

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 Management of Soils Contaminated with Technologically-Enhanced Naturally Occurring Radioactive Materials (TENORM)			
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: 518-402-8652 E-Mail: thomas.papura@dec.ny.gov	
Address: 625 Broadway			
City/PO: Albany		State: NY	Zip Code: 12233-7255
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.			NO <input type="checkbox"/>
			YES <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:			NO <input type="checkbox"/>
			YES <input checked="" 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:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

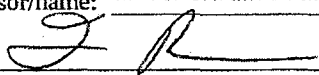
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<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? 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?	NO	YES	
	<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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

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	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<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)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		

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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input type="checkbox"/>	<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?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<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?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<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>4/17/2023</u>		
Signature: <u></u> Title: <u>Environmental Radiation Specialist 3</u>		

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"/>

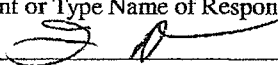
Project:

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

<input type="checkbox"/> 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.	
<input checked="" type="checkbox"/> 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.	
NYS DEC Division of Materials Management Name of Lead Agency	4/17/2023 Date
Thomas Papura Print or Type Name of Responsible Officer in Lead Agency	Supervisor, Radioactive Materials Management Section Title of Responsible Officer
 Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Short Environmental Assessment Form
Part 1 – Project Information

Brief Description of Proposed Action:

DMM-5 / Management of Soils Contaminated with Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) (policy) explains the process and requirements for obtaining a variance under 6 NYCRR 380-3.5 for the management of TENORM material or fill. Additionally, this policy identifies the process and criteria to be used to evaluate Technologically-Enhanced Naturally Occurring Radioactive Materials (TENORM) material or fill and provides guidelines to Department of Environmental Conservation (Department) program staff, property owners, project sponsors, and the public who may be seeking variances on how to appropriately handle TENORM material or fill encountered during construction or earthwork projects, such as clearing, grading, excavation, filling, demolition or stockpiling. This policy also applies to any project site where the intrusive work already conducted has or will likely disturb identified or suspected TENORM fill.

The Department will allow excavated TENORM fill to be returned to the excavation area on a project site if the concentration of radium-226 meets certain criteria thresholds and the TENORM Fill is handled in accordance with this policy and pursuant to a variance issued under 6 NYCRR 380-3.5. Handling excavated TENORM Fill in accordance with this policy and a DEC-approved TENORM Management Plan will not have a potentially significant adverse impact on the environment.

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. Department regulations under 6 NYCRR Part 380 prohibit the disposal of TENORM in permitted, solid waste landfills. Disposal locations for TENORM currently only exist outside of New York State. This policy will not change disposal requirements.

Historically, TENORM was generated by mineral processing operations, most commonly in western New York. The slag generated as part of these operations was used as fill material in parts of the state prior to the adoption of Part 380 regulations in 1994. Use of TENORM as fill in this manner is not allowed under current regulations; however, the New York State Department of Health has determined that the existence of this TENORM slag as currently placed does not constitute a health hazard. DEC does not have a process for evaluating individual requests to allow TENORM to stay in

place. In view of DOH's conclusions, providing a process for consideration of whether TENORM fill should be left on site though this policy would not have a potentially significant impact on the environment. To the contrary, adoption of such a process is more protective of the environment than not having a process based on existing variance procedures.

This guidance describes the requirements for a variance application under 6 NYCRR 380-3.5 to allow excavated TENORM fill to remain on site to ensure that the presence of excavated TENORM fill does not increase the overall risk presented by that fill. The policy requires that a contractor perform an initial radiological screening survey to identify the presence and concentration of radium-226. If levels are below a certain threshold, the project may be eligible for a variance. The Department may grant a variance to allow excavated TENORM fill to be returned to the excavation site if the site where the TENORM fill is found contains undisturbed TENORM fill, the excavated TENORM fill is handled in accordance with an approved TENORM Management plan, appropriate and approved institutional control(s) are implemented, and the excavated TENORM fill does not exceed certain radiation limits, which would require off-site disposal of the fill. These procedures, as set forth in this Policy, ensure that harmful levels of radiation are not released into the environment and the public is not exposed. TENORM fill that exceeds 15 pCi/g of radium-226 is considered a regulated waste under 6 NYCRR Part 380 and must be disposed of in accordance with appropriate regulatory requirements at an authorized disposal facility.

The policy does not direct any actions with respect to excavation activities; it only provides guidance on the handling of TENORM fill which is excavated as a result of another project need.

Individual applications for variances will be evaluated on criteria set out in the policy that includes a requirement for a management plan. Part of the policy is purely procedural in terms of establishing a process for evaluating variance applications and has no environmental impact. Implementation of this guidance will result in no potentially significant adverse environmental impacts because it will ensure that excavated TENORM fill is handled in a manner that is protective of the public health and environment.