-6005