Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, December 15, 2003, in the Village Office.

Present: Mayor Donald Hartill; Trustees Larry Fresinski, Janet Beebe, Lynn Leopold, Frank Moore; Attorney David Dubow; Engineer, David Putnam; Planning Board Member Maria Stycos.

Donald Hartill called the meeting to order at 7:39P.M.and opened the public comment period. John O'Neill asked if the Village had talked with anyone at Triad Foundation about their bright parking lot lights. David Dubow stated that what John was referring to was an issue that had been previously raised and discussed at the most recent Planning Board meeting. He further explained that the original special permit approval for the Triad building included a lighting plan, and that the Planning Board was advised that Dennis Reinhart is going to consult with Triad to get shields for their parking lot lights so as to comply with the special permit requirements.

Motion-To Close the Public Comment Period

Trustee Fresinski moved to close the public comment period. Trustee Moore seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye Trustee Larry Fresinski- Aye Trustee Janet Beebe-Aye Trustee Frank Moore- Aye
Trustee Lynn Leopold-Aye

Motion-To Open the Public Hearing To Consider the Approval and Authorization for Execution of (i) the Ithaca Area Municipal Wastewater Collection Improvement Project State Environmental Quality Review Act Statement of Findings to be Adopted By Village and (ii) the proposed Intermunicipal Wastewater Agreement

Fresinski moved to open the public hearing. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye Trustee Larry Fresinski- Aye Trustee Janet Beebe-Aye Trustee Frank Moore- Aye
Trustee Lynn Leopold-Aye

Carl Leopold of 1203 East Shore Drive spoke and indicated that he was concerned with putting a sewer line within the old railroad bed because it is very close to his water supply. He asked the Board to realize that there is a potential contamination issue. He explained that their cistern was built in 1910 and one proposed path for the sewer line comes within 10 feet of that cistern. Another concern is the line would have to cross McKinney Creek. He doesn't feel a bridge would do any good for that unique natural area. His third concern was that a backhoe cannot get to this area without damaging many of the hemlocks. He explained further that if it becomes necessary to run the sewer line down the old railroad bed, the Village by prior agreement would need to hook up their residence to the Bolton Point public water system.

Maria Stycos of 28 Twin Glens Road supported Carl's statements. She is also worried about the trees. If the trees were removed, she expects that there would be a wide path that would invite hikers or mountain bike riders and that this is a dangerous area with the steep slopes and shale.

John O'Neill of 53 Janivar Drive asked if the new proposed arrangements with the Village of Cayuga Heights Plant would change the formula for this project. Mayor Hartill stated that the current owners of the sewer treatment plants are responsible for the maintenance of those facilities. He indicated that there would be an impact on phosporous removal. Testing as to the condition of the Ithaca Area Wastewater Treatment Facility still needs to take place before we will know the whole scenario. It is still unknown whether the Ithaca Area Wastewater Treatment Facility tanks

have surface issues or structural issues.

Frank asked the Mayor to clarify what the Board is being asked to agree to. Don stated that the proposed Intermunicipal Wastewater Agreement provides for intermunicipal cooperation among the six municipalities involved with further provisions for additional and more specific agreements by and among various of the parties, including the Village. There will be two issues. One is with the Town of Lansing and how transmission will evolve, and secondly, there will need to be an agreement among the Village, the Village of Cayuga Heights and the Town of Lansing as far as rates and related issues. As to the SEQR environmental review and the proposed Findings Statement, it was acknowledged that there may still be unresolved issues that still need to be addressed once a final decision is made as to the location of the new sewer line. Don went on to say that the first step for the Village is to execute the Kline Road Bypass. The Town of Lansing however has many steps to take, such as forming districts and arranging financing, before they do anything. Frank stated that the environmental issues raised during the public hearing are important, but also acknowledged that they will very likely be addressed in more detail at future stages of the proposed project.

Motion-To Close the Public Hearing

Fresinski moved to close the public hearing. Trustee Moore seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye Trustee Larry Fresinski- Aye Trustee Janet Beebe-Aye Trustee Frank Moore- Aye
Trustee Lynn Leopold-Aye

Don stated that there was one change to the Intermunicipal Wastewater Agreement since presented to the Board, on page 5, which was to delete paragraph #9 in its entirety. He indicated this change has been incorporated in the attached document.

Lynn wanted to make sure that the action by the Board to approve the SEQR Findings Statement and the Intermunicipal Wastewater Agreement would not include acceptance of the actual location of the new transmission line. She was concerned with the wording on page 13 of the Findings Statement. Don explained that that language is referring to a suggested route but not the preferred route. Lynn was concerned because there was no mention of the possibility of having the sewer line go down Cayuga Heights Road. Don explained that this was because there were no environmental concerns there since it is along the road. Don stated that we still have a long ways to go in terms of further agreements and decisions as to the final location of the transmission line. Dave Putnam stated that the SEQR review was done so that the Village could better chose where the transmission line should be located. Frank was not prepared to say that the Cayuga Heights Road option would be without possible environmental and property issues. Don stated that none of the routes would be without such issues. Frank was concerned because the engineering is not complete. Don stated that the bottom line is that there is no easy solution and further environmental review may be necessary in certain circumstances.

The Board was satisfied that the proposed approval resolution doesn't compromise their decisions down the road. The expanded service issue is the key. It is anticipated that each municipality involved in this intermunicipal sewer venture has adopted or will be adopting a similar resolution. David Dubow has prepared the following resolution:

RESOLUTION # 4013- TO APPROVE AND AUTHORIZE EXECUTION OF (1) THE ITHACA AREA MUNICIPAL WASTEWATER COLLECTION IMPROVEMENT PROJECT STATE ENVIRONMENTAL QUALITY REVIEW ACT STATEMENT OF FINDINGS AND (2) THE PROPOSED INTERMUNICIPAL WASTEWATER AGREEMENT BY AND AMONG THE VILLAGE OF CAYUGA HEIGHTS, TOWN OF DRYDEN, CITY OF ITHACA, TOWN OF ITHACA, TOWN OF LANSING AND VILLAGE OF LANSING

WHEREAS the Village of Cayuga Heights, Town of Dryden, City of Ithaca, Town of Ithaca, Town of Lansing and Village of Lansing (the "Parties") have worked together over an extended period of time on the Ithaca Area Municipal Wastewater Collection Improvement Project ("the Project") in Tompkins County, New York in an effort to reach agreement on how best to provide wastewater services to their respective communities and meet their wastewater discharge permit requirements; and

WHEREAS, the respective legislative bodies of the Parties have determined that joint actions and cooperation among the Parties to meet their respective needs are in their best interests, will benefit their respective citizens, and will help protect the water quality of Cayuga Lake; and

WHEREAS, the efforts of the Parties have included a full environmental review (the "SEQRA Review") under the New York State Environmental Quality Review Act (SEQRA) with respect to which review the New York State Department of Environmental Conservation (DEC) is the Lead Agency and all of the Parties, as Project sponsors, are Involved Agencies; and

WHEREAS, the foregoing efforts of the Parties have resulted in (i) a proposed Ithaca Area Municipal Wastewater Collection Improvement Project State Environmental Quality Review Act Statement of Findings (the "Findings Statement") to be adopted by each of the Parties as an Involved Agency, and (ii) a proposed Intermunicipal Wastewater Agreement (the "Intermunicipal Agreement") to be executed by each of the Parties; and

WHEREAS, a public hearing has been held by the Village of Lansing on December 15, 2003 for the purpose of considering the approval and authorization for execution of the Findings Statement and Intermunicipal Agreement; and

WHEREAS, the Village of Lansing Board of Trustees, on behalf of the Village of Lansing as an Involved Agency in the foregoing SEQRA Review, on December 15, 2003, reviewed the Findings Statement and, as it deemed appropriate, such other documents which may have been prepared with respect to the Project and its environmental review, and (ii) analyzed the potential relevant areas of environmental concern to determine if the Findings Statement accurately and fully reflects findings to which the Village of Lansing would be willing to agree; and

WHEREAS, on December 15, 2003, the Project, SEQRA Review, Findings Statement, and Intermunicipal Agreement came before the Village of Lansing Board of Trustees for action thereon, at which time the Board reviewed and analyzed the Findings Statement and Intermunicipal Agreement, (ii) reviewed and analyzed the issues raised during the public hearing and otherwise raised in the course of its deliberations, (iii) addressed such issues, and (iv) determined that action thereon be taken;

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Lansing Board of Trustees hereby authorizes on it's behalf the approval and execution, as required, of the Findings Statement and Intermunicipal Agreement, and the delivery thereof to all of the Parties and all other required parties; and be it further

RESOLVED, that the Village of Lansing Board of Trustees hereby authorizes the appropriate Village officials and representatives to proceed as required under the Intermunicipal Agreement, including, but not limited to, the taking of such action as may be required to negotiate the terms of any additional agreements with one or more of the Parties for the purpose of giving force and effect to the Intermunicipal Agreement, it being understood that any such further agreements shall require additional and separate approval of the Village of Lansing Board of Trustees.

Trustee Fresinski moved that this resolution be adopted and Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye Trustee Frank Moore-Aye Trustee Larry Fresinski-Aye Trustee Lynn Leopold-Aye
Trustee Janet Beebe-Aye

Next item on the agenda was the approval of the minutes for December 1, 2003

Motion-Approval of Minutes for December 1, 2003

Trustee Leopold moved that the draft meeting notes, as reviewed and revised by the Clerk/Treasurer and the Board, are hereby adopted as the official minutes. Trustee Moore seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye Trustee Larry Fresinski- Aye Trustee Janet Beebe-Aye Trustee Frank Moore- Aye Trustee Lynn Leopold-Aye

The Board reviewed the vouchers. The Mayor pointed out that the village has spent approximately $50,000 to date for its share of the SEQR review for the Intermunicipal Wastewater Project. He explained that the Village budgeted last year for a $20,000 contribution, but didn't include anything in this year's budget. Therefore, a budget transfer is necessary. Jodi went on to explain that the Village did not budget for the $28,500 for the Intermunicipal Sewer SEQRA work by Stearns & Wheeler G8120.4, Contractual I&I, will be over by $33,459.370. After first consulting with our accountants, Jodi recommended that a transfer be done of $40,000 from G8120.22, Capital Projects to G8120.4. The Capital Projects line item was initially in the budget for N. Triphammer Road, but since we will not be spending it all this budget year we can transfer the money and make a note to add $40,000 into the 2004-05 sewer budget.

Another Budget adjustment, which needs approval, is to adjust for the Village not being able to refinance its sewer debt. Jodi reminded the Board that when it initially approved the budget we were still looking into refinancing the outstanding sewer indebtedness and the Board approved the budget as if we could refinance. When it was determined that we were unable to do this, we adjusted our tax roll before the tax bills went out, but we never did a budget adjustment to reflect this. To rectify this situation a budget adjustment is now necessary.

Resolution #4014- To Make the Two Following Adjustments to the 2003-04 Budget

Debit Capital Project G8120.22	$40,000	
Credit Contractual I&I G8120.4		$40,000
Debit Principal G9710.6	$45,300.	
Credit Interest G9710.7		$12,069
Credit Special Assessment G1030		$33,231

Trustee Beebe moved that this budget adjustment be completed and Trustee Fresinski seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye Trustee Frank Moore-Aye Trustee Larry Fresinski-Aye Trustee Lynn Leopold-Aye
Trustee Janet Beebe-Aye

The Board was advised that Ben Curtis, the Village Zoning/Code Enforcement Officer has asked that a Temporary Certificate of Occupancy be issued for 61 Janivar Drive. John Roy has substantially completed the work at that location except for establishing ground cover and minor site work. Drainage and erosion control measures are in place, but the lawn will have to wait until Spring. Ben has recommended a $400 security deposit and an expiration date of June 15, 2004.

Resolution #4015- To Issue a Temporary Certificate of Occupancy to 61 Janivar Drive with a $400 Security Deposit and an Expiration Date of June 15, 2004.

Trustee Fresinski moved approval of this resolution and Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye Trustee Frank Moore-Aye Trustee Larry Fresinski-Aye Trustee Lynn Leopold-Aye
Trustee Janet Beebe-Aye

Frank inquired as to whether the $81,000 payment to Fisher Associates included in the vouchers was appropriate and in line with the contractual arrangements with Fisher. The Mayor stated that Fisher is ready for the final review and we still owe $206,670 on the total design fixed contract. Don will be meeting with Fisher on Friday. Donald Hartill introduced the following:

Resolution #4016- Abstracts of Audited Vouchers

Be it RESOLVED, that Abstract of Audited Vouchers No. 7 for the General Fund, in the amount of $51,440.69, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 7 for the Water Fund, in the amount of $2,086.42, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 7 for the Sewer Fund, in the amount of $28,862.15, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 7 for the Capital Projects Fund, in the amount of $81,093.78, is hereby approved for payment

Trustee Beebe moved that this resolution be adopted and Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye Trustee Frank Moore-Aye Trustee Larry Fresinski-Aye Trustee Lynn Leopold-Aye
Trustee Janet Beebe-Aye

The Mayor stated that the auditors for the Village have completed the 2002-2003 year end report and Jodi has distributed a copy to each Board member. During the audit they became aware of opportunities for strengthening internal controls and operating efficiency. They noted that some of the bank reconciliation's at May 31, 2003 did not agree with the general ledger. Jodi explained that this had to do with the transfers to the capital reserves not being deposited until after May 31,2003. The other issue was that the Water Fund had a negative unreserved unappropriated fund balance of $55,165. The cause was an over appropriation of fund balance in the ensuing year's budget. The auditors recommended that the Village Trustees be aware of the fund balance levels during the budget process. The problem here was not including an unpaid water bill to Bolton Point in the formula.

The Mayor reported that he received a call from Mike Hall, facilitator for the Intermunicipal Wastewater group of six municipalities, on Saturday to inform him that the Town of Ithaca, City of Ithaca and the town of Dryden have all finally agreed on outstanding issues. They have agreed to supply service to the entire Town of Ithaca. The City will be presenting this to Common Council at a special meeting. If all of the approvals occur as anticipated, Don indicated that we should be in a position to start the Kline Road Bypass in the Spring.

The Mayor also reported that there are still a few right of way issues that are being dealt with regarding the North Triphammer Road Project. Lynn asked if we submit a design can we subsequently adjust it. Don stated that only small field design changes can be made. He emphasized that we have to get our design out to bid very soon or we'll miss the construction deadline.

Lynn informed the Board that John Lampman, a Village of Freeville Board member, called her to get her opinion of

Fisher Associates. Lynn gave him Larry's number. Both Don and Larry stated that they have been very pleased and impressed with Fisher Associates.

The Board was reminded that the Holiday Party will be December 22nd at Mayor Hartill's home.

Motion- To Adjourn

Trustee Fresinski moved for adjournment. Trustee Leopold seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Janet Beebe-Aye
Trustee Frank Moore-Aye
Trustee Larry Fresinski-Aye
Trustee Lynn Leopold-Aye

The meeting adjourned at 8:50pm.

Jodi Dake
Village Clerk

Improvement Project

State Environmental Quality Review Act

STATEMENT OF FINDINGS
ADOPTED
Date

1. Introduction

This is the ***(insert Agency name)*** Findings Statement for the Ithaca Area Municipal Wastewater Collection Improvement Project ("the Project") in Tompkins County, New York. The ***Agency*** is ***the lead/an involved*** agency for this Project.

A Findings Statement sets forth the basis for an Agency's decision on an action, in this case the funding and construction of sewer lines and pump stations in the Town of Lansing; the funding and construction of transmission mains in the Town of Lansing and Villages of Lansing and Cayuga Heights; the funding and construction of two flow diversions in the Village of Cayuga Heights and Town of Ithaca; and approval of an Intermunicipal Wastewater Agreement, which includes new coterminous service areas for the Village of Cayuga Heights Wastewater Treatment Plant and the Ithaca Area Wastewater Treatment Plant and expands existing service areas in the Towns of Lansing, Dryden and Ithaca.

The State Environmental Quality Review Act (SEQRA) requires that the Lead Agency and each Involved Agency make Findings with respect to an Action. The New York State Department of Environmental Conservation (DEC) is the Lead Agency for this Action. Involved Agencies include the Project Sponsors, which are the City of Ithaca, the Villages of Lansing and Cayuga Heights and the Towns of Ithaca, Dryden and Lansing.

This Findings Statement contains a brief description of the Action, a description of the SEQRA process, a discussion of significant impacts and mitigation measures, and a certification required by the SEQRA regulations.

The discussion of impacts and mitigation measures makes up the bulk of these Findings. The discussion is organized by topic or area of the environment, as were the Environmental Impact Statement (EIS) documents. In making Findings it is important to note that an Agency need not Find that the Action will result in no environmental impacts. Rather, SEQRA requires that agencies engage in a balancing process whereby environmental concerns are weighed against social, economic and other essential considerations. These Findings set forth the basis of the ***Agency's*** decision, and set forth conditions where appropriate.

2. Description of the Action

The Project involves the construction of approximately 26 linear miles of public collector sewers (both gravity and vacuum sewers) in the Town of Lansing, as well as the construction of three pump stations to convey sewage from topographic low points and 21 and 24-inch gravity transmission pipes to convey the sewage to the Village of Cayuga Heights Wastewater Treatment Plant (VCHWTP). The Project further involves interconnection of the VCHWTP service area and the Ithaca Area Wastewater Treatment Plant (IAWWTP) service area to allow for the diversion of up to 1.3 million gallons per day (MGD) (over the 20-year planning period) of sewage from the VCHWTP to the IAWWTP to utilize the existing permitted capacity at the IAWWTP. Much of this diversion will be from the northeast portion of the Town of Ithaca that is currently served by the VCHWTP, and the Town of Ithaca will utilize existing excess capacity it already owns in the IAWWTP. The Project also involves expanding the sewer service area in the Town of Lansing and the Town of Dryden, although no new sewers are proposed in Dryden at this time. Three small areas in the corners of the Town of Ithaca will also be added to the sewer service area. The Project will make existing wastewater treatment capacity available to serve the Village of Lansing. Finally, the Project also involves the approval of an Intermunicipal Wastewater Agreement by the six municipal sponsors. Among other things, this Agreement creates a new coterminous sewer service area for the VCHWTP

and IAWWTP and expands the sewer service area into new parts of the Towns of Lansing, Dryden and Ithaca.

The EIS further analyzes the potential environmental impacts of a conceptual future plan involving the construction of approximately 38 miles of collector sewers and seven pump stations in the Town of Lansing. It is anticipated that these improvements would be owned and maintained by the municipality in which they are located. It is emphasized that sewers associated with the conceptual future plan are not currently proposed and funding has neither been sought nor provided for them. However, to the extent that the potential environmental impacts of the conceptual future plan can be assessed, the EIS does so in order to assess impacts from the proposed and conceptual projects together, and to determine what the boundaries should be for the VCHWTP-IAWWTP service area. If the conceptual sewers are ever proposed in the future, their impacts will be evaluated through a future environmental review process.

3. Procedure

On August 18, 1999, the Project Sponsors requested that DEC serve as the Lead Agency for this Project. Notice of the DEC's intent to serve as Lead Agency was circulated to interested and involved agencies by letter dated September 29, 1999. No objections were raised with respect to the DEC's serving as Lead Agency, and on November 1, 1999 the DEC became Lead Agency for the SEQRA review. A draft Scoping Document was prepared setting forth the issues to be addressed in the Draft Environmental Impact Statement (DEIS). On September 6, 2001 DEC held a public meeting at which comments on the draft Scoping Document were received. From August 27, 2001 to September 21, 2001 DEC also accepted written comments on the draft Scoping Document. On June 4, 2002 the DEC adopted a final Scoping Document for the Project. On June 20, 2003 the DEC accepted the DEIS as complete and issued it for public comment. DEC held a public hearing on the DEIS on July 31, 2003. The DEC accepted comments on the DEIS until August 11, 2003. The Final Environmental Impact Statement (FEIS) was accepted by DEC on November 13, 2003.

4. <u>Project Need and Benefits</u>

- The DEIS and FEIS documents contain an extensive discussion of Project need. The Project is needed in order to eliminate ground and surface water pollution currently caused by inadequate on-site sewage disposal systems and to protect public health. The proposed Project will eliminate a number of sewage discharges and provide a higher level of sewage treatment than presently occurs within the area proposed to be serviced. More specifically, the proposed benefits are as follows.

- Currently, inadequate on-site septic systems are in use within the proposed Town of Lansing Service Area. For example, the Tompkins County Health Department has identified limitations or inadequacies with systems in the Ladoga Park area (including 30 systems that are inundated by Cayuga Lake during high water), the mall near the intersection of Atwater Road and Route 34, the tavern at the corner of Drake Road and Route 34 and at the Lansing Central School District. The Health Department has conducted several surveys of drinking water wells and septic systems in the Town of Lansing and found high rates of well contamination and septic system failure. Elimination of these inadequate septic systems will improve ground and surface water quality, reduce the risk to drinking water supplies, and benefit public health.

- Currently, individual SPDES discharge permits are held by residential, commercial, industrial and institutional facilities that fall within the proposed Town of Lansing Service

Area. These include the Lansing Central Fire Station, Colonial Cleaners, Hunter Apartments, Lakewatch Inn, New York State Office of Children & Family Services facilities, Cargill, Inc., Woodsedge Apartments, Transonic Systems and UPS. Elimination of the individual sewage discharges at these facilities will improve the water quality of surface waters because, for example, with the exception of the New York State Office of Children & Family Services facilities, the systems for which these permits have been issued do not incorporate phosphorus removal.

- The Project will meet the need for additional public sewage capacity in the Town of Lansing.

- The Project will occur in an area that is already partially developed, thus promoting infill rather than conversion of open space and agricultural lands.

- The sizing of mains, pump stations and other facilities will provide the opportunity for future expansion of public sewer service within the Town of Lansing Planning Area without the need for additional construction, thereby avoiding duplicated construction impacts.

- The provision of sewers within the Town of Lansing Service Area and, potentially in the future, the Town of Lansing Planning Area, will allow for controlled growth in the Town of Lansing in accordance with that community's planning policies.

- The Project will eliminate SPDES permit flow exceedances at the VCHWTP.

- The Project will provide for more public sewer capacity in the Village of Lansing.

- By incorporating the Town of Dryden within the proposed future sewer service area, sewer service may in the future be extended to the Town of Dryden.

5. Alternatives

Alternatives to the Project were thoroughly analyzed during the planning phases of the Project. This analysis was summarized and supplemented in the DEIS and FEIS documents. Other alternatives were also analyzed in the DEIS and FEIS. The analyses found that:

- The use of vacuum sewers (commonly used in areas of relatively flat topography where slopes are not suitable for the use of gravity sewers) for the entire Town of Lansing Service Area was not practical because of higher costs and because the majority of the Service Area has slopes suitable for conventional gravity sewers.

- The use of small diameter variable slope sewers with full-size septic tanks to capture solids in the Town of Lansing was rejected because this alternative would have higher long-term costs without having any particular environmental benefit.

- The construction of several small package wastewater treatment plants or neighborhood subsurface areas in the Town of Lansing as alternatives to use of existing municipal plants were rejected because of the higher likelihood of failure from multiple facilities and because of the lower level of wastewater treatment that would likely be achieved.

- Alternative wastewater discharge locations such as sub-surface discharge or land application were rejected because of the amount of land required, operational difficulties, cost considerations and the significant transport infrastructure that would be required.

- Discharge into a nearby receiving water body instead of Cayuga Lake is not feasible, given the low summer base

flows in tributaries to the Lake such as Salmon Creek and Gulf Creek.

- Composting toilets are not considered by the Lead Agency to be a practical regional alternative because of scale considerations, although they are viable for individual use.

- The construction of a new municipal wastewater treatment plant was rejected because it would not meet the goal of providing a regional alternative using existing facilities; it would result in an additional wastewater treatment facility requiring proper operation, with a resultant higher risk of malfunction and environmental pollution; small municipal plants often have more operational and compliance problems than regional plants; and small municipal plants seldom are "state-of-the-art" due to an inability to spread higher costs over a small tax base. While issues related to VCHWTP and IAWWTP discharges were outside the EIS's scope, the Lead Agency noted that the regional solution is acceptable because phosphorus loadings discharged into the southern end of Cayuga Lake attributable to Town of Lansing flows would be very small (less than ¼ pound per day initially and less than ¾ pound per day in 20 years with tertiary phosphorus treatment). The Lead Agency further noted that overall phosphorus loadings to southern Cayuga Lake will decrease in the range of 20 to 31 pounds per day on an average annual basis with the planned phosphorus treatment upgrades at the VCHWTP and IAWWTP, even with the added Town of Lansing flows.

- Treatment at an expanded VCHWTP is technically feasible, but would be more expensive and has no particular environmental benefits over the preferred alternative.

- Decommissioning of the VCHWTP and treatment of all wastewater at the IAWWTP would have the benefit of reducing the number of operating facilities with associated risk of malfunction. However, it is more costly than the preferred alternative and so was rejected.

- Use of the VCHWTP for primary treatment, followed by transmission of wastewater to the IAWWTP for final treatment was rejected because it would be more costly without having any particular environmental benefits.

- Larger and smaller sewer service areas were considered in the Town of Lansing. The service area chosen best meets the sewage treatment needs of the Town of Lansing.

- Alternative transmission main pipe sizes were considered. However, the proposed transmission main pipe size is the minimum necessary to meet recognized design standards. In addition, a smaller main could not be efficiently upgraded or supplemented in the future without significant cost and duplicated construction impacts.

- The DEIS contains an assessment of the use of an alternative transmission main route that would avoid the Esty's Glen and McKinney's Twin Glens Unique Natural Areas (UNAs). Conventional construction of the proposed route through the UNAs would permanently disturb the vegetation that has been re-established on and along the former railroad grade, and a pipe bridge crossing Twin Glens would add an additional man-made feature to the glen. The alternative transmission route would avoid all disruption to these UNAs but would require additional pump stations and would have higher operations costs. With the mitigation identified in Section 6.7 below, either route is viable and acceptable. The Village of Lansing Board and Town of Lansing Board will reach consensus on which route to select and on transmission main cost-sharing issues.

- The FEIS contained an analysis of the use of the Norfolk Southern railroad right-of-way for the sewer transmission main. The analysis concluded that this route is not feasible for construction and cost reasons.

No comments were received that would alter the ***name of Agency's*** conclusion that the proposed Project best meets the objectives of the Project Sponsors.

6. **Findings, Basis and Rationale for Decision**

The following discussion sets forth the Findings, basis and rationale for the ***Agency's*** decision, including required mitigation measures.

6.1 Topography

Topography in the EIS Study Area ("the Study Area") ranges from approximately 400 feet above mean sea level to 1100 feet above mean sea level. Topography generally slopes from east to west towards Cayuga Lake. Steep slopes are found along Cayuga Lake and along stream banks. Potential impacts relate to the potential for erosion and subsequent sedimentation of water bodies during construction, especially on steep slopes. The ***Agency*** Finds that mitigation measures shall include the following:

a. Adherence to the requirements of a general stormwater permit, and preparation of a Stormwater Pollution Prevention Plan prior to construction. The plan will include erosion control measures designed in accordance with the following documents:

- New York State Guidelines for Urban Erosion and Sediment Control (April 1997)
- New York State General Permit for Stormwater Runoff Discharges, GP-93-06 (General Permit) Appendices D, E, and F (Stormwater Pollution Prevention Plan)

b. Work will progress in a systematic fashion with the following phases: land clearing, excavation, installation or construction, backfill and restoration. All ground surfaces that will be disturbed during construction will be stabilized and restored.

c. Earthwork will be performed with the objective of completing pipe trench excavation and backfilling sequentially. After clearing of vegetation from the earthwork areas, topsoil will be removed and stockpiled for reuse. Topsoil stockpiles will also be subject to erosion control measures.

6.2 <u>Geology</u>

The Study Area is underlain by sedimentary rocks. Bedrock depths are relatively shallow. Blasting may be required to install sewer lines in some locations. The ***Agency*** Finds that mitigation measures shall include the following.

a. Ripping shall be the preferred method of removing shallow bedrock except where the Project Engineer determines it is not feasible.

b. When blasting is found necessary, all blasting operations will adhere to New York State ordinances governing the use of explosives. The State regulations are contained in 12 NYCRR Part 39 and Industrial Code Rule 53, and include such requirements as licensing of operators; magazine (explosive storage) certification; and rules for conducting operations in a safe manner. Proper program guidelines will be established between the State, the Project Engineer, and the blasting contractor prior to undertaking this activity. In addition to obtaining applicable blasting certifications and complying with all blast safety requirements, a blast monitoring program will be implemented.

c. All pertinent safety regulations and standards shall be applied as required for safety, security and other related details for any blasting deemed necessary. Applicable safety regulations are:

- US Army Corps of Engineers Safety Manual EM 385-1-1;
- Code of Federal Regulations A.T.F. Title 27;
- Institute of Makers of Explosives Safety Library Publications No. 22;
- New York State Industrial Code Rule 53.

d. Storage of all explosive materials shall be located on the site at a location approved by the blasting engineer. Caps or other detonating devices will not be stored with Class A explosives. Design of the powder magazine shall be in accordance with the references above. The security for explosives and blasting materials stored on-site will be in accordance with safety requirements of the blasting engineer.

e. Delivery and transportation of explosives from the powder magazines to the blast area will be by vehicles specifically designed for this use by the criteria outlined in the safety requirements. Only authorized persons will transport and handle the explosives as designated by the authority of those licensed for this purpose. At all times federal, state, and local ordinances will be followed concerning the transportation and storage of explosives.

f. The designated storage site, explosive transporting vehicles, and areas where explosives are being used shall be clearly marked and will display the required warning signs. A daily tally of all explosives delivered, used and stored will be maintained.

g. Prior to blasting, necessary precautions for the protection of persons and adjoining property will be established. Such precautions shall include the following.

- Appropriate signs will be erected in the area of blasting activities.
- All adjoining property owners will be mailed notification of the anticipated blasting schedule.
- Notification of blasting at the site will be published in newspapers prior to the blasting schedule.
- A storm alert monitoring device will be used by the blasting contractor to detect any electrical build-up in the atmosphere at the blast area while using electrical caps.
- Special care will be taken with detonating cords and connectors to protect from the impact of falling rocks or other impeding objects.
- Vehicles equipped with radio transmitters and portable 2-way radios will not be permitted within 250 feet of blasting operations.

6.3 Soils

Impacts to soils include the potential for erosion, the generation of dust during construction and the likelihood that high groundwater will be encountered during construction. The ***Agency*** Finds that mitigation measures shall include the following.

a. The mitigation measures specified in Section 6.1 of these Findings will mitigate erosion impacts.

b. To mitigate the effects of dust during construction, the following measures are required.

- All paved areas must be swept clean on a daily basis.
- During periods of drought or little rainfall, areas devoid of topsoil will be watered regularly to minimize the amount of dust entering the air.
- In periods of extreme rainfall or muddiness, truck washing stations will be established to avoid tracking significant quantities of soil onto area roadways.

c. To minimize the effects of high groundwater in areas where trench excavation is required, typical dewatering measures should be utilized to prevent surface water and/ or ground water from entering excavations. Typical measures shall include, but are not limited to:

- Installation of dewatering systems utilizing wells, well points, or similar methods complete with associated pump equipment, standby power and pumps, valves and associated appurtenances.

- Maintain the system to control groundwater and maintain relatively dry conditions to excavate and place fill on dry subgrades.

- Dispose of water removed through the dewatering process in a manner that avoids endangering public health, property, wetlands, UNAs and portions of work already completed. This will generally involve the use of detention ponds in which sediments may settle prior to discharge.

6.4 Water Resources

a. The Project will result in the decommissioning of numerous in-ground sewage disposal systems, including individual and institutional systems. As mentioned above, septic systems in Ladoga Park along the shore of Cayuga Lake regularly flood, resulting in direct sewage discharge into Cayuga Lake. Past Tompkins County Health Department (TCHD) surveys show that many septic systems within the Town of Lansing Sewer Study Area were in failure or were expected to fail soon. The TCHD has expressed concerns about the four on-site sand filter systems at the Lansing Central School District (design flow of 35,300 gallons per day) that serve the schools and discharge to surface waters that drain to Salmon Creek and Cayuga Lake. The TCHD has also identified limitations or inadequacies with on-site septic systems in the Ladoga Park area, the mall near the intersection of Atwater Road and Route 34, and the tavern at the corner of Drake Road and Route 34.

   The TCHD has stated that the soils in much of the Town of Lansing Sewer Study Area are marginal to poor for on-site sewage systems. TCHD records show the Town of Lansing Sewer Study Area has a higher per capita replacement rate than the replacement rates in any of the towns in Tompkins County. The TCHD has also found that a significant number of drinking water wells it tested in the hamlet of Ludlowville were contaminated with sewage.

   The Project will also result in the decommissioning of package treatment plants that have individual SPDES permits. These package plants do not generally provide as high a level of treatment as the VCHWTP and IAWWTP will provide once their planned phosphorus upgrades are in place, because only one of the package plants provides phosphorus treatment.

   The ***Agency*** Finds the Project will have the significant positive impact of eliminating wastewater discharges to Cayuga Lake, its tributary streams, and groundwater resources, and of reducing the threat to public health. The elimination of these discharges will improve ground and surface water quality, reduce the risk to drinking water supplies, and benefit public health.

   Issues related to IAWWTP and VCHWTP discharges were outside the scope of the EIS because those plants will be operating within their previously established SPDES permit limits. However, the ***Agency*** recognizes that with proposed improvements to these municipal plants, there will be a large net reduction in phosphorus discharge to the southern end of Cayuga Lake from these plants, even with the addition of flows from currently unsewered areas, including the Town of Lansing.

b. There are numerous streams located throughout the Project Area. Sewer lines are proposed to cross streams in 43 locations. None of the streams are classified as protected by the DEC in the crossing locations.

It is anticipated that the U.S. Army Corps of Engineers would authorize this Project under Nationwide Permit 12 for utility crossings of wetlands and waters. Under this Nationwide Permit, notification (i.e., a Pre-Construction Notification or PCN) will be made if any of the following occur:

- There was mechanized land clearing in a forested wetland.
- A Section 10 permit is required (i.e., the project crosses a navigable water).
- The utility crossing(s) [cumulatively] impact more than 500 linear feet of waters.
- There are permanent above-grade fills for roads that are more than 500 linear feet in length in waters of the United States.
- Any permanent above-grade fills for roads are constructed with impervious surfaces.

A DEC Protection of Waters permit under 6 NYCRR Section 608 is required. A Stream Disturbance permit is not required because the Project does not impact any streams with classifications of C(t) or higher. However, the Project will need a Section 401 Water Quality Certificate, which is also authorized under 6 NYCRR Part 608, specifically Section 608.9. Any applicant for a federal license or permit to conduct any activity that would result in a discharge into a navigable water must obtain a Section 401 Water Quality Certificate. Therefore, Section 401 Water Quality Certificates are required in association with US Army Corps of Engineers permits, including Nationwide Permits.

The DEC has issued blanket, or automatic Section 401 Water Quality Certificates for Nationwide Permit 12 when:

- The Project does not involve an Article VII permit under the Public Service Law.
- Materials are not sidecast into waters of the United States for more than 30 days.
- Materials are not sidecast into any waterbody or stream with measurable flow.
- When the project involves less than $1/10^{th}$ an acre of permanent discharges and less than 200 linear feet of stream disturbance [cumulative].

Therefore, the need to obtain a blanket versus an individual Section 401 Water Quality Certificate will be dependent upon the length of stream disturbance associated with the utility crossings.

The ***Agency*** Finds that, in addition to compliance with all necessary federal and state permits and requirements, the following mitigation measures will be implemented to protect streams from adverse impacts.

Whenever possible, stream crossings will be constructed during the dry season in order to avoid the potential for significant flows. Trenched stream crossings will be constructed in the "dry" where the water flow is either flumed or pumped across the work area. This will eliminate the great majority of downstream siltation during the pipeline installation. Hay bales and silt fences will be used as specified in the erosion control plan to prevent siltation

from upslope areas. Whenever possible, excavation will be done from the banks, keeping equipment out of the streambed. In larger streams, the installation may be a two-step procedure. The water flow may be diverted away from the working side by the use of a cofferdam, then reversed to install the remainder of the pipeline across the stream. Trenching may also be done with a rock saw. This method would also be done as a dry crossing. In addition, the following specific mitigation measures are required.

- All staging areas for stream crossings will be kept at least 100 feet away from the stream.
- No refueling, equipment repair or lubricating will be allowed within 100 feet of a stream unless said stream is located immediately adjacent to a road crossing, with limited access, and therefore requires such activity.
- Proper spill containment will be used to isolate these activities and minimize the potential for spills in such instances.
- Whenever possible, stream crossings will be avoided at a stream bend, in areas of undercut banks, or in areas where the bank is unstable.
- In areas where long slopes lead to streams, water bars will be installed. Otherwise, silt fences and/or hay bales will be installed.
- The necessary grading and brush clearing of stream banks will take place immediately prior to trenching in order to minimize the exposure of bare soil.
- Stream bank and flood plain stabilization measures will be immediately implemented upon completion of construction.
- In-stream disturbances will be minimized.
- All trenching will be performed in such a way so as to prevent the introduction of sediments into streams.
- No flow obstructions will be left in the streambed or channel.
- The streambed and banks will be restored as close to the original contours as possible.
- If a stream crossing is located within a wetland, the crossing will be designed to minimize the length of any right-of-way constructed parallel to a stream course within the wetland. Silt fencing and/or haybales will be used to insure that siltation is minimized and retained within the work area. The bank and trench spoil piles will be isolated from the wetland by silt fences. Separation of topsoil and subsoil will be necessary during the bank excavation within the wetlands. Care will be taken to reestablish the stream channel in the original location and condition.
- Any stream banks will be restored to the original contour and stabilized.
- The conditions at some stream crossings may make trenching difficult and unacceptable from a construction standpoint. In these areas, a directional bore crossing method may be used. The potential impact from directional boring is the potential of leakage of the cutting and lubricating fluid. The starting and ending points for the directional bore will be in uplands. The directional bore work areas will be protected with silt fences in order to contain any surface outflows of the liquid. Fluid flow controls will be available to quickly seal any leakage. Any leakage will be removed from the boring location, and the area restored prior to removal of silt fences.

Sewer lines will be located within mapped 100-year floodplains in several locations. However, since the lines will be underground, no adverse impacts are anticipated.

Sewer lines will come in close proximity to a private water supply cistern at 1203 East Shore Drive and, depending on the exact location of construction routing, a public water supply well point on Burdick Hill Road. To mitigate the potential impact of water contamination from leaking sewer lines, the ***Agency*** Finds that lines must be double sleeved within 100 feet of these water supplies. The ***Agency*** further Finds that during construction, the location of the East Shore Drive cistern must be marked in the field and all construction activities must be maintained at a safe distance from the cistern to avoid adverse impacts. The safe distance will be determined in the field based on soils characteristics.

The conceptual future sewer plan in the Town of Lansing Planning Area also involves the crossing of approximately 50 streams, including one regulated stream. The ***Agency*** Finds that mitigation measures identical to those identified above should be considered should this plan be advanced beyond the conceptual stage.

6.5 Flora and Fauna

Correspondence was sent to the State and Federal governments regarding the presence of rare, threatened or endangered species in the DEIS Study Area.

The United States Department of the Interior Fish and Wildlife Service (USFWS), indicated that there are no Federally listed or proposed to be listed rare, threatened or endangered species under the jurisdiction of this agency within the EIS Study Area.

According to the New York State Department of Environmental Conservation Natural Heritage Program, there are several State listed rare, threatened or endangered species within the EIS Study Area. Areas potentially impacted by the Project are the Esty's Glen and McKinney's Twin Glens and Lake Cliffs UNAs. The DEC prohibits the precise location of such species from being made public in order to protect the species. The list of potential species is in the possession of the Project Sponsors.

Impacts to rare, threatened and endangered species relate to the disruption of their habitat or the direct destruction of the species themselves. A biological survey of the proposed sewer transmission routes will be performed in the locations listed by the DEC prior to construction to ensure no such species will be disturbed. The ***Agency*** Finds that with this survey and with the mitigation required by Section 6.7 below, no adverse impacts will occur.

6.6 Wetlands

The proposed Project will not affect any known or mapped State or Federally regulated wetlands. Because small, unmapped wetlands are sometimes found to exist in the field, the ***Agency*** Finds that prior to construction, the proposed construction route will be walked by a wetland scientist to confirm this Finding. Should any wetlands be found to exist, a mitigation plan shall be developed.

The conceptual future sewer plan in the Lansing Planning Area involves the crossing of the Head Corners Wetland, which is Federally regulated and which is also a designated Tompkins County Unique Natural Area. The ***Agency*** Finds that an alternate route and other mitigation measures should be investigated during the environmental review that will be done should this plan be advanced beyond the conceptual stage.

The conceptual future plan also locates a sewer line along Benson Road within 100 feet of DEC wetland WG-14. If this plan is advanced beyond the conceptual stage, construction of this sewer line would require a permit. The ***Agency*** Finds that additional mitigation measures should be

considered should this plan be advanced beyond the conceptual stage.

6.7 Unique Natural Areas

UNAs are sites with outstanding environmental qualities, as defined by the Tompkins County Environmental Management Council. There are 42 UNAs in the Project Area. Sewer lines will pass through UNAs in several locations. The ***Agency*** Finds that the following specific measures will be implemented to mitigate adverse impacts to UNAs.

a. Impacts to UNA 55, Lower Salmon Creek, relate to the need for construction mitigation of short-term impacts related to installation of the sewer main on the bridge so that it may cross this stream. Such mitigation measures are discussed in Finding 6.4.

b. Impacts to UNA 63, Shurger Glen, are anticipated to be minimal, as the proposed sewer line route will avoid the wooded portion of the lower glen. Mitigation measures are therefore those for soil and erosion control discussed in Finding 6.3.

c. Impacts to UNAs 64 and 89, the Lake Cliffs, relate primarily to the need for soil erosion control. Such mitigation measures are discussed in Finding 6.3. In UNA 89, trenchless technology will be used where appropriate to avoid excavation through identified and surveyed vegetative communities that are known to be or identified as rare or endangered.

d. Impacts to UNA 90, Esty's Glen, are limited to the potential for disturbance of the edge of the UNA from construction in the road right-of-way. Mitigation measures are those for soil and erosion control discussed in Finding 6.3.

e. Impacts to UNA 103, McKinney's Twin Glens and Lake Cliffs, primarily relate to the potential for disturbance of protected species. In these areas a biological survey of the proposed sewer line route will be constructed prior to construction to ensure that no such species will be disturbed. Trenchless technology will be used where appropriate to avoid excavation through identified and surveyed vegetative communities that are identified as rare or endangered.

f. Impacts to UNA 102, the Renwick Slope, are anticipated to be minimal because the route will follow an existing sewer line right-of-way that is mowed and maintained for that purpose. Mitigation measures are those for soil and erosion control discussed in Finding 6.3.

g. With respect to UNAs 53 and 54, no significant impacts are anticipated and therefore no mitigation measures are proposed.

h. With respect to general construction, the following mitigation measures have been identified.

- The construction route will be marked in the field and temporary barriers erected to protect adjoining trees and vegetation.

- All trees over 12" diameter at breast height will be marked; if possible, the route will be adjusted in the field to avoid the destruction of such trees.

- Construction equipment and materials may not be staged within the boundaries of UNAs except where no alternative location exists.

i. The EIS contained a discussion of the possible use of the former railroad right-of-way, which is on private property, as a recreation trail. Discussions with the impacted landowners show they do not favor creation of a public pedestrian right-of-way. Such a trail would not directly mitigate the environmental effects of the proposed transmission main, although it would increase recreational opportunities. The ***Agency*** Finds that conversion of private lands for recreational trail purposes is a controversial matter with the affected landowners and the location of any future trail will require more public input and discussion before the Village of Lansing Board can make a decision.

j. Sewer line routes proposed in the conceptual plans for the Lansing Planning Area will undergo additional environmental review should these plans advance beyond the conceptual stage. In the conceptual plans, sewer line construction is proposed to occur within several UNAs. Construction would occur along the roadside edges of the Lake Cliffs, the Ludlowville Woods, DEC Wetland WG-14, the Minnegar Brook Woods and the Lower Salmon Creek UNAs. Since construction would occur along the roadside edge of these areas, no significant disruption or disturbance would be expected, other than short-term disruptions to wildlife from construction associated noise. The ***Agency*** Finds no mitigation measures are likely to be necessary should this plan be advanced beyond the conceptual stage, as long as construction is proposed for only roadside edges.
UNA 64 is a unit of the Lake Cliffs UNA. The primary potential impact in this area is the potential for erosion and sedimentation from construction on steep slopes. The ***Agency*** Finds that mitigation measures discussed in Finding 6.3 should be considered for construction in this area should this plan be advanced beyond the conceptual stage.
As previously discussed, UNA 65 is the Head Corners wetland, a federally regulated wetland. A potential sewer line is shown to be constructed directly through this UNA, resulting in the potential for short and long-term habitat disruption and destruction. The ***Agency*** therefore Finds that an alternative to this route and other mitigation measures should be explored should this plan be advanced beyond the conceptual stage.

6.8 Climate and Air Resources

The Project will have no direct impact on air resources other than the generation of dust during construction. The ***Agency*** Finds that the mitigation measures for construction dust generation found in Finding 6.3 are required.

6.9 Visual Resources

The Project is not anticipated to have any adverse direct impacts on visual resources because the sewer lines will be underground and because the proposed pump station buildings will be small and unobtrusive. The ***Agency*** Finds therefore Finds that no mitigation measures are required.

6.10 Odors

Adverse impacts related to odors are limited to those from improperly operated wastewater pumping stations. Mitigation measures are related to proper operation and venting. If problems persist, the ***Agency*** Finds additional mitigation measures such as biofilters, carbon filtration and chemical addition are required.

6.11 Noise

The only noise-related impact identified from operations relates to that from emergency generators

when in use at the pump stations. These generators will be enclosed and they will be used infrequently (only when electric supply is disrupted or during infrequent testing periods). The ***Agency*** therefore Finds that this impact is not considered significant and no mitigation measures are required.

Construction equipment and blasting will generate noise during construction. This noise will be generated on a short-term basis and represents a short-term, adverse impact. The ***Agency*** Finds that construction equipment shall be properly maintained in order to minimize this impact to the maximum extent practicable.

6.12 Cultural Resources

A Stage 1A Cultural Resources Survey was conducted for areas proposed for construction. The survey identified the possibility of encountering cultural resources in areas that have not been previously disturbed. The ***Agency*** finds that the Project Sponsors will consult with the New York State Historic Preservation Office (SHPO) as to the extent and nature of any required 1B Field Investigation and will undertake such a survey in accordance with the direction of SHPO. The ***Agency*** further Finds the results of any required 1B testing and any mitigation plan must be considered by the Town of Lansing once a preliminary design is completed for the exact sewer routes.

6.13 Land Use and Zoning

The Project will have no direct impacts to land use or zoning. The ***Agency*** therefore Finds that no mitigation measures are required.

6.14 Transportation

The Project will have no direct impacts on transportation resources. During construction there will be short-term disruptions of traffic patterns. The ***Agency*** Finds that a Maintenance and Protection of Traffic Plan shall be developed to mitigate adverse transportation impacts during construction.

6.15 Demographics

The Project will have no direct impacts on demographics. The ***Agency*** therefore Finds that no mitigation measures are required.

6.16 Fiscal Impacts

The Project will be paid for out of a combination of State Bond Act grants, low interest loans and local matches (which may include bonds). The ***Agency*** Finds that no adverse impacts have been identified with respect to Fiscal impacts, and therefore no mitigation measures are required.

6.17 School Districts

The Project will have no direct adverse impacts on school districts. The Project will have the positive impact of eliminating on-site wastewater discharges at Lansing Central School District schools. The ***Agency*** Finds that no mitigation measures are required as no adverse impacts have been identified.

6.18 Community Services

The Project will have no direct impacts on community services. The ***Agency*** therefore Finds that no mitigation measures are required.

6.19 Growth Inducing Impacts

The EIS contained an extensive analysis of growth that could be induced in the Towns of Lansing and Dryden and the Village of Lansing as a result of the Project. The assessment covered three scenarios: Scenario 1 (growth at existing rates); Scenario 2 (moderately increased growth); and Scenario 3 (a highly increased rate of growth).

The analysis assessed the amount of residential and commercial growth that could occur over a 20-year period under each scenario and calculated impacts to transportation systems, school districts, community services, employment, municipal budgets and the region from each scenario. The analysis further analyzed impacts to land uses and calculated the amount of vacant and agricultural land that could be converted to developed land under each scenario.

Specific findings from the analysis include:

- With one exception, the future residential and commercial growth projections for all Scenarios are significantly less than the maximum amount of development that could theoretically occur under current zoning. The one exception is for commercial development in the Village of Lansing, where all remaining commercial square footage will be developed before the end of the 20-year period under even the lowest growth scenario, Scenario 1 (historic growth rates).

- Under Scenarios 2 and 3, the Lansing Central School District would experience enrollment increases in line with historic trends in this school district. Projected increases for the Ithaca City School District and Dryden Central School District under Scenarios 2 and 3 would reverse a trend of declining enrollment, but the number of students added each year is not significant when compared to existing enrollments and the fact the students would be spread out over all grades.

- Impacts on school budgets are relatively small. Growth under Scenario 3 results in annual budget deficits ranging from 0.10% to 1.06%. The impact would be even smaller under the other scenarios.

- Impacts to municipal budgets under Scenario 3 result in deficits of 0.7% in the Village of Lansing, 5.2% in the Town of Dryden, and 7.2% in the Town of Lansing. Deficits are much smaller under Scenario 2.

- Under accepted planning standards, adequate numbers of personnel and vehicles exist for firefighting and emergency medical services under all Scenarios. The number of police officers who serve the entire County currently falls short of planning standards, but if the officers in police agencies serving specific municipalities and organizations are factored in, there are more than the recommended numbers of officers. To the extent the number of officers serving the entire County falls below planning standards, this is an existing County-wide issue that is not attributable to the Project. The Project will not make this situation worse to the extent public sewers induce growth that simply displaces growth from one location within the County to another.

- Under accepted planning standards, more than adequate amounts of park acreage are available to residents within the EIS Study Area under all Scenarios.

- Traffic impacts changed very little when Scenario 1 (existing growth rates) is compared to Scenarios 2 and 3. There is very little change in traffic volumes at critical intersections throughout the area examined by the traffic model under all Scenarios. Two intersections are projected to experience significant declines in Level of Service, but such declines are expected even under Scenario 1 and thus are not attributable to the Project. In addition, one stop sign-controlled intersection saw a change in Level of Service as a result of the Project. This intersection changed from an A to a B Level of Service. There is very little change in the overall link volumes in all Scenarios.

- Public transportation services are not expected to be significantly impacted because the volume of growth attributable to the Project is relatively small. When considering proposed land use patterns, the relevant municipalities should nonetheless consider, where appropriate, mixed use development patterns that take advantage of or enhance transit connections.

- Significant employment is projected under all Scenarios because of projected commercial development. This increased employment is a positive impact. However, the difference in employment numbers between Scenario 1 (the historical rate of growth) and Scenario 3 is relatively small.

- Land projected to be converted to developed status under Scenarios 2 and 3 would result in significantly more land conversion over the 20-year planning period than has occurred over the past 10 years. This is not a significant impact, given that the planning period is twice as long as the 10-year benchmark.

- If development in the EIS Study Area were to favor agricultural lands, as opposed to other vacant lands, significant conversion of agricultural lands could result. However, it is extremely unlikely that all development would occur on just agricultural lands. In addition, the Study Area contains relatively little of the total active agricultural lands within the Towns of Lansing and Dryden. Only 7.4% of the Town of Lansing's 12,073 acres of agricultural lands are in the Study Area; 11.2% of the Town of Dryden's 9,004 acres of agricultural lands are in the Study Area. To the extent public sewers will promote infill and development within the Study Area, the significant amount of agricultural land located outside the Study Area may feel less development pressure. For all of these reasons, the overall impact to agricultural lands in the Study Area municipalities could be adverse but is not expected to be significant. To the extent the affected municipalities wish to conserve agricultural and open space lands, they can explore mitigation measures through their local planning and zoning processes. Mitigation measures could include limiting the scope of uses and densities allowed on agricultural and open space lands, providing for the transfer of development rights, and providing for clustered subdivisions.

- Population and commercial growth patterns in the region could be altered, but such impacts are difficult to quantify because they depend on a myriad of personal and individual business judgments. The levels of population growth under Scenarios 2 and 3 are not of the scale likely to result in significant new commercial development in the region. The overall regional impact on agricultural land and open space is small because relatively small amounts of such lands are located in the EIS Study Area when compared to that available in the entire region.

The Project will have a positive regional impact to the extent it will promote infill development in areas that are already partially developed, thus decreasing development pressures on undeveloped lands outside the Study Area.

The ***Agency*** Finds, based on the above information, that no significant growth-induced impacts will occur under any Scenario. The analysis will nonetheless be useful to the affected communities as a planning tool. The affected communities will be able to use the results of the analysis as they assess future growth in order to determine whether their zoning and planning policies are adequate or require revision.

6.20 Alternatives

The ***Agency*** Finds, based on the discussion and conclusions in Section 5 above and in this Section 6, that the proposed Project best meets the Sponsor's objectives while minimizing adverse environmental impacts.

6.21 Intermunicipal Wastewater Agreement

The Intermunicipal Wastewater Agreement sets out a framework for flow diversions and for coordination of operations between the VCHWTP and IAWWTP. It also contains proposed new service area boundaries for these two plants. Sufficient permitted capacity exists at the IAWWTP to accommodate the flow diversions described in the EIS. The ***Agency*** Finds, based on the discussion and conclusions in Sections 4 and 5 above and in this Section 6, that implementation of the Intermunicipal Wastewater Agreement and of the new service area boundaries are appropriate. With the mitigation identified in these Findings, any remaining environmental impacts will be acceptable and will be outweighed by the Project's benefits.

7. Certification

Based on the foregoing, the ***Agency*** certifies:

That it has considered the relevant environmental impacts, facts and conclusions disclosed in the EIS.

That it has weighed and balanced the relevant environmental impacts with social, economic and other considerations.

That it has provided a rationale for its actions; specifically, it has weighed and balanced the relevant environmental impacts with social, economic and other considerations; and made a determination that the significant benefits that will result from Proposed Actions outweigh the identified adverse environmental impacts given the measures that have been imposed by the ***Agency*** in order to ensure the potentially significant adverse environmental impacts have been mitigated to the maximum extent practicable.

That the requirements of 6 NYCRR Part 617 have been met.

That consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Ithaca Area Municipal Wastewater Collection Improvement Project is the alternative that avoids or minimizes adverse environmental impacts 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 that were identified as practicable.

INTERMUNICIPAL WASTEWATER AGREEMENT

This Agreement is made this _____ day of December, 2003, by and between the VILLAGE OF CAYUGA HEIGHTS, Tompkins County, New York, TOWN OF DRYDEN, Tompkins County, New York, CITY OF ITHACA, Tompkins County, New York, the TOWN OF ITHACA, Tompkins County, New York, TOWN OF LANSING, Tompkins County, New York, and VILLAGE OF LANSING, Tompkins County, New York (hereafter collectively referred to as the "Parties").

WHEREAS, the Village of Cayuga Heights constructed, owns and operates the Village of Cayuga Heights Wastewater Treatment Plant, located in the Village of Cayuga Heights, which serves its Village as well as certain areas in the Town of Dryden, Town of Ithaca, Town of Lansing and Village of Lansing; and

WHEREAS, pursuant to Article 5-G of the N.Y. General Municipal Law, the Town of Dryden, City of Ithaca and Town of Ithaca jointly constructed, own and operate the Ithaca Area Wastewater Treatment Facility, located in the City of Ithaca, which provides wastewater treatment services in certain areas in their respective jurisdictions; and

WHEREAS, the Village of Cayuga Heights Wastewater Treatment Plant operates at full capacity during certain parts of the year, and the Ithaca Area Wastewater Treatment Facility has excess capacity; and

WHEREAS, the Town of Lansing and Village of Lansing wish to obtain additional wastewater capacity, and the Town of Ithaca and Town of Dryden wish to utilize some of their excess capacity in the Ithaca Area Wastewater

Treatment Facility instead of continuing to utilize capacity in the Village of Cayuga Heights Wastewater Treatment Plant; and

WHEREAS, the Town of Lansing wishes to take advantage of grant funding for sewer infrastructure which it has been awarded under the New York State Clean Water/Clean Air Bond Act, and this Agreement will facilitate its ability to access those funds; and

WHEREAS, the Parties wish to provide wastewater services to their respective communities and meet their wastewater discharge permit requirements in the most efficient manner; and

WHEREAS, the respective legislative bodies of the Parties have determined that joint actions and cooperation among the Parties to meet their respective needs are in their best interests, will benefit their respective citizens, and will help protect the water quality of Cayuga Lake, and such legislative bodies having authorized their respective Mayors and Supervisors to sign this Agreement;

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements contained herein, the Parties agree as follows.

1. Definitions. These words and phrases shall have the following meanings:

A. Agreement. This Intermunicipal Wastewater Agreement.

B. Effective date of this Agreement. The date on which this Agreement is fully executed by all of the Parties.

C. Consent of a Party or Parties. Whenever consent of a Party is required under this Agreement, a majority vote of the full possible voting strength of the Party's governing body shall be necessary for that Party to give its consent. Whenever this Agreement requires the consent of the Parties, all of the Parties must give their consent before the proposed action can be undertaken.

D. Flow meter. A device that measures the flow rate and volume of sanitary sewage and provides a record of the flow data on a continuous basis.

E. IAWTF. The Ithaca Area Wastewater Treatment Facility, which is located in the City of Ithaca and is jointly owned and operated by the Town of Dryden, City of Ithaca, and Town of Ithaca.

F. IAWTF permit holders. Those municipalities that are or will be listed on the IAWTF's SPDES permit (the Town of Dryden, City of Ithaca, and Town of Ithaca).

G. Metrics. Measurements of system performance that form a basis for management decisions and actions.

H. O&M. Operation and maintenance.

I. Party or Parties. "Party" means one of the municipalities signing this Agreement. "Parties" means the six municipalities who are signing this Agreement, collectively.

J. Service area. Those areas within the Parties' jurisdictions that are delineated as such on the map annexed to this Agreement as Exhibit A.

K. SPDES permit. State Pollutant Discharge Elimination System Permit issued by the New York State Department of Environmental Conservation.

L. Treatment Facilities. The wastewater treatment plants located in the Village of Cayuga Heights and City of Ithaca, together with related jointly used equipment, interceptors and facilities, regardless of where such are located. "Treatment Facility" shall refer to either of these wastewater treatment plants, together with related jointly used equipment, interceptors and facilities serving that plant, regardless of where such are located.

M. VCHWTP. The Village of Cayuga Heights Wastewater Treatment Plant located in the Village of Cayuga Heights.

2. The service areas for the VCHWTP and IAWTF are hereby changed to be coterminous and are shown on Exhibit A. Any future changes to the service areas may be made only upon the written consent of all of the Parties.

3. Pursuant to a separate agreement or agreements by the IAWTF permit holders and one or more of the other Parties, the IAWTF shall accept flows from areas that, prior to the effective date of this Agreement, were served by the VCHWTP or were not served by public sewers.

4. The Village of Cayuga Heights shall enter into a separate agreement or agreements with the Town of Lansing and the Village of Lansing regarding the acceptance of flows from those two parties at the VCHWTP.

5. Two or more of the Parties may enter into separate agreements that provide for the use of jointly owned interceptors to collect and convey previously separate flows.

6. The Parties agree to utilize the concept of "equivalent flows" in the separate agreements referenced in paragraphs 3 through 5 above so that the Parties can collect and treat flows in the most efficient manner. The concept of "equivalent flows" means a Party's flows may be treated at one Treatment Facility, and to make room for those flows, flows from another Party or Parties may be diverted to the other Treatment Facility. As a consequence, the first Party may be required to (i) use or purchase capacity and/or pay for treatment of the diverted wastewater at the Treatment Facility receiving the diverted flows, even though the flows came from another Party or Parties; and/or (ii) use or purchase capacity and/or pay for the transmission of the diverted wastewater through a jointly owned interceptor even though the flows came from another Party or Parties.

7. The Parties shall develop metrics to measure flows from each Party to each of the Treatment Facilities. The Parties shall utilize flow meters, master water service meter readings and other appropriate information to determine each Party's flows to each Treatment Facility.

8. Each Treatment Facility will set its own O&M rate for each of the Parties it serves. The O&M rates shall include an economic incentive to reduce inflow and infiltration. The Treatment Facilities will adjust the O&M rates periodically to account for collection system improvements made by one or more Parties that reduce infiltration and inflow.

9. The governance of the two Treatment Facilities will not change on the effective date of this Agreement.

10. The Parties will create a committee to help coordinate and synchronize operations between the two Treatment Facilities, help plan for system improvements that benefit the Parties, and assist the Parties in the efficient provision of wastewater treatment services.

11. The Parties will adopt and maintain common pretreatment standards throughout the two Treatment Facilities' Service Areas. After adoption of the common pretreatment standards, any changes to the standards can be made only upon consent of all the owners of the Treatment Facilities. Any municipality that physically discharges into the IAWTF and is not an IAWTF permit holder shall enter into a multijurisdictional agreement with the IAWTF permit holders to assign responsibility for pretreatment program implementation and enforcement in that municipality.

12. This Agreement shall continue in force until May 15, 2026, which is forty (40) years after the original bonds were issued for the Treatment Facility located in the City of Ithaca. Upon the expiration of the original term, this Agreement may be renewed for additional terms of at least five (5) years each upon the written consent of all the

Parties.

13. If a Party wishes to terminate its participation in the Agreement during a renewal term, it must give at least four (4) years' written notice to the other Parties, and such notice shall contain the reason for such termination.

14. This Agreement constitutes the entire Agreement of the Parties. It may be amended only by the written consent of all of the Parties, with each Party executing and acknowledging the document containing the amendment through its duly authorized representative.

15. This Agreement shall be governed by the laws of the State of New York.

16. Each Party represents and warrants that (a) this Agreement has been presented to its governing body; (b) its governing body has approved this Agreement by a majority vote of the full possible voting strength of that governing body; and (c) if required, all steps by way of public hearings and/or referendum or otherwise have been taken by the time of execution of this Agreement. Resolutions of each governing body approving this Agreement are attached to this Agreement as Exhibit B.

17. No Party may assign or transfer its rights and interests in this Agreement to another entity without the prior written consent of all of the other Parties. Notwithstanding the foregoing, if one or more Parties dissolve into, merge with, or wholly annex another Party or Parties, the Party remaining after the dissolution, merger or annexation, or the new merged municipality, as the case may be, shall retain all of the rights and interests in this Agreement that were held by the involved Parties immediately prior to the dissolution, merger or annexation.