

617.21
State Environmental Quality Review
POSITIVE DECLARATION
Notice of intent to Prepare a Draft EIS
Determination of Significance

Project Number: 3-3928-00181/00002

Date: July 8, 2015

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The NYS Department of Environmental Conservation (DEC), as lead agency, has determined that the proposed action described below will have a significant effect on the environment and a Draft Environmental Impact Statement (DEIS) will be prepared before any agency decisions can be made regarding the action.

Name of Action: NEW PLANET – NY DROP-IN BIOFUELS LLC -Waste to Fuel Facility (“The New Planet Project”)

SEQR Status:

The proposed project is a Type 1 action.

Location:

The New Planet Project is located on four separate parcels of land totaling approximately 39 acres in the Town of Stony Point, Rockland County, New York. The property is located approximately 50 miles north of New York City, east of US Route 9W at the terminus of Holt Drive. The site is located on both sides (east and west) of the existing CSX rail line in the Town of Stony Point, Rockland County.

Scoping:

DEC will conduct public scoping on the proposed project. Draft scoping materials have been prepared by the applicant, New Planet-NY Drop-In Biofuels LLC and DEC. These draft scoping materials are available on-line at www.dec.ny.gov or from the contact person listed within this notice. Written comments on the draft scoping materials are encouraged, and will be accepted by the contact person until Friday, August 7, 2015

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

Description of Action:

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

The New Planet Project will divert approximately 1.7 million tons per year of MSW (the ultimate capacity to be determined upon completion of the final design). The raw MSW is proposed to be delivered to the New Planet Project by truck with deliveries to be concentrated during off-peak traffic periods, i.e. overnight. MSW will

then be sorted and separated, and the vast majority will either be converted (at the proposed facility) into a fuel product or recycled off site. A portion of the MSW that cannot be converted or recycled will be deposited into a landfill. The MSW/feedstock will originate from outside of Rockland County, and it is currently anticipated that the majority of the MSW/feedstock will originate from the City of New York and parts south of Rockland County.

Reasons Supporting This Determination:

1. Impact on Land – The New Planet Project site is located in an industrial area, the majority of which has been previously disturbed. Potential impacts exist associated with redevelopment of an existing industrial site, such as demolition, clean-up and remediation. In addition, importation of fill could potentially change site topography. Therefore, the proposed project has the potential for adverse impacts on land

2. Impact on Water – The New Planet Project site involves construction adjacent to federal and state regulated freshwater wetlands creating potential stormwater run-off impacts to these adjacent water bodies. The New Planet Project will also involve the storage of fuel products at volumes greater than 1,100 gallons which have the potential for spills and releases. Additionally, the New Planet Project proposes to utilize up to 1 million gallons of water per day for process water, utilizing nearby post treatment effluent water sources, and potentially utilizing ground water accessed through wells. The process and cooling water will be reused prior to discharge, after treatment, to the Stony Point Wastewater Treatment Plant (“WWTP”). Therefore, the proposed project has the potential for adverse impacts to ground and surface water

3. Impact on Air – Rockland County is designated as a severe non-attainment area as part of the New York City Metropolitan Area for the 2008 ozone National Ambient Air Quality Standard (NAAQS). Rockland County was removed from the non-attainment designation for fine particulate (PM_{2.5}) in 2014. The New Planet Project will require either a State Facility Permit or a Federal Clean Air Act Title V Permit because of the potential to emit criteria pollutants. Emissions from mobile source’s (construction equipment, trucks, material handling equipment, and trains) will also occur associated with the transport and handling of MSW and by-products and shipment of fuel product. The New Planet Project will also have stationary source emissions of particulate, nitrogen oxides (NO_x), carbon monoxide, volatile organic chemicals (VOC), hazardous air pollutants, sulfur dioxide, and hydrogen sulfide. Therefore, the proposed project has the potential for adverse impacts to air quality

4. Impacts on Transportation – The New Planet Project will result in an increase in truck traffic compared to current conditions due to the proposed delivery of approximately 4,800 tons per day of MSW to the facility and the export of approximately 100,000 gallons of product and 400 tons per day of products from the facility. Therefore, the proposed project has the potential for adverse impacts from truck traffic.

5. Impact on Plants and Animals and significant habitats - The New Planet Project is located adjacent to NYS regulated freshwater wetlands HS-3 and HS-4, both of which are designated as Class 1 wetlands. In addition, the wetlands are immediately adjacent to the Haverstraw Bay Significant Fish and Wildlife habitat. Therefore, the project has the potential for direct and indirect adverse impacts to these wetlands, habitats and the species that utilize them.

6. Impact on Aesthetic Resources – The New Planet Project will replace existing buildings with new vertical structures, including industrial buildings and air emission stacks that will be more visible than existing structures that has the potential to impact users of visually sensitive public resources or eliminate scenic views.

7. Environmental Justice:

The New Planet Project is located in close proximity to a Potential Environmental Justice (“EJ”) area. A potential EJ area is defined as a minority or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. The potential EJ area is approximately ¾ of a mile south of the proposed project area in the Town of Haverstraw. Therefore, the proposed project has the potential to adversely impact this area.

8. Noise and Odor Impact – The New Planet Project involves the transportation, storage and processing of MSW which includes putrescible waste, which has odors. Construction activities will utilize typical heavy construction equipment that may cause local adverse noise impacts. The facility intends to operate on a 24 hour/7 day schedule. Therefore, the project has the potential to produce adverse noise and odor impacts.

For Further Information:

Contact Person: John W. Petronella, Deputy Regional Permit Administrator

Address: 21 South Putt Corners Road, New Paltz NY 12561-1620

Telephone Number: (845) 256-3041

e-mail: NewPlanet@dec.ny.gov

A Copy of This Notice Sent to:

Environmental Notice Bulletin

Commissioner, NYSDEC, 625 Broadway, Albany NY 12233-0001

Thomas Gubitosa, Chairman, Town of Stony Point Planning Board

Martin Brand, Regional Director, DEC 3

Kelly Tuturro, Regional Attorney, DEC R3

James Lansing, DEC R3

George Sweikert, DEC R3

New Planet

Geoff Finn, Supervisor

74 East Main Street

Stony Point, New York 10980

Zoning Text and Map Amendments; Dedication of Road

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Stony Point Waterfront Advisory Committee
74 East Main Street
Stony Point, New York 10980
Coastal Zone Consistency

Stony Point Freshwater Wetlands Board of Review
74 East Main Street
Stony Point, New York 10980
Local Freshwater Wetlands Permit

William Sheehan - Local Floodplain Administrator
74 East Main Street
Stony Point, New York 10980
Construction within a Floodway

Stony Point Architectural Review Board
74 East Main Street
Stony Point, New York 10980
Architectural Review

Stony Point Zoning Board of Appeals
74 East Main Street
Stony Point, New York 10980
Zoning Variances (If Necessary)

United States Army Corps of Engineers, New York District
Attn: Regulatory Branch, Room 1937,
26 Federal Plaza
New York, NY 10278-0090
River and Harbors, Section 10 Permit; Clean Water Act Section 404 Permit

Department of State - Office of Communities and Waterfronts - Division of Coastal Resources, Consistency
Review Unit
One Commerce Place,
99 Washington Avenue
Albany, New York 12231-0001
Coastal Zone Consistency

New York State Public Service Commission
c/o Audrey Zibelman
Empire State Plaza Agency
Building 3
Albany, NY 12223-1350

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Rockland County Dept of Health
50 Sanatorium Rd-Bldg D
Pomona, NY 10970
Attn: Scott McKane, P.E.
Potential Sewer Review

Rockland County Industrial Development Agency
Two Blue Hill Plaza
3rd Floor
P.O. Box 1575
Pearl River, NY 10965
Potential Incentives

Rockland County Drainage Agency
Vincent Alteri, P.E.
23 New Hempstead Road
New City, New York 10956.
Rockland County Stream Protection

Rockland County Health Dept
Robert L. Yeager Health Center
Attn: Ebi Elaahi
50 Sanatorium Rd, Bldg D
Pomona, NY 10970
Petroleum Bulk Storage

County of Rockland Planning Department
Douglas Schuetz - Acting Commissioner
Dr. Robert J. Yeager Health Center - Building T
Pomona, New York 10970
GML 239 Review and adjacent parkland and adjacent transfer station

Stony Point Sewer Department
74 East Main Street
Stony Point, New York 10980
Potential Sewer Connection Permit

Joint Regional Sewage Board
c/o Patrick Brady, P.E.
Ecology Lane
West Haverstraw, New York 10993
Potential Sewer Hook-up Permit

Interested Agencies:

NYS Office Parks, Recreation & Historic Preservation - Palisades Region
Palisades Interstate Parkway
Bear Mountain, NY 10911

Proximity to Stony Point Battlefield (zoning amendments only):

Ms. Ruth Pierpont, Director
State Historic Preservation Office
Peebles Island Resource Center,
PO Box 189
Waterford, New York 12188-0189

Proximity to Town Historic and Archeological Resources (zoning amendments only):

Hudson River Valley Greenway
625 Broadway, 4th Floor
Albany, NY 12207

Location within Hudson River National Heritage Area:

NYS DOT
257 Ridge Road
New City, NY 10956
Attn: Joe Taylor

Potential Impacts to State Highways

Palisades Interstate Park Commission
Administration Building - Bear Mountain State Park
Attn: Karl Roerker
Bear Mountain, New York 10911-0427

Potential Impact to Harriman and Bear Mountain Parks (zoning amendments only)

Region 8 Director, New York State Department of Transportation,
Eleanor Roosevelt State Office Building
Attn: Bonnie Lyons
4 Burnett Boulevard
Poughkeepsie, NY 12603

Potential Impact to State Highways

Rockland County Highway Department
c/o Charles H. Vezzetti, Superintendent
23 New Hempstead Road
New City, NY 10956.

Potential Impact to County Highways - Rail Quiet Zone Program

Rockland County Department of Environmental Resources/Parks
c/o R. Allan Beers, Coordinator
50 Sanitorium Road, Building K
Pomona, NY 10970
Potential Impact to County Parks

Village of West Haverstraw
Hon. John F. Ramundo Jr., Mayor
130 Samsondale Avenue
West Haverstraw, New York 10993
Nearby Community

Town of Haverstraw
Hon. Howard Phillips, Supervisor
One Rosman Road
Garnerville, New York 10923
Nearby Community and Adjacent Landfill Facility

Town of Tuxedo
Mike Rost, Supervisor
1 Temple Drive
Tuxedo NY 10987
Nearby Community

Town of Woodbury
Hon Frank J. Palermo, Deputy Supervisor
511 Route 32
P.O. Box 1004
Highland Mills, NY 10930
Nearby Community

Village of Woodbury
Hon. Michael Queenan, Mayor
Highland Mills Firehouse
455 Route 32
Highland Mills, NY 10930
Nearby Community

Town of Highlands
Bob Livsey, Supervisor
254 Main Street
Highland Falls, NY 10928
Nearby Community

Town of Cortlandt
Linda D. Puglisi, Supervisor
1 Heady Street
Cortlandt Manor, NY 10567
Nearby Community

Village of Buchanan
Theresa Knickerbocker, Mayor
236 Tate Avenue
Buchanan, NY 10511
Nearby Community

Village of Croton-on-Hudson
Leo Weigman, Mayor
1 Van Wyck Street
Croton-on-Hudson, NY 10520
Nearby Community

Village of Haverstraw
Michael Kohut, Mayor
Municipal Building
40 New Main Street
Haverstraw, NY 10927
Nearby Community

Town of Clarkstown
Supervisor Gromack
10 Maple Avenue
New City, NY 10956
Nearby Community

Town of Stony Point Police Department
79 Route 210
Stony Point, New York 10980
Emergency Service Provider

Board of Fire Commissioners
Stony Point Fire Department
PO Box 221
Stony Point, New York 10980
Emergency Service Provider

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Stony Point Fire Inspector
Thomas Larkin
74 East Main Street
Stony Point New York 10980
Emergency Service Provider

Rockland County Solid Waste Management Authority
420 Torne Valley Road
P.O. Box 1217
Hillburn, New York 10931
County Solid Waste Interests

North Rockland Central School District
65 Chapel Street
Garnerville, New York 10923
School District

Joan Skinner, Town Clerk
Town of Stony Point
74 East Main Street
Stony Point, New York 10980
Keeper of Town Records

Rockland County Office of Fire and Emergency Services
Fire Training Center
35 Firemen's Memorial Drive
Pomona, NY 10970
Provides Training for Fire Emergency Services

Other Parties:

NYPIRG
Attn: Laura Haight
Senior Environmental Associate
107 Washington Avenue
Albany, NY 12210

CSX Transportation, Inc.
Attn: Leslie Scherr, Mailbox J301
500 Water Street
Jacksonville, Florida 32202

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Stony Point Action Committee For the Environment
Attn: George Potanovic, Jr.
PO Box 100
Stony Point, New York 10980

NAACP Mid-Hudson/Westchester Regional Office
Attn: Wilbur T. Aldridge, Regional Director
6 Campbell Court
West Haverstraw, NY 10993

Rose Memorial Library
79 East Main Street
Stony Point, NY 10980

Tomkins Cove Public Library
419 North Liberty Drive
Tomkins Cove, NY 10986