



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

JUN 25 2009

To All Interested Government Agencies and Public Groups:

In accordance with the U.S. Environmental Protection Agency's (EPA) procedures for the preparation of environmental impact statements (EIS), an environmental review has been performed on the proposed agency action below:

Project Name: Kings Highway Corridor Infrastructure Improvement Project

Purpose of Project: The purpose of this project is to create a water and sewer district and construct water and sewer lines in order to address problems with septic failures and poor quality drinking water along Kings Highway in the Town of Saugerties, Ulster County, New York.

Project Originator: Town of Saugerties

Project Location: Ulster County, New York

Project Description: The Town of Saugerties is proposing to construct water and sewer mains along 22,000 feet on either side of Kings Highway, between Route 212 and Glasco Turnpike, in the Town of Saugerties, Ulster County, New York. The actual construction area comprises a total of 25.25 acres, including 12 acres of paved surface and 13.25 of roadside lawn and landscaping.

Estimated Eligible Project Costs: \$5,495,150

EPA Grants: \$2,313,950

Our environmental review of this project indicates that no significant adverse environmental impacts will result from the proposed action. Consequently, we have made a decision not to prepare an EIS on the project. This decision is based on a careful review of the project's environmental information document, as well as other supporting information. All of these documents, along with the Environmental Assessment (copy enclosed), are on file at the offices of EPA Region 2 and the Town of Saugerties, where they are available for public scrutiny upon request. The EA is also available on EPA Region 2's website at <http://www.epa.gov/region02/spmm/r2nepa.htm#r2docs>.



Comments supporting or disagreeing with this decision may be submitted to EPA for consideration. All comments must be received within 30 calendar days of the date of this finding of no significant impact (FNSI). Please address your comments to: Grace Musumeci, Chief, Environmental Review Section, at the above address. No administrative action will be taken on the project for at least 30 calendar days after the date of this FNSI.

Sincerely,

George Pavlou
Acting Regional Administrator

Enclosure

Environmental Assessment

I. Project Identification

Project Name: Kings Highway Corridor Infrastructure Improvement Project

Grant Applicant: Town of Saugerties
4 High Street
Saugerties, N.Y, 12477

Project Location: Town of Saugerties
Ulster County, New York

II. Description of the Facility Planning Area

The study area for this project includes nearly 464 acres of mixed residential and industrial zoned property along Kings Highway in the Town of Saugerties, located in Ulster County, New York. (see Figure 1). Specifically, construction will occur along 22,000 feet of Kings Highway between Route 212 and the Glasco Turnpike (see Figure 2).

Figure 1

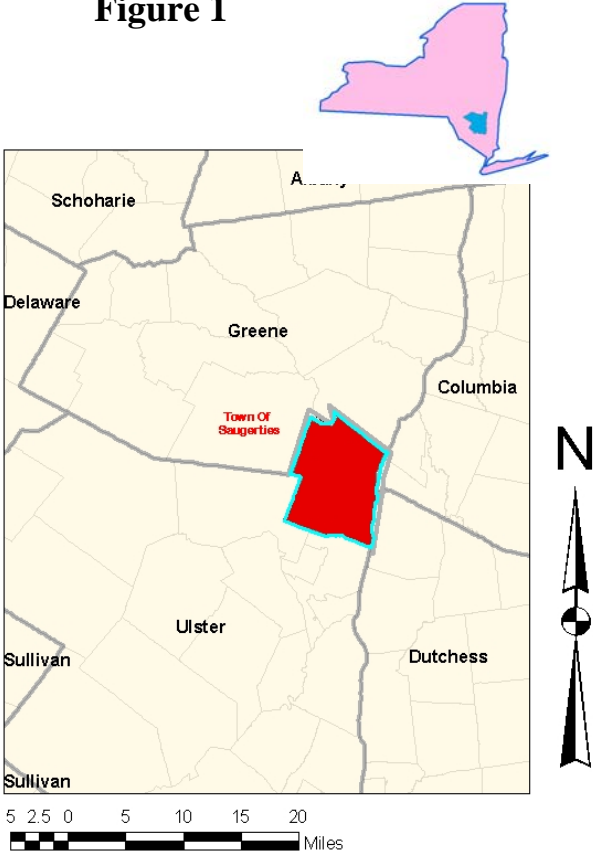
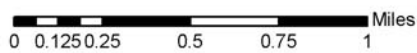
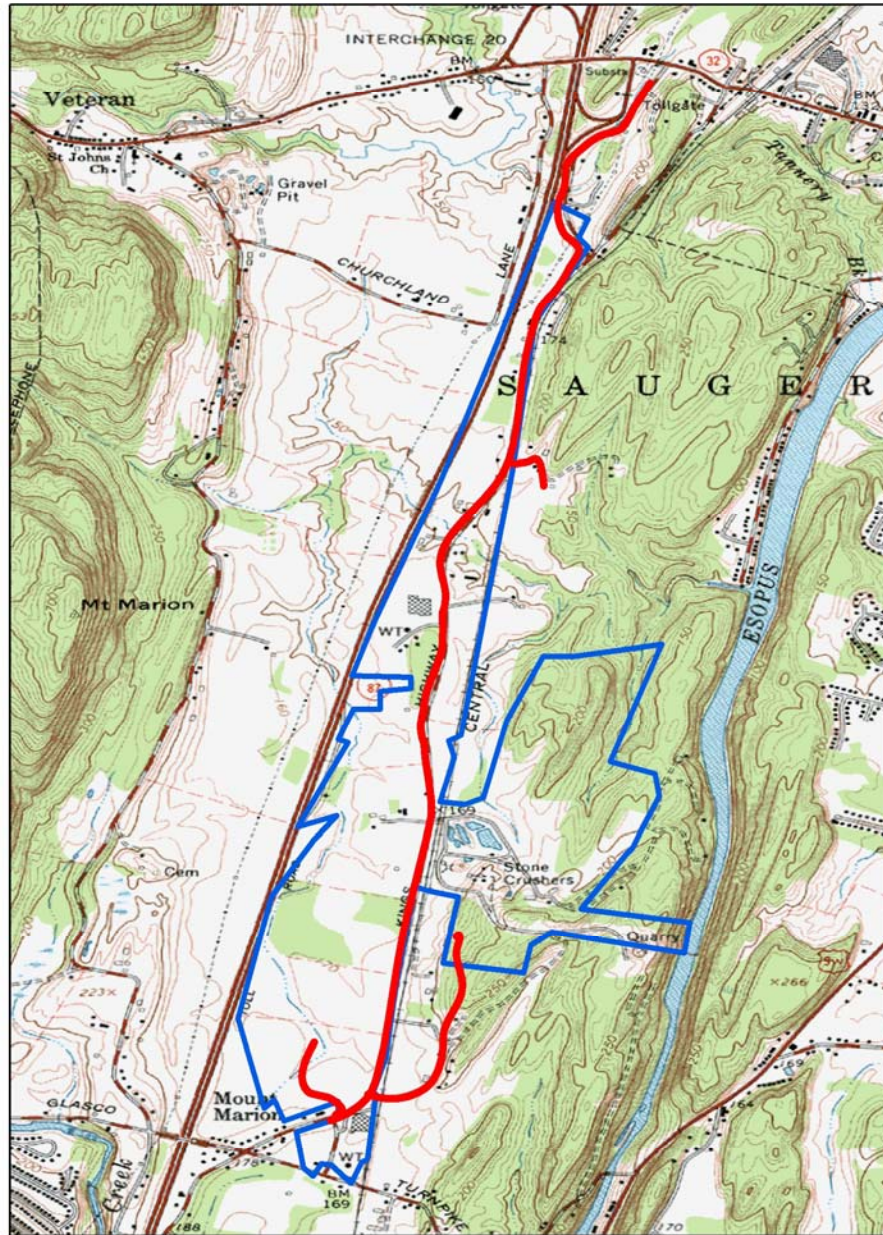




Figure 2: Proposed Sewer & Water Mains



Legend	
	Proposed Water & Sewer Lines
	Proposed Water & Sewer District

The project area lands lie within the Esopus Creek drainage area and are bisected west-to-east by a tributary of the Esopus Creek called the Mudderkill, a stream listed as Class D pursuant to the guidelines contained in New York State Codes, Rules, and Regulations, Title 6, Chapter X, Part 701, that rises in a wetlands immediately west of the project area. No state-listed wetlands exist in the project area or the vicinity. Several Federally-mapped wetlands are present in the project vicinity, although none will be permanently impacted by the project.

Soils are Churchill-Rhinebeck-Madalin type, and are almost exclusively limited to Rhinebeck silt loam. These soils are characterized as being deep, somewhat poorly drained to very poorly drained soils, consisting of medium textured and moderately fine textured clay and silt. Very little sloping exists anywhere in the project area.

III. Purpose and Need for the Project

The purpose of this project is to create a water and sewer district, and construct water and sewer lines in order to address problems with septic failures and potable water along Kings Highway in the Town of Saugerties, Ulster County, New York. Conditions of existing wells, which if not already failing, are rapidly deteriorating, necessitating corrective action to ensure potable water for the area. Creating and installing the water district will place the Kings Highway corridor in compliance with water quality and drinking water standards by providing municipal water supply services. The sewer district will eliminate instances of failed septic systems, and end the need for new or upgraded systems in an area with soil conditions that are generally unsuitable.

According to historical data, well tests in the northern portion of the district showed high levels of sodium, total dissolved solids, chlorides, turbidity, iron and lead. Several properties in the area presently have elaborate treatment systems and/or use bottled water. In the central portion of the district, a volatile organic compound spill had contaminated groundwater in adjacent areas, resulting in expensive water treatment systems and bottled water use. Well tests in the southern part of the district show elevated levels of sodium and coliform bacteria, as well as very high levels of iron and manganese; water treatment systems and/or bottled water are presently used to address these problems. In addition, the presence of clay soil conditions throughout the corridor precludes the continued use of conventional subsurface sewage disposal systems. Accordingly, it has been determined that the most practicable solution for these conditions is the delivery of municipal water and sewer services.

IV. Detailed Description of Selected Plan

As part of the proposed project, water and sewer lines will be constructed along 22,000 feet on either side of Kings Highway between Route 212 and Glasco Turnpike. The actual construction area comprises a total of 25.25 acres, including 12 acres of paved

surface and 13.25 of roadside lawn and landscaping. In total, 23,110 feet of eight and 12 inch water line, along with 18,000 feet of four inch force main, will be installed as part of this project. The lands are bordered along the east by the railroad line of the CSX Corporation, which will be crossed at one location to serve two properties on the east side of the rail line.

Approximately 58 properties, totaling 463 acres, are located within the proposed water and sewer district, including at least 14 residential houses, 18 commercial businesses, eight utility companies. Zoning in the area includes industrial and residential uses.

V. Estimated Project Costs

Total Project Cost:	\$5,495,150
EPA Grant-Eligible Cost	\$2,313,950
EPA Grant No. XP-97260706-0	\$2,313,950
Ulster County	\$1,000,000
New York State Environmental Facilities Corporation	\$1,550,000
District	\$ 631,200
Existing Yearly Household User Charge:	\$ 0.00 (no existing system)
Estimated Yearly Charge for Water Usage	\$ 584.00
Estimated Yearly Charge for Sewage Disposal	\$ 563.41

VI. Evaluation of Alternatives

A. No Action Alternative

Under the “No Action” alternative, water and sewer districts would not be created in the project area. Current problems with septic system failure would continue to worsen, continuing to contaminate area wells. The use of water treatment systems and/or bottled water would also increase as the contamination of groundwater exacerbates. Further, the community prefers a long term solution, so the “No Action” alternative is not considered practicable.

B. Upgrading of Existing Wells and Septics

The upgrading of individual wells and septic systems represents the private solution to meet future household needs for water supply and sewage treatment. Due to environmental constraints such as the presence of clay soils, it has been determined that a public water and sewer district is the most efficient, sustainable, and cost effective means to address the existing situation.

C. Treatment Process Alternatives

A new technology, constructed wetlands, was considered for some businesses in this area but was deemed infeasible for reasons of scale, operations, and regulation. Constructed wetlands are built to the scale of the population served, and can alter significantly given the nature and workforce needs of new businesses. In terms of regulatory oversight, constructed wetlands, albeit demonstrably efficient in the treatment of wastewater, raise new and difficult management concerns, such as ensuring adequate maintenance of the wetlands system to ensure proper functioning. In addition, there is concern that wetland system performance may be adversely affected in colder climates; further, drought has been shown to seriously compromise the effectiveness of constructed wetlands.

D. Alternative Routing

Alternative routing is not a practical alternative. The primary routing must be within the Kings Highway corridor to effectively serve the project area.

VII. Environmental Consequences of the Selected Plan/Mitigation Measures

A. Surface Water and Groundwater Quality

The project area lies within the Esopus Creek drainage area, and is bisected west to east by a tributary of the Esopus Creek called the Mudderkill, a stream listed as Class D pursuant to the guidelines contained in New York State Codes, Rules, and Regulations, Title 6, Chapter X, Part 701 that originates in wetlands to the immediate west of the project area. The best usage of Class D waters is fishing. Due to such natural conditions as intermittence of flow, water conditions not conducive to the propagation of a game fishery, or stream bed conditions, Class D streams do not support fish propagation. Nevertheless, these waters are maintained to be suitable for fish survival, as well as for primary and secondary contact recreation, although other factors may limit their use for these purposes. Three stream “crossings” will be needed; in each of these cases directional drilling/boring technology will be used to avoid excavation in or near the affected streams. The three crossings will involve a total of 1,080 feet of directional boring; no permanent impacts to the streams are anticipated.

In addition, the project area is not located within a sole source aquifer; consequently no impacts to sole source aquifers are anticipated.

B. Population

The Town of Saugerties is located in the northeastern tip of Ulster County.
Population

growth from 1990 to 2000 was 7.6%, with a town-wide population of 19,868 recorded in the 2000 census.

C. Vegetation

The project area includes 22,000 feet on either side of Kings Highway between Route 212 and the Glasco Turnpike. The actual construction area comprises approximately 12 acres of paved surfaces and 13.25 acres of roadside lawn and landscaped areas. These areas were disturbed during road construction and no significant vegetation is located within these road rights-of-way. No Federally-listed threatened or endangered plant species are located within the project area.

D. Wildlife

A variety of wildlife lives in habitats throughout the larger project vicinity. The eastern American toad was the only amphibian noted during field surveys; no reptiles were spotted. Species found during the Herpetological Atlas Project (1990-1998) in the project vicinity include the eastern red-backed salamander, the red-spotted newt, the northern two-line salamander and the four-toed salamander. It is also possible that one or more species of mole salamanders may be found, including the marbled salamander, Jefferson salamander, blue-spotted salamander, and spotted salamander. Other species of toads and frogs that could be found in the project vicinity include northern spring peeper, pickerel frog, northern green frog, wood frog, gray treefrog, and Fowler's toad. Northern leopard frogs and American bullfrogs may also be present. There is limited habitat for turtles in the project vicinity, with the painted turtle the most likely possibility. It is also possible that the eastern box turtle, wood turtle, and snapping turtle may be found in the project area. Four species of snakes are expected to be in the project area: common garter snake, northern brown snake, red-bellied snake, and eastern milk snake.

Birds species likely to be found in the project area include Rock dove, Morning dove, American robin, European starling, Chipping sparrow, Northern cardinal, Common grackle, Baltimore oriole, House sparrow, American goldfinch, American kestrel, Red-tailed hawk, Eastern kingbird, Tree swallow, Barn swallow, Eastern bluebird, Field sparrow, Song sparrow, Red-winged blackbird, Eastern meadowlark, Wild turkey, Great horned owl, Downy woodpecker, Great-crested flycatcher, Red-eyed vireo, Blue jay, American crow, Black-capped chickadee, White-breasted nuthatch, House wren, Wood thrush, Ovenbird, Scarlet tanager, Rose-breasted grosbeak, Brown-headed cowbird, Purple finch, House finch, Eastern phoebe, Gray catbird, Indigo bunting, Northern mockingbird, Yellow warbler, Chestnut-sided warbler, Blue-winged warbler, Common yellowthroat, Eastern towhee, Green heron and Swamp sparrow.

During the field assessment of the project area, only three mammal species were documented: eastern cottontail, coyote and white-tailed deer. In addition, the following mammals could be expected in portions of the project area: masked shrew, northern-short-tailed shrew, hairy-tailed mole, star-nosed mole, eastern small footed myotis, little brown bat, northern myotis, silver-tailed bat, eastern pipistrelle, big brown bat, eastern red bat, hoary bat, eastern chipmunk, gray squirrel, southern flying squirrel, red squirrel, white-footed mouse, meadow vole, red fox, gray fox, raccoon, striped skunk, short-tailed weasel, and long-tailed weasel.

The U.S. Fish and Wildlife Service lists the Indiana bat (*Myotis sodalis*), as a summer resident of Ulster County. The presence of large shagbark hickory trees and a riparian corridor in the project vicinity provide potential summer habitat for Indiana bats. However, construction activity associated with the proposed project will only affect a narrow corridor, approximately 25 feet wide, immediately adjacent to the paved portion of the highway, within the existing highway shoulder. In addition, no trees will be cut during the construction phase of this project, eliminating potential impacts to roosting bats.

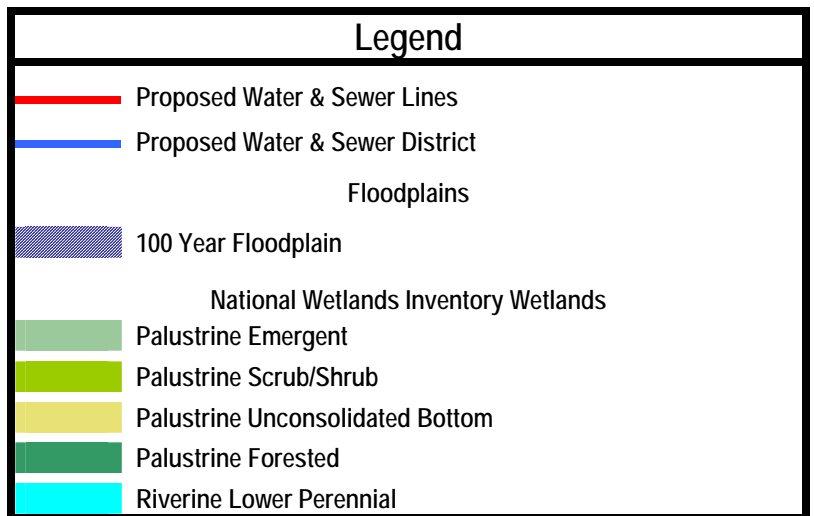
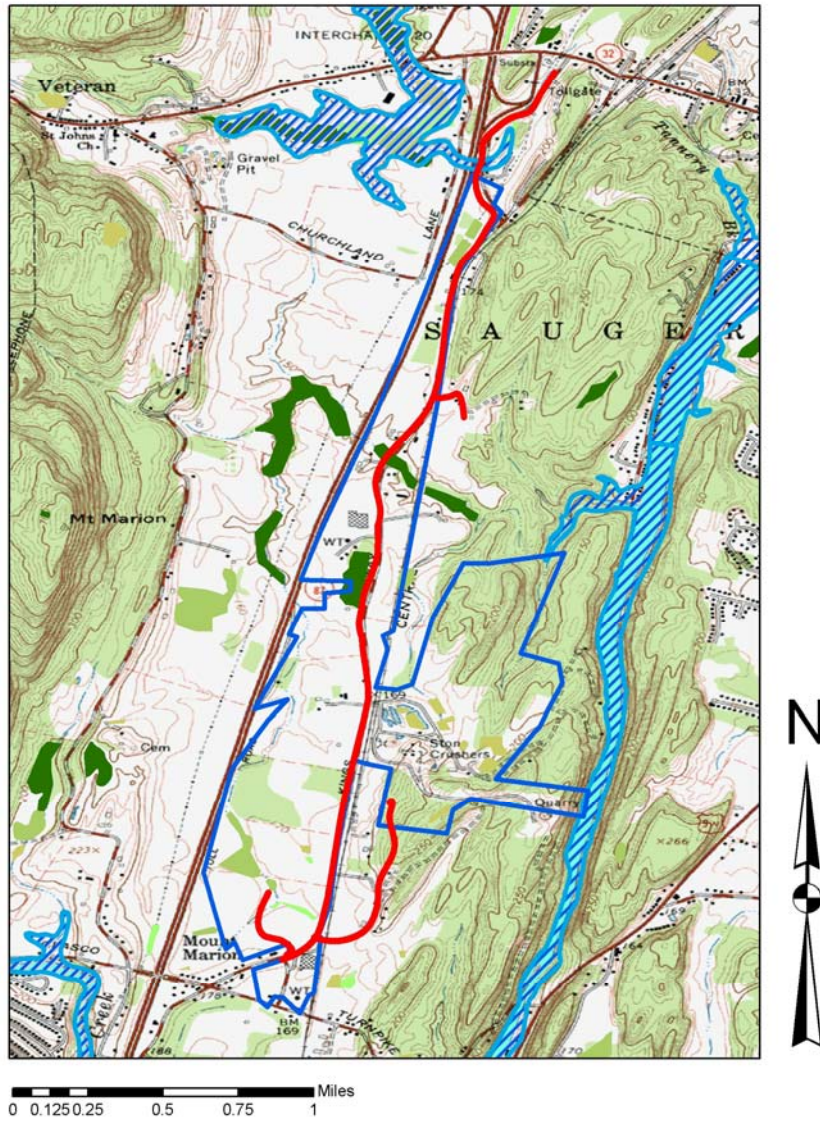
Bog turtles (*Clemmys muhlenbergii*) are also known to be in Ulster County. However based upon the lack of spring-fed seeps and extensive wet meadow habitat, the potential for bog turtles to occur is very low. Further, the use of directional drilling will keep ground disturbances to a minimum, and disturbed areas will be restored immediately. Finally, erosion and sedimentation will be minimized to the greatest extent practicable, protecting small existing wetlands along Kings Highway. Accordingly, impacts to Indiana bats, bog turtles and their respective habitats are not expected as a result of the implementation of this project.

E. Wetlands/Floodplains

Several areas of wetlands exist within the project area (see Figure 3). Water and sewer mains associated with this project will be installed in the shoulder area of Kings Highway. As mentioned previously, three stream crossings will be involved, but the use of directional drilling will minimize direct impacts on the streams and their associated wetlands. Any indirect impacts to wetlands as a result of this project will be subject to Federal and state permitting requirements.

According to the Flood Insurance Rate Map for the Town of Saugerties, only a small portion of the project area is located within the 100 year floodplain (see Figure 3). This floodplain is primarily associated with the Mudderkill; directional drilling will ensure that there will be no permanent impacts to the floodplain as a result of the implementation of this project.

Figure 3: Floodplain & Wetlands Resources



F. Noise

Although residents along portions of Kings Highway may experience sporadic increases in noise levels during construction, these increases will be temporary. Any temporary, minor increase in noise during construction will not result in significant impacts. During construction and installation there will be increased noise and vibration along Kings Highway between Route 212 and Glasco Turnpike. The noise and vibrations will be of a temporary nature and will cease when construction is completed.

G. Air Quality

Since this project will be funded in part through a Federal grant, the project is subject to the general conformity regulations (40 CFR 93 Subpart B). This project is located in Ulster County, New York, which is in attainment of the National Ambient Air Quality Standards; no further conformity analysis is required.

H. Coastal Resources

This project is not located within a state-designated coastal zone; consequently, coastal resources will not be impacted.

I. Wild And Scenic Rivers

No designated wild or scenic rivers will be affected by this project.

J. Agricultural Lands

The project area consists of a mix of residential and commercial properties. No impacts to agricultural land as a result of the implementation of this project are anticipated.

K. Cultural Resources

Phase IA and IB cultural resource investigations have been completed for this project. The Phase IA report identified three historic properties within the project area, two taverns and a farmhouse, none of which will be impacted by the proposed project. The report also noted that a narrow band within the northern third of the project area lies within a half mile of an archaeologically sensitive area identified by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). Nine identified prehistoric sites exist within a 0.5 linear radius of the project area. Accordingly, the Phase IA report found that the project area had moderate to high sensitivity to the presence of prehistoric archaeological resources. The possibility of encountering

buried historic archaeological resources in most of the project area was also considered moderate to high.

As a result of the recommendations of the Phase IA report, a Phase IB field investigation of the project area was undertaken. This investigation included 294 shovel test pits, which resulted in the discovery of 187 tabulated artifacts, amongst a host of modern debris. No pre-contact artifacts or sites were discovered, nor were any historic clusters of artifacts indicative of a front yard or historic sheet midden. Large amounts of modern debris were uncovered along both sides of Kings Highway.

The Phase IB report states that this investigation included nearly 100 percent of the area to be impacted. No significant historic artifact scatters that could be related to an historic structure were uncovered; further, no pre-contact artifacts or sites were found. Accordingly the Phase IB report stated that no further work was recommended for this project.

In a letter dated January 5, 2009, the Field Services Bureau of the OPRHP concurred with this recommendation and indicated that this project would have "...No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places." In a letter dated February 26, 2009, the Saint Regis Mohawk Tribe also concurred with the findings and recommendation contained in the Phase IB report.

L. Traffic

A Protection and Maintenance of Traffic Safety Plan will be prepared to minimize disruptions to traffic along Kings Highway. The plan will include the use of flagmen to provide additional safety to drivers, workers, and pedestrians, minimizing the disruption. The periods of increased noise and vibration will occur during business hours, between 8:30 am and 5:00 pm., Monday through Saturday.

Disruptions to traffic will occur along Kings Highway, at the intersection of Kings Highway and Route 212, and possibly at Tissal Road. Additional disruptions may occur dependent upon the installation of pump stations or other appurtenant elements of the project. Traffic disruptions will be kept to a minimum.

M. Socioeconomic Impacts

This project is not anticipated to have a negative impact upon socio-economic conditions in the proposed district.

The total projected first year cost for a typical residential user in the project area is estimated at \$1147.31. This represents 2.7 percent of the Town of Saugerties's median household income of \$42,401 (2000 Census).

N. Environmental Justice

The Region 2 Environmental Justice (EJ) Analysis supports EPA Region 2's Interim Policy for Environmental Justice (IP). The specific community that is under evaluation for inclusion in the Region's EJ program is referred to as the Community of Concern (COC) in the IP. The evaluation process hinges on the comparison of the respective levels of the environmental burden, minority representation, and low-income representation between the COC and its statistical reference area.

For environmental burden analysis, Region 2 advances the concept of an "Environmental Load Profile (ELP)." The profile would provide a representation of the environmental load (i.e., relative environmental burden) within a community. The ELP serves to identify communities that may bear a disproportionate environmental load in comparison to statewide-derived thresholds. Currently, the Environmental Load Profile consists of the following three indicators: Toxics Release Inventory (TRI) Air Emissions, Air Toxics, and Facility Density. The ELP generates a summary report that provides numeric values for state thresholds, indicator of the community of concern (COC Indicator), and the ranking of the community in the state. These calculated values not only identify whether the particular community meets an ELP threshold, but further upon exceedance, the indicator value is ranked to provide a measure of magnitude. Application of the Environmental Load Analysis for the Town of Saugerties indicates that only one of the indicators evaluated, Facility Density Indicator, exceeds the respective New York State thresholds (see Table 1). The ranking of that exceedance is a 4, indicating moderate potential risk.

Table 1: Environmental Load Analysis

Indicators	NYS Threshold	COC Indicator	Ranking
TRI Indicator	2.60	0.17	0
Facility Density Indicator	56	124.04	4
Air Toxics Cancer Indicator	63.55	21.88	0
Air Toxics Non-cancer Indicator	11.3	2.64	0

Further, analysis of the project area indicates that minorities are 6.42 percent of the population (compared to 34.73 percent, the percentage for determining minority areas in rural areas of New York State), and that 9.9 percent of residents have income below the poverty level (compared to 23.59 percent, which is the percentage that EPA uses in New York State to identify low income rural areas). Accordingly, the area does not meet the EPA criteria for being classified an EJ area and no additional EJ analysis is necessary.

O. Cumulative Impacts

Cumulative impacts result from the combined impacts of two or more projects on a particular resource such that the environmental impacts are potentially additive. The only project currently anticipated in the project area is the proposed realignment of a local road to provide sufficient waiting distance for trucks at an existing railroad crossing. This realignment, being undertaken by the New York State Department of Transportation (NYSDOT) will eliminate a dangerous situation that currently exists. Once this project is completed, it will allow the proposed water and sewer district to reach two additional properties on the east side of the railroad along the new road corridor. One of the properties is a vacant industrial site expected to be re-used for light industrial purposes. The other is the Northeast Solite Corporation, an existing aggregate production plant whose employment base is not expected to be affected by the proposed infrastructure improvements.

An additional Town road, proposed to serve additional properties on the east side of the railroad that would eliminate nine private rail crossings, has also been contemplated. The properties that would be served by this road were under consideration for inclusion in the water and sewer district boundaries, but the property owners requested that they be withdrawn. As a result, none of the properties along this proposed road corridor are currently within the Project Area. Further, this project, which also would be constructed by NYSDOT using Federal funding, is currently on hold.

Minor adverse effects are associated with the construction phase of these projects, however it is not expected that these short term disruptions will result in significant cumulative environmental impacts. Furthermore, to improve the environmental footprint of projects, the use of tools and practices to reduce energy consumption and greenhouse gas emissions are encouraged. This includes the use of construction and industrial byproducts such as coal ash in the making of concrete. Once constructed, the project may reduce GHG emissions in the area by reducing the number of truck trips associated with maintenance of septic systems.

P. Induced Growth

This project will provide public services (water and sewer) to a number of parcels which currently have to rely on on-site systems. The majority of the project area is zoned Light Industrial, and several current businesses have expressed an interest in expansion that has been heretofore prevented by the lack of adequate water and sewer infrastructure. It is also quite possible that additional, currently vacant parcels might now be utilized, especially for office park construction. It is expected that water and sewer usage will be for employee bathrooms and sanitary facilities only; high capacity water usage properties are not anticipated. In addition, environmental

constraints, including a high water table, as well as zoning constraints currently in place, will to some extent mitigate the potential for complete project area build out. Finally, while additional residences in the project area are not expected due to the existing zoning, it is possible that expansion of current businesses, as well as the creation of new ones that may result once water and sewer services are provided, could lead to increased demand for housing in the local area, although any resulting increase in population in the surrounding area is expected to be negligible.

It is possible that additional light industrial development could increase the Facility Density Indicator rating noted above in the Environmental Justice section. However, it should be noted that the majority of the regulated facilities included in that number are located along Route 212, north of the project area.

VIII. Coordination of Environmental Review

A) Parties Consulted

Saint Regis Mohawk Tribe
 US Department of Agriculture Rural Development
 US Environmental Protection Agency
 US Department of Housing and Urban Development
 NYS Department of Environmental Conservation
 NYS Department of Health
 NYS Office for Small Cities
 NYS Comptroller
 NYS Environmental Facilities Corporation
 NYS Office of Parks, Recreation and Historic Preservation
 Ulster County Development Corporation
 Ulster County Industrial Development Agency
 Ulster County Health Department
 Ulster County Planning Board
 Ulster County Highway Department
 Town of Saugerties Highway Department
 Village of Saugerties

B. Significant Correspondence

- 1) Letter from the Saint Regis Mohawk Tribe, February 26, 2009
- 2) Letter from New York State Office of Parks, Recreation and Historic Preservation, January 5, 2009
- 3) Letter from Terrestrial Environmental Specialists, March 18, 2009

C. Reference Documents

- 1) *“Environmental Assessment, Kings Highway Corridor Infrastructure Improvement Project,”* 2008
- 2) *US Census of Population, 2000*
- 3) *“Town of Saugerties Draft Generic Environmental Impact Statement, Vegetation and Wildlife,”* November 2008
- 4) *“Phase IA Literature Review and Archaeological Sensitivity, Proposed Kings Highway Water and Sewer District, Kings Highway, Town of Saugerties, Ulster County, New York,”* May 2008
- 5) *“Phase IB Archaeological Reconnaissance, Proposed Kings Highway Water And Sewer District, Kings Highway, Town of Saugerties, Ulster County, New York,”* November 2008