

MONROE COUNTY DEPARTMENT OF HEALTH

DEVELOPMENT REVIEW GUIDELINES

FOR PROPERTIES WITHIN 2000 FEET

OF WASTE DISPOSAL SITES

PREPARED BY

THE MONROE COUNTY DEPARTMENT OF HEALTH

AND THE MONROE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

WITH ASSISTANCE FROM

THE MONROE COUNTY DEPARTMENT OF PLANNING,

CITY OF ROCHESTER DEPARTMENT OF COMMUNITY DEVELOPMENT AND

THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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**MONROE COUNTY DEPARTMENT OF HEALTH
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2000 FEET OF WASTE DISPOSAL SITES**

ABSTRACT

This document describes the process the Monroe County Department of Health uses when reviewing proposed developments on or within 2000 feet of a waste disposal site. It identifies the information needed for an adequate evaluation and integrates this with the State Environmental Quality Review Act (SEQR) procedures.

Waste disposal sites have the potential to pose a hazard to human health and the environment. Consideration of a nearby waste site's potential effect upon future residents or users of a proposed development is within the purview of government agencies reviewing and approving development proposals. The potential effects may be directly attributable to the waste site, such as those instances where a waste site itself is part of the development and people may come into direct contact with the waste material. On the other hand, the effects may occur more indirectly, such as when utility service is extended through a waste site and contamination subsequently migrates along the sewer, water or other underground line.

Proximity of a proposed development to a waste disposal site does not necessarily suggest disapproval of the project. It may require additional conditions of approval to provide for careful monitoring during construction. Examples of condition statements which could be incorporated in project approvals can be found in Appendix G.

By working closely with local municipalities and developers conducting the site investigations, the Monroe County Department of Health and the Monroe County Environmental Management Council can identify issues that need to be addressed on a site specific basis. Early joint review by the municipality and the county will assist the applicant in obtaining site plan approval. Involving county agencies in the early stages may avert delays when the applicant seeks county permits at a later date.

Information to assist applicants in conducting an investigation are included in this publication. This includes a Waste Disposal Site Evaluation Form and instructions for performing an on-site investigation, as well as a guide for preparing a site inspection report.

SECTION 1

WASTE DISPOSAL SITE INFORMATION

In the early 1980's Monroe County developed a method for identifying inactive waste disposal sites.¹ By systematically reviewing aerial photographs and agency records dating back to the 1930's, the Monroe County Department of Health (MCDOH) and the Monroe County Environmental Management Council (MCEMC) identified two types of waste sites:

- 1.) Confirmed waste site - a site known to contain waste based on information in the MCEMC, MCDOH, New York State Department of Environmental Conservation (NYSDEC) and/or municipal files; knowledge from residents or representatives of municipalities; or through site investigations. It is not known how many of these sites may contain hazardous waste.
- 2.) Suspected waste site - a site that shows up on aerial photographs as surface disturbance involving unidentified material that does not appear to be clean fill.

As of January 1992, approximately 350 confirmed sites and 200 suspected sites have been identified in Monroe County. In an ongoing effort, Monroe County continues to compile a comprehensive inventory of waste sites. The inventory is updated as new information becomes available. However, Monroe County does not claim that the inventory is complete.

These Guidelines explain the process and sources of information that an applicant/developer should utilize when a proposed development is on or within 2000 feet of a waste disposal site. It identifies the information needed for an adequate evaluation and integrates this with the State Environmental Quality Review Act (SEQR) procedures.

Various sources of information exist on the locations of waste disposal sites. This section explains the sources of information and the methods for conducting the research when a proposed development is located near a waste disposal site.

¹. The methodology is documented in Environmental Protection Agency publication EPA 600/4-83-050, October 1983: A Methodology to Inventory, Classify and Prioritize Uncontrolled Waste Disposal Sites.

The following agencies may be available to assist in providing the applicant with information on waste disposal sites or development review procedures:

Monroe County Environmental Management Council (MCEMC)
47 South Fitzhugh Street, Suite 201
Rochester, NY 14614
(716) 428-3023

Monroe County Department of Health (MCDOH)
Division of Environmental Health
111 Westfall Road
Rochester, NY 14692
(716) 274-6067 or 274-6904

Monroe County Department of Planning
47 South Fitzhugh Street
Suite 200
Rochester, NY 14614
(716) 428-5418

New York State Department of Environmental Conservation (NYSDEC)
Region 8 Office, Division of Hazardous Waste Site Remediation
6274 East Avon-Lima Road
Avon, NY 14414
(716) 226-2466

New York State Department of Health (NYSDOH)
42 South Washington Street
Rochester, NY 14608
(716) 423-8071

Local government planning agencies and boards

MONROE COUNTY AGENCY INVOLVEMENT

The MCDOH has legal review and approval authority for a number of actions. These actions and their corresponding legal authorities are listed in Appendix A. The MCDOH established the MCDOH Waste Site Advisory Committee and the MCDOH Waste Site Technical Committee to review waste site information throughout the county. This process included the inventory and review of information on waste sites; review and comment on the NYSDEC publication on inactive hazardous waste sites (reference #4 on page 15); assistance in developing municipal reports on waste sites; review of information and reports on hazardous waste sites; and review and comment on proposed developments near waste sites. Members of this committee are listed in Appendix B.

Preliminary reviews of many developments fall under the review of the Monroe County Department of Planning's Development Review Committee (MCDRC) under the authority of the New York State General Municipal Law, Sections 239 l, m, and n. Waste sites which may impact the proposed development are identified during the review process. The developer and municipality are then advised that an evaluation of the impact of a waste site must be conducted.

MONROE COUNTY WASTE SITE INVENTORY

Waste site inventory reports are developed to identify waste sites throughout the county on a municipal basis. Various sources of information are used to develop the inventories. These include aerial photographs, historic solid waste files, interviews with local government officials and residents, site visits, and subsurface information that documents the existence of waste.

Once information on waste sites in a municipality is compiled, a draft report and map are prepared. The report summarizes information known to date about the waste sites and the map shows the location of the confirmed and suspected waste sites. The draft information is given to the municipalities for review and comment. After the municipality has completed the review of the report and map, the information is published. Information regarding the published reports is available from the MCEMC.

The waste site inventory reports include information about a site such as: the site identification number; the site location; site users/operators; type of waste; years site was active according to aerial photographs and other information; site acreage; NYS Registry number and a summary of the superfund investigation if the site is included on the NYS Registry; information about private and public water wells and public water supplies located near the site; current land use; nearby stream and wetland information; a geologic review of the site; orthophoto/tax map number; United States Geological Survey topographic quadrangle name; tax account number; and other pertinent information about the site.

The waste site maps show the locations of the confirmed and suspected waste sites as well as hazardous waste sites included on the NYS Registry. The maps also show locations of waste sites in adjacent municipalities that are within 2000 feet of the municipal boundary.

The reports and maps are distributed to various agencies and offices within the municipality. The waste site maps are available for review at the following locations:

Monroe County Environmental Management Council
Monroe County Department of Health
Monroe County Department of Planning

Copies of the report and waste site maps are available for purchase from the MCEMC.

REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES IN NEW YORK STATE

As required by Title 13, Article 27 of the Environmental Conservation Law (ECL), Monroe County refers those sites known or believed to contain hazardous waste to the NYSDEC for further investigation. If the NYSDEC determines that these sites contain hazardous waste, the sites are added to a state registry of hazardous waste sites titled "Inactive Hazardous Waste Disposal Sites in New York State" (NYS Registry).

The NYS Registry is prepared by the NYSDEC and NYSDOH. It is published on an annual basis and updated quarterly. Both the Registry and the quarterly updates are on file at the MCEMC, the MCDOH, and at the Region 8 office of the NYSDEC in Avon, New York.

The sites on the NYS Registry are classified according to their potential impact on public health and the environment. An extensive explanation of the NYS Registry is included in Appendix C. A listing of Monroe County sites included on the NYS Registry by municipality is available by contacting the MCEMC.

ASSESSMENT OF WASTE SITE INFORMATION

Many waste disposal sites have the potential to pose a hazard to human health. Clearly, consideration of a nearby waste site's potential effect upon future residents or users of a proposed development is within the purview of the State Environmental Quality Review Act (SEQR). The potential effects may be directly attributable to the waste site, such as those instances where a waste site itself is part of the development and people may come into direct contact with the waste material. On the other hand, the effects may occur more indirectly, such as when utility service is extended through a waste site and contamination subsequently migrates along the sewer, water or other underground line.

A serious situation occurring with increasing frequency is the contamination of drinking water from private wells as a result of contaminated groundwater. Such impacts are not, however, limited to residential developments. Contaminated groundwater may infiltrate industrial buildings, exposing the work force to potentially hazardous conditions. Such a situation may not necessarily involve acute toxicity problems, but rather the prolonged exposure of workers to low level toxicity which may have a cumulative effect over time.

Not to be overlooked is the potential for exposing construction workers to hazardous conditions during site preparation and project development, particularly during excavation operations, when the risk of explosion from accumulations of methane gas may be present.

While the concern for human exposure to contamination is paramount, the concern does extend to other living organisms and inanimate objects. As an illustration, stormwater runoff from a new development discharged in the direction of a waste site could generate additional leachate and/or erode cover material, allowing leachate to escape, which may prove harmful to nearby plant and animal communities. In like fashion, the corrosive and reactive characteristics of some wastes may actually damage the integrity of nearby utility lines and building foundations.

Proximity of a proposed development to a waste disposal site does not necessarily suggest disapproval of the project. It may require special design features to mitigate potential problems as well as additional conditions of approval to provide for careful monitoring during construction. This is further explained in Section 2.

By working closely with local municipalities and developers conducting the site investigations, the MCDOH and the MCEMC can identify issues that need to be addressed on a site specific basis. Early joint review by the municipality and the county will assist the applicant in obtaining site plan approval. Involving county agencies in the early stages may avert delays when the applicant seeks county permits at a later date.

SECTION 2

WASTE DISPOSAL SITE REVIEW PROCESS

The Waste Disposal Site Review process is designed to incorporate consideration of waste site concerns prior to the Lead Agency making a Determination of Significance (DOS) under the State Environmental Quality Review Act (SEQR). This is to insure that waste site concerns are evaluated prior to the issuance of a negative declaration and/or issuance of a permit. For a project that the lead agency determines will require a Draft Environmental Impact Statement (DEIS), the waste site concerns can be addressed as part of the DEIS after a positive declaration is issued. A discussion of the integration of the waste site investigation with the SEQR process can be found in Section 3.

This Waste Disposal Site Review process can be used for all projects even if they are not subject to SEQR.

When an applicant first contacts the municipality or public agency, the responsible official (in the local development office) should determine whether the project is near a waste site(s) using the waste site information described in Section 1 and the process that follows.

WASTE DISPOSAL SITE EVALUATION FORM

The MCEMC and the MCDOH have developed a Waste Disposal Site Evaluation Form (WDSEF), included in Appendix D, to help project applicants gather relevant information when development projects involve a waste site. The form also indicates the type of impacts that should be evaluated after the information is obtained. In addition, the two agencies have developed a Property Inspection Form (Appendix E) to aid in on-site investigations.

The WDSEF will be available to project applicants when an investigation is recommended according to the four cases noted on the following page. The applicant will be notified via comments by the Monroe County Development Review Committee's review of the project. The comments are included with a letter from the Monroe County Department of Planning to the municipality. The applicant will be recommended to contact the MCEMC for additional information. At that time the applicant may obtain a copy of the WDSEF from the MCEMC. The forms are designed to supplement the Environmental Assessment Form (EAF) (Appendix F) required under SEQR.

The MCDOH has designated four cases requiring evaluation when a proposed development is in close proximity to a waste disposal site.

CASE 1: Development proposed on or within 300 feet from the boundary of a confirmed waste disposal site.

CASE 2: Construction disturbance ² associated with proposed development occurring between 300 and 2000 feet from the boundary of a confirmed waste disposal site, under certain conditions:

- (a) the development will be utilizing a private water well for drinking water or irrigation;
- (b) the site is listed in the NYS Registry or is otherwise under investigation through the federal or state Superfund programs; and/or
- (c) a public agency has identified concerns about the proximity of the development to the waste site.

CASE 3: Development proposed on or within 300 feet from the boundary of a suspected waste disposal site.

CASE 4: Construction disturbance associated with proposed development occurring between 300 and 2000 feet from the boundary of a suspected waste disposal site, under certain conditions:

- (a) the development will be utilizing a private water well for drinking water or irrigation; and/or
- (b) a public agency has identified concerns about the proximity of the development to the suspected site.

The instructions for the WDSEF recommend that the applicant contact the MCEMC prior to completing the form. This will enable the developer to review the project in relation to the waste site and obtain information on the waste site. The extent of the investigation will depend on the nature of the waste site, the amount of data already available, and the nature of the proposed development.

². Construction disturbance is defined as construction of utility lines, a drinking water well, and/or excavations for basements or footers or significant cutting (below the water table) to regrade a parcel.

In conducting the investigation, the developer may wish to review relevant aerial photographs and existing file information available in the MCEMC and MCDOH offices. For sites listed on the NYS Registry, additional information may be available in files at the Region 8 office of the NYSDEC in Avon, New York. Phase I and II investigation reports and/or Preliminary Site Assessment (PSA) reports and site work plans prepared by the NYSDEC and their consultants under the Superfund program may contain useful information, as may the NYS Registry.

In addition, two other lists should be reviewed: the April 1985 Community Right-to Know: Volume 1 - Industrial Chemical Survey and Volumes 2 & 3 - Past Hazardous Waste Disposal Practices prepared by the NYSDEC which list industries using hazardous waste and disposal methods; and the United States Environmental Protection Agency's Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS). Many sites on the CERCLIS list duplicate the NYS Registry. Both lists are available at the Region 8 office of the NYSDEC in Avon, New York.

In conducting the investigation, the developer may have to interview the current and/or previous site owner(s), waste site operator, neighbors, or others to obtain specific information regarding site operation and contents.

- CASE 1: When the development is to be located on or within 300 feet of the confirmed waste site, a field inspection, borings or test pits and/or laboratory analysis may also be necessary to more accurately characterize the waste, the depths of groundwater and bedrock, and the extent of the fill. Appendix E contains instructions for performing an on-site investigation. If the development is within 300 feet of a waste site test pits may be necessary within the property lines of the development.
- CASE 2: Confirmed waste sites located 300 to 2000 feet from the proposed construction activity may not be within the property boundary of the project. When this occurs, the developer should try to interview owners of the waste site as well as neighbors to obtain information on site operations. A field inspection, borings or test pits within the property line of the proposed development in the area nearest to the waste site may be necessary to determine if leachate could impact development.
- CASE 3: For development on or within 300 feet of suspected waste sites, the developer needs to confirm whether the site actually contains waste. Field investigation, including test pits, often provides the answer, although interviews with neighbors and current or previous owners may also provide relevant information.
- CASE 4: If the proposed development activity is 300 to 2000 feet from a suspected site, interviews with the owner(s) and neighbors may provide information on whether waste was disposed on site.

Prior to conducting on-site investigations, the MCDOH, the MCEMC, and the municipality should be contacted and/or provided a copy of the work plan. By doing so, these agencies can comment and make recommendations on the work plan prior to site work. The MCDOH should be informed at least 48 hours prior to the start of work so a representative can be on site.

It should also be noted that when development is proposed on a site listed on the NYS Registry, Article 27, Section 1317 of the New York State Environmental Conservation Law (ECL) requires notification to the NYSDEC and NYSDOH at least sixty days prior to any change in use. These requirements are more fully explained below and in Appendix H.

If the project does not meet any of the outlined criteria, the application is processed in accordance with the normal review procedures of the municipality, including SEQR.

If the project meets the criteria, the applicant should be given the Waste Disposal Site Evaluation Form (WDSEF) contained in Appendix D; Instructions For Performing an On-Site Investigation and the Property Inspection Form, contained in Appendix E; along with other applicable project forms.

The applicant should contact the MCEMC and the MCDOH for information on the waste site(s) and to determine the level of investigation required. Aerial photographs and/or existing file information may be reviewed at the MCEMC, MCDOH and the NYSDEC. Field investigations and testing are performed when deemed necessary.

The applicant completes and submits the WDSEF, Property Inspection Form and Site Plans to either the municipality (if it was the municipality that requested the form to be completed) or to the MCDOH. The municipality submits the information to the MCDOH.

The MCDOH reviews the information and determines completeness. The applicant and the municipality will be provided a written statement of deficiencies if the requested information is incomplete. Upon receipt of a complete application, a review is initiated and a written response is made to the applicant with copies to the municipality and other involved agencies. The correspondence will specify conditions for inclusion in any SEQR DOS and/or project approval. Examples of condition statements which could be incorporated in project approvals are listed in Appendix G. In some instances the local municipality may wish to play the lead role in addressing waste site concerns.

DEVELOPMENTS PROPOSED ON NEW YORK STATE REGISTRY SITES

When a development is proposed on a site listed in the NYS Registry, the NYS Environmental Conservation Law, Article 27, Section 1317 requires that the State Commissioners of Environmental Conservation and Health be notified in writing at least 60 days prior to initiation of any change in use. Approval of the change is not required unless the Commissioner of Health has issued a declaration that the site poses a danger to life and health under Section 1389-b(2) of the public health law.

Substantial change shall include but not be limited to: the erection of a building or other structure; the paving for use as a private or public roadway or parking lot; and the creation of any private or public recreational facility. Appendix H contains the cited section of the law.

All development proposals that may have an impact on a NYS Registry site or that may be affected by a NYS Registry site will be referred by the MCDOH to the Region 8 Office of the NYSDEC for evaluation and comment.

SECTION 3

STATE ENVIRONMENTAL QUALITY REVIEW ACT INTEGRATION

STATE ENVIRONMENTAL QUALITY REVIEW ACT REQUIREMENTS

The New York State Environmental Quality Review (SEQR) Act requires consideration of the potential environmental effects arising from the reviewable actions of public agencies. The New York State Legislature's findings and declarations listed in Section 8-0103 of the NYS Environmental Conservation Law (ECL) contain a clear statement of public purpose in ". . . providing for a healthful environment and . . . the protection of the public health and safety through the identification of critical thresholds and . . . the prevention of such thresholds from being reached through coordinated action." Furthermore, SEQR's implementing regulations contain an explicit criterion which is applied in determining the potential significance of a proposed action, ". . . the creation of a hazard to human health" (Title 6 NYCRR Part 617.11(a)(7)).

SEQR PROCEDURES

A public agency must comply with SEQR before approving most projects. It is clearly stated in Section 8-0109.4 of the NYS ECL and Part 617.1(c) and 617.5 of the SEQR regulations that the environmental assessment be done as early as possible in the development review process. Therefore, it is important that information on the presence of a confirmed or suspected waste site be provided to a prospective developer as early as possible, since the waste site assessment procedure can be a time-consuming effort.

It is also important to recognize SEQR's requirements as they apply to the completeness of an application to a public agency. Part 617.3(f) states . . . "An application for agency funding or approval of a Type 1 or Unlisted Action shall not be complete until (1) a negative declaration has been filed; or (2) until a draft EIS has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy."

It is important to note that an agency whose review of an action may be otherwise time-constrained by a statutory limit does not start its regulatory clock until the application is deemed complete, (i.e., until the requirements of 617.3(f) have been met). This means, therefore, that the question of the potential effects of a nearby waste site should be addressed quite early in a developer's project planning and not become a last minute consideration in an agency's review.

Upon receipt of the MCDOH's waste site assessment and recommendations, the public agency should be in a position to render its SEQR Determination of Significance, (i.e., negative or positive declaration). Upon issuance of the required notice of determination, project decision-making can advance as appropriate. Figure 3-1 depicts the integration of waste disposal site review into the SEQR process.

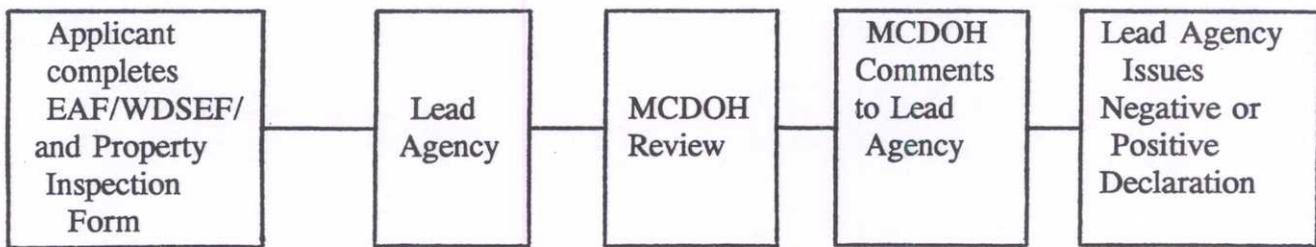
One discretionary SEQR procedure which may prove to be of benefit in the waste site assessment process is provided for in Part 617.4(h) -- the designation of critical areas of environmental concern. One criterion for such designation is any exceptional or unique character which establishes it as a threat to human health (Part 617.4(h)(1)(i)). The significance of this designation is that unlisted actions which take place wholly or partially within or substantially contiguous to any critical environmental area are regarded as Type I actions (Part 617.12(b)(12)) which require a more formal and coordinated SEQR review process. Local municipalities are strongly encouraged to consider designation of NYS Registry Sites or other confirmed waste sites as critical environmental areas.

The provisions for inter-agency cooperative agreements contained in Part 617.4(d) may also prove to be of value to agencies in the waste site assessment process. Cooperative agreements (i.e., lead agency agreements) are strongly encouraged among agencies that are regularly involved in carrying out or approving the same actions for purposes of coordinating their procedures. Agreements involving municipalities, other local public agencies, county agencies, and state agencies (i.e., New York State Department of Environmental Conservation), could be developed explicitly for situations involving waste sites. Such agreements might predetermine lead agency status, establish review responsibilities, and standardize procedures with the result being a more thorough and efficient assessment.

Figure 3-1

THE SEQR - WASTE DISPOSAL SITE REVIEW PROCESS

For Type 1 and Unlisted Actions:



WDSEF - Waste Disposal Site Evaluation Form

MCDOH - Monroe County Department of Health

REFERENCE DOCUMENTS

1. Hazardous Waste Information, Focus on New York (1986). Provides a basic overview of hazardous waste information and is available from either the New York State Department of Environmental Conservation or the League of Women Voters of New York State, 817 Broadway, New York, NY 10003, (212) 677-5050. This booklet is recommended for anyone interested in developing a fundamental understanding of the hazardous waste issue.
2. Title 6, NYCRR, Part 617 NYS regulations which govern implementation of the State Environmental Quality Review Act, available from the New York State Department of Environmental Conservation.
3. A Methodology to Inventory, Classify and Prioritize Uncontrolled Waste Disposal Sites. Provides a detailed explanation of the methodology developed by Monroe County, NY to identify inactive waste disposal sites. Available through the Monroe County Environmental Management Council or the U.S. Environmental Protection Agency (EPA Document # EPA 600/4-83-50, October 1983).
4. Inactive Hazardous Waste Disposal Sites in New York State prepared annually (in April) by the New York State Departments of Environmental Conservation and Health. Quarterly status reports of this publication are also available.

APPENDIX A

MONROE COUNTY DEPARTMENT OF HEALTH AND MONROE COUNTY DEPARTMENT OF PLANNING PLAN REVIEW AUTHORITY

The Monroe County Department of Health has legal review and approval authority for a number of actions. These actions and their corresponding legal authorities include:

Realty Subdivisions: NYS Public Health Law, Section 1115-1120; Environmental Conservation Law, Article 17; Monroe County Sanitary Code, Article III.

On-Site Sewage Disposal Systems Including Repairs and Alterations: Monroe County Sanitary Code, Article II and II-A; Environmental Conservation Law, Article 17.

Public Water Main Extensions: NYS Public Health Law, Article 225; 10 NYCRR, Part 5.

Public Sewer Extensions: Environmental Conservation Law, Section 17-0303; 6 NYCRR, Part 652.

Public Water Backflow Containment: NYS Public Health Law, Article 225; 10 NYCRR, Part 5.

Food Service Establishments: NYS Public Health Law, Section 225; NYS Sanitary Code, Part 14-1.

Temporary Residences and Camps: NYS Public Health Law, Section 225; NYS Sanitary Code, Parts 7-1 and 7-2.

Public Swimming Pools: NYS Sanitary Code, Part 6.

Preliminary reviews of many developments fall under the review authority of the Monroe County Planning Department's Development Review Committee under the authority of the New York State General Municipal Law, Sections 239 1, m, and n. Waste sites which may impact the proposed development are identified during the review process. The developer and municipality are then advised that an evaluation of the impact of a waste site be conducted.

MCDOH approvals are withheld until the waste site concerns have been adequately addressed.

APPENDIX B

MONROE COUNTY DEPARTMENT OF HEALTH

WASTE SITE ADVISORY COMMITTEE

Monroe County Department of Health (MCDOH)

Monroe County Environmental Management Council (MCEMC)

Monroe County Department of Planning

Monroe County Pure Waters/Industrial Waste Division

New York State Department of Environmental Conservation (NYSDEC)

New York State Department of Health (NYSDOH)

City of Rochester, Department of Community Development

City of Rochester, Department of Environmental Services

Geologic Consultant

APPENDIX C

INFORMATION ON THE NEW YORK STATE INACTIVE HAZARDOUS WASTE SITE REMEDIATION PROGRAM

A. State and Federal Authority for Hazardous Waste Site Cleanup

1. Abandoned Sites Act of 1979. Chapter 282 of the Laws of 1979, which created New York State's hazardous waste site registry was the first State law to specifically address the need to identify and clean up old hazardous waste sites. Chapter 282 was seen as an interim measure until federal programs proposed in 1979 were enacted and operating, and was intended to ensure that state and local governments would be prepared to implement a federal hazardous waste cleanup program. This statute was the formal beginning of New York State's inactive hazardous waste site program.

Chapter 282 amended the Environmental Conservation Law (ECL) and Public Health Law (PHL), by:

- Requiring each county to report every suspected inactive hazardous waste site within its borders, and to update information about the sites annually;
- Requiring the NYSDEC to report to the legislature each January 1 regarding the status of every identified hazardous waste site, thus the development of this report (a subsequent amendment changed this date to May 1);
- Requiring the NYSDEC to maintain a registry of inactive sites in each region, including specific information about every site in the region;
- Authorizing NYSDEC to order the owner and/or responsible party to develop and carry out an inactive hazardous waste disposal site remedial program for any site which constitutes a significant threat to the environment;
- Empowering the Commissioner of Health to declare the existence of a condition dangerous to life and health resulting from an inactive hazardous waste site, and to order the owner and/or responsible party to develop and carry out a remedial program.

2. New York State Superfund. Chapter 857 of the Laws of 1982 established an assessment on hazardous wastes to create a fund for cleaning up sites for which no responsible party could be identified or for which the responsible party is unable to fund remedial action. Among the major provisions of this statute are:

- It establishes the hazardous waste remedial fund (state superfund) from fees assessed against wastes generated in or transported into New York State.
- It identifies uses of the hazardous waste remedial fund: site investigation; site remedial programs; financing the non-federal share of cleanup and remediation activities carried out under federal superfund; and emergency response actions for spill or other hazards involving hazardous waste.

Five classifications for hazardous waste sites are specified in the ECL to be used by the NYSDEC in preparing the registry of inactive hazardous waste sites. The classifications are:

Classification 1 - causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or the environment -- immediate action is required;

Classification 2 - significant threat to the public health or environment -- action required;

Classification 3 - does not present a significant threat to the environment -- action may be deferred;

Classification 4 - site properly closed -- requires continued management;

Classification 5 - site properly closed, no evidence of present or potential adverse impact -- no further action required.

Classification 2a has been added by the NYSDEC. This temporary classification has been assigned to sites for which there is inadequate data to assign them to the five classifications specified by law.

The NYSDEC has assigned a classification to each of the sites included in the NYS Registry.

3. 1985 Amendments to State Superfund. Chapter 38 of the Laws of 1985 made numerous amendments to the laws described above. The major provisions of these amendments are:

- The waste-end assessments established by Chapter 857, Laws of 1982 were increased effective June 1, 1985;
- The existing Regulatory Fees for hazardous waste facilities and transporters were doubled, and half of the resulting revenue was added to the Remedial Fund (State Superfund), on April 16, 1985;
- A surcharge of 2.5 cents per barrel was added to the existing license fee collected from major petroleum facilities, on June 1, 1986;
- The Superfund Management Board was re-established with an expansion to 13 members (in 1989 the Board was reauthorized and expanded to 14 members);
- NYSDEC is required to update the State Inactive Hazardous Waste Remedial Plan by July 1986 and update it annually thereafter;
- NYSDEC is required to prepare a quarterly status report for all sites in the Registry. (The first report was submitted to the Governor and Legislature October 1, 1985);
- NYSDEC is required, in consultation with NYSDOH, to establish a site evaluation system to select and prioritize sites for remedial action;
- The financial burden for municipalities is limited to 25% of remedial costs, not obtained from the federal government or other responsible parties, where the municipality is considered a responsible party due solely to ownership;
- The Environmental Facilities Corporation is authorized to remediate sites under contract with site owners, and to render technical assistance or other services for owners.

4. The Environmental Quality Bond Act of 1986. The Bond Act provides \$1.2 billion to be used to finance the state's share of remediation of hazardous waste sites throughout New York.

As of March 31, 1990, \$81,500,000. of Bond Act funds had been obligated for remediation projects.

5. The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or Federal Superfund). CERCLA provides general authority for federal and state governments to respond directly to problems at uncontrolled hazardous waste disposal sites, and establishes a fund to pay the cost of this response at sites where responsible parties cannot be identified or are unable to pay. Unlike earlier legislation dealing with hazardous substance releases, CERCLA provides federal funds not only for emergency situations, but also for longer-term, permanent remedies. By establishing federal procedures for investigating, evaluating and cleaning up hazardous waste sites, CERCLA acts as an important force shaping the State inactive sites program and plan.

Under CERCLA, the U.S. Environmental Protection Agency (EPA) compiles a National Priorities List (NPL) of hazardous waste sites nationwide, as candidates for federal remedial response. Sites on the federal list are ranked according to a numerical score computed using the hazard ranking system (HRS), which takes into account the potential for migration of pollutants by air, groundwater, and surface water. The state and federal governments together pursue cleanup at all NPL sites, funded either by responsible parties or by federal superfund.

The original CERCLA legislation expired September 30, 1985. After much debate in Congress, CERCLA was amended and reauthorized. The Superfund Amendments and Reauthorization Act of 1986 (SARA) was signed into law by President Reagan on October 17, 1986. SARA makes many procedural changes in the federal superfund program. In addition, SARA will provide over \$8.5 billion to fund the federal share of remedial programs.

B. New York State Department of Health Inactive Hazardous Waste Site Program

The NYSDOH's responsibilities in the Inactive Hazardous Waste Site program are to investigate and assess exposure, determine its health significance, prompt or provide public health interventions as necessary and provide information and advice on health effects to protect the health of the citizens of New York State. The primary responsibility for the program lies with the Center for Environmental Health. Activities are carried out by the Division of Environmental Health Assessment's Bureau of Environmental Exposure Investigation, Bureau of Toxic Substance Assessment and the Bureau of Environmental Epidemiology and Occupational Health. Support services are provided by the Wadsworth Center for Laboratories and Research, the Bureau of Cancer Epidemiology, the Bureau of Public Water Supply and the Division of Legal Affairs.

The NYSDOH's main objectives in the Inactive Hazardous Waste Site Program are to:

- inspect and rank inactive hazardous waste sites;

- determine the potential for human exposure to chemicals at a site;
- estimate the health risk from such exposure;
- provide necessary public health interventions to minimize, or if possible, eliminate exposure;
- provide advice and recommendations to those exposed and their health care providers;
- develop and maintain registries on populations with known exposures to hazardous substances;
- design epidemiological studies in cases of known exposure to determine the actual health effects associated with specific sites;
- participate in negotiations and litigations to provide expert testimony and affidavits to ensure public health issues are addressed.

C. NYSDEC Inactive Hazardous Waste Site Program

In general, responsibility for inactive hazardous waste sites is divided among four bureaus in the Division of Hazardous Waste Remediation of the NYSDEC. The Bureau of Hazardous Site Control is responsible for identifying and investigating sites for remediation, and the Bureaus of Eastern and Western Remedial Action review and approve design and contract documents, while the Bureau of Construction Services oversees remedial construction and monitoring and maintenance of remediated sites. Enforcement against responsible parties is carried out principally by the Division of Environmental Enforcement, with other enforcement actions conducted by the New York State Department of Law (Attorney General).

The fundamental goal of the State's inactive hazardous waste site program is, wherever possible, to bring responsible parties to remedy the problems they have caused. When responsible parties cannot be located, or lack resources, federal superfund is the first public funding source which the state seeks to use. If action against responsible parties is unsuccessful or prolonged, the state superfund will fund the work from the Remedial Fund or the Bond Act.

As soon as possible after a suspected inactive hazardous waste disposal site is reported to the NYSDEC, the Department initiates the process of site investigation, and if needed, remediation.

1. Inclusion in Registry

According to Title 13, Article 27 of ECL, the registry of inactive hazardous waste sites must include all known or suspected hazardous waste sites. Potential sites may be identified based upon recommendation from counties, complaints from the public, data obtained from hazardous waste generators and other sources. Potential sites are inspected by the NYSDEC regional staff to determine whether there is sufficient reason to add them to the registry. A listing of Monroe County sites included on the NYS Registry by municipality including classification is available by contacting the MCEMC.

2. Site Investigation

The two phase site investigation approach has become obsolete with the advent of standby contracts that allow the NYSDEC to tailor investigations specific to the needs of a suspected hazardous waste site. The new approach, termed Preliminary Site Assessment (PSA), should effectively reduce the costs and time requirements of site investigations. The two phase approach did not provide enough flexibility to make "tailoring" practical.

PSA's are conducted to determine if hazardous wastes are present at a site and if a significant threat to health or the environment exists due to their presence.

The PSA data and evaluations are used to determine what actions may be necessary. Examples of these might be initiating emergency response, executing consent orders mandating responsible party clean-ups, nominating sites for the National Priorities List (NPL), conducting further investigation, and reclassifying or delisting the site from the registry.

3. Remedial Investigation/Feasibility Study

For sites requiring remedial action, a Remedial Investigation/Feasibility Study (RI/FS) is performed. A RI/FS gathers new data to fully define the nature and extent of contamination at and/or emanating from the site. It evaluates the need for remedial action, and proposes an environmentally sound comprehensive remedy. The results of the Feasibility Studies set the stage for the next steps in the remediation process, design and construction.

The status of investigation and remedial programs is reported on a site by site basis in the Quarterly Status Report. The reader is directed to the most recent Quarterly Status Report for more complete information concerning the status of action for all sites listed in the NYS Registry. The Quarterly Status Report is published each year in January, April, July and October.

D. Site Classification

Figure C-1 illustrates the inactive hazardous waste site remediation process. It shows the most logical steps through which a site would progress from discovery to remediation or delisting. For newly discovered sites, the process begins at the far left of the figure. For all known sites, the process begins at the circle representing the current site classification.

Classification 1 sites, defined as causing imminent danger to environment or public health, require immediate remedial action and immediate legal action. This classification would be assigned on the basis of a declaration or order of the State Commissioner of Health pursuant to Section 1389b of the Public Health Law as occurred at Love Canal in 1978 and 1979. A Classification 1 site could properly be subject to summary abatement authority of the Commissioners of NYSDEC and the NYSDOH. New York State has no Classification 1 sites.

Classification 2 is for sites where information exists to determine that they pose a significant threat to the public health or the environment. This determination is made, taking into account the following factors:

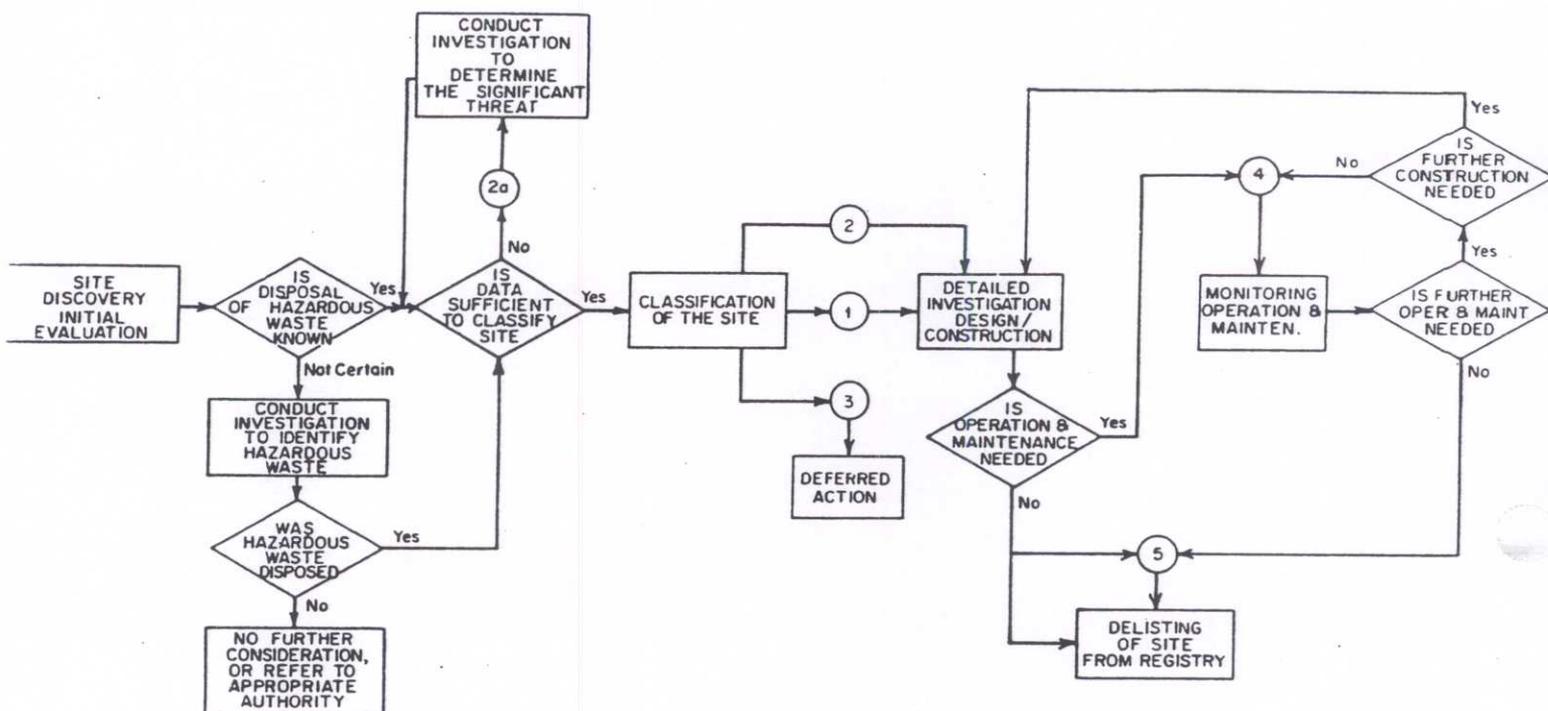
- a. whether hazardous waste at the site causes or contributes to the contravention of groundwater quality standards, surface water quality standards or air quality standards;
- b. the type and quantity of wastes; and
- c. the characteristics of the site, including the likelihood of human contact with the wastes, and whether the hydrogeologic features of the site favor migration of wastes off site.

In order to assess these factors, a considerable amount of information must be obtained about the site. In most cases, a PSA or equivalent is needed to provide the needed data.

Classification 2a. Sites whose significance cannot be determined from existing data have been temporarily placed in Classification 2a, a special subset of Classification 2 which will be eliminated as more information is obtained about the sites.

Most Classification 2a sites will require the equivalent of a Preliminary Site Assessment before their significance will be known. Some Classification 2a sites are removed from the list after investigation has shown that no hazardous wastes are present. In Fiscal Year 1989-90, 56 Class 2a sites have been reclassified to other classes or delisted. This is due to the completion of investigations which provided enough information to place these sites in another class or delist them from the NYS Registry.

Figure C-1



FLOW DIAGRAM OF
THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S
HAZARDOUS WASTE SITE CLASSIFICATION SYSTEM

Classification 3 sites are known to contain hazardous waste; however, investigations indicate that they do not pose significant threats to environment or public health.

Some Classification 3 sites may require further investigation. For example, at a site where downgradient surface water samples and groundwater samples may have been found to be uncontaminated, it may also be known that a significant amount of hazardous waste has been buried at the site.

Classification 4 sites are known to contain hazardous waste and have been remediated or closed, often in conformance with a NYSDEC approvable plan, but need to be sampled or inspected periodically to ensure that contaminant removal has been complete, or to otherwise check the site status. Maintenance at these sites may be required indefinitely, and these sites will not be removed from the NYS Registry until the maintenance period has ended.

Classification 5 sites are known to contain hazardous waste (or have contained hazardous waste at one time) and have been completely remediated or closed and require no further maintenance. These sites may be removed from the NYS Registry.

APPENDIX D

WASTE DISPOSAL SITE EVALUATION FORM

**MCDOH WASTE SITE ADVISORY COMMITTEE
WASTE DISPOSAL SITE EVALUATION FORM**

INSTRUCTIONS FOR COMPLETION

Applicants may wish to contact the Monroe County Environmental Management Council (MCEMC) at 428-3023 prior to completing this form. The MCEMC can provide information to aide in the preparation of a complete submission. Upon completion, the form should be returned to the public agency official who directed its preparation. The information provided will be considered as part of the application for agency action and may be subject to further verification and public review.

1. APPLICANT INFORMATION

NAME OF PROJECT: _____

APPLICANT: _____

ADDRESS: _____

PHONE: _____

CONTACT PERSON (if different):

NAME: _____

ADDRESS: _____

PHONE: _____

PROPERTY OWNER (if different):

NAME: _____

ADDRESS: _____

2. PROJECT INFORMATION

(a) Municipality: _____

(b) Project location

(1) Street address: _____

(2) Property location is on the N S E W (circle) side
of _____ between
_____ and _____.

(3) Distance to nearest intersection: _____ feet
from _____/_____.

(c) Tax map number(s), (section-block-lot):

(d) Project site acreage: _____

(e) Project plans: Provide 2 copies of the site plan showing:

- (1) buildings;
- (2) utility lines;
- (3) the boundary of the waste site;
- (4) test pit, deep hole and/or boring locations;
- (5) monitoring well locations;
- (6) location of private water wells on and/or within 2000 feet of the waste site boundary;
- (7) existing and proposed topography; and
- (8) environmental features including wetlands, streams and water bodies

3. WASTE SITE(S)

List waste site(s) located on or within 2000 feet of the proposed activity. Use waste site identification numbers from the Monroe County Waste Site Inventory Maps.

On or within 300 feet

301 feet to 2000 feet

4. WASTE SITE CHARACTERISTICS: Complete for each waste site within 2000 feet of the proposed activity.

(a) Type of waste:

- | | |
|---|--|
| <input type="checkbox"/> Municipal | <input type="checkbox"/> Sewage Sludge |
| <input type="checkbox"/> Construction/demolition debris | <input type="checkbox"/> Agricultural/Nursery debris |
| <input type="checkbox"/> Ash | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Tree/brush/leaves | <input type="checkbox"/> Other |
-

(c) Type of site at time of operation: (attach closure plan if available)

- Permitted landfill (attach copy of permit)
- Open dump
- Lagoon
- Other _____

(d) Time period of active waste disposal:

from _____ to _____

(e) Names and addresses of owners, operators & users during period of active waste disposal:

(f) Names, addresses, and phone numbers of persons(s) providing waste site information in 4(a) through (e) above. Also indicate records and other data sources consulted and attach copies of key information.

(g) Names, addresses and phone numbers of other contacts not interviewed who may possess knowledge of waste disposal activity.

5. SUBSURFACE INFORMATION: Complete if development is on or within 300 feet of proposed activity.

(a) Provide logs of test pits, deep holes and/or borings within or adjacent to the waste disposal area describing subsurface conditions such as soil/overburden types, types of material encountered and depth of each, noting any unusual characteristics; depth to bedrock and groundwater, and groundwater flow direction.

_____ Attached _____ Not Done

(b) Provide results of laboratory analyses of leachate, groundwater, soils, and refuse.

_____ Attached _____ Not Done

(c) Witnesses on site during investigation:

Engineer: _____

Backhoe Operator: _____

Health Department: _____

Other: _____

6. CURRENT SITE CONDITIONS: Attach Property Inspection Form if development is on waste site.

7. IMPACT EVALUATION: Provide a statement on the following factors:

(a) The impact of the waste site(s) on the proposed development.

(b) The impacted of the proposed development on the waste site(s).

(c) The impact of the waste site(s) on water quality as it affects the proposed development.

(d) Mitigation measures which have been incorporated in the project design and/or proposed construction methods. For example:

- Special construction techniques that the developer will utilize;
- Worker safety procedures during construction;
- Building protection for on-site gas generation.

8. VERIFICATION

I certify that the information provided above is true to the best of my knowledge.

Signature of preparer: _____

Date: _____

APPENDIX E

INSTRUCTIONS FOR PERFORMING AN ON-SITE INVESTIGATION OF AN INACTIVE WASTE SITE AND PROPERTY INSPECTION FORM

(When such an investigation is recommended by the
Monroe County Department of Health)

PRIOR TO THE INVESTIGATION

Prior to initiation of any digging of test pits, boring of test wells or laboratory analysis, the developer should consult with the Monroe County Department of Health (MCDOH) staff and others as appropriate to help plan the investigation. A formal written workplan will be necessary for investigations on all NYS Registry sites and possibly on other complex sites.

A utility stake-out should be performed so that test pit excavations do not disturb utilities.

The locations and depth of the test pits should be mutually agreed upon by all parties involved (i.e., the developer, the MCDOH, the municipality, and the New York State Departments of Environmental Conservation (NYSDEC) and Health (NYSDOH)).

The MCDOH should be contacted at least 48 hours in advance of the on-site investigation so a MCDOH representative has the opportunity to witness the excavations.

DURING THE INVESTIGATION

The developer's engineer, architect, or licensed surveyor should be on-site at all times.

The minimum level of personnel protection to be provided at the site should be Level D as described in "Standard Operating Safety Guidelines" (USEPA November 1984). This equipment should include:

- Leather or chemically resistant boots/shoes
- Hard hat
- Safety glasses
- Chemically resistant gloves

A log should be kept for each test pit showing the subsurface profile including the types and depths of materials present and whether water, bedrock, or mottled soil is encountered. The locations of test pits and/or borings should be plotted on the site plan.

If a representative of the MCDOH is not on-site during excavation and hazardous and/or suspicious material is encountered, all work must stop immediately and the MCDOH, the NYSDEC and the municipality shall be contacted. No work shall resume until the developer has outlined appropriate action for dealing with the waste material.

The engineer/surveyor/architect should conduct a thorough site inspection. The applicant should use the Property Inspection Form to record observations made during the field inspection.

AGENCY CONTACTS

Monroe County Environmental Management Council (MCEMC)
Louise Hartshorn 428-3023

Monroe County Department of Health (MCDOH)
Joseph Albert 274-6904

New York State Department of Environmental Conservation (NYSDEC)
Todd Caffoe 226-2466

New York State Department of Health (NYSDOH)
David Napier 423-8071

PROPERTY INSPECTION FORM

PROPERTY NAME: _____
 PROPERTY ADDRESS: _____ TOWN: _____
 LOCATION/NEAREST INTERSECTING ROAD: _____
 PROXIMITY TO WASTE SITE(S): _____
 WASTE SITE NAME: _____ WASTE SITE NO. _____
 DATE OF INSPECTION: _____
 PERSON(S) CONDUCTING INSPECTION: _____
 TITLE: _____
 FIRM: _____
 TELEPHONE: _____

The following items and indicators should be included in the inspection of the subject property. Check "yes" or "no" after each item. Provide an explanation in the Narrative Section for each "yes". A location plan and/or site plan should be provided.

| | Yes | No |
|---|-------|-------|
| 1. Stained or discolored soil | _____ | _____ |
| 2. Vegetation (absent or distressed) | _____ | _____ |
| 3. Hills, mounds or depressions | _____ | _____ |
| 4. Liquids (discolored, odorous, etc.) | _____ | _____ |
| 5. Odors (solvent, petroleum, pesticide, etc.) | _____ | _____ |
| 6. Waste containers (drums, pails, bags, boxes) | _____ | _____ |
| 7. Fill pipes for underground storage tanks | _____ | _____ |
| 8. Roads, paths, trails, railroad tracks, or railroad track bedding | _____ | _____ |
| 9. Manholes, ditches, culverts | _____ | _____ |
| 10. Buildings containing abandoned materials, asbestos | _____ | _____ |
| 11. Unpaved parking lots | _____ | _____ |
| 12. Pollution Control Equipment | _____ | _____ |
| 13. Raw Material receiving and storage areas | _____ | _____ |
| 14. Sanitary, process waste and storm sewers | _____ | _____ |
| 15. Electrical transformers | _____ | _____ |

Narrative:

APPENDIX F

STATE ENVIRONMENTAL QUALITY REVIEW ACT

FULL ENVIRONMENTAL ASSESSMENT FORM

**State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM**

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE— Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

* A Conditioned Negative Declaration is only valid for Unlisted Actions

_____ Name of Action

_____ Name of Lead Agency

_____ Title of Responsible Officer
Print or Type Name of Responsible Officer in Lead Agency

_____ Signature of Preparer (If different from responsible officer)
Signature of Responsible Officer in Lead Agency

_____ Date

PART 1—PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

| | | | |
|--|--|---------------------------|----------|
| NAME OF ACTION | | | |
| LOCATION OF ACTION (Include Street Address, Municipality and County) | | | |
| NAME OF APPLICANT/SPONSOR | | BUSINESS TELEPHONE () | |
| ADDRESS | | | |
| CITY/PO | | STATE | ZIP CODE |
| NAME OF OWNER (if different) | | BUSINESS TELEPHONE () | |
| ADDRESS | | | |
| CITY/PO | | STATE | ZIP CODE |
| DESCRIPTION OF ACTION | | | |

Please Complete Each Question—Indicate N.A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: _____ acres.

APPROXIMATE ACREAGE

Meadow or Brushland (Non-agricultural)

Forested

Agricultural (Includes orchards, cropland, pasture, etc.)

Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)

Water Surface Area

Unvegetated (Rock, earth or fill)

Roads, buildings and other paved surfaces

Other (Indicate type) _____

PRESENTLY

AFTER COMPLETION

| | |
|-------------|-------------|
| _____ acres | _____ acres |

3. What is predominant soil type(s) on project site? _____
- a. Soil drainage: Well drained _____ % of site Moderately well drained _____ % of site
 Poorly drained _____ % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres. (See 1 NYCRR 370).
4. Are there bedrock outcroppings on project site? Yes No
- a. What is depth to bedrock? _____ (in feet)

5. Approximate percentage of proposed project site with slopes: 0-10% _____ % 10-15% _____ %
 15% or greater _____ %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? Yes No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
8. What is the depth of the water table? _____ (in feet)
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to _____
 Identify each species _____
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
 Yes No Describe _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain _____
14. Does the present site include scenic views known to be important to the community?
 Yes No
15. Streams within or contiguous to project area: _____
 a. Name of Stream and name of River to which it is tributary _____
16. Lakes, ponds, wetland areas within or contiguous to project area:
 a. Name _____ b. Size (In acres) _____
17. Is the site served by existing public utilities? Yes No
 a) If Yes, does sufficient capacity exist to allow connection? Yes No
 b) If Yes, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor _____ acres.
- b. Project acreage to be developed: _____ acres initially; _____ acres ultimately.
- c. Project acreage to remain undeveloped _____ acres.
- d. Length of project, in miles: _____ (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed _____ %;
- f. Number of off-street parking spaces existing _____; proposed _____.
- g. Maximum vehicular trips generated per hour _____ (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | _____ | _____ | _____ | _____ |
| Ultimately | _____ | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure _____ height; _____ width; _____ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? _____ tons/cubic yards
3. Will disturbed areas be reclaimed? Yes No N/A
 - a. If yes, for what intended purpose is the site being reclaimed? _____
 - b. Will topsoil be stockpiled for reclamation? Yes No
 - c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? _____ acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? Yes No
6. If single phase project: Anticipated period of construction _____ months, (including demolition).
7. If multi-phased:
 - a. Total number of phases anticipated _____ (number).
 - b. Anticipated date of commencement phase 1 _____ month _____ year, (including demolition).
 - c. Approximate completion date of final phase _____ month _____ year.
 - d. Is phase 1 functionally dependent on subsequent phases? Yes No
8. Will blasting occur during construction? Yes No
9. Number of jobs generated: during construction _____; after project is complete _____
10. Number of jobs eliminated by this project _____.
11. Will project require relocation of any projects or facilities? Yes No If yes, explain _____
12. Is surface liquid waste disposal involved? Yes No
 - a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
 - b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? Yes No Type _____
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
Explain _____
15. Is project or any portion of project located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? Yes No
 - a. If yes, what is the amount per month _____ tons
 - b. If yes, will an existing solid waste facility be used? Yes No
 - c. If yes, give name _____; location _____
 - d. Will any wastes **not** go into a sewage disposal system or into a sanitary landfill? Yes No
 - e. If Yes, explain _____
17. Will the project involve the disposal of solid waste? Yes No
 - a. If yes, what is the anticipated rate of disposal? _____ tons/month.
 - b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
21. Will project result in an increase in energy use? Yes No
If yes, indicate type(s) _____
22. If water supply is from wells, indicate pumping capacity _____ gallons/minute.
23. Total anticipated water usage per day _____ gallons/day.
24. Does project involve Local, State or Federal funding? Yes No
If Yes, explain _____

25. Approvals Required:

| | | Type | Submittal Date |
|------------------------------------|--|-------|----------------|
| City, Town, Village Board | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ | _____ |
| City, Town, Village Planning Board | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ | _____ |
| City, Town Zoning Board | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ | _____ |
| City, County Health Department | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ | _____ |
| Other Local Agencies | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ | _____ |
| Other Regional Agencies | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ | _____ |
| State Agencies | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ | _____ |
| Federal Agencies | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ | _____ |

C. Zoning and Planning Information

- Does proposed action involve a planning or zoning decision? Yes No
 If Yes, indicate decision required:
 zoning amendment zoning variance special use permit subdivision site plan
 new/revision of master plan resource management plan other _____
- What is the zoning classification(s) of the site? _____
- What is the maximum potential development of the site if developed as permitted by the present zoning?

- What is the proposed zoning of the site? _____
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?

- Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
- What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

- Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? Yes No
- If the proposed action is the subdivision of land, how many lots are proposed? _____
 a. What is the minimum lot size proposed? _____
- Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No
 a. If yes, is existing capacity sufficient to handle projected demand? Yes No
- Will the proposed action result in the generation of traffic significantly above present levels? Yes No
 a. If yes, is the existing road network adequate to handle the additional traffic? Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Part 2—PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 19 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- e. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site? NO YES

Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts _____

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) NO YES

- Specific land forms: _____

| 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated By Project Change |
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IMPACT ON WATER

3. Will proposed action affect any water body designated as protected?
(Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL) NO YES

Examples that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts: _____

4. Will proposed action affect any non-protected existing or new body of water? NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts: _____

5. Will Proposed Action affect surface or groundwater quality or quantity? NO YES

Examples that would apply to column 2

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts: _____

6. Will proposed action alter drainage flow or patterns, or surface water runoff? NO YES

Examples that would apply to column 2 .

- Proposed Action would change flood water flows.

| 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated By Project Change | |
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- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff)
- Other impacts: _____

IMPACT ON AESTHETIC RESOURCES

11. Will proposed action affect aesthetic resources? NO YES
(If necessary, use the Visual EAF Addendum in Section 617.21, Appendix B.)

Examples that would apply to column 2

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
- Other impacts: _____

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance? NO YES

Examples that would apply to column 2

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts: _____

IMPACT ON OPEN SPACE AND RECREATION

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

Examples that would apply to column 2 NO YES

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other impacts: _____

| 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated By Project Change |
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IMPACT ON TRANSPORTATION

14. Will there be an effect to existing transportation systems? NO YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts: _____

IMPACT ON ENERGY

15. Will proposed action affect the community's sources of fuel or energy supply? NO YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts: _____

NOISE AND ODOR IMPACTS

16. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? NO YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts: _____

IMPACT ON PUBLIC HEALTH

17. Will Proposed Action affect public health and safety? NO YES

Examples that would apply to column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other impacts: _____

| 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated By Project Change | |
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**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

18. Will proposed action affect the character of the existing community?
 NO YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.)
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts: _____

| 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated By Project Change | |
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19. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?
 NO YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or
If You Cannot Determine the Magnitude of Impact, Proceed to Part 3**

Part 3—EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

(Continue on attachments)

APPENDIX G

APPROVAL CONDITIONS FOR DEVELOPMENT

PROPOSALS INVOLVING WASTE DISPOSAL SITES

Following are examples of statements which will be used by the Monroe County Department of Health in letters to applicant/developers and municipalities after the waste site concerns have been adequately addressed:

Technical staff of the Monroe County Department of Health have reviewed the information provided in your submission of ____ regarding potential impacts from a former waste disposal site, ____, located on the site of the above-referenced location. This submission adequately addresses the concerns raised by ____.

By copy of this letter we are advising the applicant and those agencies involved in the approval of this project that the waste site concerns have been adequately addressed and that they can proceed with their review and approval. That approval, however, should be issued with the following conditions:

1. The Monroe County Department of Health shall be notified when excavation for footers, grading and utilities is initiated for this project.
2. If suspicious and/or hazardous material is encountered during construction, all work shall stop and the Monroe County Department of Health and the New York State Department of Environmental Conservation shall be notified immediately. Work shall not resume until the developer has outlined appropriate action for dealing with the waste material and the development plans are modified as may be necessary.
3. Excavated waste material removed from the site shall be placed at a location acceptable to the New York State Department of Environmental Conservation. The MCDOH and NYSDEC shall be notified in writing of the location where waste material will be taken and the approximate amount.

4. The developer shall be required to provide full time inspection at the development site by a professional engineering firm during excavation and removal and/or relocation of waste material. Following completion of this work, an engineering report shall be submitted to the Monroe County Department of Health and the _____ detailing this activity. The report shall include details on the locations where waste material was removed, types of materials encountered, sample results (if additional sampling is performed), volume of waste material relocated and to where, and any unusual or suspicious observations.
5. Design of storm sewers and drainage of the site shall convey and discharge all runoff beyond the limits of the waste site boundaries. If utilities are constructed below the groundwater elevation within the waste site, provisions shall be made to prevent conveyance of groundwater to areas outside of the waste site and to surface waters.
6. Adequate health and safety measures to protect workers during construction shall be employed. A construction safety plan shall be developed, submitted to the Monroe County Department of Health and the _____, and implemented.
7. This waste site is listed in the report, "Inactive Hazardous Waste Disposal Sites in New York State," (date), prepared by the New York State Departments of Environmental Conservation and Health. Article 27, Section 1317 of the NYS Environmental Conservation Law requires the applicant to notify the New York State Departments of Environmental Conservation and Health of the proposed activity 60 days prior to initiating any substantial change in use.
8. At least ____ inches of topsoil must be used to cover the fill in the unused portions of the site.
9. Any remaining construction and demolition debris on site must be covered by a minimum of 24 inches of soil or impervious material such as asphalt or concrete. Soil cover shall consist of a six inch upper layer of topsoil capable of supporting vegetation and at least eighteen inches of tightly compacted silt and clay.

APPENDIX H

EXCERPTS FROM ARTICLE 27 SECTION 1317 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

27-1317. NEW USE OF SITES

Subsequent to the adoption of regulations by the department provided for in this section, no person may substantially change the manner in which an inactive hazardous waste disposal site on the registry prepared and maintained by the department pursuant to section 27-1305 of this title is used, without notifying the department and, pursuant to section one thousand three hundred eighty-nine-d of the public health law, the department of health. A substantial change of use shall be defined in rules and regulations adopted by the department and shall include, but not be limited to, the erection of a building or other structure on such site, the paving of such site for use as a roadway or parking lot, and the creation of a park or other public or private recreational facility on such site. Such notice shall be in writing, addressed to the commissioner and the commissioner of health and shall include a brief description of the proposed change of use. Such notice shall be submitted at least sixty days before any physical alteration of the land or construction shall occur or, in the event any alteration or construction is not required to initiate such change of use, at least sixty days before any change of use.

Subsequent to the adoption of regulations by the department provided for in this section, no person may substantially change the manner in which an inactive hazardous waste disposal site, for which a declaration has been issued by the commissioner of health pursuant to subdivision two of section one thousand three hundred eighty-nine-b of the public health law, is used without the written approval of the commissioner and the commissioner of health. The commissioner shall not approve such change of use if such new use will interfere significantly with a proposed, ongoing or completed inactive hazardous waste disposal site remedial program or expose the environment or health to a significantly increased threat of harm.

GLOSSARY: ACRONYMS AND DEFINITIONS

ACRONYMS

| | |
|---------|--|
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CERCLIS | Comprehensive Environmental Response, Compensation, and Liability Information System |
| DEIS | Draft Environmental Impact Statement |
| DOS | Determination of Significance |
| EAF | Environmental Assessment Form |
| ECL | (New York State) Environmental Conservation Law |
| EIS | Environmental Impact Statement |
| HRS | Hazard Ranking System |
| MCDOH | Monroe County Department of Health |
| MCDRC | Monroe County Development Review Committee |
| MCEMC | Monroe County Environmental Management Council |
| NPL | National Priorities List |
| NYCRR | New York State Code of Rules and Regulations |
| NYSDEC | New York State Department of Environmental Conservation |
| NYSDOH | New York State Department of Health |
| PSA | Preliminary Site Assessment |
| RI/FS | Remedial Investigation/Feasibility Study |
| SARA | Superfund Amendment and Reauthorization Act |
| SEQR | State Environmental Quality Review Act |
| USEPA | United States Environmental Protection Agency |
| WSAC | Waste Site Advisory Committee |
| WDSEF | Waste Disposal Site Evaluation Form |

DEFINITIONS

The source of the definition is noted after each entry; if no source is noted, the definition is that of the Monroe County Department of Health and the Monroe County Environmental Management Council.

Action - An action pursuant to SEQR is defined in 6 NYCRR Part 617.2 (b) as:

- (1) projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance, or condition of any natural resource or structure, that:
 - a. are directly undertaken by an agency; or
 - b. involve funding by an agency; or
 - c. require one or more new or modified approvals from an agency or agencies;
- (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
- (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- (4) any combinations of the above.

Agency - Any state or local unit of government. "State Agency" means any state department, board, public benefit corporation, public authority or commission. "Local Agency" means any local agency, board, district, commission, or governing body, as well as any city, county, town or village.

Confirmed Waste Site - a site known to contain waste based on information in the MCEMC, MCDOH, NYSDEC and/or municipal files; knowledge from residents or representatives of municipalities; or through site investigations. It is not known how many of these sites may contain hazardous waste.

Critical Environmental Area - A specific geographic area designated by a state or local agency pursuant to Part 617.4(h), having exceptional or unique characteristics that establish it as an area of environmental concern.

Determination of Significance - A written determination by the lead agency under the State Environmental Quality Review Act on whether a project will have any significant effect on the environment.

Disposal - The abandonment, discharge, deposit, injection, dumping, spilling, leaking, or placing of any substance so that such substance or any related constituent thereof may enter the environment. {Title 13, Section 27-1301 (6) ECL}

Environment - Any water, water vapor, any land including land surface or subsurface, air, fish, wildlife, biota and all other natural resources. {Title 13, Section 27-1301 (7) ECL}

Environmental Assessment - an evaluation conducted pursuant to the State Environmental Quality Review Act to determine the environmental significance of proposed actions.

Environmental Assessment Form (EAF) - A form used by a public agency to assist it in determining the environmental significance or nonsignificance of actions. A properly completed EAF shall contain enough information to describe the proposed action, its location, its purpose and potential impacts on the environment. {Part 617.2 (m)}

Hazardous Waste - A waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed.

{Title 13, Section 27-1301 (1) ECL}. Such wastes are further defined and listed in 6 NYCRR Part 371.

Involved Agency - An agency having jurisdiction by law to fund, approve, or directly undertake a given action. For a more detailed definition see Part 617.2 (t).

Leachate - a liquid, including any suspended components in the liquid, which has been in contact with or passed through solid waste, including hazardous waste. {6 NYCRR Part 360.1 (d) (41)}

Lead Agency - The one agency among all involved agencies that has been designated to coordinate the environmental review of a proposed action. For further definition see Part 617.2 (v).

Ministerial Act - An action performed upon a given state of facts in a prescribed manner imposed by law without the exercise of any judgement or discretion as to the propriety of the action. {Part 617.2 (x)}

NYS Registry - "Inactive Hazardous Waste Disposal Sites in New York State", a report prepared annually and updated quarterly by the New York State Departments of Environmental Conservation and Health pursuant to Section 27-1305 of the Environmental Conservation Law.

Article 27, Section 1317 of the New York State Conservation Law - The Law requires written notification of the Commissioners of Health and Environmental Conservation at least 60 days prior to implementing a substantial change at an inactive hazardous waste site.

Part 617 - Part 617 of Title 6 of the State of New York's Official Compilation of Codes, Rules and Regulations as promulgated by the NYS Commissioner of Environmental Conservation for the purpose of directing agencies in implementing the New York State Environmental Quality Review Act (SEQR).

Phase I Investigation - The preliminary assessment of a suspected inactive hazardous waste disposal site under the NYS Superfund Program in order to determine whether or not hazardous waste is contained at the site.

Phase II Investigation - A detailed assessment of a suspected inactive hazardous waste disposal site under the NYS Superfund Program which is conducted subsequent to a Phase I Investigation and which includes on-site sampling and analysis to aid in the classification of the site's potential environmental and health threats.

Preliminary Site Assessment - site investigations conducted to determine if hazardous wastes are present at a site and if a significant threat to health or the environment exists due to their presence.

RI/FS (Remedial Investigation/Feasibility Study) - This study is conducted for sites requiring remedial action to fully define the nature and extent of contamination, explore remediation options, and determine the best site remediation alternative.

Suspected Waste Site - a site that shows up on aerial photographs as surface disturbance involving unidentified material that does not appear to be clean fill. Further investigation is required to determine if these sites contain waste.

Type I Action - An action or category of actions specifically identified in Part 617 or local SEQR procedures as likely to have a significant effect on the environment, and for which the preparation of an environmental impact

statement is likely to be required. Type I actions require fully coordinated review, a lead agency, and the preparation of a full EAF. {SEQR Handbook, p. A-10.}

Type II Action - An action or category of actions specifically identified in Part 617 or local SEQR procedures as never having a significant effect on the environment, and for which an environmental impact statement will never be required. {SEQR Handbook, p. A-10}.

Unlisted Action - All actions that are subject to SEQR and are not expressly excluded, exempt or specifically listed as Type I or Type II actions in Part 617 or local SEQR procedures. {SEQR Handbook, p. A-10}.

Waste - Any garbage, refuse, sludge or any solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining or agricultural operations, or from community activities which:

- 1) is discarded, or is being accumulated, stored or physically, chemically or biologically treated prior to being discarded;
- 2) has served its original intended use and sometimes is discarded; or
- 3) is a manufacturing or mining by-product and sometimes is discarded.

{Part 360.1 (c)(1), (2)}

Waste Disposal Site - A land area where a waste material is disposed of by being discharged, deposited, injected, dumped, spilled, leaked, or placed onto any land so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into ground or surface waters.

Waste Disposal Site Evaluation Form (WDSEF) - An evaluation form to elicit specific information regarding a proposed action's relationship to a waste disposal site, in order to assess the potential health and/or environmental impacts related thereto.