



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 19 2007

Maclain Berhaupt
Executive Director
Chadwick Bay Regional Development Corporation
342 Central Avenue
Dunkirk, New York 14048

Dear Mrs. Berhaupt:

This is in response to your request for a categorical exclusion (CATEX) from substantive environmental review requirements, pursuant to 40 CFR Part 6, for the proposed West End Water Main Improvements project.

The project, which involves rehabilitation of 10,800 linear feet of existing water main in the City of Dunkirk and West Town of Dunkirk, may be partially funded through a federal Special Appropriation Act grant.

Based on our review of the supporting documentation, the Environmental Protection Agency (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.

This CATEX is available for public viewing on EPA Region 2's website, <http://www.epa.gov/region02/spmm/r2nepa.htm#r2docs>. Should you have any questions regarding this decision, please address them to John Filippelli, Chief, Strategic Planning and Multi-Media Programs Branch, at the above address.

Sincerely,

A handwritten signature in cursive script that reads "Alan J. Steinberg".

Alan J. Steinberg
Regional Administrator

Enclosure

ENCLOSURE

**Chadwick Bay Regional Development Corporation
City of Dunkirk
West Town of Dunkirk
West End Water Main Improvements
Chautauqua County, New York
Special Appropriation Project (XP-972508-06)**

Background

The existing water main along New York State (NYS) Route 5 from the City of Dunkirk to the West Town of Dunkirk cannot deliver the flow and pressure needed to provide adequate fire protection for the residences and businesses it serves due to its poor condition. Significantly, one of the premises served is the Chautauqua County Home, a 216-bed facility for people with chronic health issues who need skilled nursing care. Its residents average 85 years of age.

Proposed Action

To provide adequate fire protection service to the project area's residences and businesses, the Chadwick Bay Regional Development Corporation proposes to rehabilitate approximately two miles of water main along the NYS Route 5 in the City of Dunkirk and the West Town of Dunkirk. More specifically, the project involves cleaning and lining approximately 5,900 linear feet of existing 10-inch diameter water main and 4,900 length foot of existing 12-inch diameter water main. These improvements will increase the water main's flow capacity to 1,400 gallons per minute and will increase the residual water pressure in the main, thereby providing adequate fire service to the area.

Alternatives Considered

In addition to the proposed action, "No Action" was considered. No action would result in continued low water flows and insufficient water pressure, resulting in continued inadequate fire fighting protection capability for residences and businesses in the project area. Continuation of the present condition poses a serious safety and health threat to residences, businesses, and the residents of the Chautauqua County Home.

Determination for Granting Categorical Exclusion

The Categorical Exclusion (CATEX) eligibility requirements found in 40 CFR 6.204(a)(1)(ii) apply to this action. 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.

Extraordinary Circumstances

Review of the available information provided by the applicant about the proposed action indicates that none of the extraordinary circumstances listed in 40 CFR 6.204(b)(1) through (10) are involved.

Conclusion

The proposed action conforms to the category of actions eligible for exclusion under 40 CFR 6.204(a)(1)(ii). Accordingly, EPA approves this request for a CATEX from detailed environmental review pursuant to our procedures for implementing the National Environmental Policy Act.