



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR - 1 2010

JoAnn Beck, Senior Landscape Architect
City of Rochester
Department of Environmental Services
City Hall, Room 300B
30 Church Street
Rochester, New York 14614-1290

Dear Ms. Beck:

This is in response to your February 23, 2010 request for a categorical exclusion (CATEX) from substantive environmental review requirements, pursuant to 40 CFR Part 6, for the City of Rochester's Durand Eastman Beach Water Quality Improvement Project.

The project is intended to improve water quality at an existing public bathing beach on Lake Ontario through the use of an antimicrobial filtration system to treat the effluent from a nearby stormwater drainage outlet. The stormwater outlet, known as Sherry Swamp Tributary, is known to experience high levels of *Escherichia coli* (*E. coli*). It is located less than three hundred feet from a public bathing beach on Lake Ontario and its impact on water quality has required the Monroe County Health Department to declare the beach area off-limits to swimming on a significant number of occasions during peak recreational demand days. Accordingly, water quality concerns need to be addressed to allow continued operation of the beach as public bathing area.

To improve water quality, the proposed project consists of installation of a diversion weir in a manhole on the existing 72-inch diameter stormwater pipe, variable-speed pumping equipment, pre-filtration equipment to remove solids, and two bactericidal stormwater filtration chambers composed of polymer plastic filter media treated with a widely-used antibacterial compound. Following treatment, the stormwater runoff will be returned to the existing stormwater pipe and be discharged to Lake Ontario at the same location as it presently does. Based on economic and engineering practicality, the treatment system is sized to handle runoff of up to seven-tenths of an inch of rainfall. It will be located below existing ground elevation and visually obscured. Construction and operation of the project will not affect the nearby Sherry Swamp Pond or wetlands.

The project meets the CATEX eligibility criteria found in 6.204(a)(1)(ii). This category includes “actions relating to existing infrastructure systems (such as sewer systems, drinking water supply systems, and stormwater systems, including combined sewer overflow systems) that involve minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and system components (such as the sewer collection network and treatment system; the system to collect, treat, store and distribute drinking water; and stormwater systems, including combined sewer overflow systems) or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities.”

This project does not involve a new or relocated discharge to surface or ground water, an increase in the volume or loading of pollutants to receiving water, or capacity to serve a population 30 percent greater than the existing population. Further, it is not contrary to any state or regional growth plan or strategy; and it is not primarily for the purpose of future development.

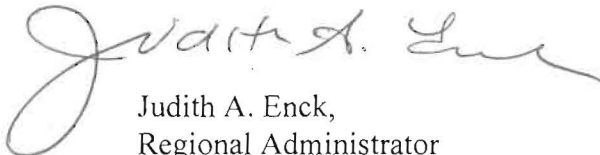
Additionally, the available information you provided concerning the proposed action indicates that none of the specific criteria for not granting a CATEX, found in 40 CFR 6.204(b)(1) through (b)(10), are present.

Based on our review, EPA approves the request for the CATEX. Please be reminded that EPA may revoke this CATEX if any of the following conditions occur:

- changes in the proposed action render it ineligible for exclusion,
- new evidence indicates that serious local or environmental issues exist, or
- federal, state, or local laws would be violated.

Should you have any questions regarding this decision, please address them to Grace Musumeci, Chief, Environmental Review Section, at the above address. Please note that this CATEX will be made available on EPA Region 2's website at <http://www.epa.gov/region02/spmm/r2nepa.htm>.

Sincerely,



Judith A. Enck,
Regional Administrator