

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") was convened in public session at 99 MedTech Drive, Suite 106, Batavia, New York 14020, on August 1, 2024, at 4:00 pm local time.

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

PRESENT:

Peter Zeliff, Chairman
Paul Battaglia
Chandy Kemp
Kathleen Manne
Craig Yunker

ABSENT:

Matthew Gray, Vice Chair
Marianne Clattenburg

THE FOLLOWING PERSONS WERE ALSO PRESENT:

M. Masse
L. Farrell
E. Finch
P. Kennett
L. Casey
J. Krencik
C. Suozzi
M. Brooks (GGLDC Board Member)
G. Torrey (GGLDC Board Member)
J. Tretter (GGLDC Board Member)
D. Cunningham (GGLDC Board Member)
S. Maier (Harris Beach)
R. Gaenzle (Harris Beach/Video Conference),
M. Fitzgerald (Phillips Lytle/Video Conference)

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT
AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER TO
ISSUE A NEGATIVE DECLARATION PURSUANT TO THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING CERTAIN
INFRASTRUCTURE MODIFICATION AT THE WESTERN NEW YORK SCIENCE &
TECHNOLOGY ADVANCED MANUFACTURING PARK

Project Name: STAMP 2024 Modifications
Location: Town of Alabama, Genesee County, NY

WHEREAS, the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center (“GCEDC” or “Agency”), in conjunction with the Genesee Gateway Local Development Corporation (“GGLDC”), the non-profit real estate affiliate of the GCEDC, STAMP Water Works, Inc., and STAMP Sewer Works, Inc. (“STAMP Sewer”) have been working for well over a decade on the development of the Western New York Science & Technology Advanced Manufacturing Park (“STAMP” or the “Project”), 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”), and

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-e of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, renovating, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated under Article 8 and set forth at Part

617 of Title 6 of the New York Code of Rules and Regulations (collectively referred to as “**SEQR**”), the Agency, acting as Lead Agency conducting a coordinated environmental review, commenced preparation of a generic environmental impact statement for STAMP consisting of the Draft Generic Environmental Impact Statement (“**DGEIS**”) accepted by the Agency on April 14, 2011 and the Final Generic Environmental Impact Statement (“**FGEIS**”) accepted by the Agency on January 19, 2012, followed by a written Findings Statement (“**2012 GCEDC Findings**”) issued by the Agency on March 12, 2012 approving the Project and committing to undertake it; and

WHEREAS, the Agency’s SEQRA determinations have been updated and amended regularly by the Agency in connection with changes and modifications to planned infrastructure for STAMP as well as for specific developments proposed within STAMP to ensure that there are no significant adverse impacts associated with the development of STAMP that were not addressed or not adequately addressed in 2012 GCEDC Findings (collectively, the DGEIS, the FGEIS, 2012 GCEDC Findings, and all subsequent SEQRA determinations by the Agency are referred to as the “**GEIS**”); and

WHEREAS, the purposes of the GEIS were to identify and evaluate the potential significant adverse environmental impacts of STAMP, compare the reasonable alternatives, and, where applicable, to identify reasonable mitigation measures to reduce the effect of those impacts to the maximum extent practicable, while weighing the substantial potential social and economic benefits of STAMP; and

WHEREAS, the GEIS analyzed the impacts from full build out of STAMP consisting of rezoning the entire STAMP Site from agricultural/residential use to industrial/advanced manufacturing use, and with constructing and operating 6,130,000 square feet of advanced technology manufacturing uses at full build-out, providing direct employment for over 9,000 people and--certified that, consistent with social, economic and other essential considerations from among reasonable alternatives evaluated, STAMP avoided or minimized adverse environmental impacts to the maximum extent practicable; and

WHEREAS, the Agency prepared a smart growth impact statement (“**SGIS**”) pursuant to the State Smart Growth Public Infrastructure Policy Act separately from the GEIS in February, 2012; and

WHEREAS, NYSDEC has issued various permits relating to the Project, including certain Incidental Take Permits pursuant to Part 182 (“**Take Permit**”), the latest of which was issued on July 17, 2023 which authorized the Agency to develop the STAMP Site including the incidental take of certain species (“**Winter Raptors**”) as described therein subject to the Agency implementing a Net Conservation Benefit Plan as described in the Take Permit; and

WHEREAS, the Agency has implemented the Net Conservation Benefit Plan and no further mitigation or environmental investigation relative to Winter Raptors is warranted or required; and

WHEREAS, in order to ensure adequate water pressure for fire suppression systems, the Agency is proposing a 0.50 million gallon concrete onsite water storage tank, approximately 48 feet diameter, 40 foot sidewall height and 50 feet at the center of the dome and additional related infrastructure, including an access driveway, control building, and water main installation (collectively, the "**Water Tank**"), to be located adjacent to the Edwards Vacuum development on the Northeast portion of the STAMP Site ("**Edwards Vacuum Site**") and serviced by the Genesee County water main entering the STAMP Site from the south; and

WHEREAS, in order to ensure that a wastewater treatment system will be available for Plug Power and Edwards Vacuum, the Agency and SSW propose to construct a sanitary sewer force main ("**Oakfield Force Main**") which will transport wastewater from STAMP to the Village of Oakfield Waste Water Treatment Plant ("**Oakfield WWTP**"), which has capacity well in excess of STAMP's current needs; and

WHEREAS, the Oakfield Force Main is proposed to travel from a main pump station located on the Stamp Site, north along Crosby Road to STAMP Drive, where it will continue east and cross Alleghany Road (NYS Route 63) then continue along Ham Road to Knowlsville Road (C.R. 23) where it will discharge into the wet well of the Intermediate Pump Station, after which it will continue east along Ham Road to Macomber Road, and then continue north along Macomber Road in the Town of Oakfield to Lewiston Road, where it will head southeast to Maltby Road at which it will continue east to North Pearl Street, where it will head south into the Village of Oakfield and connect to the 12" diameter Village of Oakfield collection system ("**Force Main Route**"); and

WHEREAS, the Agency is also proposing to construct a modification to the Crosby Road / Lewiston Road intersection by installing a traffic circle ("**Roundabout**") which will also connect to a to-be-constructed bypass road in order to improve traffic geometry and safety at this intersection at the request of the Town; and

WHEREAS, by letter dated July 1, 2024, the Agency circulated a notice of intent to re-establish itself as lead agency for STAMP to all potentially Interested and Involved Agencies ("**Notice**") in conjunction with the above modifications to STAMP infrastructure, including (1) the Water Tank; (2) the Oakfield Force Main; and (3) the Roundabout (collectively 1-3, the "**2024 Modifications**"); and

WHEREAS, no interested or involved agency objected within 30 days to the re-establishment of the GCEDC as lead agency and thus, the GCEDC has properly been re-established as the lead agency for STAMP; and

WHEREAS, NYSDEC, SHPO, and GCEDC have entered into a 2021 Letter of Resolution (“LOR”) which requires the Agency to prepare an initial assessment of each project at STAMP that requires any permitting from NYSDEC for potential impacts to the Nation’s Territory as a potential Traditional Cultural Property of religious and cultural significance based on the National Register Criteria for eligibility (“TCP”); and

WHEREAS, on July 1, 2024, the Agency circulated to the Nation an Initial Assessment prepared for the 2024 Modifications pursuant to the LOR (“**Initial Assessment**”) for review and comment, with no comments received to date from the Nation; and

WHEREAS, to aid the Agency in evaluating the significance of potential environmental impacts associated with the 2024 Modifications, the Agency has completed, received and/or reviewed:

- 1) the GEIS;
 - 2) Full Environmental Assessment Form for the Water Tank, Oakfield Force Main, and Roundabout (with attachments thereto) (the “EAF”);
 - 3) Village of Oakfield Wastewater Treatment Facility Proposed Connection of STAMP Force Main Basis of Design Report prepared by CPL, dated June 2024 (“**Oakfield BODR**”);
 - 4) Traffic Model Report Memo for the Roundabout, prepared by CPL and dated June 28, 2024 (“**Traffic Report**”);
 - 5) Archeological Report for the Oakfield Force Main, prepared by Deuel Archaeology and dated May 15, 2024 (“**Archaeology Report**”);
 - 6) Visualizations of the Water Tank, prepared by Saratoga Associates (“**Tank Visualizations**”);
 - 7) Hydrology Study of the Oakfield Force Main, prepared by J.M. Davidson Engineering and dated April 19, 2024 (“**Hydro Study**”);
 - 8) Preliminary Engineering Report for the Water Tank, prepared by CPL and dated April 2024 (“**Water Tank BODR**”);
 - 9) Pre-Construction Notice regarding the Oakfield Water Main, prepared by CC Environment and Planning dated June 2024 (“**Oakfield PCN**”);
 - 10) Concept Plan of the Roundabout, dated November 2023 (“**Roundabout Plan**”);
 - 11) Initial Assessment of Impacts to the Nation’s Territory (“**Initial Assessment**”);
- and

12) other relevant environmental information (collectively, 1-11, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated by reference herein in their entirety and shall be referred to as the “**Environmental Information**”); and

WHEREAS, while the Agency is not a “state agency” within the meaning of the Climate Leadership and Community Protection Act (“**CLCPA**”), the Agency has nevertheless evaluated potential environmental impacts on disadvantaged communities and air emissions as set forth more fully below; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts reveals that it is appropriate that the Agency issue a negative declaration pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) with respect to potential environmental impacts associated with the 2024 Modifications; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts reveals that the 2024 Modifications will not have any potentially significant adverse environmental impacts that were not addressed in the GEIS.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

Section 1. Based upon a thorough review and examination of the 2024 Modifications and the Environmental Information, and upon the Agency’s knowledge of the area surrounding the STAMP Site and such further investigation of the 2024 Modifications and their environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the 2024 Modifications:

- (A) The Project remains a Type I Action;
- (B) The Agency, as Lead Agency for the Project, has undertaken a coordinated review of the 2024 Modifications in accordance with SEQR and the STAMP GEIS, as amended; and

Section 2. Based upon the Agency’s review of the Environmental Information and investigations of the potential environmental impacts associated with the 2024 Modifications, considering both the magnitude and importance of such potential environmental impact, and upon the Agency’s knowledge of the STAMP Site and surrounding area and such further investigations of the 2024 Modifications and their environmental effects as the Agency has deemed appropriate, the Agency has determined that, while the potential environmental impacts associated with the 2024

Modifications were not addressed or not adequately addressed in the STAMP GEIS, the Environmental Information demonstrates that potential environmental impacts associated with the 2024 Modifications will not result in any potential significant adverse environmental impacts, and thus, issuance of a negative declaration pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) with respect to such potential impacts is appropriate. The Agency bases this determination upon the following findings with respect to the 2024 Modifications:

A. Impact on Land:

i. Water Tank

The 2024 Modifications in their entirety will create approximately 5.2 acres of impervious surfaces, including 0.5 acres attributable to the Water Tank. The Water Tank will be constructed entirely within the STAMP Site, adjacent to the Edwards Vacuum Site, which is currently under construction. The impacts to the development of land within this area were thoroughly analyzed under the GEIS.

As detailed in the Water Tank BODR, the area around the Water Tank will be graded to drain runoff away from the Water Tank and the associated driveway and control building. Additionally, the Water Tank design calls for an overflow catch basin which will drain through a new 12-inch drain line. As the Water Tank will be sited on the land adjacent to Edwards Vacuum, the minimal stormwater runoff from the Water Tank will be adequately managed by the stormwater controls on the Water Tank site. Additionally, no mining, dredging, or excavation will be required during construction.

Construction of the Water Tank will be in controlled areas within STAMP Site which is generally a sufficient distance with large boundary setbacks from the surrounding communities to minimize disturbance. Construction will generally take place Monday to Friday from 7:00 a.m. to 7:00 p.m. when noise sensitivity is lowest. Furthermore, the Water Tank site is not located in a coastal erosion hazard area and construction will be implemented with appropriate erosion control measures to limit any associated stormwater impacts.

ii. Oakfield Force Main

The Oakfield Force Main entails the installation of approximately 45,000 linear feet of new 12-inch diameter PVC DR-18 sanitary force main, metering vaults, and maintenance manholes within existing roadside ROWs along the Force Main Route. Construction of the Oakfield Force Main will result in a maximum temporary area of disturbance of 12.9 acres. As detailed in the Oakfield PCN, the Oakfield Force Main will traverse primarily open space and rural land including farmland, forests, and single-family residences. The majority of the project area is upland consisting of previously disturbed areas including road shoulders, mowed lawn, cropland, and excavated

ditches. While some forest is present along the Force Main Route, the road shoulder is wide enough that tree cutting will not be necessary for installation.

Additionally, the Oakfield Force Main will include two pump stations along the route. As detailed in the Oakfield BODR, the Main Pump Station ("MPS") will be located within the STAMP Site and consists of an approximately 10 foot diameter concrete structure with a storage volume of approximately 2,719 gallons and a wet well with an operating depth of approximately 7.63 feet. The Intermediate Pump Station ("IPS"), responsible for carrying wastewater from the MPS to the Oakfield WWTP, will be located at the intersection of Ham Road and Knowlesville Road and will be of similar size to the MPS.

Maintenance manholes will be installed at each high point along the Force Main Route as well. These manholes consist of a 5-foot diameter concrete structure, buried underground, with a 24-inch-wide cast iron lid set flush with existing grade. Some manholes will have an accompanying 2-inch-wide steel vent located adjacent, which will extend 2 feet above ground and will be painted to blend in with its surroundings. According to the Oakfield BODR, valve boxes will also be installed adjacent to the manholes, which consist of 8-inch-wide concrete boxes mounted flush with existing grade.

As detailed below under Impacts to Surface Waters, construction of the Oakfield Force Main is planned to take place primarily during the summer months when surface water flows are generally low, reducing the potential for erosion and sediment transfer. Notwithstanding, appropriate dewatering techniques and erosion control measures will be implemented to limit any associated stormwater impacts including in the event that construction will occur in winter months.

Native soils will be used as backfill material and all disturbed areas will be seeded and mulched with an approved seed mix. Restoration of surfaces will take place immediately after the work in an area is completed. Stream crossing will generally only require 1-3 working days to complete.

The Oakfield Force Main will not be located in a coastal erosion hazard area. As mentioned above, the proposed action will not result in a significant increase in impervious surfaces and will generally only have temporary impacts to approximately 12.9 acres of previously disturbed land. In addition, appropriate soil and erosion control measures during construction will be implemented. Furthermore, as detailed in the Oakfield PCN, the Oakfield Force Main will be revisited at the completion of installation to identify any areas that need additional seeding and mulching and again approximately one year after substantial completion. If there are any areas where the growth of vegetation is covering less than 90 percent of the disturbed area, reseeded will occur.

iii. Roundabout

The STAMP Master Plan includes a bypass road connecting from Stamp Drive to Crosby Road near Route 77. The 2024 Project Modifications include the reconstruction of the intersection of Crosby Road with Route 77 with a roundabout so that the future bypass road can be connected directly into that intersection. The Roundabout would shift the intersection slightly to the southeast and provide four approaches. The installation of the Roundabout will result in the temporary disturbance of approximately 3.5 acres with a minor permanent increase in impervious surfaces over current conditions. The Roundabout will be constructed in the corner of a farm field at the edge of the STAMP Site. Appropriate erosion control measures will be employed during construction to limit any associated stormwater impacts.

iv. Conclusion:

The 2024 Modifications do not include any new potentially significant adverse impacts to land resources or land use that were not analyzed in the STAMP GEIS. Overall, the Current 2024 Modifications will involve a relatively small amount of construction in the context of the overall STAMP Site, with the addition of only 5.2 acres of impervious surface in total. Overall, the 2024 Modifications will have a minimal increase in development, well below the thresholds for development of STAMP set out in the GEIS. Additionally, while the Oakfield Force Main will require disturbance of land along the 45,000 linear feet of the Force Main Route, impacts to land will be generally temporary, lasting only during installation, and impacting lands within existing rights of way. Permanent disturbance that will be caused by the Oakfield Force Main will be limited to the installation of the two pump stations and the manholes along the Force Main Route. Furthermore, the 2024 Modifications will be implemented with appropriate erosion control measures to limit any associated stormwater impacts. Based on these facts, the 2024 Modifications will not have any significant adverse impacts on land that were not analyzed in the STAMP GEIS.

B. Impact on Geological Features:

The STAMP Site does not contain, and is not adjacent to, any unique geologic features or National Natural Landmarks. Furthermore, according to the Archaeology Report, the Oakfield Force Main will not pass through or near any unique geologic features or National Natural Landmarks off-Site. Accordingly, the 2024 Modifications are not anticipated to create any potentially significant adverse impacts to geological features that were not analyzed in the STAMP GEIS.

C. Impact on Surface Water:

i. Water Tank

As detailed in the Water Tank BODR, the area of disturbance with respect to the Water Tank and associated infrastructure does not contain any surface water resources or wetlands. Proper erosion and sediment control measures will be installed along the area of disturbance to avoid stormwater impacts during construction or operation of the Water Tank. Accordingly, the Water Tank will not disturb any surface water resources or wetlands.

ii. Oakfield Force Main

As discussed above, the Oakfield Force Main will cross 7 streams. The wetland delineation included as Appendix J of the Oakfield BODR identifies these to include 3 Class C streams ("**Named Streams**"), and 4 unnamed streams ("**Unnamed Streams**"). In addition, the Oakfield Force Main will also be installed adjacent to a non-jurisdictional wetland on the STAMP Site, wetland W47, along Allegany Road.

The Oakfield Force Main will be installed via Horizontal Directional Drilling ("**HDD**") for the Named Streams and Unnamed Streams. Under this method, a directional drilling launching pad will be constructed on one side of the stream crossing, outside of the banks of the stream. The pad consists of a temporary gravel pad to support the HDD machine while it is working. The pad will be fully removed at the completion of the crossing. The HDD machine will install the pipe a minimum of 10 feet below the bottom of the stream bed. All disturbance and all work will take place outside of the banks of the creek, eliminating any impacts to the natural stream bed. The Oakfield BODR explains that one of the Named Streams, Brinningstool Creek was successfully crossed via HDD with a water main, installed approximately 6 feet below the stream bed. In comparison, and based on the recommendations of the geotechnical assessment attached as Appendix K to the Oakfield BODR, the crossings by HDD will occur at a depth of 10 feet under the stream bed, to minimize the risk of frac-out.

Prior to installation of the Oakfield Force Main, out of an abundance of caution, additional geotechnical investigations will be performed to confirm the soil conditions in these areas are conducive to HDD methods without impacting the environment. As detailed above, a previously-installed water main project did not encounter complications during HDD crossings. Nevertheless, the Agency shall implement the policies and procedures found in the Frac Out Plan previously prepared by the Agency and approved by NYSDEC (as the same has been amended). In the unlikely event that the additional geotechnical investigations determine that there is more than a remote possibility of frac-out, the crossings will be made by open cut installation methods. To complete the work associated with open cut crossings, a temporary coffer dam with a temporary culvert pipe will be constructed to provide a continuous flow of water to the extent that work is taking place when flows are present. The temporary culvert pipe

will be bulkheaded into the existing culvert pipe to prevent backflow from downstream. Turbidity curtains will be installed upstream and downstream of the crossing to prevent the transportation of sediment outside of the work area. Construction will take place during the summer months when flows are low, reducing the potential for sediment transfer. Notwithstanding, dewatering will be required during crossing operations. Water from the work area will be pumped into a filter bag to contain any sediment and allow the water to disperse on the ground naturally. Crossings via open cut/coffer dam are anticipated take approximately 2-3 working days per each crossing.

In terms of the single non-jurisdictional wetland, crossing of this wetland will be accomplished via the open cut method. The Oakfield BODR states that proper erosion and sediment control measures will be installed along the area of disturbance and native soils will be used as backfill material and all disturbed areas will be seeded and mulched with an approved wetland seed mix. This crossing is expected to take 1 to 2 working days and restoration of surfaces will take place immediately after the work in this area is completed.

Once the Oakfield Force Main is installed and flowing, its operation is not anticipated to have significant impacts on surface water resources. The Oakfield Force Main will be interconnected to the Oakfield WWTP, which operates under a SPDES permit which has a flow limit of 0.5 million gallons per day ("mgd"). As detailed in the Oakfield BODR, the Oakfield WWTP has an operating efficiency of 95-99%, based on removal of suspended solids and carbonaceous oxygen demand. The current average daily flow to the Oakfield WWTP is 0.127 mgd. The Proposed initial daily flows to the Oakfield WWTP via the Oakfield Force Main amount to the addition of 20,000 gallons per day of sanitary wastewater from STAMP. Therefore, total flows, when combined with the existing total daily flows, would be well within the capacity of the Oakfield WWTP and its SPDES permit. Further, as detailed in the BODR, improvements to the Oakfield WWTP will be made to reduce phosphorus discharges from the Oakfield WWTP.

iii. Roundabout

The Roundabout will be constructed in the corner of a farm field at the edge of the STAMP Site. This area does not contain any surface water resources or wetlands. Appropriate erosion control measures will be employed during construction to limit any associated stormwater impacts. Accordingly, the Roundabout will not disturb any surface water resources or wetlands.

i. Conclusion:

The 2024 Modifications do not include any new potentially significant adverse impacts to surface waters that were not analyzed in the STAMP GEIS. Overall, the STAMP

GEIS has contemplated an impact of 9.54 acres to low-medium quality wetlands across the STAMP Site, which is far more than what is proposed compared to the 2024 Modifications. The temporary impact to the non-jurisdictional wetland during construction of the Oakfield Force Main will have negligible impacts based on the design specifications for the Project which include appropriate restoration plans. Furthermore, the Oakfield WWTP has adequate capacity and is operating at sufficient efficiency to handle the additional proposed flows from STAMP in compliance with its SPDES permit. In fact, there will be a significant reduction in phosphorous discharges associated with the Project as Oak Orchard Creek is an impaired water body for phosphorous, the Project will actually improve water quality in Oak Orchard Creek. Based on these facts, the 2024 Modifications will not have any significant adverse impacts on surface water that were not previously considered in the STAMP GEIS.

D. Impact on Groundwater:

None of the 2024 modifications entail the types of activities, such as the storage of hazardous materials, which would pose a risk to groundwater. No groundwater will be withdrawn; excavations will not extend substantially into the groundwater table; and no groundwater discharge is proposed. In addition, stormwater management for each specific component shall be implemented to manage surface water flow and allow groundwater infiltration. Furthermore, construction of the 2024 Modifications shall follow the best management regarding stormwater runoff practices laid out in the GEIS. The Oakfield Force Main will transport sanitary wastewater to the Oakfield WWTP for treatment and discharge in compliance with that facility's SPDES permit, and all flows will be monitored by magnetic flow meters within the Main Pump Station ("MPS") and Intermediate Pump Station ("IPS") to ensure no loss of flow from the Oakfield Force Main. Lastly, the 2024 Modifications do not involve the use or storage of any hazardous wastes or materials which would pose a risk to groundwater resources.

Based on these facts, the 2024 Modifications will not have any significant adverse impacts on groundwater that were not analyzed in the STAMP GEIS.

E. Impact on Flooding:

The STAMP Site does not contain, and is not adjacent to, a designated floodway, a 100-year floodplain, or a 500-year floodplain. Accordingly, the 2024 Modifications are not anticipated to create any potentially significant adverse impacts to flooding that were not analyzed in the STAMP GEIS. Additionally, as outlined in the Environmental Information, construction of the Oakfield Force Main includes certain additional environmental controls such as working in periods of low flow conditions, working within continuous operation, practices to minimize erosion, the use of flume pipes to divert water flow during construction, being careful to store debris outside of stream corridors, utilizing temporary bridges, and locating construction staging areas 50 feet

away from all streams where practicable. Additionally, the Oakfield Force Main installation will utilize specific controls when dewatering any streams for open cut/coffer dam crossings which will mitigate any short term impacts, including use of turbidity curtains, timing of work during low flows, filtration and dispersal controls, and limiting work to very short durations. In addition, the Hydro Study confirms that the addition of the proposed flows from STAMP to the Oakfield WWTP will not result in flooding downstream. Based on these facts, the 2024 Modifications will not have any significant adverse impacts on flooding that were not analyzed in the STAMP GEIS.

F. Impact on Air:

The only source of air emissions relating to the 2024 Modifications will result from construction vehicles, as none of the 2024 Modifications will result in increased traffic or new sources of emissions. The construction vehicle emissions related to the 2024 Modifications will result in minor temporary increases in greenhouse gas emissions. The GEIS specifically contemplated the temporary air impacts that are likely to occur during the construction phases of STAMP, and such impacts here are minor in nature and do not rise to the level of requiring any federal or state permits.

Based on these facts, the 2024 Modifications will not have any significant adverse impacts on air that were not analyzed in the STAMP GEIS.

G. Impact on Plants and Animals

i. Water Tank and Roundabout

The site where the Water Tank will be located is largely undeveloped farmland at this point in time. The Roundabout will be constructed in the corner of a farm field at the edge of the STAMP Site adjacent to the intersection of Crosby Road and Route 77. Both sites contain communities of white-tailed deer, common songbirds, and small mammals. The sites were previously identified by NYSDEC as occupied habitat for two New York State threatened or endangered species: the northern harrier and the short-eared owl. As detailed in the Environmental Information, there have been limited observances of the northern harrier in the vicinity of the Water Tank site. GCEDC previously mitigated the loss of all potentially occupied habitat on the STAMP Site for winter raptors through prior environmental reviews and permitting processes with NYSDEC, culminating in the issuance of a Part 182 Incidental Take Permit (“**Take Permit**”). As detailed therein, and as explained in greater detail in the 2023 Negative Declaration, GCEDC has implemented a Net Conservation Benefit Plan to provide for permanent protection of sufficient acreage of suitable habitat for these species, including a NYSDEC-approved monitoring and habitat restoration plan. The sites are not currently used for hunting, trapping, fishing, or shell fishing. Any potential impacts to terrestrial and aquatic ecologies shall be avoided and/or minimized to the maximum

extent practicable by implementation of the Land Management Plan associated with the STAMP Site as well as the Best Management Practices and the Stormwater Mitigation Measures.

ii. Oakfield Force Main

The Oakfield Force Main will permanently develop a small amount of land at the STAMP Site for the MPS, and a small area along the Force Main Route for the IPS. The Force Main Route is mapped by NYSDEC as potentially occupied habitat for three New York State threatened or endangered species: the northern harrier, short-eared owl, and the sedge wren. Notwithstanding, the majority of construction and accompanying temporary impacts from the Oakfield Force Main will occur in roadside adjacent ROWs, which is not typically used by these species due to the regular disturbance, thus any potential impacts will be minor. These impacts will be temporary, occurring primarily during construction. Any disturbed vegetation will be reseeded immediately following construction, allowing for restoration of potential habitat.

As explained in the Oakfield PCN, review of USFWS' Information for Planning and Consultation (IPaC) identified three federally listed or eligible species as potentially occurring within the Force Main Route. These include the northern long-eared bat ("NLEB"); the tricolored bat; and the monarch butterfly. Of these, only the NLEB is a federally listed endangered species, whereas the tricolored bat is a proposed endangered species and the monarch butterfly is a candidate species for federal listing. The NLEB and tricolored bats are primarily a forest-dependent species that utilize a variety of forest habitats for roosting, foraging, and rearing young. Decline of these species is primarily attributed to disease and not habitat loss.

As detailed in the Oakfield PCN, the USFWS has indicated that there are no known NLEB maternity roost trees within 1.5 miles or winter hibernacula within 5 miles of the Force Main Route and there are no known occurrences of the species in the nearby vicinity. The NLEB range-wide key within IPaC was consulted to determine the likelihood of potential "take" of the species and, based on the submission, a determination of "No Effect" was reached. Additionally, no tree cutting is proposed for the Oakfield Force Main, and impacts to culverts, which may serve as habitat to NLEB and tri-colored bats, will be isolated and temporary, generally lasting only one day per stream crossing.

Tri-colored bats have not been formally listed at this time, but a listing decision is expected to occur in summer 2024, however, based on the above, there are no expected impacts to the tri-colored bat from the Oakfield Force Main.

The monarch butterfly, as a candidate species, is not listed and thus impacts to the species do not need to be formally evaluated. Notwithstanding, the Force Main Route,

being in adjacent ROWs, is regularly disturbed by vehicles and scheduled mowing, and would not provide adequate habitat for the monarch butterfly. Accordingly, impacts to this species are not expected to be significant.

iii. Conclusion

As detailed above, all development on the STAMP Site has already been mitigated through GCEDC's implementation of the Net Conservation Benefit Plan for any threatened/endangered species which could be impacted by the 2024 Modifications. Since NYSDEC's initial determination that portions of the STAMP Site constitute potentially occupied habitat for the species in question, the STAMP Site has seen significant changes to the on-the-ground conditions of the area considered by the NYSDEC to be occupied habitat. Specifically, the majority of the open space on the STAMP Site (consisting of approximately 665 acres) is now in row crops while a relatively small portion remains as hay or fallow fields. The approximately 170 acres of hay fields that were primarily used by bird species during the previous winter were converted to row crops (by way of the Ag. Exemption) or developed in 2022. In total, four short-eared owls and five northern harriers were documented at STAMP during the "wintering season" which is November through April. These birds have only been observed foraging on the STAMP Site, and no breeding activity has ever been observed on the STAMP Site (as confirmed by separate, breeding season surveys undertaken pursuant to NYSDEC guidance). Furthermore, there has been monitoring and surveying for the wintering raptors regularly at the STAMP Site since the STAMP Site was granted a Take Permit under Part 182.

The development off site of the Oakfield Force Main will occur in previously disturbed lands which provide unsuitable habitat for the species discussed above. Furthermore, the majority of land disturbance related to the Oakfield Force Main, will be temporary and fully mitigated.

Based on these facts, the 2024 Modifications will not have any significant adverse impacts on plants or animals not previously considered in the STAMP GEIS.

H. Impact on Agricultural Land Resources:

i. Water Tank

The Water Tank will be located to the north of the Edwards Vacuum Site within STAMP, the development of which was already determined to not have a significant impact on agricultural land. The development of the Water Tank will disturb approximately .5 acres.

ii. Oakfield Force Main

The Oakfield Force Main will largely result in temporary impacts along the entirety of the Force Main Route. Permanent disturbance will be limited to the approximately 10 foot diameter MPS and IPS, as well as associated manholes. Aside from the small portion installed on the STAMP Site, the Oakfield Force Main will be installed in roadside ROWs along the Force Main Route not available for agricultural use. Furthermore, installation of the Oakfield Force Main will not prevent the use of lands adjacent to the Force Main Route from being utilized for agricultural uses.

iii. Roundabout

The Roundabout will occupy a portion of the STAMP Site directly adjacent to the Edwards Vacuum Site composed of approximately 3.5 acres of undeveloped farmland, development of which was previously contemplated in the GEIS.

iv. Conclusion

The GEIS contemplated that full development of the STAMP Site will result in a loss of agricultural use. The potential loss of future agriculture use of the Project Site represents less than 1% of the total crop land acres located in Genesee County (i.e., 0.65%), and approximately 1.7% of total cropland acres located in Agricultural District No. 2. There are approximately 148,584.30 acres of crop land located in Genesee County, with approximately 120,365 acres of this total classified as prime farmland. Agricultural District No. 2 encompasses 55,143.18 acres of land located in the towns of Alabama, Batavia, Elba, Oakfield, and Pembroke. Based on the available information, approximately 900 acres of the STAMP Site are currently being used for farming. The total area of prime farmland located within the STAMP Site is approximately 275 acres, representing 0.23% of the total prime farmland located in Genesee County and 0.49% of the total prime farmland acreage located in Agricultural District No. 2.

Here, the 2024 Modifications propose the development of approximately 5.2 acres which is far less than what was contemplated in the STAMP GEIS, much of which is already unavailable for agricultural use or was previously contemplated for development under the GEIS and subsequent negative declarations. Based on these facts, the 2024 Modifications will not have any significant adverse impacts on agricultural land resources that were not analyzed in the STAMP GEIS.

I. Impact on Aesthetic Resources:

i. Water Tank

The Water Tank is comprised of a 0.50 million gallon concrete onsite water storage tank, approximately 48 feet in diameter, 40 foot sidewall height and 50 feet at the center of the

dome, to be located on the Edwards Vacuum Site. The nearest officially designated and publicly accessible federal, state, or local scenic or aesthetic resources (Iroquois National Wildlife Refuge and the John White Game Farm), as well as the Nation's territory are separated from the proposed development by substantial distance as well as significant existing vegetative screening. In order to assess the potential visual impacts of the Water Tank, Saratoga Associates has prepared the Tank Visualizations which include all current and proposed development associated with STAMP. As depicted in the Tank Visualizations, the above-ground components of the Water Tank will be well-screened by the substantial existing vegetation on the STAMP Site as well as the significant setbacks to adjacent land uses. Furthermore, the Water Tank will have a single, dark sky compliant light mounted at the door of the control building, and no lighting will be required on the Water Tank itself.

ii. Oakfield Force Main

The Oakfield Force Main is composed of a buried 45,000 foot 12 inch sanitary wastewater main, the MPS and IPS, manholes, and vents. With the exception of the vents and pump stations, all structures composing the Oakfield Force Main will be installed either well below the ground surface, or flush with the existing grade. The vents will be small in size, 2 inches wide and two feet tall, installed in the ROWs along the Force Main Route, and painted to match their surroundings. Overall, the existence of the Oakfield Force Main will be largely imperceptible.

iii. Roundabout

The Roundabout will replace the existing intersection at Crosby Road and Lewiston Road. The Roundabout will be largely installed flush with surrounding roadway with the addition of some accompanying curbing.

iv. Conclusion

The 2024 Modifications will largely be imperceptible to surrounding uses, as the Oakfield Force Main and Roundabout will be constructed flush with the surrounding ground or below grade. Although the 2024 Modifications will create new structures on the STAMP Site, most notable the Water Tank, development has been designed in a low-density campus setting, meaning that development is respectful and complements the STAMP Site's natural landscape. The STAMP Site as a whole is surrounded by foliage that creates a natural barrier to visual impacts.

Additionally, a 400-foot perimeter will be maintained around the perimeter of the STAMP Site to mitigate any aesthetic impacts from permanent structures. Lastly, a minimum 500-foot buffer will be maintained along the STAMP Site' boundary adjoining the John White Wildlife Management Area, in addition to the minimum 500' (and in

some places extending up to approximately 1,200') buffer surrounding the border of the western boundary of the STAMP Site where it abuts the Nation's territory. These buffers have been put in place to mitigate any aesthetic impacts from the development of the STAMP Site may have. Regarding the 2024 Modifications, the STAMP GEIS has planned for STAMP's development and has contemplated the possible aesthetic impact to the surrounding communities. Notably, none of the projects referenced above will exceed the height limitation set forth in the STAMP GEIS (110').

Additionally, the Tank Visualizations confirm that the Water Tank will be well-screened by the substantial existing vegetation on the STAMP Site as well as the significant setbacks to adjacent land uses.

Based on these facts, the 2024 Modifications will not have any significant adverse impacts on aesthetic resources that were not analyzed in the STAMP GEIS.

J. Impact on Historic and Archeological Resources:

The STAMP Site does not contain, nor is it adjacent to, a building, or district which is listed on, or that has been nominated to the State or National Register of Historic Places. The STAMP Site does abut the Nation's Territory to the west, and impacts to historic and archaeological resources are analyzed extensively in the GEIS, and the GEIS details that (under the supervision of the USACE) the Agency has comprehensively cleared the relevant portions of the STAMP Site of archaeological resources.

i. Water Tank

The Edwards Vacuum Site, where the Water Tank will be constructed, is located in or adjacent to an area designated as sensitive for archeological sites by the State Historic Preservation Office. In order to analyze potential impacts of the Edwards Vacuum project upon historic and archeological resources, a Phase I, II, and III Cultural Resource Investigation was undertaken for the STAMP Site. As detailed in the GEIS, the Cultural Resource Investigation documented that the Water Tank site is not near or contains an archeological 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 New York State Office of Parks, Recreation and Historic Preservation to be eligible for listing on the state register of historic places.

ii. Oakfield Force Main

The Oakfield Force Main will be located within a small portion of the STAMP Site, as well as previously disturbed ROWs along the Force Main Route. As detailed in the Archaeology Report, there are no map-documented structures within the anticipated area of effect of the Oakfield Force Main. Notwithstanding, the Fore Main Route is

located in an archaeologically sensitive zone.

However, the Archaeology Report explains that past Phase IA and IB cultural resource investigations along the Force Main Route for other related and unrelated projects did not identify any archaeological sites. Based on these results, as well as field reconnaissance along the Force Main Route, the Archaeology Report concluded that no cultural resources will be impacted by Oakfield Force Main, and that no further investigation was required. Nevertheless, the Agency shall undertake additional Phase IA and IB investigations prior to construction to insure that any potential archaeological resources are appropriately addressed.

iii. Roundabout

The Roundabout will be constructed within an existing, previously disturbed paved roadway intersection and as well as land adjacent to the Edwards Vacuum Site previously analyzed for impacts to historical and archaeological resources as discussed above with regards to the Water Tank. As detailed in the 2023 Negative Declaration, the Cultural Resource Investigation documented that the Edwards Vacuum Site, including the area to be developed by the Roundabout, is not near or contains an archeological 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 New York State Office of Parks, Recreation and Historic Preservation to be eligible for listing on the state register of historic places.

iv. Conclusion

In order to address any potential impacts associated with the future development of a specific use at the STAMP Site, the GCEDC is a part to both a Programmatic Agreement and Letter of Resolution with the USACE, NYSDEC, and SHPO in accordance with the STAMP GEIS. Pursuant to these agreements, GCEDC has undertaken the above-referenced archaeological investigation in order to clear the STAMP Site of archaeological resources.

In addition, the Programmatic Agreement and Letter of Resolution provide for procedures for USACE or NYSDEC (depending on permitting authority) to assess potential impacts on the Nation's territory as a property of religious and cultural significance pursuant to the National Historic eligibility criteria. As detailed herein, the 2024 Modifications are not anticipated to be appreciably seen, heard, smelled, or otherwise have any impact on the Nation's territory, all as documented in Environmental Information, including the IA.

Based on these and the above facts, the 2024 Modifications will not have any significant adverse impacts on cultural resources.

K. Impact on Open Space and Recreation:

i. Water Tank

The construction of the Water Tank will not result in a loss of recreational opportunities or a reduction in open space sources because the site where it will be located is not currently used for hunting, fishing, trapping, or shell trapping.

In terms of off-site recreational resources, the closest is the Iroquois National Wildlife Refuge (federal) and the John White Game Farm (New York State wildlife management area) which are both approximately 2 miles away, and also will be unaffected by the Water Tank.

ii. Oakfield Force Main

The Oakfield Force Main will not result in a loss of recreational opportunities or a reduction in open space sources because the Force Main Route is not currently used for hunting, fishing, trapping, or shell trapping.

Furthermore, no off-site recreational resources, will be effected by the Oakfield Force Main. The Oakfield Force Main will facilitate initial flows from STAMP of up to 20,000 gallons per day of sanitary wastewater to the Oakfield WWTP, which outfalls to Oak Orchard Creek, a Class C stream. Per NYSDEC regulations, a Class C stream is appropriate for fishing but not direct water contact recreation. The Oakfield PCN indicates that Oakfield WWTP has capacity to receive the proposed wastewater flows from the Oakfield Force Main, and can efficiently process these flows in compliance with its SPDES permit, protective of the stream classification. In addition, the Oakfield BODR proposes upgrades to the Oakfield WWTP which would allow it to treat for phosphorus removal not currently required under the SPDES permit, but which may be required by NYSDEC in the future. Accordingly, the additional flows to the Oakfield WWTP from the Oakfield Force Main, would not impact recreation in Oak Orchard Creek.

iii. Roundabout

The Roundabout will not result in a loss of recreational opportunities or a reduction in open space sources because site where it will be constructed is not currently used for hunting, fishing, trapping, or shell trapping and will not impact off-site recreation opportunities.

iv. Conclusion

Although there is hunting that takes place directly to the west of the STAMP Site on the Nation's land, there will be no tangible impacts to this area due to the precautions the 2024 Modifications have contemplated such as the boundary buffer, dark sky compliant lighting, and lack of odors (discussed below) emanating from the 2024 Modifications (it is also noted that prevailing winds carry odors away from the Nation's territory rather than to it from the STAMP Site).

The 2024 Modifications will not result in a loss of recreational opportunities or a reduction in open space sources because the STAMP Site and Force Main Route are not open to the public or utilized by the public for any outdoor activities. Based on these facts, the 2024 Modifications will not have any significant adverse impacts on open spaces and recreation that were not analyzed in the STAMP GEIS.

L. Impact on Critical Environmental Areas:

There are no Critical Environmental Areas as described in subdivision 6 N.Y.C.R.R. 617.14(g) on the STAMP Site or in proximity to the STAMP Site, the Force Main Route, or the Roundabout. Accordingly, the 2024 Modifications will not have a significant adverse impacts upon Critical Environmental Areas that were not analyzed in the STAMP GEIS.

M. Impact on Transportation:

i. Water Tank

The Water Tank will not increase traffic or create a new demand for transportation facilities or services with the peak traffic being in the morning and the evening. The Water Tank includes the creation of new driveway to access the Water Tank, which will provide ample off street parking for workers servicing the Water Tank equipment.

ii. Oakfield Force Main

The Oakfield Force Main, being limited to the installation of a sanitary wastewater force main, will not increase traffic or create a new demand for transportation facilities or services with the peak traffic being in the morning and the evening. Furthermore, the Oakfield Force Main will not create or modify parking spaces and does not include the modification of roads and creation of new roads.

iii. Roundabout

The Roundabout will not increase traffic or create a new demand for transportation facilities or services with the peak traffic being in the morning and the evening. The Roundabout includes the modification of roads and creation of new roads by replacing

the existing three way intersection at Crosby Road and Lewiston Road with a traffic circle. The Roundabout is proposed at the request of the Town in order to improve existing traffic geometry at this intersection.

As detailed in the Traffic Report, this intersection has not been identified as having any traffic concerns but the Roundabout would alleviate the geometric challenges with the existing three way intersection and could accommodate the proposed bypass road through STAMP at such time it is constructed. The Traffic Report goes on to explain that Roundabouts, such as this one, efficiently distribute traffic through intersections and concluded that the Roundabout would be expected to function at a high level of service.

iv. Conclusion

The GEIS analyzed a full build out of the STAMP Site regarding traffic and peak congestion of the surrounding roads. Although the continual build out of the STAMP Site will increase traffic, the STAMP GEIS contemplated this when it was completed in 2012, thus a partial build out will be within the parameters of the STAMP GEIS. The STAMP GEIS (as well as the GCEDC Findings Statement) provided that no additional traffic study need be prepared until the development of the site has resulted in over 1,925 trips during the peak PM hour.

The 2024 Modifications will have no increase traffic or create a new demand for transportation facilities or services with the peak traffic being in the morning and the evening and therefore, do not violate the STAMP GEIS threshold of 1,424 vehicle trips. Furthermore, the development of the Roundabout will have an increase in the efficiency and safety of existing traffic moving through the Crosby/Lewiston Road intersection. Accordingly, the 2024 Modifications will not have significant adverse impacts upon Transportation that were not analyzed in the STAMP GEIS.

N. Impact on Energy:

The Water Tank and Oakfield Force Main will generate a minor new demand for energy. Cumulatively, the 2024 Modifications will require 25,000 kW. No update to the substation is required for the 2024 Modifications. The source of the power will be from the local utility, which has ample capacity.

A partial build out of the STAMP Site will utilize less energy than the full build out contemplated in the GEIS from 2012 (185 MW, which has since be updated to 600 MW after the construction of the STAMP substation). The 2024 Modifications are estimated to consume approximately 25,000kW of energy, which, in addition to the accepted 276.5 MW for current tenants of the STAMP Site is still far below the current GEIS threshold of 600 MW. Accordingly, the 2024 Modifications will not have a significant

adverse impact upon energy that were not analyzed in the STAMP GEIS.

O. Impact on Noise, Odor, and Light:

i. Water Tank

The Water Tank will have minor temporary impacts on noise. More specifically, the construction of the Water Tank will exceed the ambient noise levels because of typical construction noises such as trucks and excavators. The Water Tank operations are not anticipated to appreciably increase ambient noise conditions at the border of the STAMP Site or exceed the STAMP boundary noise limits set in the GEIS.

The Water Tank will not have an effect on odor on the STAMP Site because the project does not include any processes or substances that result in odors migrating off the site.

The Water Tank will have a minor effect on light due to a single overhead light mounted at the door of the control building. As mentioned above, no light will be mounted atop the Water Tank itself which will be dark sky compliant. Furthermore, as discussed above, the Water Tank and the associated light mounted on the control building, are substantially set back from surrounding uses and have significant vegetative screening.

ii. Oakfield Force Main

The Oakfield Force Main will have minor temporary impacts on noise. Specifically, the construction of the Oakfield Force Main will exceed the ambient noise levels because of typical construction noises such as trucks and excavators. The Oakfield Force Main operations are not anticipated to appreciably increase ambient noise conditions at the border of the STAMP Site or along the Force Main Route, or exceed the STAMP boundary noise limits set in the GEIS. While the Oakfield Force Main MPS and IPS will operate mechanical pumps, these will be buried underground and are not expected to be noticeably perceptible. The Oakfield BODR also indicates that operation during a power failure will be enabled by a standby diesel-fueled generator located in a sound-attenuating enclosure.

The Oakfield Force Main is not expected to have an effect on odor along the Force Main Route because it is designed as a fully enclosed, underground system. Notwithstanding, the Oakfield BODR provides that odor control provisions, likely in the form of chemical addition, will be provided for initial low flow conditions due to the potential for septic conditions with extended detention times in the Oakfield Force Main.

The MPS and IPS will have minor warning lights on the exterior of the structures,

however, these lights will only be activated in the event of an alarm triggering and will not include strobing features.

iii. Roundabout

The Roundabout will have minor and temporary impacts on noise. More specifically, the construction of the Roundabout will exceed the ambient noise levels because of typical construction noises such as trucks and excavators.

The Roundabout will not have an effect on odor on because the project does not include any processes or substances that result in odors migrating off the site.

There is no lighting proposed for the Roundabout beyond typical street lighting found throughout the adjacent roadways.

iv. Conclusion

Potential impacts during construction and operation of the Project to noise have been assessed according to NYSDEC guidelines. The Town does not have a noise control ordinance that applies to STAMP. NYSDEC's published guidance "Assessing and Mitigating Noise Impacts" (NYSDEC, 2001) establishes a basis to assess the Project's potential for those impacts.

Taking the NYSDEC guidelines into consideration, the Project will limit noise at the STAMP boundary to an LEQ of 65 dBa during the day and 45 dBa at night. NYSDEC guidelines state that noise sources should not increase levels above 65 dBa in non-industrial areas. The proposed property line requirement of 65 dBa during the day and 45 dBa at night will ensure that the 65 dBa level referenced by NYSDEC for non-industrial areas is not exceeded. The resulting maximum Project level of 65 dBa generally does not exceed maximum existing average baseline noise levels documented within the vicinity of the Project, which range from 63 dBa to 73 dBa.

The 2024 Modifications will generally not involve operations, processes, or substances that have odor impacts. While the Oakfield Force Man will convey sanitary wastewater, it will do so in a fully enclosed underground system which does not emit odors. Furthermore, the only potential odor emissions from the Oakfield Force Main which could occur during the initial low flow conditions will be fully mitigated.

The 2024 Modifications involve the addition of only a single light (excluding roadway lighting), which will be dark sky compliant and well screened from surrounding uses.

Accordingly, the 2024 Modifications will not have significant adverse impacts upon

noise, odor, and light that were not analyzed in the STAMP GEIS.

P. Impact on Public Health:

i. Water Tank

The construction of the 2024 Modifications is expected to take approximately one year, with the potential for all phases proceeding simultaneously.

During the construction phases of the Water Tank, construction personnel are likely to encounter a number of physical hazards that are typically associated with commercial construction. All Water Tank construction will take place within the boundaries of the Edwards Vacuum Project. Because it is located within the STAMP Site, the general public's exposure to any hazards will be limited. Additional fencing signs and barriers will be utilized around the Water Tank construction area and, where necessary, will delineate excavations and prevent the entry to the Water Tank of unauthorized personnel. Appropriate signs will be posted to inform those entering the Edwards Vacuum project of potential construction hazards and appropriate actions to be taken while on the Edwards Vacuum project. Additionally, the Water Tank will minimize risks to construction personnel by fully complying with applicable OSHA and New York State Labor Law requirements. Thus, it is anticipated that the construction work associated with the Water Tank will not have a significant impact on public health and safety.

Furthermore, there will be no commercial generation, treatment, or disposal of hazardous waste at the Water Tank site. Additionally, there will be no pesticides used during construction or operation of the Water Tank.

No construction of, or modification to, any solid waste management facility will be necessary to accommodate the Water Tank. While hazardous waste is not anticipated to be unearthed during construction or operation of the Water Tank, any such materials (if unearthed) will be disposed of in accordance with all applicable federal, state, and local rules and regulations.

Finally, the Water Tank is being constructed for the express purpose of ensuring there is adequate water pressure for STAMP tenants' fire suppression systems.

ii. Oakfield Force Main

During the construction phases of the Oakfield Force Main, construction personnel are likely to encounter a number of physical hazards that are typically associated with commercial construction. All Oakfield Force Main construction will take place within the boundaries of the STAMP Site and within the ROWs located along the Force Main

Route. Where it is located within the STAMP Site, the general public's exposure to any hazards associated with construction of the Oakfield Force Main will be limited. Additional fencing signs and barriers will be utilized along the Force Main Route and, where necessary, will delineate excavations and prevent the entry to the Force Main Route of unauthorized personnel. Appropriate signs will be posted to inform those entering the Force Main Route of potential construction hazards and appropriate actions to be taken while on the project. Additionally, the Oakfield Force Main will minimize risks to construction personnel by fully complying with applicable OSHA and New York State Labor Law requirements. Thus, it is anticipated that the construction work associated with the Oakfield Force Main will not have a significant impact on public health and safety.

Furthermore, there will be no commercial generation, treatment, or disposal of hazardous waste from the Oakfield Force Main. Additionally, there will be no pesticides used during construction or operation of the Oakfield Force Main. While the Oakfield Force Main will transport sanitary wastewater to the Oakfield WWTP, as discussed above, the Oakfield WWTP has ample capacity and operates at adequate efficiency to prevent any potential negative health impacts from the additional flows. Furthermore, as explained in the Oakfield BODR, additional treatment for removal of phosphorus at the Oakfield WWTP, which is not currently occurring and which is proposed for the Oakfield Force Main, will further serve to reduce impacts to human health.

No construction of, or modification to, any solid waste management facility will be necessary to accommodate the Oakfield Force Main beyond potential voluntary improvements to the Oakfield WWTP. While hazardous waste is not anticipated to be unearthed during construction or operation of the Oakfield Force Main, any such materials (if unearthed) will be disposed of in accordance with all applicable federal, state, and local rules and regulations.

iii. Roundabout

During the construction phases of the Roundabout, construction personnel are likely to encounter a number of physical hazards that are typically associated with commercial construction. All Roundabout construction will take place within the boundaries of the intersection of Crosby Road and Lewiston Road as well as portions of the STAMP Site adjacent to the Edwards Vacuum Site. Because the construction is isolated to a single intersection and the STAMP Site, the general public's exposure to any hazards will be limited. Additional fencing signs and barriers will be utilized around the Roundabout construction area and, where necessary, will delineate excavations and prevent the entry to the Roundabout construction area of unauthorized personnel. Appropriate signs will be posted to inform those entering the Roundabout construction area of potential construction hazards and appropriate actions to be taken. Furthermore, there

is ample detour alternatives to conveniently reroute traffic around the Roundabout as needed.

Additionally, the Roundabout will minimize risks to construction personnel by fully complying with applicable OSHA and New York State Labor Law requirements. Thus, it is anticipated that the construction and demolition work associated with the Roundabout will not have a significant impact on public health and safety.

Furthermore, there will be no commercial generation, treatment, or disposal of hazardous waste at the Roundabout. Additionally, there will be no pesticides used during construction or operation of the Roundabout.

No construction of, or modification to, any solid waste management facility will be necessary to accommodate the Roundabout. While hazardous waste is not anticipated to be unearthed during construction or operation of the Roundabout, any such materials (if unearthed) will be disposed of in accordance with all applicable federal, state, and local rules and regulations.

Finally, the Roundabout is being constructed at the request of the Town to improve traffic geometry. As explained in the Traffic Report, the Roundabout will increase the safety and efficiency of vehicles moving through the intersection.

iv. Conclusion

As discussed above, the 2024 Modifications will not involve the generation, treatment, or disposal of hazardous waste nor will pesticides be used during construction. The 2024 Modifications will not involve construction or modification of any solid waste management facility and while no hazardous waste is anticipated to be unearthed during construction, if it is encountered it will be disposed of in accordance with all applicable rules and regulations.

Finally, the 2024 Modifications will generally enhance public health and safety by facilitating adequate fire protection, sanitary wastewater treatment, and traffic circulation. Accordingly, the 2024 Modifications will not have significant adverse impacts upon public health that were not analyzed in the STAMP GEIS.

Q. Impact on Character and Community Plans:

i. Water Tank

As determined by the 2023 Negative Declaration, the Edwards Vacuum project is in line with the Genesee County Smart Growth Plan ("GCSGP") and the land use plan for the STAMP Site. As the Water Tank is being built to directly support Edwards Vacuum

and the other STAMP Tenants, it is also in line with these community plans. The plot of the STAMP Site where the Water Tank is going to be built is zoned as Technology District 1 (“TD-1”), and the Water Tank is an accessory use consistent with the underlying zoning designation of TD-1. Further, as detailed above, the Water Tank is not anticipated to be appreciably seen, heard, or smelled from neighboring properties.

ii. Oakfield Force Main

The GCSGP identifies the STAMP Site as a priority development area, encouraging the development of the same in lieu of non-priority areas elsewhere. As the Oakfield Force Main directly facilitates the development of the STAMP Site in accordance with the land use plans for the STAMP Site, it is directly in line with the GCSGP. Further, as detailed above, the project is not anticipated to be appreciably seen, heard, or smelled from neighboring properties. Furthermore, the Oakfield Force Main is also intended to serve the Town in furtherance of commitments made from the GCEDC in the Incentive Zoning Agreement and associated amendments, which is in accordance with recommendations in the Town comprehensive plan.

iii. Roundabout

The Roundabout is being constructed at the request of the Town to improve traffic geometry and safety and the intersection of Crosby Road and Lewiston Road. The Roundabout does not implicate the GCSGP and there is no specific recommendation with regards to this intersection in the Town comprehensive plan. Further, as detailed above, the project is not anticipated to be appreciably seen, heard, or smelled from neighboring properties.

iv. Conclusion

The STAMP GEIS extensively analyzes the development of STAMP and potential impacts on surrounding communities. As the 2024 Modifications are otherwise entirely consistent with the thresholds and mitigation measures set forth in the STAMP GEIS, and there are no inconsistent or significant impacts associated with the same that were not previously analyzed in the STAMP GEIS.

R. Impact on Disadvantaged Communities

New York’s Climate Justice Working Group (“CJWG”) in its official map of Disadvantaged Communities (“DACs”) has identified the Nation’s Territory (Census Tract 36037940100) and large portions of Genesee County (including the Town, Census Tract 36037950300) as DACs. As early as 2012, the GCEDC Findings Statement which followed the issuance of the GEIS included a detailed explanation of the public need

and benefit achieved through the development of STAMP. As detailed in the 2012 Findings Statement:

The Project's central purpose is to play a significant role in reversing a trend of economic stagnation that has affected the Western New York region in recent years. The need for reversing this trend may be seen locally in 2010 US Census figures indicating declines in population for both the Town of Alabama and Genesee County over the past ten (10) years. STAMP will result in a number of benefits that have the potential to mitigate this trend in a substantial way.

While not specifically called out as such in the GEIS, all mitigative measures associated with STAMP are inherently geared towards achieving the benefits of STAMP while reducing any potential adverse impacts on surrounding DACs to the maximum extent practicable. As detailed extensively herein, the 2024 Modifications will not result in any tangible impacts on either the Nation's Territory or the Town. In fact, the construction of the Roundabout is anticipated to improve traffic conditions in the Town, without adversely impacting the Nation's Territory. Accordingly, the 2024 Modifications are entirely consistent with the thresholds and mitigation measures set forth in the STAMP GEIS, and there are no inconsistent or significant impacts associated with the same that were not previously analyzed in the STAMP GEIS.

Section 3. Having considered the Environmental Information, STAMP Environmental Record, and having considered the relevant environmental impacts, associated with the 2024 Modifications, and having weighed and balanced the relevant impacts with social, economic and other considerations, the Agency recertifies that:

- (i) The requirements of 6 N.Y.C.R.R. Part 617 have been met; and
- (ii) Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the Project remains one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to

cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 5. This Resolution, which is adopted by a majority vote of the Agency, shall serve as a Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)), and is issued by the Agency pursuant to and in accordance with SEQR, shall take effect immediately.

Section 6. For further information on this Determination of Significance/
Negative Declaration contact:

Mark Masse
99 MedTech Drive, Suite 106
Batavia, New York 14020
Phone: 585-343-4866
Email: mmasse@gcedc.com

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Peter Zeliff	[X]	[]	[]	[]
Matthew Gray	[]	[]	[X]	[]
Paul Battaglia	[X]	[]	[]	[]
Marianne Clattenburg	[]	[]	[X]	[]
Chandy Kemp	[X]	[]	[]	[]
Kathleen Manne	[X]	[]	[]	[]
Craig Yunker	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

CERTIFICATION

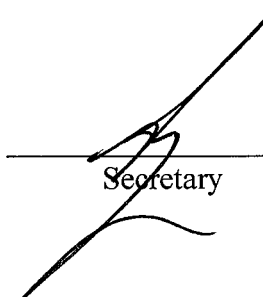
STATE OF NEW YORK)
) SS.:
COUNTY OF GENESEE)

I, the undersigned [Asst.] Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on August 1, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, except for the Executive Session, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting and said Executive Session.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 1st day of August ~~X~~ 2024.



Secretary 