

New York State Environmental Quality Review Act (SEQR)

DRAFT SCOPING DOCUMENT

For a Draft Environmental Impact Statement (DEIS)

NEW PLANET – NY DROP-IN BIOFUELS LLC Town of Stony Point, Rockland County, New York

SEQR CLASSIFICATION: TYPE 1

LEAD AGENCY: New York State Department of Environmental Conservation (NYSDEC)
Region 3
21 South Putt Corners Road
New Paltz, NY 12561-1620
Contact: John W. Petronella, Deputy Regional Permit Administrator
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Introduction and SEQR

New Planet – NY Drop In BioFuels, LLC (hereinafter “New Planet”) proposes the construction and operation of a waste-to-fuels facility to convert carbonaceous matter found in Municipal Solid Waste (MSW) into a fuel product (the “New Planet Project”) and proposes amendments to Chapter 215 of the Code of the Town of Stony Point to provide for the development of green industrial facilities in the Town of Stony Point within Light Industrial zoning districts (the “Proposed Amendments”). (Both the New Planet Project and the Proposed amendments hereinafter the “Action”.)

The New York State Department of Environmental Conservation (hereinafter “DEC”), is the Lead Agency for the SEQR review of the New Planet Project and the Proposed Amendments. Based upon review of the long Environmental Assessment Form (“EAF”) and associated materials, the DEC has determined that the project may have a significant impact on the environment, and issued a positive declaration on July 8, 2015 requiring the preparation of a Draft Environmental Impact Statement (“DEIS”).

The DEC has also determined that the potential environmental impacts and the level of public interest warrants conducting public scoping. Draft scoping materials have been prepared by the applicant, New Planet-NY Drop-In Biofuels LLC and DEC. These draft scoping materials are available on-line at www.dec.ny.gov or from the contact person listed at the beginning of this notice. Written comments on the draft scoping materials are encouraged, and will be accepted by the contact person until Friday, August 7, 2015

Two public scoping meetings to receive comments on the draft scope for the SDEIS have been scheduled for July 29th, 2015 at 3.00 pm and 6.00 pm at the Fieldstone Middle School located at 100 Fieldstone Drive, Thiells, NY 10984. Speaking times may be limited, if necessary to accommodate all attendees. Interested persons are encouraged to provide any detailed or extensive comments in writing.

Description of the Proposed Action

New Planet Project

The applicant, New Planet, proposes the construction and operation of a waste-to-fuels facility that will convert carbonaceous matter found in Municipal Solid Waste (MSW) into a fuel product. The New Planet Project is located on four separate parcels of land totaling approximately 39 acres in the Town of Stony Point, Rockland County, New York. The property is located approximately 50 miles north of New York City, east of US Route 9 at the terminus of Holt Drive. The site is located on both sides (east and west) of the existing CSX rail line. The New Planet Project will divert approximately 1.7 million tons per year of MSW (the ultimate capacity to be determined upon completion of the final design). The raw MSW is proposed to be delivered to the New Planet Project by truck with deliveries to be concentrated during off-peak traffic periods, i.e. overnight. MSW will then be sorted and separated, and the vast majority will either be converted (at the proposed facility) into a fuel product or recycled off site. A portion of the MSW that cannot be converted or recycled will be deposited back into a landfill. Waste management service companies and area municipalities, from outside of Rockland County, will provide the MSW/feedstock.

Proposed Amendments to the Town of Stony Point Town Code

New Planet has also proposed amendments to Chapter 215 of the Code of the Town of Stony Point. The proposed amendments to the Town Code are intended to specifically address new technologies associated with the reuse of solid waste for the production of fuel, energy or other products through processes such as gasification or pyrolysis (“Green Industrial Facilities”). The amendments will clarify that Green Industrial Facilities are permissible uses, subject to site plan approval, in the Town’s Light Industrial “LI” LI-2 zoning district, and with a special use permit in the Town’s LI zoning district. (the “Proposed Amendments”). The Proposed Amendments directly affect the following tax lots/addresses in the Town of Stony Point (see Appendix A, zoning map):

LI Districts

Parcel ID	Address
15.02-4-58	East of Tilcon
15.02-4-59	1 Elm Ave.
10.04-2-8	46 Elm Ave.
10.04-2-9	42 Elm Ave.
10.04-2-10	44 Elm Ave.

Parcel ID	Address
10.04-2-11	48 Elm Ave.
10.04-2-12	52 Elm Ave.
10.04-2-13	50 Elm Ave.
10.04-2-19	10 Elm Ave.
21.09-1-1	70 Grassy Point Rd.
21.09-1-36	2 River Road
21.05-1-1	90 Grassy Point Rd.

21.05-1-2	88 Grassy Point Rd.
21.05-1-3	86 Grassy Point Rd.
21.05-1-4	84 Grassy Point Rd.
21.05-1-5	82 Grassy Point Rd.
21.05-1-6	80 Grassy Point Rd.
21.05-1-7	65 Grassy Point Rd.
21.05-1-29	40 Grassy Point Rd.
21.05-1-30	42 Grassy Point Rd.
21.05-1-31	44 Grassy Point Rd.
21.05-1-32	46 Grassy Point Rd.
21.05-1-33	48 Grassy Point Rd.
21.05-1-34	54 Grassy Point Rd.

LI-2 District

Parcel ID	Address
20.02-11-25	50 Holt Drive
20.02-11-26	25-41 Holt Drive
20.02-11-27	25&27 Holt Drive
20.04-11-2.1	21 Holt Drive
20.04-11-2.2	22 Holt Drive
20.04-11-2.3	24 Holt Drive
20.04-11-3	45 Holt Drive
20.04-11-5.1	17 Holt Drive
20.04-11-5.2	19 Holt Drive
20.04-11-6	15 Holt Drive
20.04-11-7	11 Holt Drive
20.04-11-8	9 Holt Drive
20.04-11-9	5 Holt Drive
20.04-11-11	2 Holt Drive
20.04-11-12	12 Holt Drive

Involved Agencies

US Army Corp of Engineers, New York District
 New York State Department of Environmental Conservation (Region 3)
 New York State Department of Transportation (Region 8)
 Department of State – Office of Communities and Waterfronts – Division of Coastal Resources,
 Consistency Review Unit
 Rockland County Solid Waste Management Authority
 Rockland County Department of Health
 Rockland County Highway Department

Rockland County Drainage Agency
Rockland County Department of Planning
Town of Stony Point Town Supervisor, Geoff Finn
Town of Stony Point Planning Board
Town of Stony Point Town Board
Joint Regional Sewage Board

Interested Agencies

New York State Office of Parks, Recreation and Historic Preservation
New York State Historic Preservation Office
Rockland County Department of Environmental Resources/Parks
Rockland County Department of Fire and Emergency Services
Hudson River Valley Greenway
Palisades Interstate Park Commission
Town of Haverstraw
Village of West Haverstraw
Town of Tuxedo
Town of Woodbury
Village of Woodbury
Town of Highlands
Town of Cortlandt
Village of Buchanan
Village of Croton-on-Hudson
Village of Haverstraw
NAACP – Mid-Hudson/Westchester Regional Office

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Potentially Significant Environmental Impacts

The EAF identified certain potentially significant environmental impacts as described below. The DEIS will analyze these impacts and propose mitigation measures to address these impacts. The New Planet Project and the Proposed Amendments will be analyzed in the same environmental impact statement, as outlined below. Any future projects proposed within the area of the Proposed Amendments will be required to undergo an environmental review in accordance with SEQR.

THE NEW PLANET PROJECT:

Impact on Land – The New Planet Project site is located in an industrial area, the majority of which has been previously disturbed. Issues associated with redevelopment of an existing industrial site, such as demolition, clean-up and remediation will need to be considered. In addition, the extent to which cut and fill would change site topography or have implications to material demand or disposal will also need to be evaluated.

Impact on Water – The New Planet Project site involves construction adjacent to federal and state regulated freshwater wetlands. Impacts associated with construction activities and during the operation will be assessed, taking into account appropriate mitigation measures. The New Planet Project will also involve the storage of fuel products at volumes greater than 1,100 gallons. Additionally, the New Planet Project proposes to utilize up to 1 million gallons of water per day for process water, utilizing nearby post treatment effluent water sources, and potentially utilizing ground water accessed through wells. The process and cooling water will be reused prior to discharge, after treatment, to the Stony Point Wastewater Treatment Plant (“WWTP”). Treatment capacity on the Stony Point WWTP must be assessed in the DEIS.

Impact on Air – Rockland County is designated under NYSDEC regulations and the New York State Implementation Plan as a severe non-attainment area for Ozone as part of the New York City Metropolitan Area. Rockland County was removed from the non-attainment designation for fine particulate (PM2.5) in 2014. The New Planet Project will require either a State Facility Permit or a Federal Clean Air Act Title V Permit because of the potential to emit criteria pollutants. Emissions from mobile source’s (construction equipment, trucks, material handling equipment, and trains) will also occur associated with the transport and handling of MSW and by-products and shipment of fuel product. The New Planet Project will also have stationary source emissions of particulate, nitrogen oxides (NOx), carbon monoxide, volatile organic chemicals (VOC), hazardous air pollutants, sulfur dioxide, and hydrogen sulfide.

Impacts on Transportation – The New Planet Project will result in an increase in truck traffic compared to current conditions to transport approximately 4,800 tons per day of MSW to the facility and approximately 100,000 gallons of product and 400 tons per day of products from the facility

Impact on Energy – The total peak electricity demand of the New Planet Project operations is 40 megawatts. The process will be configured to generate high pressure steam and drive a turbine to provide electricity to support operations. The peak natural gas demand of the New Planet Project is 350 MM BTU/hr.

Impact on Plants and Animals and significant habitats - The New Planet Project is located adjacent to NYS regulated freshwater wetlands HS-3 and HS-4, both of which are designated as Class I wetlands. In addition, the wetlands are immediately adjacent to the Haverstraw Bay Significant Fish and Wildlife habitat. The DEIS will consider the potential for direct or indirect impacts to these wetlands, habitats and the species that utilize them.

Impact on Aesthetic Resources – The New Planet Project will replace existing buildings with new industrial buildings and air emission stacks. The potential visual impact and visual change will be assessed along with a determination as to whether the New Planet Project would be visible to users of visually sensitive public resources or eliminate scenic views.

Impact on Open Space and Recreation – The New Planet Project site is located in an industrially zoned area of the Town of Stony Point that has been in industrial use for many years. However, the site is also located proximal to several community parks (Lowland Park, Haverstraw Bay County Park and Bowline Point Town Park). The DEIS will consider what impacts, if any, the proposed project may have on these parks.

Impact on Historic and Archeological Resources – Significant impacts to historic or archeological resources are not anticipated. However, the applicant will confirm with the Office of Parks, Recreation and Historic Preservation (“OPRHP”) whether studies are necessary and will consider whether any nearby historic resources would experience visual impacts.

Impact on Growth – Implications of the New Planet Project with regard to local zoning and other requirements; surrounding land use; community services and facilities such as police, fire, highway maintenance, schools, recreation; local infrastructure; fiscal impact; and economic impacts will be considered.

Noise and Odor Impact – The New Planet Project involves the transport of MSW which includes putrescible waste, which has odors. Construction activities will utilize typical heavy construction equipment that may cause local adverse noise impacts.

THE PROPOSED AMENDMENTS:

Impact on Land – The Proposed Amendments, future green industrial facilities may have impacts to land including, but not limited to construction on slopes of greater than 15%.

Impact on Water – The Proposed Amendments include freshwater wetlands and adjacent water bodies. Impacts associated with future construction activities operations will be assessed, taking into

account appropriate mitigation measures. In addition, future green industrial facilities as a result of the Proposed Amendments may have substantial process water demands that will need to be assessed on a project specific basis.

Impact on Air - Future green industrial facility projects associated with the Proposed Amendments may have air emissions that will be determined on a project specific basis. Emissions from mobile source emissions (construction equipment, trucks) may also occur associated with future green industrial facility projects.

Impacts on Transportation – The Proposed Amendments will also assess transportation impacts associated with future green industrial facility projects associated with the Proposed Amendments.

Impact on Plants and Animals and significant habitats – The Proposed Amendment area includes freshwater wetlands and adjacent water bodies. Potential impacts to plants, animals and significant habitats will be evaluated. In addition, the wetlands are immediately adjacent to the Haverstraw Bay Significant Fish and Wildlife habitat. The DEIS will consider the potential for direct or indirect impacts to these wetlands, habitats and the species that utilize them.

Impact on Aesthetic Resources – The potential visual impact and visual change will be assessed.

Impact on Open Space and Recreation – The Proposed Amendments are located in an industrially zoned area of the Town of Stony Point that has been in industrial use for many years. However, this area located proximal to several community parks (Lowland Park, Haverstraw Bay County Park and Bowline Point Town Park), and the Proposed Amendments have the potential to impact the use and enjoyment of these parks.

Impact on Historic and Archeological Resources – Significant impacts to historic or archeological resources are not anticipated. However, the applicant will confirm with OPRHP whether studies are necessary and will consider whether any nearby historic resources would experience visual impacts.

Impact on Growth – Implications of the Proposed Amendments with regard to local zoning and other requirements; surrounding land use; community services and facilities such as police, fire, highway maintenance, schools, recreation; local infrastructure; fiscal impact; and economic impacts will be considered.

Proposed DEIS and General Scoping Considerations

The applicant shall prepare a DEIS addressing all items identified in this Scoping Document and in accordance with the SEQR regulations (6 NYCRR Part 617). The DEIS shall assemble relevant and material facts and evaluate reasonable alternatives. It shall be clearly and concisely written in plain language that can be easily read and understood by the public. Unless otherwise specified, all measurement units in the DEIS shall be English units (e.g., feet, acres, miles etc.) Highly technical material shall be summarized and, if it must be included in its entirety, it shall be referenced in the DEIS and included as an appendix. In addition, all correspondence from involved and interested agencies related to the project shall be included in an appendix to the DEIS.

The DEIS shall be written in the third person without use of the terms I, we, and our. Narrative discussions shall be accompanied to the greatest extent possible by illustrative tables and graphics. All

graphics shall clearly identify the project area. The DEIS shall group each issue identified into one section describing existing setting, impacts, and mitigation to permit more efficient review.

Concept Level Site Development Plans shall accompany the DEIS as an attachment and reduced copies of pertinent plan sheets shall be included in the text of the DEIS. The DEIS shall contain, as attachments, all plans, reports, and studies meeting prevailing Federal, State and Town criteria with respect to all disciplines of study including, but not limited to, land use and planning as well as the site plan, special permit, subdivision, and zoning amendment requirements as set forth in all applicable Town of Stony Point Codes. The attachments shall include, but not be limited to:

- architectural renderings
- lot layout and coverage
- proposed infrastructure with related engineering plans
- anticipated phasing and construction/demolition periods with expected year of completion relative to commencement of project
- all natural resource inventories excluding confidential information related to state or federally listed Threatened/Endangered species
- descriptions and maps of environmentally sensitive lands proximal to the site including, but not limited to, Hudson River, Cedar Pond Brook, Minisceongo Creek, NYS regulated freshwater wetlands including 100 foot adjacent area, federal wetlands, Haverstraw Bay Significant Coastal Fish and Wildlife habitat area, 100 year floodplain and steep slopes
- existing land use patterns proximal to the site; included any proposed land uses currently under review
- full geological survey of the project area including but not limited soils, geological features and depth to water table within the proposed area of disturbance
- an existing conditions map of all existing infrastructure on and proximal to the site including rail, roads, sewer infrastructure and wells. In addition, a map that identifies the site relative to the intersection of the Interstate 87 (I-87) and US Route 9W (exit 11 from the Thruway) south of the site and US Route 9W and the Bear Mountain traffic circle north of the site must be included.
- projected staff and types of employees
- proposed days and hours of operation during construction
- proposed days and hours of operation post-construction for all commercial/retail activities
- types and frequencies of deliveries during each phase of construction and post-construction
- on-site circulation, parking, and loading
- proposed locations and providers of utility services

The DEIS shall be made available to the lead agency in both hard copy and electronic formats. The electronic format shall be in Adobe® Acrobat® (*.pdf) file and Microsoft Word and submitted on CD-ROM. When the DEIS is accepted for public review by the lead agency, sufficient hard copies shall be provided to allow placement of a copy at the local library and Town of Stony Point office for public review during normal business hours. In addition, the DEIS shall be posted on a public website for public review, in accordance with 2005 amendments to SEQR.

Contents of the DEIS

Cover Sheet listing title of project, location, identification as a DEIS, Lead Agency, applicant, preparer, and relevant dates (i.e. date of document preparation and spaces for dates of DEIS

acceptance, public hearing, final date for acceptance of comments). A list of preparers shall include the firm name, contact name, address, and phone number for all consultants who helped prepare the document. The Lead Agency, the applicant, and owner if different from applicant, shall be identified with a contact name and a phone number.

Table of Contents including listings of primary DEIS sections and subsections, tables, figures, drawings, appendices, and any items that may be submitted under a separate cover sheet (and identified as such), with page numbers listed for each.

I) Executive Summary

The DEIS shall contain an Executive Summary that provides a brief description of the proposed action; a list of involved agencies and approvals required for each such agency; a list of interested agencies; a brief description of the adverse environmental impacts discussed in the DEIS, conclusions reached about the potential significant adverse impacts and the mitigation proposed for such impacts; and a brief description of the alternatives that are considered in the DEIS and a listing of all potential environmental impacts and proposed mitigation measures. The Executive Summary shall only include information that is found elsewhere in the main body of the DEIS.

The New Planet Project

II. Description of the Proposed Action

This chapter of the DEIS shall describe the project site and its location within the region, the proposed project, the public need and objectives of the project sponsor, and will list required approvals, reviews, and permits.

A. Site Location and Description

1. A written and graphic description of the location of the project site in the context of the County of Rockland, the Town of Stony Point, including tax map numbers and list of abutting properties tax map numbers. The site shall be described relative to surrounding land uses, main transportation corridors, streams, water bodies, wetlands and other prominent natural and man-made features on and in the immediate vicinity of the project site.
2. A brief description of the environmental setting of the site, and the natural resources identified thereon and in the adjoining areas. This description shall include a brief history of site use, current uses of the site and/or past activities and man-made facilities thereon.
3. Identification of any easements, rights-of-way, restrictions, special district boundaries or other legal devices affecting the subject properties' development potential; include a discussion of the potential impact of the project on these easements, rights-of-way, restrictions, special district boundaries or other legal devices.
4. Description of the existing infrastructure serving the project site and/or its immediate environs, including existing site access and road network as well as central water and sewer facilities.

B. Description of the Proposed Action

1. Written and detailed description of the proposed action, including the proposed use, design, layout, phasing and construction schedule.
2. Identify zoning and describe existing land uses for the project site and adjoining properties.
3. Discuss compliance with all Zoning and Subdivision Approval standards and other criteria set forth in the Town of Stony Point Code. The DEIS shall indicate the extent to which any modifications or waivers of such standards and other criteria, any variances from such regulations, or any zoning changes or petitions for rezoning that would be required to carry out the project as proposed and an evaluation of why such deviation is needed and would be appropriate.
4. Identify alternatives to the proposed action under consideration, along with a reference to detailed evaluation contained in latter portions of the DEIS.

C. Project Purpose and Need

1. Discuss the purpose or objective of the project.
2. Identify the public need for the proposed action, including consideration of consistency with adopted policies and/or plans as set forth within adopted local and regional land use and community development plans, including but not limited to Beyond Waste (A Sustainable Materials Management Strategy for NY State), the Rockland County Comprehensive Plan; 2013 proposed amendments to the 1995 Master Plan of the Town of Stony Point; Rockland GIS Portal; Town of Stony Point Code of Ordinances.
3. This discussion shall include an examination of whether the proposed action achieves the local objectives of the Town of Stony Point as laid out in the adopted plans. This discussion shall also include justification of the need for the proposed zoning law amendment.

D. Approvals, Reviews and Permits

1. List and describe all required local, state, and federal approvals, reviews, and permits required, by each involved agency, to implement the proposed action together with the status of each application, including the creation or expansion of water, sewer, drainage or other municipal districts as required by the project.
2. List all Involved and Interested Agencies for DEIS distribution.

III. Environmental Setting, Impacts and Mitigation

This section of the DEIS shall identify the existing environmental conditions, potential impacts of the New Planet Project, and proposed mitigation measures as appropriate for each of the major issues identified in this Scoping Document. Sufficient detail shall be provided so that reviewers are able to

gain an understanding of current conditions and impacts. Special effort shall be made to explain technical information in lay language with supporting tables and maps.

Proposed and potential mitigation measures for identified adverse environmental impacts shall indicate which mitigation measures have been incorporated into the plans as well as those which have not, and the reasons therefore. Unavoidable adverse environmental impacts shall also be identified.

The format or organization of this section shall include the following subsection headings for each topic or impact issue to provide a meaningful presentation of the environmental issues that allows the reader to focus on individual impact issues:

- Environmental Setting
- Potential Impacts
- Mitigation Measures

A. Soils and Topography

The existing surficial geology, topography, soils and bedrock classification of the site shall be identified and described. A complete analysis of the onsite conditions shall be included, in order to identify groundwater flows and drainage patterns, and classify adjacent wetlands. Geotechnical information gathered in the field would provide boring logs and groundwater levels from the monitoring wells installed as part of engineering or remedial studies.

B. Surface Water Resources

1. Surface water features shall be mapped and described, including but not limited to all DEC-protected streams and waterbodies, federally-regulated wetlands, state-regulated freshwater wetlands, the 100-year floodplain, and sea level rise. The description shall include the classification of all DEC-regulated waterbodies, streams, and wetlands. These features shall be shown on a map of surface water resources. The direction of surface water flow within and between surface water bodies shall also be described and mapped. The function of the wetlands and other water bodies, such as points of recharge, discharge, habitat type, species usage etc., shall be defined. For additional information concerning the identification of federally-regulated wetlands, and state-regulated freshwater wetlands, see Section III.G.2 of this Scope.
2. A description of the permanent and temporary direct, physical impacts to surface waters by feature shall be provided. The total area of temporary and permanent impacts in acres shall be provided.
3. Potential impacts to water quality shall be considered during construction and operation of the New Planet Project, and the potential impacts of discharging water pumped out of locations during construction will be analyzed. Any required mitigation to avoid the discharge of sediments to surface waters will be described.
4. Stormwater Management. The DEIS shall summarize a stormwater pollution prevention plan (SWPPP) for the New Planet Project, prepared in accordance with the DEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002), and utilizing

best management practices found within the SPDES Multi Sector General Permit (GP-0-12-001) and other applicable requirements imposed by the Town of Stony Point as a regulated Municipal Separate Storm Sewer System (MS4) community. The full SWPPP shall be included as an appendix to the DEIS, but the summary within the DEIS shall address the following:

- i. A drainage study, defining existing and post-development peak rates and flow volume of stormwater runoff and stormwater quality treatment during the statistical 1-, 10-, and 100-year, 24-hour Type II storm events, shall be submitted. The results of this study shall be summarized in the DEIS text and all supporting calculations shall be presented in an appendix to the DEIS.
- ii. Pre- and post-development stormwater runoff quality shall be discussed and summarized.
- iii. A description of the proposed stormwater detention and treatment methods per current NYSDEC Design Standards and local regulations shall be provided and the conceptual locations of all stormwater management design measures shall be shown on a drawing. The access to, ownership of, and responsibility for long-term maintenance of any stormwater management facilities shall also be discussed.
- iv. A description of the proposed soil erosion and sediment control methods that will be implemented during and post-construction per current NYSDEC Design Standards and local regulations shall be provided.

C. Ground Water Resources

1. The groundwater resources of the New Planet Project site shall be described using available literature regarding the geology and hydrology of the region and site; all on-site information collected during subsurface investigations, including geotechnical and soil borings, well drilling activities, and observations and mapping of surface water resources.
2. Discuss any potential groundwater contamination on the site resulting from current and past activities on the site, including but not limited to the Kay Fries site and the disposal of construction and demolition debris (C&D Debris).
3. Potential areas of direct groundwater recharge and wetland impacts shall be described and identified on a site map.
4. Assessment of potential impacts on adjoining properties and regional hydrology, including potential changes in hydrologic function and potential impacts on groundwater supply for neighboring residents.
5. Discuss the potential impacts of the installation and operation of wells for process water on the hazardous waste plume associated with the Kay Fries site.
6. The groundwater investigation shall describe the available resources and address potential impacts resulting from their potential use in the operation of the New Planet Project based upon the various potential sources of process water.

7. Measures to mitigate potential impacts to groundwater quantity, quality, or elevations that are identified shall be described and evaluated.

D. Water Supply

1. The proposed water supply for the New Planet Project shall be described. The description shall include the potential water supply sources, including but not limited to groundwater and use of the Town of Stony Point's treated effluent. In addition, the description shall include the capacity of those sources, average daily demand of the New Planet Project, and necessary infrastructure components (e.g., treatment equipment, distribution system, and storage, if any). A water withdrawal permit will be required from the DEC for any intake of water in excess of 100,000 gallons per day including groundwater.
2. If the proposed water supply source, or a portion thereof, is reclaimed or reused waste water from an existing waste water treatment plant, then the DEIS must include an assessment of this source and any associated potential impacts. DEC currently regulates the use of reclaimed wastewater through State Pollutant Discharge Elimination System (SPDES) permits on a case-by-case basis.
3. An estimate of the existing supply capacity based on available information sources and its general physical extent. The study must include a water budget (recharge analysis) of the study parcel and its watershed. Recharge must be estimated under normal and drought conditions and compared to estimated water demands of the project.
4. If the proposed water supply source is via groundwater wells, a minimum 72-hour pump test shall be performed in accordance with DEC protocol (available at <http://www.dec.ny.gov/lands/5003.html>) and demonstrate 6-hour stabilized yield and drawdown of the proposed supply wells(s). If applicable, aquifer testing shall be conducted in conformance with New York State and Rockland County Health Department standards and guidelines. A summary of well water quantity and quality testing results shall be included.
5. Water Supply System Design: The preliminary design for the proposed water supply system (well location, intake structure locations and distribution around the site) shall be clearly explained. The preliminary design shall also be provided on a drawing that shows the proposed water supply infrastructure, including the locations of the water supply source(s), treatment facility, likely water main routes, and proposed storage structure(s).
6. The analysis of ground water impacts shall include an identification of mitigation measures to be implemented if necessary. Discuss water supply and adequacy to supply adjoining properties and/or properties impacted by withdrawals from the proposed wells (if any).

E. Wastewater Disposal

1. Describe physical characteristics of the wastewater, and estimate the potential wastewater generation from the New Planet Project, including flow estimates.

2. Provide a description of appropriate wastewater disposal options based upon the physical characteristics of the wastewater generated by the New Planet Project and the environmental setting.
3. Identify any potential sewer district(s) that could receive wastewater and identify the location of the wastewater treatment plant; the capacity of the sewer infrastructure and wastewater treatment plant; and whether any upgrades are required to meet the increased flow or wastewater makeup as a result of the New Planet Project.
4. Describe the infrastructure components necessary to construct and operate the proposed wastewater collection and treatment system, including the treatment plant and likely routes of proposed infrastructure. A drawing shall be provided of the likely wastewater collection and treatment system.
5. If the New Planet Project will use groundwater wells as a water supply source, discuss how wastewater will be monitored for potential contamination associated with the proximity to the Kay Fries site, and if contamination is found, identify how the wastewater will be treated and/or disposed of.
6. Discuss mitigation measures to address identified potential impacts.

F. Solid Waste

1. Discuss the extent of construction and demolition (C&D) Debris on the New Planet Project site and any future plans to use that material as fill for the New Planet Project. Provide an engineering analysis to demonstrate sufficient compaction to support future development on the site. In addition, describe any environmental controls that will be implemented in accordance with the NYS DEC Beneficial Use Determination No. 1085-3-44 and Permit No. 3-3928-00181/00001, and any additional controls required as a result of site investigation.
2. Describe any known or planned sources (including specific geographic location) and elements (including type and quantity) of the solid waste feedstock and the method of delivery to the site.
3. Describe the proposed methods to process the solid waste for the New Planet Project, and provide a flow diagram for solid waste management on the Site. The description shall include handling of the solid waste, including but not limited to storage; material handling (including from both truck and rail); handling and disposal of residual materials (including ash, recyclables, and waste); waste processing to make the fuel product; leachate control; and odor controls.
4. Describe consistency with the goals of any state or local solid waste management plans, including The Beyond Waste State Solid Waste Management Plan and Rockland County's Comprehensive Solid Waste Management Plans.
5. Discuss mitigation measures to address identified potential impacts.

G. Terrestrial and Aquatic Ecology

1. Vegetation

- i. Identify the presence of fish (including eel and sea lamprey), wildlife and plant species and their associated habitats and life cycles on and in the vicinity of the site, including but not limited to State- or federally-listed rare, threatened, or endangered species, or species proposed for listing. Any field survey shall utilize survey protocols established by the USFWS or DEC appropriate to the species and season. Provide copies of all correspondence from state or federal entities as an appendix to the DEIS.
- ii. Evaluate the potential impacts on the resources identified, including a quantitative assessment of potential loss and/or reduction of function, and necessary mitigation measures designed to offset, reduce, or eliminate such losses.
- iii. Discuss necessary mitigation measures designed to offset, reduce, or eliminate potential impacts to the species identified above.

2. Wetlands and Waterbodies

- i. Delineate and flag the boundary of all on-site State and Federal Jurisdictional Wetlands in accordance with New York State Department of Environmental Conservation criteria (1995 Delineation Manual) and the methodology provided in the 1987 Army Corps of Engineers Wetlands Delineation Manual. Describe on-site wetlands and waters, listing codes and classifications for state regulated wetlands, streams and waterbodies. ACOE Jurisdictional Determination shall be provided and State wetland delineation shall be validated by DEC staff. A drawing shall be provided that includes the labeled wetland boundaries shown in accordance with the ACOE Jurisdictional Determination and the State wetland validation by DEC field staff. The drawing shall also show the regulated 100-foot adjacent area of all State-designated freshwater wetlands on the site and the location of all non-jurisdictional wetlands.
- ii. Calculate the area of proposed wetland disturbance based on grading plans, utility plans, and other available project information, and identify any proposed surface water discharges to wetlands. All proposed disturbance of any wetland shall be clearly noted on the plans and described in the DEIS. The disturbances shall be categorized as temporary or permanent and the acreages tabulated accordingly.
- iii. Assess wetland functions and values and potential impacts at the project and watershed scale. The function of the wetlands, such as points of recharge, discharge, entrapped, low flow, etc., shall be defined with respect to surface water and groundwater flow.
- iv. Describe proposed measures that would be implemented to avoid and minimize wetland impacts. Discuss any special mitigation measures that shall be implemented to prevent soil erosion and sedimentation of wetlands during construction. Where unavoidable wetland impacts are identified, a compensatory wetland mitigation plan shall be provided that provides a rationale for the proposed mitigation. The plan shall include drawings for the proposed compensatory wetland mitigation showing its location and conceptual grading and landscaping plans.

H. Land Use and Zoning

1. Land Use

- i. Describe existing land uses of the subject property and proximal properties. This description should include any public area or park land.
- ii. Discuss the proposed action's consistency with the current Town of Stony Point Comprehensive Plan ("Plan"), the Town Zoning Law, the Rockland County Comprehensive Plan and any pending plans if applicable.

2. Zoning

- v. Describe existing zoning of the project site and adjoining properties.
- vi. Discuss conformance of the proposed action with the most recent comprehensive plan for the Town of Stony Point.

I. Transportation (Study area to be determined)

The DEIS will include a study of the traffic and transportation impacts of the construction and operation of the project. The methodology for assessing the potential traffic and transportation impacts from traffic generated by the construction and operation of the project will generally follow the methodology provided in Transportation Research Board, National Research Council, Highway Capacity Manual, Special Report 209, Fifth Edition 2010.

The study will include a description of the pre-construction characteristics of the roadways in the vicinity of the project, including US Route 9W from the intersection with Rockland County Route (CR) 98 (Filors Lane) north of the project and the intersection with the US Route 202 (Gurnee Ave) south of the project. The description will include:

1. A review of existing historical data (latest three years available on vehicle traffic accidents obtained from the New York State Department of Transportation, Rockland County, and the Towns of Stony Point and Haverstraw.
2. A qualitative review of local school bus routes and schedules
3. An identification of approach and departure routes to and from the New Planet Project for police, fire, ambulance and other emergency vehicles.
4. A review of any weight or height restrictions for expected project traffic routes.
5. The results of peak turning movement counts for a typical weekday morning and weekday afternoon at the following intersections:
 - US Route 9W/CR 98 (Filors Lane)
 - US Route 9W/Holt Drive
 - US Route 9W/US Route 202 (Gurnee Avenue)
6. The results of 24-hour traffic volume counts (vehicle classification counts), including a calculation of average daily traffic (ADT) for Route 9W in the project vicinity.

7. For each intersection listed above, documentation of the number of approach lanes, the lane widths, shoulder widths, traffic control devices by approaches, and pedestrian accommodations.
8. A calculation of Level of Service (LOS) for each intersection listed above, giving detail for each turning movement.
9. An estimate of the annual rate of traffic growth in the vicinity of the project incorporating general growth and growth from planned development projects, but not including projected traffic for the project, including the source and manner of calculation of the estimate.

The study will include an estimate of the trip generation and trip distribution characteristics of the project during both construction. The estimate will include:

10. A description of each major phase of construction, including duration of construction, daily shift periods, number of employees, and project totals.
11. Identification of potential offsite construction staging areas and construction worker parking areas to be used during the construction activities.
12. For each major phase of construction, an estimate of the number and frequency of vehicle trips, including time of day and day of week arrival and departure distribution, by size and type of vehicle.
13. An identification of approach and departure routes to and from the New Planet Project for vehicles carrying equipment or materials for construction of the project.

The study will include an estimate of the trip generation and trip distribution characteristics of the project during typical operations. The estimate will include:

15. A description of the operation of the project, including the number of employees per shift, operating shift periods and seasonal and annual totals.
16. A description of the potential use of rail shipments for construction deliveries, and if likely, the routes or rail recertification required to reach the New Planet Project.
17. An estimate of the number and frequency of vehicle trips generated during operation of the project, including time of day and day of week arrival and departure distribution, by size and type of vehicle.
18. An identification of approach and departure routes to and from the New Planet Project for vehicles carrying chemicals or hazardous materials for operation of the project.
19. The study will include a conceptual site plan, drawn at an appropriate scale, depicting all Project Area Development Area driveway intersections, showing grades, the number of approach lanes, the lane widths, the shoulder widths, traffic control devices by approaches and sight distances, where applicable.

The study will include an analysis and evaluation of the traffic and transportation impacts of the project, including:

20. A comparison of projected future traffic conditions with and without the proposed project, including a calculation and comparison of the LOS for each intersection listed above, giving detail for each turning movement, the analysis to be conducted separately for the peak construction impacts of the project and for the typical operations of the completed project.
21. An evaluation of the adequacy of the road system to accommodate the projected traffic, the analysis to be conducted separately for the peak construction impacts of the project and for the typical operations of the completed project.
22. An identification and evaluation of reasonable mitigation measures regarding traffic and transportation impacts, including the use of alternative technologies, the construction of

physical roadway improvements, and the installation of new traffic control devices. Additional mitigation measures will be considered based upon the specific conclusions of the analysis, including but not limited to alternative shift change times or staggered shift changes, law enforcement controlled intersections during peak times, rail deliveries, and specific travel routes.

J. Aesthetic Resources

The DEIS shall conduct a visual impact assessment (VIA) in accordance with the NYSDEC Program Policy, Assessing and Mitigating Visual Impacts, DEP-00-2. This policy includes:

1. creating an inventory of aesthetic resources;
2. conducting a visual impact assessment including viewshed assessment. In addition to the resources identified in the policy, the analysis should include resources of local importance as identified in local land use zoning and planning processes and Town of Stony Point Comprehensive Plan;
3. identifying any potential significant aesthetic/visual impacts; and,
4. identifying whether mitigation is necessary and specific mitigation measures.

The VIA will address the following issues:

- i. The character and visual quality of the existing landscape, including visibility of project operational characteristics, such as visible plumes from the stack and project lighting.
- ii. Visibility of the project, including all roadways to be constructed, if any, and all gas, electric and other off-site interconnections or improvements required to serve the project, within a study area as determined by the viewshed analysis described below.
- iii. Appearance of the project upon completion, including façade colors and textures.
- iv. Lighting (including lumens, location and direction of lights for facility area and/or task use and safety, including stack requirements), and similar features.
- v. Representative views (photosimulations) of the project, include side and rear views, indicating approximate elevations
- vi. Nature and degree of visual change resulting from construction of the project, including all roadways to be constructed, if any, and all gas, electric and other types of off-site interconnections or improvements required to serve the project.
- vii. Nature and degree of visual change resulting from operation of the project.
- viii. Proposed mitigation and mitigation alternatives, including landscaping, lighting options for work areas and safety requirements, and lighting options for stack lighting as required by the Federal Aviation Administration (FAA).

The viewshed analysis component of the VIA will be conducted as follows:

- i. A viewshed map of the project study area will be presented on a 1:24,000 scale topographic base map. The viewshed study area is defined as the area within a 5-mile radius of the center of the Project Development Area. The viewshed map(s) will provide an indication of areas of potential visibility based only on topography and the top of the structure(s) with the highest peak elevation (the stacks). The potential screening impact of vegetation will also be shown. The map(s) will be divided into foreground, mid-ground and background areas based on visibility distinction and distance zone criteria as defined by the references cited above. Visually sensitive resources of statewide concern as defined in NYSDEC's Assessing and Mitigating Visual Impacts will be included on the map(s)

- ii. The VIA will include a detailed description of the methodology used to develop the viewshed maps, including software, baseline information, and sources of data.
- iii. The viewshed mapping will be used to determine the sensitive viewing areas and locations of viewer groups in the project vicinity based upon the inventory of aesthetic resources
- iv. Viewpoints will be selected based on the inventory of aesthetic resources and the following criteria: Representative or typical views from unobstructed or direct line-of-sight views; Significance of viewpoints, including the aesthetic value of the resource Level of viewer exposures, i.e., frequency of viewers or relative numbers,; and identification of the various affected viewer groups, and the situation or activity in which viewers are engaged with views of the project . Locally sensitive resources based upon locally approved plans such as Comp Plans and Zoning

The visual simulations of the project from each of the viewpoints will be limited to the project as it would appear in typical operating conditions. At least one photosimulation should show the visible water vapor plume from the exhaust stack(s) under reasonable worst case operating conditions.

- i. Each set of existing and simulated views of the project will be compared and the change, if any, in visual character will be identified. Based on the likely viewers, and their likely visual sensitivity, the potential impact will be discussed. Where visual impacts from the proposed facility are identified, potential mitigation measures will be outlined, and the extent to which they effectively minimize such impact will be discussed.
- ii. An overlay of a USGS map showing the photographic view locations and the results of computer visibility potential modeling will be provided.

K. Historic and Archaeological Resources

1. Provide clearly labeled maps of all historic districts as well as all structures on and substantially contiguous to the site which are either listed or eligible for listing on the State and National Registers of Historic Places.
2. Contact OPRHP to determine the presence of and potential impact on historic and archaeological resources that may be located on or near the project site. Provide copies of all correspondence from OPRHP in an appendix to the DEIS.
3. Describe the findings of any cultural resource investigation if required by OPRHP. Provide copies of any cultural resource survey performed on the site as an appendix to the DEIS.
4. Discuss mitigation measures proposed or alternatives considered as deemed advisable by OPRHP in consultation with the professional archaeologist.

L. Economic Impacts

The New Planet Project may create the need for additional community services including police protection, fire protection, emergency medical services, education, public utilities (excluding water and sewer described elsewhere), and public recreation/open space facilities. Each existing service area shall be described as to its existing capacity. (Water and sewer services and distribution are addressed separately in other sections.)

The DEIS will include a study of the economic impacts of the construction and operation of the project, including:

1. An estimate of the number of temporary construction jobs that will be created, by discipline.
2. An estimate of the secondary employment and economic activity likely to be generated during the construction of the plant for the Town of Stony Point and the adjacent municipality of Haverstraw
3. An estimate of the number of jobs and the on-site payroll, by discipline, during a typical year once the plant is in operation, and an estimate of other expenditures likely to be made in the Town of Stony Point and the Town of Haverstraw during a typical year of operation.
4. An estimate of the annual secondary employment and economic activity likely to be generated in the Town of Stony Point and the Town of Haverstraw by its operation.
5. An estimate of the extent and duration of temporary construction work force.
6. An identification of the amount and location of temporary housing expected to be used by any in- migrating construction workers.
7. A discussion of anticipated tax and other benefits to the community.

M. Community Services

1. An estimate of the impact on community services during the construction phase of the project, including the incremental municipal or utility operating and infrastructure costs that will be incurred by the Town of Stony Point, Rockland County, and any other affected municipality of utility for police, fire, emergency, water, sewer, solid waste disposal and other municipal or utility services.
2. An estimate of the impact on community services due to the permanent operation of the project, including the incremental municipal or utility operating and infrastructure costs that will be incurred by the Town of Stony Point, Rockland County, and any other affected municipality of utility for police, fire, emergency, water, sewer, solid waste disposal and other municipal or utility services.
3. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies or hazardous substance incidents.
4. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency or a hazardous substance incident.

N. Noise

1. The DEIS shall evaluate the construction-related noise impacts of the New Planet Project and shall identify appropriate mitigations to reduce noise impacts, including the noise to be generated by site preparation, truck traffic, and facility construction in accordance with the NYSDEC Program Policy on Assessing and Mitigating Noise Impacts (#DEP-00-1) and 6 NYCRR Part 360 Solid Waste Management Facilities (6 NYCRR Section 360-1.14(p)).
2. The DEIS shall also evaluate the operational-related noise impacts of the New Planet Project and shall identify appropriate mitigations to reduce operational noise impacts in accordance with the NYSDEC Program Policy on Assessing and Mitigating Noise Impacts (#DEP-00-1) and 6 NYCRR Part 360 Solid Waste Management Facilities (6 NYCRR Section 360-1.14(p)).

O. Green House Gas Emissions (GHG)

The DEIS shall include a section regarding the quantification, assessment, and mitigation of Greenhouse Gas Emissions (GHG), including the following sources of GHG: direct emissions from stationary sources; direct emissions from non-stationary sources; indirect emissions from stationary sources; indirect emissions from mobile sources; emissions from waste generation; and total GHG emissions and mitigation measures in accordance with the DEC Policy “Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements” (July 15, 2009).

P. Air

1. The DEIS will include an examination of the impacts of criteria pollutants and regulated non-criteria pollutants from the project on air quality. The DEIS will include a description of the existing climate and meteorology of the project area; an assessment of existing and historical air quality conditions; an inventory of proposed emission sources associated with the project; and an assessment of project technology and design, emissions, and air quality impacts.
2. The assessment of the project’s impact on air quality will follow the procedures outlined, and use data contained, in the following documents:

For determining stack height:

USEPA, Guidelines for Determination of Good Engineering Practice Stack Height (USEPA Technical Support Document for the Stack Height Regulations), Document Number EPA-450/4-80-023R (June 1995).

For impacts on soil and vegetation:

USEPA, A Screening Procedure for the Impacts of Air Pollution Sources on Plants, Soils and Animals, Document Number EPA-450/2-81-078 (1981).

For performing visibility modeling:

USEPA, Workbook for Plume Visual Impact Screening and Analysis. Document Number EPA-454/R-92-023 (October 1992).

3. Rockland County is located in a severe non-attainment area for ozone. In accordance with 6 NYCRR Section 201-2.1(21), in this area, the Major Facility threshold is the potential to emit 25 tons per year (“tpy”) or more of NO_x or VOC and requires a Title V permit. If the potential to emit falls below 25 tpy, a facility will be designated as a minor facility and will be required to obtain a State Facility Permit pursuant to ECL Article 19 and 6 NYCRR Part 201-5.

The DEIS shall present potential emissions from the New Planet Project in order to determine whether or not the facility will be classified as a Major or Minor facility.

- i. If the New Planet Project is a Minor facility:
 - The USEPA model AERMOD shall be used to assess the air quality impacts for criteria and non-criteria pollutants and any potential emissions of toxics from the New Planet Project in accordance with NYS DEC Policy DAR-1 Guidelines for the Control of Toxic Ambient Air Contaminants.
 - If necessary, further refined modeling shall be conducted in accordance with DAR-10.
- ii. If the New Planet Project is a Major facility:
 - An air quality impact evaluation shall be conducted in accordance with the provisions of 6 NYCRR Section 231-5.5(d), 6 NYCRR Subpart 231-12, and DEC Policy DAR-10 NYSDEC Guidelines on Dispersion Modeling Procedures for Air Quality Impact Analysis, including but not limited to a control technology assessment for pollutants subject to Prevention of Significant Deterioration (PSD – 6 NYCRR Subpart 231-7) review and Nonattainment New Source Review (NNSR – 6 NYCRR Subpart 231-5) to determine the best available control technology (BACT) and lowest achievable emission rate (LAER) for the applicable pollutants.
 - Modeling shall be also conducted for all other for criteria pollutants and any potential emissions of toxics from the New Planet Project in accordance with NYS DEC Policy DAR-1 Guidelines for the Control of Toxic Ambient Air Contaminants.
 - The DEIS shall include DEC approved protocols and results of the required models in accordance with NYS DEC Policy DAR-10 NYSDEC Guidelines on Dispersion Modeling Procedures for Air Quality Impact Analysis.
5. The DEIS shall also evaluate and present potential and available mitigation measures including but not limited to operational and engineering controls.
6. The DEIS shall include an air quality assessment from mobile sources in accordance with the procedures set forth in the “New York State Department of Transportation Air Quality Analysis Procedure: Project Environmental Guidelines.” The assessment shall include a study that is approved by DEC in order to determine the appropriate vehicle miles traveled (“VMT”) inputs for the study.

Q. Hazardous Waste

This section of the DEIS shall describe the Kay Fries site status, and any further required remedial and monitoring activities required at the Kay Fries site. The DEIS shall also evaluate potential impacts of the New Planet Project on the remediation and monitoring.

R. Petroleum Bulk Storage and Chemical Bulk Storage

- a. This section of the DEIS shall describe and identify the petroleum and chemical bulk storage requirements of the New Planet Project including the number and size of tanks, proposed tank locations depicted on a site map and the types of liquids the tanks will contain.
- b. DEC permit jurisdiction for petroleum storage will depend on total storage capacity of all storage tanks on the New Planet Project site.
 1. If the total design capacities of all tanks is less than 400,000-gallons, then the facility would be subject to ECL Article 17 Titles 3 and 10 and 6 NYCRR Parts 612-614, Petroleum Bulk Storage (“PBS”) requirements, and the DEIS shall contain a description of how the facility will be constructed and maintained to comply with the applicable regulations.
 2. If the total design capacities is greater than or equal to 400,000 gallons, then the facility would be classified as a Major Oil Storage Facility (“MOSF”), and subject to the Spill Prevention, Countermeasure and Control (“SPCC”) program administered by the Environmental Protection Agency (EPA), and the DEIS shall contain a proposed SPCC plan.
- c. The DEIS shall describe how the New Planet Project will comply with 6 NYCRR Parts 596-599 for the storage of hazardous substances at the facility.
- d. The DEIS shall evaluate the potential impacts associated with tank failures, leaks, spills, fires and explosions and what measures will be in place to prevent and respond to spills, releases and accidents at the facility.

IV. Coastal Zone Consistency and Local Waterfront Revitalization Plan

This section of the DEIS shall discuss consistency with the current version of the Town of Stony Point’s Local Waterfront Revitalization Policy (LWRP) and the Department of State Coastal Management Program and associated Policies. This section shall also discuss the location of the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat relative to the proposed New Planet Project.

Describe proposed measures that would be implemented to avoid and minimize impacts to the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat. Discuss any special mitigation measures that shall be implemented to prevent such impacts during both construction and operation.

V. Unavoidable Adverse Impacts

This section of the DEIS shall list the long-term, permanent impacts that are likely to occur despite mitigation measures, and shall compare in summary form the beneficial and adverse implications of these unavoidable impacts. The DEIS shall also include a discussion of short term, temporary construction impacts.

VI. Alternatives

This section of the DEIS shall evaluate and compare alternatives to the proposed action, including different site layouts; different treatment technology; different by-products; a reduced size and scope of the New Planet Project; and a No Action alternative in accordance with 6 NYCRR Part 617.9.b.5. The description and evaluation of each alternative shall be at a level of sufficient detail to allow a comparative assessment of the alternatives discussed. The evaluation and comparison shall include a conceptual plan and a table comparing quantified and qualitative impacts. The table shall include, at a minimum, impacts on vegetation by type, wetlands, surface waters, groundwater resources, water demand, wastewater flows including stormwater, total area of disturbance, and estimated traffic trips generated, and method of delivery. An analysis of the relative consistency of the New Planet Project and each alternative with the current Town of Stony Point Comprehensive Plan shall also be included.

VII. Irreversible and Irrecoverable Commitment of Resources

Identify natural and man-made resources consumed, converted or otherwise made unavailable for future use as a consequence of the New Planet Project.

VIII. Growth Inducing Aspects

The analysis of growth inducement as a result of the New Planet Project will focus on growth inducing attributes. Growth inducement refers to the potential for the New Planet Project to increase the attractiveness of a community and accelerate its rate of development, primarily as a consequence of three types of actions: (1) tax payments; (2) induced employment; and (3) other activity due to capital and operating expenditures in the area. Using information collected for analysis of Economic Conditions (Section L), the potential for indirect employment growth will be assessed. The significance of the growth will be reviewed in light of existing and future anticipated employment and output to the county's economy. Potential growth-inducing aspects, including short and long term, primary and secondary/indirect impacts, generated by the project shall be described and mitigation measures discussed, if necessary.

IX. Cumulative Impacts

Potential cumulative impacts, including but not limited to air, transportation, solid waste, water supply, wetlands, and greenhouse gas emissions, of the New Planet Project and other projects in Rockland County shall be identified, described and evaluated. Other projects may include those within proximity to the site, under review or recently approved (i.e., green industrial facilities within the Proposed Amendment areas, Lego Land, Bowline 3rd Line, and the United Water Desalination Plant). A map showing the locations of such projects and their distances to the proposed New Planet Project shall be provided.

X. Effects on the Use and Conservation of Energy

A description of the effect of the New Planet Project on the short and long term use and conservation of energy resources shall be provided including ways to reduce inefficient or unnecessary consumption during construction and long term operation. The discussion shall include applicable building codes in developing building plans for this project. Measures identified within the transportation analysis above to minimize vehicle traffic trips within and from/to the site shall also be summarized.

III. The Proposed Amendments

It is understood that since specific projects are not proposed for all lands as part of the zoning amendments, environmental review of the impacts of such amendments beyond those associated directly with the proposed New Planet facility, must be considered at a more generic level of detail. Such generic consideration should be based upon the impacts of conceptual development under the proposed zoning amendment as compared with conceptual development under the existing code. The site-specific impacts identified for the New Planet Facility should form the basis of impacts of the proposed zoning amendments. Mapping and narrative discussion of any impacts of the proposed zoning amendments may be broader and more general than the site-specific information developed for the New Planet site.

A. Description of the Proposed Action

This chapter of the DEIS shall describe the proposed zoning amendments, and will list required approvals, reviews, and permits.

1. Description of Affected Area

i. A written and graphic description of the zoning districts impacted in the context of the Town of Stony Point, including tax map numbers and list of abutting properties tax map numbers. The affected areas shall be broken into four potential development sites that take into consideration the topography, access infrastructure, and other constraints that divide the LI District into these discrete areas. These four (4) areas shall be graphically depicted and relevant parcels identified by tax map number, but shall generally include:

a. New Planet/Former Kay-Fries Site - while much of this area is being considered as part of the "site" under detailed environmental consideration for the New Planet proposed facility, this area may be larger and should include all adjacent unconstrained (by severe topography or DEC wetlands) and vacant lands.

b. US Gypsum/Grassy Point Road Site

c. Tilcon Quarry

d. Former Lovett Generating Station Site.

Each area shall be described relative to surrounding land uses, main transportation corridors and access roads, streams, water bodies, wetlands and other prominent natural and man-made features on and in the immediate vicinity.

ii. A brief description of the environmental setting of each area, and the natural resources identified thereon and in the adjoining areas. This description shall include a brief history of the use of each area, current uses and/or past activities and man-made facilities thereon.

iii. Consideration of any known limitations on uses imposed by existing Town or State Permits and/or approvals on each area.

iv. Description of the existing infrastructure serving each area and/or its immediate environs, including existing site access and road network as well as central water and sewer facilities.

v. Identify zoning and describe existing land uses for each area and adjoining properties.

2. Description of the Proposed Action

i. Written and detailed description of the proposed zoning amendments, as compared with existing zoning regulation. Particular attention should be paid to what additional uses are authorized compared with existing zoning, and the extent to which existing bulk requirements are made less restrictive. The extent to which changes are only clarifications to existing law should also be described.

ii. Conceptual Projects. Conceptual projects shall be developed for each of the four (4) LI and LI-2 zoned areas. These conceptual projects should take into account any existing constraints on development including wetlands, waterbodies (including up to 36 inches of sea level rise associated with tidal waterbodies), topography, bedrock, and any easements or other relevant legal or permitting considerations and the likely facility size that could be built given these constraints. The total maximum gross floor area (square feet) and processing capability (tonnage) that could be built in each of the four (4) areas will be identified, based on a comparison with the gross floor area and tonnage proposed per unconstrained acre for the site-specific New Planet proposal.

3. Project Purpose and Need

i. Identify the public need for the proposed zoning amendments, including consideration of consistency with adopted policies and/or plans as set forth within adopted local and regional land use and community development plans, including but not limited to the Rockland County Comprehensive Plan; the 1995 Master Plan of the Town of Stony Point and 2013 Amendment; Town of Stony Point Code of Ordinances; and Stony Point Local Waterfront Revitalization Plan.

ii. This discussion shall include an examination of whether the proposed action achieves the local objectives of the Town of Stony Point as laid out in the adopted plans. This discussion shall also include justification of the need for the proposed zoning amendments.

iii. Describe public benefits of the proposed amendments (as compared with the baseline of the current zoning without amendments) including:

- a. Any positive impacts from processing of waste closer to sources, including any quantifiable reduction in GHG emissions, reduction in consumption of land for landfill sites.
- b. Any Fiscal benefits to the Town, School District, County and State.
- c. Any increased employment or economic benefits to the region.
- d. Benefits of creation of a domestic source of renewable hydrocarbon fuels.
- e. Any other quantifiable benefits.

B. Environmental Setting, Impacts and Mitigation

This section of the DEIS shall identify the existing environmental conditions, potential impacts of proposed zoning amendments, and proposed mitigation measures as appropriate for each of the major issues identified in this Scoping Document. Sufficient detail shall be provided so that reviewers are able to gain an understanding of current conditions and impacts. Special effort shall be made to explain technical information in lay language with supporting tables and maps.

Impacts will be considered on a comparative basis against a baseline of a conceptual build out under current zoning. For each of the four (4) geographic areas identified in the Project Description, a conceptual build out shall be developed to compare the impacts of the proposed zoning amendments.

The baseline may be assessed based upon historic prior use of the sites to the extent that the prior use was consistent with current zoning, or exempted from current zoning by State Permit (Tilcon quarry). Alternatively, to the extent that a prior use was not the most intensive use possible under current zoning, the baseline should be based upon the most intensive use currently allowed that could reasonably be anticipated given current market and regulatory conditions. Such conceptual baseline, shall be provided in generic terms and may be developed given rule-of-thumb standards in regards to floor area of facilities, processing tonnage, and associated impacts such as air emissions, trip generation, employment-based impacts, sewage generation, water and energy consumption, etc. Assumptions used in developing the baseline conditions shall be provided and sources referenced. Proposed and potential mitigation measures for identified adverse environmental impacts shall indicate which mitigation measures have been incorporated into the plans as well as those which have not, and the reasons therefore. Unavoidable adverse environmental impacts shall also be identified. The format or organization of this section shall include the following subsection headings for each topic or impact issue to provide a meaningful presentation of the environmental issues that allows the reader to focus on individual impact issues. The EIS should be analytic and not encyclopedic; to the extent that a given category is not relevant, it shall be so annotated and the reasoning as to why it is not relevant shall provided:

- Environmental Setting

- Potential Impacts

- Mitigation Measures

1. Soils and Topography

2. Surface Water Resources

3. Ground Water Resources

4. Water Supply

5. Wastewater Disposal

6. Solid Waste

7. Terrestrial and Aquatic Ecology - This section shall also discuss the location of the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat relative to the Proposed Amendments as well as the land associated with the proposed zoning amendments and describe any potential impacts. Describe proposed measures that would be implemented to avoid and minimize impacts to the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat. Discuss any special mitigation measures that could be implemented.

8. Land Use and Zoning

9. Transportation

10. Aesthetic Resources

11. Historic and Archaeological Resources

12. Community Facilities and Services

13. Economic Impacts

14. Noise

15. Green House Gas Emissions (GHG)

16. Air

C. Coastal Zone Consistency and Local Waterfront Revitalization Plan

This section of the DEIS shall discuss consistency with the Town of Stony Point's Local Waterfront Revitalization Plan (LWRP) and the Department of State Coastal Management Program and associated Policies. D. Unavoidable Adverse Impacts

This section of the DEIS shall list the long-term, permanent impacts that are likely to occur despite mitigation measures, and shall compare in summary form the beneficial and adverse implications of these unavoidable impacts.

E. Alternatives

This section of the DEIS shall evaluate and compare alternatives to the proposed zoning amendments and a No-Action alternative in accordance with 6 NYCRR Part 617.9.b.5. The description and evaluation of each alternative shall be at a level of sufficient detail to allow a comparative assessment of the alternatives discussed. The evaluation and comparison shall include a description of the alternative and a table comparing quantified and qualitative impacts. The table shall include, at a minimum, impacts on vegetation by type, wetlands, surface waters, groundwater resources, water demand, wastewater flows including stormwater, total area of disturbance, and estimated traffic trips generated, and method of delivery. An analysis of the relative consistency of the plan and all alternatives with the current Town of Stony Point Comprehensive Plan and 2013 Amendments shall also be included along with a comparison of GHG emissions for the plan and each alternative. If there is no appreciable difference in impacts it shall so be noted.

F. Growth Inducing Aspects

The analysis of growth inducement as a result of implementation of the proposed zoning amendments will focus on potential residential development that may occur. Growth inducement refers to the potential for the proposed zoning amendments to increase the attractiveness of a community and accelerate its rate of development, primarily as a consequence of three types of actions: (1) tax payments; (2) induced employment; and (3) other activity due to capital and operating expenditures in the area. Using information collected for analysis of Socioeconomic Conditions (Section 1.5), the potential for indirect employment growth will be assessed. The significance of the growth will be reviewed in light of existing and future anticipated employment and output to the county's economy. Potential growth inducing aspects, including short and long term, primary and secondary/indirect impacts, generated by the project shall be described and mitigation measures discussed, if necessary.

G. Effects on the Use and Conservation of Energy

A description of the effect of the proposed zoning amendments on the short and long term use and conservation of energy resources shall be provided.

A. Environmental Justice and Demographic Impact

The DEIS shall include an analysis of the potential adverse environmental impacts on any potential Environmental Justice Area (“EJ Area”) in accordance with NYS DEC Commissioner Policy 29, Environmental Justice and Permitting and as outlined below, for the New Planet Project and the Proposed Amendments.

1. Public Participation Plan

A public participation plan (also referred to as a communication plan or a public outreach plan) will be developed to establish a program of activities that will provide opportunities for citizens to be informed of the action, and the SEQR and environmental permitting process, while encouraging the applicant to actively seek feedback, questions, and input from citizens. The development of the Public Participation Plan may include the following components based on the needs and the interests of the involved community and the applicable regulatory requirements.

- i. Identify stakeholders: elected and appointed officials, regulatory agencies, media outlets, and property owners (that includes environmental organizations, and business/homeowners associations).
- ii. Distribute project-related information: develop communication materials that introduces the project, project schedule, costs, permitting requirements, and method of obtaining additional information (for example: factsheet, notification letter, repositories, website, mailings, etc.)
- iii. Based on the preliminary screening analysis, identify if project-related materials should be made available in non-English language(s). Also identify locations where additional assistance could be required in distributing project-related information.
- iv. Hold public informational meetings (also referred to as community working groups, informational sessions, open house sessions, etc.) in areas easily accessible, at convenient meeting times to the stakeholders to present project-related information and actively seek feedback, questions, and general input from citizens.
- v. Prepare and maintain progress reports: keep track of list of stakeholders, information distributed, method of distributing information, as well as questions and comments received from stakeholders and citizens. Utilize the progress reports to monitor communication and track performance and frequency.

2. Identification of the potential Environmental Justice Area

Identify and describe any potential Environmental Justice Area (“EJ Area”), as defined in NYS DEC Commissioner Policy 29, that is likely to be affected by the proposed Project and its proximity to the proposed Project, including population (total population and population density); racial and ethnic characteristics; and household income levels.

Identification of an EJ Area shall be based the most recent year data is available (e.g. U.S. Census, County or State sources).

3. Identification of Existing Environmental Impacts on the EJ Area

Provide a comprehensive description of any existing environmental impacts on the EJ Area to include all Major Air State Facilities within 25 kilometers of the New Planet Project site and all other facilities as further defined in paragraph “a” below within a ½ mile of the potential EJ Area, not including any impacts which may result from the construction or operation of the proposed Project, including:

(a) physical conditions:

- (i) public health, including available data on asthma and cancer;
- (ii) air quality, using AERMOD consistent with the state permit to assess existing air quality impacts;

(iii) number and concentration of the following:

- (1) industrial or municipal facilities permitted pursuant to Titles 7 or 8 of ECL Article 17 (permitted State Pollutant Discharge Elimination Systems);
- (2) facilities registered pursuant to Title 10 of ECL Article 17 (petroleum bulk storage facilities);
- (3) facilities permitted pursuant to ECL Article 19 (permitted air facilities);

- (4) facilities permitted or registered pursuant to Titles 7 or 9 of ECL Article 27 (solid waste management facilities and hazardous waste treatment storage and disposal facilities);
- (5) facilities required to file an annual report pursuant to ECL section 27-0907(6) (large quantity generators of hazardous waste);
- (6) sites regulated pursuant to Titles 13 or 14 of ECL Article 27 (inactive hazardous waste disposal sites and brownfield cleanup sites);
- (7) facilities regulated pursuant to Title 23 of ECL Article 27 (vehicle dismantling facilities);
- (8) facilities registered pursuant to ECL Article 40 (hazardous substance bulk storage facilities);
- (9) projects undertaken pursuant to Title 5 of ECL Article 56 (environmental restoration projects);
- (10) facilities subject to corrective action pursuant to ECL section 71-2727 (solid or hazardous waste management facilities subject to Resource Conservation and Recovery Act corrective action);
- (11) sites participating in the Department's voluntary cleanup program; and
- (12) facilities licensed pursuant to Article 12 of the Navigation Law as major oil storage facilities;

(iv) open space, including land dedicated to public parks, playgrounds, and playing fields and waterfront access;

(v) historic and cultural resources and community or neighborhood character, including existing patterns of population concentration, distribution, or growth;

(vi) visual and aesthetic resources;

(vii) ground or surface water quality;

(viii) ambient sound level; and

(ix) vehicular and pedestrian traffic; and

(b) any other information reasonably necessary to provide an accurate and complete representation of the demographic, economic and physical characteristics of the EJ Area.

4. Analysis of potentially significant adverse environmental impacts of the New Planet Project on the potential EJ Area

a. Describe and evaluate the significance of any potentially significant adverse environmental impacts resulting from the proposed Project on the EJ Area during both construction and operation of the facility. In evaluating the significance of any adverse environmental impacts, the applicant shall measure the impacts against all applicable regulatory thresholds or standards, and utilize technical analyses associated with the applicable environmental permitting requirements, including ecological, noise, monitoring/modeling, atmospheric dispersion modeling, transportation, hazardous materials, water resources, and public health. The analysis shall also consider the following:

(i) scope, magnitude, frequency, and duration of the impacts on the environment, public health, and quality of life in the EJ Area;

(ii) nature of the impacts on sensitive populations including children and the elderly;

(iii) degree of increased risk in the event of natural or man-made disasters; and

(iv) any other information necessary to evaluate significance of the adverse impacts.

b. Add the potentially significant adverse environmental impacts of the New Planet Project on the EJ Area to the existing environmental impacts on the EJ Area, and present a comprehensive description of the physical conditions and significant adverse environmental impacts that would result from the construction and operation of the New Planet Project.

5. Mitigation Measures

1. Describe the proposed measures to avoid, offset or minimize any significant adverse environmental impacts on the EJ Area.

2. Explain why the proposed measures to avoid, minimize, or offset any significant adverse environmental impacts of the New Planet Project will, to the maximum extent practicable, avoid, minimize or offset any identified significant adverse environmental impacts, including a description of the manner in which such measures can be verified and a statement of the cost of such measures.

B. Appendices

The appendices shall include a list of all underlying studies and reports relied upon in preparing the DEIS, technical exhibits and studies background information relevant to the proposed action such as the adopted Scoping Document and other relevant SEQR documents, and relevant correspondence.