

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Name of Action or Project: Guidance for Biosolids Recycling in New York State – Interim Strategy for the Control of PFAS Compounds							
Project Location (describe, and attach a location map): Statewide							
Brief Description of Proposed Action: See attached for a brief description of the proposed action.							
Name of Applicant or Sponsor: Division of Materials Management		Telephone: 518-402-8678 E-Mail: sally.rowland@dec.ny.gov					
Address: 625 Broadway							
City/PO: Albany		State: NY	Zip Code: 12233-7253				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;">NO</td> <td style="text-align: center; padding: 5px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;">NO</td> <td style="text-align: center; padding: 5px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Urban</div> <div style="width: 50%;"><input type="checkbox"/> Rural (non-agriculture)</div> <div style="width: 50%;"><input type="checkbox"/> Industrial</div> <div style="width: 50%;"><input type="checkbox"/> Commercial</div> <div style="width: 50%;"><input type="checkbox"/> Residential (suburban)</div> <div style="width: 50%;"><input type="checkbox"/> Forest</div> <div style="width: 50%;"><input type="checkbox"/> Agriculture</div> <div style="width: 50%;"><input type="checkbox"/> Aquatic</div> <div style="width: 50%;"><input type="checkbox"/> Other(Specify):</div> <div style="width: 50%;"><input type="checkbox"/> Parkland</div> </div>							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input type="checkbox"/>	YES <input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input type="checkbox"/>	YES <input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input type="checkbox"/>	YES <input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Division of Materials Management</u> Date: <u>2/10/23</u> Signature: <u>SR</u> Title: <u>Professional Engineer 2</u>		

Short Environmental Assessment Form
Part 1 – Project Information

Brief Description of Proposed Action:

DMM-7 / Biosolids Recycling in New York State – Interim Strategy for the Control of PFAS Compounds explains the process and requirements for assessing whether an industrial source of PFOS is impacting biosolids that are being recycled.

PFAS is an abbreviation for a group of chemicals called per- and polyfluoroalkyl substances. According to the United States Environmental Protection Agency (EPA), scientific studies have shown that exposure to certain levels of PFAS may lead to increased risk of some cancers, reproductive effects, and other health effects. PFOS is one of the many PFAS compounds and is an abbreviation for perfluorooctane sulfonic acid. This Program Policy establishes interim PFOS sampling criteria for biosolids that are recycled in New York State and actions that will be taken by DEC based on those results.

This interim policy will remain in place until EPA issues risk-based standards applicable to biosolids that will be recycled, and DEC completes a rulemaking to incorporate those standards, or more stringent standards if deemed appropriate. This policy will also provide data for DEC to use in the development of the rulemaking once the EPA standards are issued to determine the impacts the EPA standards will have on New York State facilities. In the interim period before the United States Environmental Protection Agency (EPA) issues standards for PFAS in recycled biosolids, DEC will reduce the risk associated with biosolids recycling by setting criteria that will identify biosolids that are impacted by industrial PFAS sources and requiring those sources be identified and addressed if recycling is to occur.

Within 180 days of the issuance of this policy, all currently permitted 361-2 and 361-3 facilities that accept biosolids must sample each biosolids source (water resource recovery facility) and submit the results to DEC. For proposed facilities that are not yet permitted on the date this policy is issued, analyses must be submitted with the permit application. Prior to sampling, the facility must provide a brief sampling plan to the DMM, including the name of the biosolids source(s) that will be sampled, the timing of the sampling, a description of the sampling technique, the laboratory that will be used, and the test method. The required test method is Draft EPA Method 1633 unless an alternative is allowed by DEC. The samples must be analyzed for all the PFAS compounds provided by the test method, not PFOS alone.

Part 3 – Determination of Significance

The Department did not identify any of the categories of impacts set out in EAF Part 2 as moderate to large.

The technical standards applicable to the recycling of biosolids are found in 6 NYCRR Part 360, 361-2, and 361-3. Under clauses 361-2.4(e)(1)(ii)(e), 361-3.2(d)(8)(ii)(e), 361-3.3(d)(6)(ii)(e) of Part 361 effective November 4, 2017, DEC may require analyses for other pollutants based on the characteristics of the waste and information from the pretreatment program and other sources. In addition, all solid waste management facilities, including biosolids recycling facilities, are obligated under subdivision 360.19(b) to protect groundwater and to not allow leachate to enter groundwater, unless under the authority of a State Pollutant Discharge Elimination System Permit. Control of the amount of PFAS in biosolids that are recycled is needed to control the potential for the leachate generated by recycled biosolids from reaching groundwater. The amounts of pollutants in leachate that migrate to groundwater versus remaining in the soil profile is dependent on the amount and characteristics of the pollutant as well as other factors (soil type, etc.).

The Program Policy establishes interim PFOS criteria for biosolids that are recycled in New York State. Of the multitude of PFAS compounds, PFOS content has been found to be an effective indicator of industrial impacts on biosolids. These criteria are not risk-based but will reduce the potential environmental risk associated with PFAS that could be found in biosolids until USEPA issues risk-based standards, which is not expected until December 2024 or later.

Implementation of this guidance will result in no potentially significant adverse environmental impacts because it will reduce the risk associated with the environmental exposure to PFOS that could be associated with the recycling of biosolids. PFOS in biosolids that are recycled could lead to leachate that migrates to groundwater and impacts groundwater quality. Limiting the concentration in biosolids as outlined in this policy will reduce the potential for migration of this pollutant to groundwater.

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See Attachment

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ 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.

NYSDEC - DMM

2/10/23

Name of Lead Agency

Date

Sally Rowland

Professional Engineer 2

Print or Type Name of Responsible Officer in Lead Agency

SR

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form
For DOS State Agency Consistency Purposes Only

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. Describe nature and extent of action: This proposed program policy is being established to provide guidance to program staff, stakeholders, and the regulated community regarding biosolids recycling and the control of PFAS in the interim period before federal standards are available.

3. Location of action:

Statewide	City, Town or Village	Street or Site Description
County		

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
(b) Mailing address
(c) Telephone Number: Area Code ()
(d) State agency application number

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)

YES NO

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? X
(b) Scenic resources of statewide significance? X
(c) Important agricultural lands? X

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

- (a) Commercial or recreational use of fish and wildlife resources? X
(b) Scenic quality of the coastal environment? X
(c) Development of future, or existing water dependent uses? X
(d) Operation of the State's major ports? X
(e) Land and water uses within the State's small harbors? X
(f) Existing or potential public recreation opportunities? X
(g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation? 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? X
(b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area? X
(c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area? X
(d) Energy facility not subject to Article VII or VIII of the Public Service Law? X
(e) Mining, excavation, filling or dredging in coastal waters? X
(f) Reduction of existing or potential public access to or along the shore? X
(g) Sale or change in use of state-owned lands located on the shoreline or under water? X
(h) Development within a designated flood or erosion hazard area? X
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? 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? X

D. CONSISTENCY DETERMINATION/CERTIFICATION

If any of the above questions is answered "Yes", enter the analysis of the consistency of the proposed activity:

Enter (1) or (2):

1. The proposed activity will not substantially hinder the achievement of any State coastal policy or LWRP policy or purpose and, whenever practicable, will advance State coastal policies - or the policies and purposes of the applicable LWRP.
2. The proposed activity will substantially hinder the achievement of a State coastal policy or LWRP policy or purpose, but no reasonable alternatives exist, the activity minimizes all adverse effects, the activity advances on or more other policies or policies of an LWRP, and will result in an overriding regional or statewide benefit.

Enter summary analysis of the consistency of the activity with the applicable State coastal policies or LWRP policies and purposes:

N/A

F. 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 a copy of this completed Coastal Assessment Form shall be kept in the applicable DOS file record, and in the Division consistency files

N/A

G. REMARKS OR ADDITIONAL INFORMATION

None

Preparer's Name: Sally Rowland Telephone Number: (518) 402-8678

Title: Professional Engineer 2

Agency: NYS Dept. of Environmental Conservation
Division of Materials Management

Date: February 10, 2023