State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number
Date: 05-11-2015

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 Dept. of Environmental Conservation, as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:
Amendment to 6 NYCRR Part 375, "Environmental Remediation Programs," by the New York State Department of Environmental Conservation (DEC).

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
No

Description of Action:

This rule making would amend 6 N CYRR Part 375 to:
(1) add two new definitions to section 375-3.2, "affordable housing project" and "underutilized;" and
(2) revise the existing definition of "brownfield site" as specified in statute.

Part BB of Chapter 56 of the Laws of 2015 amended and added new language to Environmental Conservation Law (ECL) Article 27, Title 14 (Brownfield Cleanup Program, BCP) and certain other laws. As required by ECL §27-1405(29) and (30), DEC must define, respectively, the terms "affordable housing project" and "underutilized" by regulation. The new BCP law directs DEC to publish the “affordable housing project” definition in the State Register on or before June 8, 2015 and to publish the “underutilized” definition in the State Register in order for the changes to the BCP to become effective by the later of the published date or July 1, 2015. DEC will also amend the ‘brownfield site’ definition at 6 NYCRR 375-1.2(b) and delete 6 NYCRR 375-3.3(a)(1) to conform the definition of this term in the new BCP law.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Statewide
Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

The amendments to provide definitions of “affordable housing project” and “underutilized” to 6 NYCRR Part 375 are mandatory and required by statute (Part BB of Chapter 56 of the Laws of 2015). Conforming the definition of “brownfield site” in the regulations to the law is not mandatory, but it is being done in this rule making to reduce any confusion. Additionally, proposing this regulation on or before July 1, 2015 is essential for DEC to be able to transition into the new BCP without unnecessary complications in implementing the program.

DEC was unable to identify any areas of environmental concern as a result of this proposed amendment, as it will not result in any significant environmental impacts to existing air quality, surface or groundwater quality.

DEC has determined that this Notice of Determination of Non-Significance is appropriate and this rulemaking will not cause any significant adverse impacts on the environment.

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: Michael Ryan

Address: 625 Broadway, Albany, NY 12233-7011

Telephone Number: 518-402-9706

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, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)
# SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I - PROJECT INFORMATION

<table>
<thead>
<tr>
<th>1. APPLICANT/SPONSOR</th>
<th>New York State Department of Environmental Conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. PROJECT NAME</td>
<td>Amendment to 6 NYCRR Part 375</td>
</tr>
</tbody>
</table>

### 3. PROJECT LOCATION:
- Municipality: Statewide
- County: Statewide

### 4. PRECISE LOCATION:
(Street address and road intersections, prominent landmarks, etc., or provide map)
- Statewide

### 5. PROPOSED ACTION IS:
- [X] New
- [ ] Expansion
- [ ] Modification/alteration

### 6. DESCRIBE PROJECT BRIEFLY:
New York State Department of Environmental Conservation (DEC) proposes to amend 6 NYCRR Part 375, "Environmental Remediation Programs." Part 375 of the Laws of 2015 amended and added new language to Environmental Conservation Law (ECL) Article 27, Title I (Brownfield Cleanup Program, BCP) and certain other laws. As required by ECL 27-140(29) and (30), DEC must define the terms "affordable housing project" and "undervisited" by regulation, which will be added to 6 NYCRR 375-3.2. The new BCP law directs DEC to publish the "affordable housing project" definition in the State Register on or before June 8, 2015 and to publish proposed regulations regarding the "undervisited" definition in the State Register in order for the changes to take effect by the later of the published date or July 1, 2015. DEC will also amend the "brownfield site" definition as 6 NYCRR 375-1.2(b) and delete 6 NYCRR 375-5.3(a)(1) to conform to such definitions in the new BCP law.

### 7. AMOUNT OF LAND AFFECTED:
- Initially: N/A
- Ultimately: N/A

### 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
- [ ] Yes
- [X] No
  - If No, describe briefly
  - Not Applicable

### 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
- [ ] Residential
- [ ] Industrial
- [ ] Commercial
- [ ] Agriculture
- [ ] Park/Forest/Open Space
- [ ] Other
  - Describe:
    - Not Applicable

### 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
- [X] Yes
- [ ] No
  - If Yes, list agency(s) name and permit/approvals:

### 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
- [X] Yes
- [ ] No
  - If Yes, list agency(s) name and permit/approvals:

### 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
- [X] Yes
- [ ] No
  - If Yes, list agency(s) name and permit/approvals:

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I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Robert W. Schick, Director, Division of Environmental Remediation

Signature: [Signature]

**Date:** 5/3/15

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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:

The proposed amendment is for the existing Brownfield Cleanup Program. It is mandatory and required by statute. This would have positive environmental effects to air quality and surface and groundwater quality.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

See response in C1.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

See response in C1.

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:

See response in C1.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

See response in C1.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

See response in C1. There will be no adverse long or short term impacts resulting from this rulemaking.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

The promulgation of this regulation will not impact or change the use or type of energy consumed.

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

Robert W. Schick  
Name of Lead Agency

[Angela Chieco]  
Signature of Preparer (if different from responsible officer)

Date  
5/13/15

Signature of Responsible Officer in Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Director, Division of Environmental Remediation  
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

[Angela Chieco]  
Print or Type Name of Responsible Officer in Lead Agency
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. New York State Department of Environmental Conservation (DEC) proposes to amend 6 NYCRR Part 375, "Environmental Remediation Programs." Part BB of Chapter 56 of the Laws of 2015 amended and added new language to Environmental Conservation Law (ECL) Article 27, Title 14 (Brownfield Cleanup Program, BCP) and certain other laws. As required by ECL §27-1405(29) and (30), DEC must define the terms "affordable housing project" and "underutilized" by regulation, which will be added to 6 NYCRR 375-3.2. The new BCP law directs DEC to publish the "affordable housing project" definition in the State Register on or before June 8, 2015 and to publish proposed regulations regarding the "underutilized" definition in the State Register in order for the changes to the BCP to become effective by the later of the published date or July 1, 2015. DEC will also amend the 'brownfield site' definition at 6 NYCRR 375-1.2(b) and delete 6 NYCRR 375-3.3(1)(a) to conform to such definition in the new BCP law.

3. Location of action: STATEWIDE

County City, Town or Village Street or Site Description
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 ___ X___ 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:

   (a) Significant fish or wildlife habitats? ..... YES ___ NO ___ X___
   (b) Scenic resources of statewide significance? ..... YES ___ NO ___ X___
   (c) Important agricultural lands? ..... YES ___ NO ___ X___

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

   (a) Commercial or recreational use of fish and wildlife resources? ..... YES ___ NO ___ X___
   (b) Scenic quality of the coastal environment? ..... YES ___ NO ___ X___
   (c) Development of future, or existing water dependent uses? ..... YES ___ NO ___ X___
   (d) Operation of the State's major ports? ..... YES ___ NO ___ X___
   (e) Land and water uses within the State's small harbors? ..... YES ___ NO ___ X___
   (f) Existing or potential public recreation opportunities? ..... YES ___ NO ___ X___
   (g) Structures, sites or districts of historic, archaeological or cultural significance to the State or nation? ..... YES ___ NO ___ X___

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? ..... YES ___ NO ___ X___
   (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area? ..... YES ___ NO ___ X___
   (c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area? ..... YES ___ NO ___ X___
   (d) Energy facility not subject to Article VII or VIII of the Public Service Law? ..... YES ___ NO ___ X___
   (e) Mining, excavation, filling or dredging in coastal waters? ..... YES ___ NO ___ X___
   (f) Reduction of existing or potential public access to or along the shore? ..... YES ___ NO ___ X___
   (g) Sale or change in use of state-owned lands located on the shoreline or under water? ..... YES ___ NO ___ X___
   (h) Development within a designated flood or erosion hazard area? ..... YES ___ NO ___ X___
   (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? ..... YES ___ NO ___ X___

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 ___ X___
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: ________________
Preparer's Name: Robert W. Schick
Title: Director, Division of Environmental Remediation
Agency: NYS Department of Environmental Conservation
Telephone Number: (518) 402-9706 Date: 3/13/15