

intend to establish any new requirements concerning CBS that will change the manner in which the subject facilities operate under existing industry practices and applicable federal and State laws and regulations.

Location: Statewide.

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

DEC has determined that this Notice of Determination of Non-Significance is appropriate and that the proposed rules will not cause adverse impacts on the environment. Rather, they will sustain environmental benefits by continuing and updating standards for the proper handling and storage of hazardous substances. With the continuation of the implementation of standards for the proper handling and storage of hazardous substances, land and water resources will be protected from releases of hazardous substances.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person(s): Ted Bennett/Angela Chieco, DER Regulatory Coordinators

Address: NYS Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany NY, 12233-7012

Telephone Number: (518) 402-9764

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer, Town / City / Village of
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin, 4th Floor, 625 Broadway, Albany NY 12233-1750

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR NYS Department of Environmental Conservation (DEC)	2. PROJECT NAME Rulemaking for Chemical Bulk Storage (CBS)
3. PROJECT LOCATION: Municipality Statewide County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Statewide	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Title 1 of Article 37 of the Environmental Conservation Law (ECL), ECL sections 37-0101 through 37-0111, "Substances Hazardous to the Environment" (Article 37), requires DEC to promulgate rules that contain lists of substances that are identified as hazardous or acutely hazardous according to criteria provided in the statute. See ECL section 37-0103. Article 40 of the ECL, ECL sections 40-0101 through 40-0121, "Hazardous Substances Bulk Storage Act" (Article 40), mandates the establishment of requirements for the safe storage and handling of hazardous substances in tanks at facilities. During 1988 and 1994, DEC originally promulgated the rules required by Articles 37 and 40. These rules are established at 6 NYCRR Parts 595 through 599 and contain the lists that identify regulated hazardous substances and establish requirements for the chemical bulk storage (CBS) program. The CBS program covers the storage of hazardous substances in tank systems (aboveground and underground) and containers. The essential aim of this rule making is to partially reorganize existing requirements and include the additional requirements mandated by the 2008 changes to Article 40 (the operator training and delivery prohibition features derived from the federal Energy Policy Act of 2005). In addition, DEC is proposing to clarify certain existing regulatory requirements. DEC does not intend to establish any new requirements concerning CBS that will change the manner in which the subject facilities operate under existing industry practices and applicable federal and State laws and regulations.	
7. AMOUNT OF LAND AFFECTED: Initially <u> N/A </u> acres Ultimately _____ Acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? N/A <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? N/A N/A <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: USEPA grants for partial program implementation.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: NYSDEC-Division of Environmental Remediation Robert W. Schick, Division Director	Date: May 12, 2014
Signature: _____ /S/ _____	

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 II – IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No. The proposed rules do not establish any new requirements concerning CBS that will change the manner in which subject facilities operate under existing applicable federal and State laws and regulations.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
No.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
No.

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:
No.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

New York State Department of Environmental Conservation	May 12, 2014
Name of Lead Agency	Date
Robert W. Schick	Director, Division of Environmental Remediation
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
/S/	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):

- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) X
- (b) Financial assistance (e.g. grant, loan, subsidy) _____
- (c) Permit, license, certification _____

2. Title 1 of Article 37 of the Environmental Conservation Law (ECL), ECL sections 37-0101 through 37-0111, "Substances Hazardous to the Environment" (Article 37), requires New York State Department of Environmental Conservation (DEC) to promulgate rules that contain lists of substances that are identified as hazardous or acutely hazardous according to criteria provided in the statute. See ECL section 37-0103.

Article 40 of the ECL, ECL sections 40-0101 through 40-0121, "Hazardous Substances Bulk Storage Act" (Article 40), mandates the establishment of requirements for the safe storage and handling of hazardous substances in tanks at facilities.

During 1988 and 1994, DEC originally promulgated the rules required by Articles 37 and 40. These rules are established at 6 NYCRR Parts 595 through 599 and contain the lists that identify regulated hazardous substances and establish requirements for the chemical bulk storage (CBS) program. The CBS program covers the storage of hazardous substances in tank systems (aboveground and underground) and containers.

The essential aim of this rule making is to partially reorganize existing requirements and include the additional requirements mandated by the 2008 changes to Article 40 (the operator training and delivery prohibition features derived from the federal Energy Policy Act of 2005). In addition, DEC is proposing to clarify certain existing regulatory requirements. DEC does not intend to establish any new requirements concerning CBS that will change the manner in which the subject facilities operate under existing industry practices and applicable federal and State laws and regulations.

3. Location of action: **STATEWIDE**

County	City, Town or Village	Street or Site Description
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4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:

- (a) Name of applicant: N/A
- (b) Mailing address: N/A
- (c) Telephone Number: Area Code N/A
- (d) State agency application number: N/A

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes No If yes, which federal agency? _____

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:

- | | YES | NO |
|--|--------------------------|-------------------------------------|
| (a) Significant fish or wildlife habitats?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Scenic resources of statewide significance?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) Important agricultural lands?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2. Will the proposed activity have a significant effect upon:

- | | | |
|---|--------------------------|-------------------------------------|
| (a) Commercial or recreational use of fish and wildlife resources?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Scenic quality of the coastal environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) Development of future, or existing water dependent uses? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) Operation of the State's major ports?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (e) Land and water uses within the State's small harbors?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (f) Existing or potential public recreation opportunities?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

3. Will the proposed activity involve or result in any of the following:

- | | | |
|--|--------------------------|-------------------------------------|
| (a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) Energy facility not subject to Article VII or VIII of the Public Service Law? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (e) Mining, excavation, filling or dredging in coastal waters?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (f) Reduction of existing or potential public access to or along the shore? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (g) Sale or change in use of state-owned lands located on the shoreline or under water?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (h) Development within a designated flood or erosion hazard area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program?

YES NO

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN one copy of the Completed Coastal Assessment Form shall be submitted to:

New York State Department of State
Division of Coastal Resources
41 State Street, 8th Floor
Albany, New York 12231

If assistance of further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

Signature: _____ /S/ _____

Preparer's Name: Robert W. Schick

Title: Director, Division of Environmental Remediation

Agency: NYS Department of Environmental Conservation

Telephone Number: (518) 402-9706 Date: May 12, 2014