

New York State Environmental Quality Review Act (SEQR)
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
FINAL SCOPING OUTLINE

Hughes Energy, LLC – Solid Waste Management Facility
Municipal Solid Waste to Marketable Biomass Fiber
NYSDEC ID# 4-1248-00321
Town of Roxbury, Delaware County, New York

SEQR CLASSIFICATION: TYPE 1

LEAD AGENCY: New York State Department of Environmental Conservation
Region 4
1130 North Westcott Rd.
Schenectady, NY 12306
Contact: Kate Kornak, Regional Permit Administrator
E-mail: Comment.HughesRoxbury2021@dec.ny.gov

Introduction and SEQR

Hughes Energy, LLC (hereinafter “Hughes Energy” or “the proposed facility”) proposes the construction and operation of a new solid waste management facility located along State Route 23 on Tax Parcel ID 113.-1-25 (39.60 acres) in the Town of Roxbury, Delaware County, New York. The parcel falls within the New York City Watershed and within an area designated as a potential Environmental Justice area. The proposal includes processing of up to 176,400 tons per year (tpy) of municipal solid waste (MSW) into a marketable fiber product through use of a rapid steam-composting and mechanical processing system (“the Wilson System”) to produce a marketable biomass fiber product. The fiber product can be used for manufacturing into various recycled products (e.g., paper products). According to the application, MSW receipt and processing will occur within an enclosed processing building (~115,000 sf), and a new administrative office and maintenance shop (~9,500 sf) is proposed to provide office space and onsite maintenance support. Site access is proposed through a new commercial driveway entrance from State Route 23. A Site Location Map on a United States Geological Survey quadrangle map is provided as Figure 1, and a Site Vicinity Map on an aerial image is provided as Figure 2.

This scoping document has been prepared by the New York State Department of Environmental Conservation (hereinafter “DEC”), for the purpose of defining the necessary scope of a Draft Environmental Impact Statement (DEIS) for the proposed Hughes Energy facility. As the Lead Agency designated pursuant to SEQR, the DEC classified the proposal as a SEQR Type I action based upon review of the long Environmental Assessment Form (“EAF”) and associated materials and issued a Positive Declaration on September 20, 2021 requiring the preparation of a

DEIS. The DEC has determined that the project may have at least one adverse significant impact on the environment.

A scoping document describes the content and format of a DEIS and will be used by the DEC to determine when the prepared DEIS is adequate for public review. This scoping document is being prepared in accordance with the SEQR regulations at 6 NYCRR § 617.8. Public input was gathered on the draft scope, which was prepared by Sterling Environmental Engineering, P.C. on behalf of Hughes Energy, and received by DEC on October 1, 2021. On October 27, 2021 DEC filed a request with Hughes Energy to extend the public comment period to 90-days, as was consistent with hundreds of public comments received that requested the same time extension. On November 1, 2021, Hughes Energy declined the request to extend the public scoping period, thus requiring the final scope to be issued inclusive of all public comments on November 30, 2021.

This final scope incorporates substantive public input received on the draft scope. DEC received and individually reviewed a total of 755 written comments during the comment period. This final scoping document reflects the changes DEC deemed appropriate in response to the written comments received from the public, and from other interested and involved parties.

Those prominent issues raised during scoping and determined not to be relevant or not environmentally significant included comments on cultural resources; wildlife and rare, threatened and endangered species; historic properties, and others. These are discussed in detail in Appendix A to this final scope. A summary of the prominent issues raised within the 755 public comments that were received on the draft scoping document are included in Appendix B.

This final scope addresses only the project as currently proposed. It should be acknowledged that any future increase in processing waste above the proposed maximum of 176,400 tons per year, including physical expansion in response to growth and further development of the Municipal Solid Waste Facility, will require reevaluation of potential impacts, as well as the need for potential permits and approvals from this agency and from other involved agencies.

The final scope of the DEIS for the Hughes Energy Solid Waste Management Facility is identified below and will include the following sections:

DEIS OUTLINE

1.0 COVER SHEET. Type of document (draft, final), title of project, location, name and address of SEQR Lead Agency contact person, name and address of document preparer, date of Lead Agency acceptance, date of DEIS hearing, and deadline for acceptance of public and agency comments.

2.0 TABLE OF CONTENTS. Listing primary DEIS sections and subsections, tables, figures, drawings, appendices, and any items that may be submitted under a separate cover sheet (and identified as such), with page numbers listed for each.

3.0 INTRODUCTION. The DEIS will discuss the identified potential environmental issues for the project. These issues will be presented and discussed as described within this document.

3.1 Project Location and Description. This section will identify the general project location including any easements, rights-of-way, restrictions, special district boundaries or other items affecting the property development potential; also to include a discussion of the potential impact of the project on these easements, rights-of-way, restrictions, special district boundaries or other items.

The project description will discuss the various elements of the project and their relationship or dependence on each other for the success of the project. The description will include but is not limited to: acquisition of the 39.6-acre parcel (Tax Parcel 113.-1-25) by Hughes Energy; acquisition of the adjacent Green-Del Transfer Station and its property (Tax Parcel 114.-1-11) by Hughes Energy and all additions or changes planned for the Green-Del site and operations, and any relationship or movement of materials between the Green-Del site and Hughes Energy; construction of the proposed ~115,000 sf MSW processing facility; construction of the proposed ~9,500 sf administrative office and maintenance shop, including details on the functionality of the maintenance garage area; construction of the new commercial driveway entrance from State Route 23; construction of stormwater infrastructure; installation of a private water well service with onsite water storage; connection to the Town of Prattsville sanitary sewer system and discussion of alternatives in the case the identified municipality cannot accept the wastewater either on a temporary or long-term basis; construction and use of four 30,000-gallon liquid propane tanks for heat and boiler steam generation; and installation of an exhaust system and air pollution control devices.

3.2 Executive Summary. This summary will present an overview of the project, provide a brief description of the overall proposed action, shall only include information listed elsewhere in the main body of the DEIS, and shall include the following:

3.2.1 significant beneficial and adverse impacts,

3.2.2 alternatives considered

3.2.3 mitigation measures proposed, and

3.2.4 matters to be decided, including a list of each permit or approval required.

3.3 Purpose and Need for the Proposed Action. The DEIS will identify and discuss the purpose, need, and public benefit of the proposed project including social and economic benefits. Identify the public need for the proposed action in this location, including consideration of consistency with adopted policies and plans as set forth within local and regional ordinances, land use plans and/or community development plans. This discussion must assess consistency with the Town of Roxbury Comprehensive Plan including but not limited to policies related to scenic views and building on steep slopes. An evaluation of impacts on nearby Critical Environmental Area (“CEA”), the Roxbury Water District Aquifers must also be discussed. CEAs are areas in the state which have been designated by a local or state agency to recognize a specific geographical area, including a feature that is a benefit or threat to human health. The Roxbury Water District Aquifers CEA was designated by the Town of Roxbury to protect its groundwater aquifers. One of the project’s primary traffic routes the “route from southwest” goes through this nearby CEA. The DEIS will analyze impacts on this CEA within this section and also to be included within Section 4.1 Traffic. This discussion shall include an examination of whether the proposed action achieves the local objectives.

The DEIS will include a study of the economic attributes of the construction and operation of the project, including: an estimate of the number of temporary construction jobs that will be created in Delaware County and adjacent counties that would constitute a potential labor shed; an estimate of the secondary (indirect) employment and economic activity likely to be generated during the construction of the facility for the communities of Roxbury, Prattsville, Stamford, Grand Gorge, and other communities that share Route 23 and other proposed routes as their Main Streets; an estimate of the number of jobs, by discipline, to be created by the operation during a typical year once the plant is in operation; an identification of the amount and location of temporary housing expected to be used by any in- migrating construction workers; a discussion of anticipated taxes, tipping fees, host agreements, and other benefits to the community.

In order for involved agencies to make a decision on whether to undertake, fund, or approve an action that is the subject of an EIS, each involved agency is required to weigh and balance public need and other social, economic, and environmental benefits of the project against significant environmental impacts. Involved agencies must be able to conclude that the action requiring approval, including any conditions attached to that approval, avoids or minimizes significant adverse impacts to the maximum extent practicable, or that public need and benefit outweigh the identified environmental impact.

3.4 Environmental Review Process.

3.4.1 Approvals Required. This section of the DEIS will provide an overview of the permits and approvals presently anticipated to be required for the proposed project, the agencies responsible for the approvals, and the applicable law or regulations associated with each approval. The information will be provided as Table 1.0 listed in Section 9, and this table may be revised as additional information is obtained in the course of the process. Table 1.0 shall list all required local, state, and federal approvals, reviews, and permits to implement the proposed action together with the status of each application. This list shall include the creation or expansion of water, sewer, drainage or other municipal districts as required by the project.

The DEIS will also include a discussion of all purchase/sale, transportation, and disposal contracts or other arrangements made with suppliers of MSW and public or private entities that will receive unauthorized waste, residuals, recyclables, and fuel pellets, as well as any brokers and transporters of those materials. This will include permit transfers and modifications required for the Green-Del facility. Also, funding or loan arrangements for the proposed project, including but not limited to funds provided by state or local entities that are subject to SEQR or federal entities that are subject to the National Environmental Policy Act (NEPA) will be included.

The processing of certain environmental permit applications by the New York State Department of Environmental Conservation (DEC) is governed by the requirements of the Uniform Procedures Regulations at 6 NYCRR Part 621. The intent of the Uniform Procedures Regulations is to ensure timely review of projects requiring DEC environmental permits. Projects that are also subject to the SEQR regulations must satisfy SEQR requirements before the permit applications reviewed under Part 621 are deemed complete. When the DEC, as the SEQR lead agency, determines that a DEIS is required, the acceptance of the DEIS for public review is a pre-requisite for a complete DEC permit application.

3.4.2 State Environmental Quality Review. This section of the DEIS will provide a brief description and chronology of the key SEQR review steps (e.g. lead agency designation, positive declaration, etc.). Copies of key SEQR determinations and documents, including the draft scope prepared for Hughes Energy, will be provided as Appendix D to the DEIS.

By way of background, SEQR and its implementing regulations at 6 NYCRR Part 617 require agencies to assess the potential environmental impacts of proposed projects during the permitting process. Under SEQR, potentially significant adverse environmental impacts are evaluated in a DEIS.

A DEIS is intended to function as a disclosure document to provide information about the potential environmental impacts of the proposed action and provide a basis for informed decisions. The DEIS identifies and addresses the potential environmental impacts of a project and reasonable alternative, if any, and identifies ways to avoid or mitigate any potential adverse impacts to the maximum extent practicable. Also addressed in a DEIS, are irreversible and irretrievable commitments of resources and the use and conservation of energy.

The DEIS must be written to a level of detail to properly assess the impacts identified and which allows agencies to make reasoned decisions on the action. Many of the issues will also be reviewed in accordance with the New York State statutory requirements relating to a particular regulatory program (e.g., DEC's Solid Waste Management permit program under 6 NYCRR Part 360). In general, the DEIS will follow the content requirements of the SEQRA regulations at 6 NYCRR § 617.

4.0 ENVIRONMENTAL SETTING, SIGNIFICANT ENVIRONMENTAL IMPACTS, AND MITIGATION MEASURES TO ADDRESS ENVIRONMENTAL IMPACTS

The DEIS will describe the environmental setting (existing conditions), potentially significant environmental impacts, and mitigation measures within each of the topic areas identified below. The level of detail should reflect the severity of the impacts and the reasonable likelihood of their occurrence, including short-term, long-term, and cumulative impacts. It will also describe those adverse environmental impacts that cannot be avoided or adequately mitigated if the proposed action is implemented. For this new proposed solid waste management facility, the DEIS will include a discussion of the impacts of the proposed action on solid waste management per DEC Policy DMM-SW-09-01 and the proposed action's consistency or inconsistency with the New York State Solid Waste Management Plan and any locally adopted solid waste management plans per 617.9(b)(5)(iii)(f). Information on [Policy DMM-SW-09-01 Solid Waste Management Facility Permitting - NYS Dept. of Environmental Conservation](#) is available at this link.

Technical reports and a list of references supporting the analysis and discussions provided in each section shall be included as Section 10 to the DEIS.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

Certain potentially significant environmental impacts were identified in the Environmental Assessment Forms and public comments as described below. The DEIS will analyze these impacts as per 6 NYCRR 617.9(b)(5) and propose mitigation measures to address these impacts. Proposed and potential mitigation measures for identified adverse environmental impacts shall indicate which mitigation measures have been incorporated into the plans as well as those which have not, and the reasons, therefore. Unavoidable adverse environmental impacts shall also be identified.

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

- Environmental Setting
- Potential Impacts
- Mitigation Measures

4.1 Traffic Section 4.1 Traffic will include discussion of cumulative impacts.

Cumulative impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from a single action or from two or more individually minor but collectively significant actions taking place over time. Cumulative impacts do not have to all be associated with one project, facility or applicant and may include indirect or secondary impacts, long-term impacts, and synergistic effects.

The DEIS will include an analysis and discussion of traffic including MSW transported directly to the facility by semi-trailers and other large vehicles; recovered recyclables transported to an authorized recyclables handling facility; non-fibrous, non-recyclable material transported to an authorized solid waste management facility; fuel pellet products transported from the facility for use and sale; water trucks accessing the facility; fuel trucks accessing the facility; wastewater tankers accessing the facility; maintenance trucks accessing the facility; and employee vehicles proposed to enter and exit the facility for accommodation of 24-hour shift work in addition to 7am-4pm standard hour employees. The new facility is proposed to operate 24-hours per day, accommodate 24-hour shift work for employees, and has the expected operation duration of decades within a rural setting.

The DEIS will evaluate the impact of increased traffic along the truck routes which includes areas identified as potential environmental justice communities, including the related impacts on community character, and those municipalities which have designated Route 23 as their Main Street. The discussion will define impacts as, but not limited to, noise, odors, air quality from vehicle emissions, and overall decrease in ability to move through the area as a result of increased traffic flow. The analysis will include impacts that may occur while vehicles are in motion (en route to the facility or departing from) or idling.

To properly evaluate traffic impacts, the DEIS must include analysis of the whole proposed action including foreseeable locations from which MSW will be transported, and ultimate destination and routes that various components of outgoing materials (unauthorized waste, inert materials, potentially recyclable materials, and fuel pellets) will use. The discussion must include the routes proposed by the applicant including, but not limited to, Routes 23, 42, 28, 212 and 30, as well as town and county roads impacted by the increase in traffic. This analysis must include specific community concerns including noise from trucks traveling downhill from the west on Route 23 engaging exhaust brakes when slowing to enter the Hughes facility. Such noise has been documented as disruptive at other similar Solid Waste facilities

and impacts from the use of exhaust or “jake brakes” will be mitigated to the greatest extent practicable. This may include an evaluation of alternate routes under this section. Evaluation and mitigation of noise from exhaust brakes will also be included under Section 4.4 Noise. These potential noise impacts must be further evaluated in the DEIS.

4.1.1 New York State Department of Transportation provided the following comments during public scoping which must be addressed in the DEIS.

The travel route from the southeast proposes to use NY Route 42, which is federally designated as part of the Catskill Mountains scenic byway within Ulster County. This roadway historically has lower traffic volumes and is subject to long-term closures and off-site detours when major repair/rehabilitation is required. Alternative routes for truck travel will be evaluated for this roadway.

All new or existing driveway openings will be designed and constructed or reconstructed in accordance with the NYSDOT Policy and Standards for the Design of Entrances to State Highways, which can be found at www.dot.ny.gov/permits. Pursuant to these requirements, the applicant will ensure that sight distance is maximized at the driveway entrance. Additionally, NYSDOT requires the applicant to install W2-2 intersection warning signs with TRUCK sub-panels on State Route 23 in conformance with the Manual on Uniform Traffic Control Devices (MUTCD); per the PERM 33-COM Permit requirements, the applicant will be required to submit a drainage study, completed by a licensed engineer, for review and comment by NYSDOT prior to permit issuance. The applicant will require a PERM 33-COM Highway Work Permit, issued by NYSDOT, prior to the commencement of any work within the State right-of-way.

The DEIS shall include a discussion of how the above-listed items will be complied with and implemented.

4.1.2 Mitigation. An identification and evaluation of reasonable mitigation measures regarding traffic and transportation impacts will be included. Mitigation measures will be based on the results of the analysis and may include:

- i. Use of alternative technologies
- ii. Construction of physical roadway improvements
- iii. Installation of new traffic control devices
- iv. Alternative operational hours
- v. Alternative shift change times or staggered shift changes
- vi. Alternative delivery hours for MSW feedstock
- vii. Law enforcement-controlled intersections during peak times
- viii. Restricted travel routes to avoid sensitive receptors and community resources
- ix. Alternative sources of MSW feedstock
- x. Alternative vehicle types or sizes

4.2 Water Resources. The Hughes Energy site involves construction above a primary aquifer, within federally regulated freshwater wetlands and state regulated Fanny Brook, a Class A tributary to the Schoharie Reservoir, and within 1000' of the Schoharie Reservoir which serves as a drinking water resource to New York City residents. The proposed project will require review and approval of a Stormwater Pollution Prevention Plan by New York City Department of Environmental Protection.

In addition to the water resources issues identified in SEQR documents, all impacts to water resources shall be examined in the DEIS. The water resources to be evaluated include groundwater including the aquifer, surface water, drinking water, wetlands, and floodplain. Impacts and sources of pollution to be analyzed include at a minimum land disturbance, impacts from impervious surfaces, road construction, groundwater extraction, stormwater runoff, fugitive garbage and debris, deicing measures, wastewater discharges, and foreseeable accidents, spills, and facility malfunction incidents. Impacts associated with construction activities and facility operation will be assessed in the DEIS, taking into account appropriate avoidance, minimization and mitigation measures. Additionally, the application documents propose that the project will utilize groundwater accessed through private onsite wells, and the process water will be discharged to the Town of Prattsville Wastewater Treatment Plant ("WWTP"). Treatment capacity of and conveyance systems to the Prattsville WWTP must be assessed in the DEIS.

All items listed within section 4.2 Water Resources must include a discussion of cumulative impacts. Cumulative impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from a single action or from two or more individually minor but collectively significant actions taking place over time. Cumulative impacts do not have to all be associated with one sponsor or applicant. They may include indirect or secondary impacts, long-term impacts, and synergistic effects.

4.2.1 Surface Waters.

The DEIS will describe the existing surface waters located within the proposed project area, with an emphasis on the Schoharie Reservoir and its tributaries. An evaluation of the potential short and long-term impacts of land subsidence on the Schoharie Reservoir and its tributaries will be provided. Surface water features shall be mapped and described, including but not limited to all DEC-protected streams and waterbodies, federally-regulated wetlands, state-regulated freshwater wetlands, the 100-year floodplain, and areas of potential inundation due to sea level rise projection. The description shall include the classification of all DEC-regulated waterbodies, streams, and wetlands. These features shall be shown on a map of surface water resources. The direction of surface water flow within and between surface water bodies shall also be described and mapped. The function of

the wetlands and other water bodies, such as points of recharge, discharge, habitat type, species usage etc., shall be defined.

A description of the permanent and temporary direct, physical impacts to surface waters by feature shall be provided. The total area of temporary and permanent impacts in acres shall be provided.

Potential impacts to water quality shall be considered during proposed construction and operation of the Hughes Energy facility, including the potential impacts of discharging water pumped out of locations during construction.

New York City Watershed. The proposed project is located entirely within the New York City Watershed which serves as the source of drinking water for over 9 million people, and the following comments provided during public scoping by the Watershed Inspector General and New York City Department of Environmental Protection must be addressed within the DEIS.

Per the application documents, runoff from the proposed project drains into Fanny Brook to the northwest and to Johnson Hollow Brook, which is east of the site. Both brooks are direct tributaries to the Schoharie Reservoir. Schoharie Reservoir is listed as an impaired waterbody under Section 303(d) of the Clean Water Act due to the presence of silt and sediment. Sediment, when suspended in water, creates turbidity or murkiness in the water. This leads to significant water quality problems and downstream compliance issues when the turbid water is dispatched down the Catskill Aqueduct to the Kensico Reservoir.

The City's drinking water supply system is regulated by the federal Safe Drinking Water Act, 42 U.S.C. § 300f et seq. (SDWA). Under the SDWA, the United States Environmental Protection Agency promulgated the Surface Water Treatment Rule, which requires that a public drinking-water system supplied by surface waters satisfy water quality standards, either by installing a filtration system or by meeting criteria, including a "watershed control program," to protect the quality of the water in the absence of filtration. See 40 C.F.R. §§ 141.70, 141.71. The City has developed and implemented a comprehensive Watershed Protection Program to comply with this requirement. In the 2007 Filtration Avoidance Determination, EPA found that "significant improvement to the City's ability to prevent, manage, and control turbidity in the Catskill System [which supplies almost half of the water in Kensico Reservoir] is required in order to maintain filtration avoidance for the long-term." As those improvements are being implemented, it is imperative to control suspended sediment discharges within the Catskill Watershed, including to Schoharie Reservoir tributaries potentially impacted by the Project, that contribute to turbidity.

The DEIS shall include mitigation measures to avoid an increase in turbidity, the discharge of sediments and discharge of other materials to surface waters. The discussion of mitigation measures should demonstrate that there is no net increase

in sediment loads within the Schoharie Reservoir watershed. To measure impacts on sediment loads, the DEIS will include a pollutant loading assessment (PLA) for Total Suspended Solids. A PLA is a tool used to quantify a Total Maximum Daily Load (TMDL) pollutant and evaluate pollutant treatment removal performance. A PLA calculates the pre-development or existing pollutant load, the developed condition pollutant load, and the post-development pollutant load with stormwater treatment.

There are many methods and models that can be used to quantify pollutant loads. The PLA method described here, called the Simple Method, is a planning-level tool that incorporates changes in land use, established event mean concentrations, stormwater practice pollutant removal efficiencies, and runoff reduction capabilities.

The Simple Method formula is: $L = P \times P_j \times R_v \times \text{Area} \times \text{EMC} \times 0.227$.

L = pollutant load in pounds,

P = annual rainfall in inches,

P_j = adjustment coefficient for storms that do not produce runoff. The P_j value is 0.9 when using the annual rainfall amount and 1.0 when using a specific storm event value,

R_v = the runoff coefficient = $0.5 + 0.009 \times I$, the impervious percentage as a whole number,

EMC is the event mean concentration for a pollutant for a specific land use, and 0.227 is a constant of 2.72 divided by 12 to convert milligrams per liter to pounds.

Proposed transportation routes include narrow roads adjacent to tributaries of the Schoharie Reservoir. Accordingly, the DEIS will consider alternatives and potential mitigation measures to reduce the risk of accidents, spills, and potential discharges of materials into surface waters. The discussion must include salting and deicing of paved areas which can cause highly saline runoff that poses deleterious impacts to water quality and biotic health. This section must fully explore limits on the use of deicing chemicals and alternatives to road salt including non-toxic materials for traction.

Stormwater Management. The DEIS shall summarize a stormwater pollution prevention plan (SWPPP) for the proposed facility, prepared in accordance with the DEC SPDES General Permit for Stormwater Discharges from Construction Activities, and utilizing best management practices found within the SPDES Multi Sector General Permit and other applicable requirements.

A description of the proposed stormwater detention and treatment methods per current NYSDEC Design Standards and local regulations shall be provided and the conceptual locations of all stormwater management design measures shall be included with the DEIS. The access to, ownership of, and responsibility for long-term maintenance of any stormwater management facilities shall also be discussed.

The following comments provided during public scoping by the Watershed Inspector General and New York City Department of Environmental Protection must be addressed within the DEIS. A drainage study, defining and mapping existing and post-development peak rates and flow volume of stormwater runoff and stormwater quality treatment shall be submitted. Essential to calculating the required pre- and post-development peak run-off rates for the 1-year, 10-year, and 100-year, 24-hour storm events is the underlying climate data, as extreme precipitation events can result in stormwater pollution and localized and widespread flooding with damage to property, degradation of water quality, and possible loss of life. Accounting for these events is critical to effective engineering design and regulations. In January 2011, the Northeast Regional Climate Center (NRCC) website www.precip.net was created to provide access to and produce tables of current meteorological data. The DEIS and stormwater pollution prevention plan need to pair the current updated rainfall values from the NRCC with updated distribution curves to generate accurate rainfall runoff relationships. This can be accomplished by importing the updated NRCC rainfall value table into a HydroCAD (or other applicable hydrologic model) program, to create updated rainfall distribution curves. A step-by-step description of this process is presented on page B.6 in Appendix B of the November 2016 New York Standards and Specifications for Erosion and Sediment Control “Blue Book”. Once these new rainfall distributions have been incorporated into the HydroCAD or another applicable model, the program should be run. The results from this program should more accurately predict stormwater runoff performance based on current climate data. Another acceptable source of recent rainfall data and distribution curves is the Atlas 14 database (National Oceanic and Atmospheric Administration [NOAA] Atlas 14, Volume 10, Version 3, Revised 2019).

The results of this study shall be summarized in the DEIS text and all supporting reports and references shall be listed in Section 10 to the DEIS.

The DEIS will also describe any potential measures to mitigate impacts on surface waters. Application materials indicate that stormwater runoff will be discharged directly to on-site wetlands. An alternatives analysis will be included within the DEIS to expand upon options to treat stormwater using alternative methodologies, direct stormwater elsewhere, and provide options to locate the stormwater outfall to a point outside of wetland proper.

4.2.2 Groundwater.

The DEIS will describe the existing groundwater resources located within the proposed project area. An evaluation of the potential short and long-term impacts of the project will be provided.

The groundwater resources of the Hughes Energy project site shall be described using available literature regarding the geology and hydrology of the region and site; all information collected during on-site investigations, including, if available,

geotechnical and soil borings, well drilling activities, and observations and mapping of surface water resources.

Discuss any potential groundwater contamination on the site resulting from current and past activities on the site.

Potential areas of direct groundwater recharge and wetland impacts shall be described and identified on a site map.

Assessment of potential impacts on adjoining properties and regional hydrology, including potential changes in hydrologic function and potential impacts on groundwater supply for neighboring residents.

Discuss the potential impacts of the installation and operation of wells for process water on neighboring resident wells, surface water resources, and the Schoharie Reservoir.

The groundwater investigation shall describe the available resources and address potential impacts on surface water, state and federal wetland, and other public and private water supplies, resulting from their potential use in the operation of the project based upon the various potential sources of process water.

The DEIS will also describe any potential measures to mitigate impacts on groundwater quantity, quality or elevations.

Water Supply. The proposed required water supply for the Hughes Energy facility shall be described for all operations including supply for process water, cooling water, cleaning and maintenance, sanitary and potable water. The description shall include the anticipated average and peak usage, potential water supply sources, including but not limited to groundwater, storm water and public water supply sources brought on-site via tank trucks. In addition, the description shall include the capacity of those sources, average daily demand of the proposed project, and necessary infrastructure components (e.g., treatment equipment, distribution system, and storage, if any). A water withdrawal permit will be required from the DEC for any intake of water in excess of 100,000 gallons per day including groundwater.

If the proposed water supply source is via groundwater wells, a minimum 72-hour pump test shall be performed in accordance with DEC protocol (available at <http://www.dec.ny.gov/lands/5003.html>) and demonstrate 6-hour stabilized yield and drawdown of the proposed supply wells(s). If applicable, aquifer testing and/or subsurface investigations, shall be conducted in conformance with New York State and County Health Department standards, guidelines and permitting. A summary of well water quantity and quality testing results shall be included.

Water Supply System Design: The preliminary design for the proposed water supply system (well location, intake structure locations and distribution around the site) shall be clearly explained. The preliminary design shall also be provided on a drawing that shows the proposed water supply infrastructure, including the locations of the water supply source(s), treatment facility, likely water main routes, and proposed storage structure(s).

The analysis of ground water impacts shall include an identification of mitigation measures to be implemented if necessary. Discuss water supply and adequacy to supply adjoining properties and/or properties impacted by withdrawals from the proposed wells, if any.

The DEIS will also describe any potential measures to mitigate impacts on groundwater and water supply.

4.2.3 Wastewater Disposal

Describe physical characteristics of the wastewater and estimate the potential wastewater generation from the Hughes Energy facility, including flow estimates for both average and peak times.

Provide a description of appropriate wastewater disposal options based upon the physical characteristics of the wastewater generated by the proposed project and the environmental setting. The application documents propose the addition of ~6,000 gallons per day of wastewater, of which approximately 4,800 gallons per day is characterized as industrial wastewater. The DEIS must include a discussion of pretreatment of industrial waste to assess potential impacts to operation and performance of potential downstream sewer districts.

Identify any potential sewer district(s) that could receive wastewater and identify the location of the wastewater treatment plant; the capacity and capability of the sewer infrastructure and wastewater treatment plant to accept and effectively treat wastewater; and whether any upgrades are required to meet the increased flow or wastewater makeup as a result of the proposed Hughes Energy facility.

Describe the infrastructure components necessary to construct and operate the proposed wastewater collection and treatment system, including the treatment plant and likely routes of proposed infrastructure. A drawing shall be provided of the likely wastewater collection and treatment system.

The DEIS will also describe any potential measures to mitigate impacts resulting from disposal of wastewater.

4.2.4 Flooding

The DEIS will describe the existing floodplain mapping and flood frequencies within the proposed project area, with an emphasis on the Schoharie Reservoir.

An evaluation of the potential short and long-term impacts of this proposal on nearby floodplain areas will be provided.

The DEIS shall include measures to avoid or reduce impacts on climate change and associated impacts due to the effects of climate change such as sea level rise and flooding as per 617.9(b)(5)(iii)(i).

The DEIS will also describe any potential measures to mitigate impacts from flooding and sea level rise.

4.3 Socio-economic Resources. The DEIS will describe the existing public infrastructure located within project site including, but not limited to, structures, and roads and utilities (e.g., gas, water, sewer, and telecommunications) and ownership thereof.

The Hughes Energy facility may create the need for additional community services including police protection, fire protection, emergency medical services, education, public utilities (excluding water and sewer described elsewhere), and public recreation/open space facilities. Each existing service area shall be described as to its existing capacity (water and sewer services and distribution are addressed separately in other sections), and discussion as to any anticipated infrastructure expenditures that may be required by state and/or local government or utilities.

Community Facilities and Services. An estimate of the impact on community services during the construction phase of the project, including the incremental municipal or utility operating and infrastructure costs that will be incurred by the Towns of Roxbury, Prattsville, Stamford, Delaware County, and any other affected municipality of utility for police, fire, emergency, water, sewer, solid waste disposal and other municipal or utility services.

An estimate of the impact on community services due to the permanent operation of the project, including the incremental municipal or utility operating and infrastructure costs that will be incurred by the Towns of Roxbury, Prattsville, Stamford, Delaware County, and any other affected municipality of utility for police, fire, emergency, water, sewer, solid waste disposal and other municipal or utility services.

The Prattsville Fire Company, an all-volunteer company, is the nearest emergency protection to the proposed facility. The DEIS shall include an evaluation of the information to be provided to the Prattsville Fire Company including documentation concerning the structures, operations, and materials handled at the site, and any amount of training or equipment necessary in order to provide proper and effective firefighting measures at the proposed facility. The description shall include all on-site equipment and systems proposed to prevent or handle fire emergencies or hazardous substance incidents.

A description of all contingency plans to be implemented in response to the occurrence of a fire emergency or a hazardous substance/material incident or spill with consideration of the distance from local emergency responders.

The DEIS will also describe any potential measures to mitigate impacts on public resources and the local economy.

4.4 Noise. The Noise Assessment submitted by Hughes Energy, revision date July 22, 2021, demonstrated that the project will exceed noise threshold requirements under 6 NYCRR Part 360 as well as exceeding minimum thresholds in NYSDEC Program Policy “Assessing and Mitigating Noise Impacts” for off-site residential receptors.

The DEIS shall evaluate the construction-related noise impacts of the Hughes Energy project and shall identify appropriate mitigation measures to reduce noise impacts, including the noise to be generated by site preparation, truck traffic, and facility construction in accordance with the NYSDEC Program Policy on Assessing and Mitigating Noise Impacts and 6 NYCRR Part 360 Solid Waste Management Facilities.

The DEIS shall also evaluate the operational-related noise impacts of the Hughes Energy project and shall identify appropriate mitigations to reduce operational noise impacts in accordance with the NYSDEC Program Policy on Assessing and Mitigating Noise Impacts and 6 NYCRR Part 360 Solid Waste Management Facilities.

This section shall include a discussion of requirements and compliance with all applicable noise ordinances within the municipalities affected by this proposal including but not limited to: Roxbury, Prattsville, Grand Gorge, Stamford, and corresponding counties. The DEIS section on noise will be expanded to include potential impacts to any residentially zoned properties within a vicinity to be potentially affected by noise from the facility.

As listed in Section 4.1 Traffic above, public comments received include concerns that the Hughes Energy Noise Assessment only addresses traffic noise from the road-facing areas. This proposed project backs to woodlands and recreation areas, which are not given attention within the Noise Assessment and potential impacts from the proposal to these areas will be addressed within the DEIS.

Cumulative noise impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from a single action or from two or more individually minor but collectively significant actions taking place over time. Cumulative impacts do not have to all be associated with one sponsor or applicant. They may include indirect or secondary impacts, long-term impacts, and synergistic effects. The DEIS must include discussion of cumulative noise impacts from all parts of this proposed action in addition to other nearby noise generating facilities (ex. Green-Del Solid Waste facility), traffic, and other sources.

An analysis of how the project will be changed or minimized to avoid significant adverse noise impacts, as well as a discussion of mitigation options must be included. All corresponding data and noise analysis measurements must be included within the DEIS with enough detail for Involved agencies to make appropriate determinations.

4.5 Odors. The DEIS will provide an analysis and discussion of the impact from production of odors due to the transportation, receiving and processing of putrescible solid waste in addition to handling other waste and recyclable materials. The potential odor impacts must be evaluated in detail, and measures developed to mitigate such impacts. Provide an analysis of how the automatic high-speed roller doors will reduce the escape of odors, and how keeping the building under negative pressure will reduce the escape of odors to a non-significant level. Provide an analysis of how the biofilter material will reduce odors to a non-significant level in air exhausted to the environment. The DEIS shall include mitigation measures to prevent odors from vehicles moving waste or other materials to or from the facility.

Cumulative impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present, and reasonably foreseeable future actions.

Cumulative impacts can result from a single action or from two or more individually minor but collectively significant actions taking place over time. Cumulative impacts do not have to all be associated with one sponsor or applicant and therefore the odor discussion shall include nearby facilities including the potential for cumulative odor impacts from the proposed facility and the existing Green-Del Solid Waste facility.

5.0 ALTERNATIVES TO THE PROPOSED ACTION This section of the DEIS will provide a robust analysis of reasonable alternatives to the proposed action, in accordance with the SEQRA regulations at 6 NYCRR § 617.9 (b). The description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. This shall include evaluation of the following:

5.1 No Action Describe the current available methods for community members to dispose of MSW and recyclables. This will include a discussion of public need for the proposed facility, especially in consideration of the existing, fully permitted and operating Greene-Del Solid Waste facility on the adjacent parcel. The no action alternative discussion will evaluate the adverse or beneficial site changes that are likely to occur in the reasonably foreseeable future, in the absence of the proposed action.

5.2 Alternative Sites Provide a location map and description of each alternative site considered for the Hughes Energy facility. For the alternative sites, the DEIS shall include tax parcel IDs, size in acreage, existing site conditions and landcover, existing utilities including water and wastewater, proximity to major transportation routes, on-site resources including state and federal wetlands, waterbodies, threatened and endangered species, and proximity to archeologic and historic sensitive areas. Specify why the particular proposed site was selected when compared to alternatives.

5.3 Alternative Design and Technology Describe alternative technologies and design that were considered for use at this facility. Include how alternative technologies and designs would potentially impact the on-site resources and surrounding community. Describe whether upgrades to the existing Greene-Del Solid Waste Management facility were considered in lieu of construction and operation of a new facility on otherwise undisturbed land.

5.4 Alternative Size The DEIS shall include a discussion of reasonable size alternatives to the proposed facility. Provide details on how the minimization of the size of this facility may provide fewer impacts on the potential significant impacts that are identified in this scoping document. Describe how an alternative size may intersect with the public need for this facility, especially in light of the existing and operational Greene-Del Solid Waste facility on the adjacent parcel.

5.5 Alternative Schedule The facility proposes to operate on a rigorous schedule including 24-hour processing. Provide a discussion of how the potential significant impacts identified within this scoping document could be avoided, minimized or mitigated by operating on alternative schedules. Include details on how impacts to the surrounding community may change based upon alternative operating schedules, what public benefits may arise from alternative schedules, and how the proposed schedule was selected when compared to alternatives.

6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

This section of the DEIS will provide a discussion of the irreversible and irretrievable commitment of resources associated with the proposed action, in accordance with the SEQR regulations at 6 NYCRR § 617.9 (b)(5)(iii). Identify natural and man-made resources consumed, converted or otherwise made unavailable for future use as a consequence of the proposed project.

7.0 MEASURES TO AVOID OR REDUCE IMPACTS ON CLIMATE CHANGE

Based upon comments received during the public scoping process, and as provided by DEC guidance document “Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements”, the DEIS shall include a discussion and analysis of measures to avoid or reduce both the action's impacts on climate change and associated impacts due to the effects of climate change. The above-referenced guidance document is available at the DEC website:

[Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements \(ny.gov\)](https://www.dec.ny.gov/assessing-energy-use-and-greenhouse-gas-emissions-in-environmental-impact-statements)

The DEIS will include a full Life Cycle Assessment (LCA) of all of the direct and indirect GHG and climate effects of the proposed project, including upstream and downstream emissions. This assessment will be prepared in accordance with the proposed source municipalities expected waste stream and recycling practices, as well as the proposed facility's location relative source material, end-user locations for products and off-spec materials, and other factors as appropriate in accordance with DEC guidance document “Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements”. The LCA will be prepared in accordance with the guidance document which calls for analysis of direct and indirect Greenhouse Gas Emissions, including emissions from off-site energy plants supplying energy used by the project, emissions from vehicle trips to and from the project site during its

operation e.g., freight deliveries, employee commuting and visitors, and emissions from the generation, transportation, treatment and disposal of wastes generated at the site. Calculations within the LCA shall include upstream GHG emissions associated with grid-sourced electricity consumed at the proposed facility, GHG emissions for onsite equipment that may be used for waste handling at the proposed facility by equipment and onsite vehicles, GHG emissions for the transport of processing residue to the landfill or for the transport of other separated materials to their final destinations, GHG emissions associated with the transportation of pellet products away from site, and GHG emissions resulting from downstream combustion of fuel pellets with a comparison to the GHG emissions associated with the fuel(s) displaced by pellets.

Additionally, the DEIS shall include an implementation timeline and discussion of emission mitigation measures provided in the April 20, 2021 resubmission from Hughes Energy, and listed below, which were stated to have been under development for the proposed facility:

1. Stormwater management will include rainwater harvesting to reduce the use of fresh water.
2. Solar panels are planned to be installed on the entire roof system (where possible) to generate power for the Facility. The energy draw from the grid is expected to be reduced by 30-50% (depending on weather) through the use of solar panels.
3. A battery power storage system is planned to store electrical energy generated by the solar panels when energy generation exceeds demand at a given point in time.
4. All onsite vehicles dedicated to the Facility (e.g., front end loader, forklifts, golf carts) are planned to be electrically powered to minimize noise and GHG emissions.
5. Electric vehicle charging stations are planned to be installed in the employee and visitor parking lots to encourage and support the use of electric vehicles.

Cumulative impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present, and reasonably foreseeable future actions.

Cumulative impacts can result from a single action or from two or more individually minor but collectively significant actions taking place over time, and do not have to be associated with one proposal or applicant. The DEIS shall include an analysis of indirect or secondary impacts, long-term impacts, and cumulative impacts on the environment and other potentially impacted communities as a result of this proposal's relationship with climate change factors.

8.0 EFFECT ON THE USE AND CONSERVATION OF ENERGY This section of the DEIS will provide a discussion of the effect on the use and conservation of energy of the proposed action, in accordance with the SEQRA regulations at 6 NYCRR § 617.9 (b) (5)(iii). This section should include, but is not limited to, discussion of impacts of the proposed action on grid-sourced electricity to be consumed at the proposed facility; energy needs for onsite equipment that may be used for waste handling; use and quantity of liquid propane necessary for the proposed facility; local building and energy codes; any other on-site fuel or energy consumption as associated with the construction, transportation of material, and operation of the facility.

9.0 FIGURES AND TABLES

Figure 1. USGS Quad Map

Figure 2. Aerial Site Map and Proposed Plan

Table 1. Approvals Required

10.0 REFERENCES AND TECHNICAL REPORTS

11.0 APPENDICES

Appendix A. Prominent Issues Raised during Public Scoping

Appendix B. Summary of Public Comments Received During Scoping

Appendix C. Public Participation Plan and Stakeholder List [with private phone numbers redacted]

Appendix D. SEQR Documents and Draft Scope

Appendix E. Application Documents and Supplements

NOTES ON FORMAT OF THE PROPOSED DEIS

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

The DEIS shall be written in the third person without use of the terms I, we, and our. Narrative discussions shall be accompanied to the greatest extent possible by illustrative tables and graphics in addition to what has been included within the scoping outline. All graphics shall clearly identify the project area. The DEIS shall group each issue identified into one section describing existing setting, impacts, and mitigation to permit more efficient review.

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

- architectural renderings
- lot layout and coverage
- proposed infrastructure and utility locations with related engineering plans
- anticipated phasing and construction/demolition periods with expected year of completion relative to commencement of project

- natural resource inventories excluding confidential information related to state or federally listed Threatened/Endangered species
- descriptions and maps of environmentally sensitive lands proximal to the site including but not limited to the Schoharie Reservoir, NYS protected streams, NYS regulated freshwater wetlands including 100-foot adjacent area, Federal Wetlands and Waters of the U.S., 100-year floodplain, and impacts from projected sea level rise resulting from climate change
- existing land use patterns proximal to the site; included any proposed land uses currently under review by the municipality
- full geological survey of the project area including but not limited soils, geological features and depth to aquifer and groundwater table within the proposed area of disturbance
- a map that identifies the site relative to the proposed routes of traffic flow including intersections with major highways must be included.
- projected number of staff and types of employees
- proposed days and hours of operation during construction
- proposed days and hours of operation post-construction for all commercial/industrial activities
- on-site traffic circulation, parking, loading areas, and scales

The DEIS shall be made available to the lead agency in both hard copy and electronic formats. The electronic format shall be submitted in both Adobe® (*.pdf) file and Microsoft Word format, and submitted electronically via file transfer service or flash drive. When the DEIS is accepted for public review by the lead agency, sufficient hard copies shall be delivered by Hughes Energy to the public repositories for review during normal business hours. In addition, the DEIS shall be posted on a public website for public review.

APPENDIX A

PROMINENT ISSUES RAISED DURING PUBLIC SCOPING

In accordance with 6 NYCRR 617.8(f)(7), this appendix to the DEIS Final Scoping Outline includes discussion of the prominent issues that were raised during public scoping and determined to be not relevant or not environmentally significant. Approximately 755 public comments were received during the public scoping period for the proposed Hughes Energy project.

Wildlife and Rare, Threatened or Endangered Species – NYSDEC only has jurisdiction over Threatened and Endangered Animal Species under New York Environmental Conservation Law, Article 11, Title 5, Endangered and Threatened Species. NYSDEC does not have regulatory authority over listed Endangered or Threatened Plant species on private property.

Upon reviewing the New York Natural Heritage Program (NYNHP) data, the primary species of concern for the proposed project site is the bald eagle (state threatened). Regional NYSDEC Bureau of Wildlife staff reviewed the proposed project in relation to the nearest known, documented bald eagle nests and associated foraging areas to assess the project's potential impact on eagles and their habitat. Based on the proposed scope of work and site conditions present, known nests occur outside of the recommended spatial buffers to prevent disturbance per the NYS Bald Eagle Conservation Plan (2015) and National Bald Eagle Management Guidelines (2007). NYSDEC Regional Wildlife Staff concluded all requirements were met to avoid impact to the species. Regional NYSDEC Bureau of Wildlife Staff recommend that a special condition be added to the permit in the event that a Bald Eagle nest is found within 0.25 miles of the project site prior to or during construction. This condition would stipulate all work must immediately cease and Regional Bureau of Wildlife Staff must be notified. Work may recommence when written authorization is issued by the Department after assessment.

NYSDEC Regional Bureau of Wildlife Staff reviewed whether threatened or endangered grassland bird species (northern Harrier, short-eared owl, Henslow's sparrow, upland sandpiper, sedge wren) have been documented on the project site or on grassland habitat contiguous to the project site and found no documented occupied habitat present in New York Natural Heritage Records or Breeding Bird Atlas data. The project footprint does not occur within a Breeding Bird Atlas (BBA) block documented to host listed breeding grassland birds, nor does it occur in a BBA block immediately adjacent to a confirmed breeding grassland bird block. The project is not near a documented winter raptor concentration area; however, some individuals of the species may have been observed during spring or fall migration in the larger landscape around the proposed location. Based on the lack of documented habitat, no impacts are anticipated.

Species also listed in the public comments include pied-billed grebe. Bureau of Wildlife staff reviewed whether pied-billed grebe have been documented on the project site using available

NYNHP data and Breeding Bird Atlas data. No documented occupied habitat is present for pied-billed grebe at the proposed project location, and thus no impacts are anticipated.

Unproven Technology and International Locations – On the Hughes Energy proposal, DEC has received comments from the public in regard to certain facilities owned by Hughes Energy, LLC and located or proposed in foreign jurisdictions. DEC carefully reviews every application for environmental permits and bases permitting decisions on applicable federal and New York State statutory and regulatory requirements and staff expertise to ensure public health and the environment are protected. As part of its environmental and regulatory review for proposed projects and based upon the scope of DEC’s jurisdiction and regulatory authority for making decisions on permit application, the DEC does not undertake separate investigations of the operations of other facilities in foreign jurisdictions. DEC reviews all application documents and information submitted on a proposed facility’s processes relevant to SEQRA and aligned with applicable state and federal laws and regulations.

Proposal 2 – On November 2, 2021, Proposal 2 added a right to clean water, clean air, and a healthful environment to the New York Constitution's Bill of Rights. During the public scoping period on this DEIS Final Scoping Outline public comments were received on how this Proposal may affect the Hughes Energy facility. The Department will satisfy all applicable constitutional mandates.

State Historic Preservation Office and Indian Nation Concerns – On October 16, 2020, the Deputy Commissioner for Historic Preservation submitted a letter to Sterling Environmental Engineering, P.C., who was acting as a consultant for Hughes Energy, submitting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). OPRHP reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law) and determined that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

DEC engages in consultation with tribal nations on specific permit types when there is likelihood of direct or indirect impacts to reservations/territories, or when the archaeology shows there may be cultural resources present. These permit types do not apply to the proposed Hughes Energy facility.

Request for Extension of Public Comment Period – On October 1, 2021 Sterling Environmental Engineering, P.C., a consultant working on behalf of Hughes Energy, submitted the Draft Scoping Outline (included within Appendix D of this DEIS Final Scoping Outline) to DEC. This Draft Scoping Outline was published in DEC’s Environmental Notice Bulletin and within the Mountain Eagle Newspaper and was distributed to the Stakeholder List as developed

under the required Environmental Justice Public Participation Plan (included within Appendix C of this DEIS Final Scoping Outline).

As to be responsive to hundreds of public comments received between receipt of the Draft Scoping Outline and October 27, 2021, DEC filed a request with Hughes Energy to consent to extend the public comment on the Draft Scope to January 19, 2022 (approximately 90-days after the draft scoping document was released to the public). On November 1, 2021, Hughes Energy declined the request to extend the public scoping period, thus requiring the Final Scoping Outline to be issued inclusive of all public comments on November 30, 2021. Thus, DEC was constrained within the standard 60-day timeframe provided by SEQR (6 NYCRR Part 617.8) to develop this Final Scoping Outline.

APPENDIX B

SUMMARY OF ISSUES RAISED DURING PUBLIC SCOPING TO BE ADDRESSED WITHIN THE DEIS

In accordance with 6 NYCRR 617.8(f)(7), this appendix includes a list of issues raised during public scoping and determined to be relevant or environmentally significant and therefore are addressed within this DEIS Final Scoping Outline. Approximately 755 public comments were received during the public scoping period for the proposed Hughes Energy project.

Below is a list of public comments received and addressed within the DEIS Scoping Outline, as follows:

Consistency with Local Laws/Plans - addressed in the DEIS Scoping Outline in Section 3.3

Source of MSW Material - addressed in the DEIS Scoping Outline in Section 3.4

Traffic – addressed in the DEIS Scoping Outline in Section 4.1

Water Resources - addressed in the DEIS Scoping Outline in Section 4.2

Socio-economic Resources - addressed in the DEIS Scoping Outline in Section 4.3

First Responders - addressed in the DEIS Scoping Outline in Section 4.3

Noise - addressed in the DEIS Scoping Outline in Section 4.4

Odor - addressed in the DEIS Scoping Outline in Section 4.5

Climate Change - addressed in the DEIS Scoping Outline in Section 7.0

Energy Resources - addressed in the DEIS Scoping Outline in Section 8.0