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May 13, 2022

Mr. Eugene R. Zamojcin, Environmental Analyst II
New York State Department of Environmental Conservation
Division of Environmental Permits, Region 1
SUNY @Stony Brook
50 Circle Road
Stony Brook, NY 11790

Re: Peconic Environmental Services Property
100 Peconic Avenue, Medford, NY
Application #1-4722-07052/00001
SCTM #200-736-2-8.3
H2M Project No. GSRC1901

Dear Mr. Zamojcin:

We are in receipt of NYSDEC's Notice of Incomplete Application, (NOIA), dated May 10, 2022, subject above. On April 25, 2020, a conference call was held with the Peconic Environmental Services Team, NYSDEC's Materials Management staff, and staff from DEC's Albany office, to discuss the comments in the NOIA letter. An informal copy was forwarded to H2M's attention by Syed Rahman, and we felt discussing the comments prior to responding was the most prudent course of action. We are providing a revised Facility Manual dated May 2022; revisions to the Facility Manual are italicized for ease of review, with both new and revised figures in the appendix which correspond to and further detail our following responses to the NOIA letter comments:

1. *Comment 1: How will the overflow truck parking/container storage area be utilized? Provide the number of truck/containers that can be stored here and provide their onsite traffic flow.*

Response: We have provided for on site traffic flow and trucks/containers that can be stored in the overflow truck parking/container storage area in a newly created Figure 6C which can be found in Appendix A of the Facility Manual. There is ample parking for both delivery vehicles and storage containers in varying combinations, as depicted in Figure 6C.

2. *Comment 2: On Figure 6 traffic flow shows trucks entering through Door Nos 2, 3 and 4 dumping in the path of trucks existing through Door 5. Please provide clarification on how the trucks entering and existing the building will maneuver in relation to each other.*

Response: Clarification on trucks entering and exiting the tipping floor and how they will maneuver in relation to each other has been provided in newly created Figures 6A and 6B. We have developed separate traffic flows for incoming delivery vehicles, which will back up into doors 2, 3 and 4 (Figure 6A) and for vehicles during transfer operations, in the event rail service is not available (Figure 6B). These two operations will occur at different times to avoid any vehicle conflicts at the Facility. In addition, the truck staging area in Figure 3 has been moved further to the south, to address DEC's voiced concerns relative to conflicts with vehicles waiting to dump, with vehicles already in the process of doing so by utilizing doors 2, 3 and 4. This is depicted in Figure 7. All Figures are included in Appendix A of the Facility Manual.

3. *Comment 3: Figure 7 depicts a truck behind the tipping area where the storage pile should be. Please provide an explanation for this truck's placement.*

Response: We do not anticipate that vehicles will conflict with storage piles on the tipping floor. We have removed the vehicle on the tipping floor from Figure 7, and have provided a new Figure 6B, which depicts a transfer trailer the tipping floor for load out purposes, in the event rail services are interrupted.

4. *Comment 4: Please expand on how the facility is encompassing the state solid waste management plan's (SSWMP) goals to emphasize diversion from thermal treatment and disposal and with the solid waste management hierarchy.*

Response: On the April 25, 2022 conference call, it was agreed that Larry Schillinger would further discuss revised language with Jamie Lang, to ensure Peconic's response would be satisfactory to the NYSDEC and address the comments in the NOIA. The following is revised consistency language with respect to the State Solid Waste Management Policy, which has been reviewed by Jamie, and incorporated into the revised Facility Manual, dated May 2022.

State Policy

New York's solid waste management policies have been promulgated in Article 27 of the Environmental Conservation Law wherein the Legislature declared as follows:

It is furthermore the purpose of the legislature of the state of New York to effect maximum resource recovery from solid waste on a cost-effective basis, with minimum environmental debit, energy-efficient materials recovery, prudent land use, maximum economic benefits and maximum effective private sector participation, with due concern for the primacy of the local and regional role in resource recovery procedures upon the basis of public knowledge and consent.

The Peconic project is undertaken solely with private capital without any public funding or tax-payer resources. The project is conceived to support facilities which process and recover recyclable materials from construction and demolition debris by providing accessible, energy efficient and cost-effective transfer and rail-transport of post-processing residues. The proposed Peconic facility has been provided local land-use approvals after the satisfaction of all due environmental review undertaken by the local municipality.

As such the proposed Peconic rail-based facility comports with the State's promulgated solid waste management policy, *supra*, as follows:

- maximum resource recovery from solid waste on a cost-effective basis by providing to C&D processing facilities a critically needed transfer point for the transport of post-processed C&D from which recyclable materials have previously been extracted and which has no significant thermal value to be extracted from thermal recovery:
- with minimum environmental debit by replacing diesel fueled long-haul vehicles with rail transport thereby reducing the emission of GHG emissions, alleviating traffic congestion on local and regional roadways and reducing the consumption of fossil fuels;
- with economic benefits and maximum effective private sector participation by solely utilizing private capital (i.e. no public funds or taxpayer supported debt) to provide economic, rail-based transfer and disposal for post-processed C&D.

Moreover, the NYS DEC Beyond Waste Plan fully acknowledges New York State's Solid Waste Management Policy, finding:

As anticipated and encouraged in the ECL, the private sector has played an increasingly significant role in providing solid waste management service. The implementation of integrated solid waste management systems has also created enhanced opportunities for increased involvement of the private sector in various aspects of materials and waste management.

As a result, the industry has established:

- More technologically advanced and consistently operated and maintained facilities; and*
- Greater long-term investments in recyclables processing, waste processing and disposal infrastructure.*

The proposed Peconic facility is consistent with the stated goals set forth in the Beyond Waste Plan as it provides private sector investment in critically needed disposal infrastructure through rail-based transfer and transport of post-processed C&D.

5. *Comment 5: With respect to consistency with the local solid waste management plan (LSWMP), it is important to clarify that the facility needs to demonstrate consistency with the LSWMP for all municipalities within their service area, that does not mean it is necessary to evaluate every single planning unit LSWMP, but in broad terms the facility should mention how the operation encompasses with the solid waste hierarchy, with an emphasis on diversion from thermal treatment and disposal.*

Response: Pursuant to a discussion between Larry Schillinger and Jamie Lang, the following represents revised language with respect to DEC's comment 5:

Town of Brookhaven Solid Waste Management Plan

The Peconic facility is consistent with the Town of Brookhaven Solid Waste Management Plan, which stated in its LSWMP 2012-2016 Update as follows:

The Town also used its landfill to provide a needed regional disposal facility for processed residues from C&D recovery efforts. The landfill has 8 years of lifespan left, as of 2016. This means that beginning in 2025 the millions of tons of materials that have been managed at the facility will require alternate disposal.

This facility will play a vital role, as an alternate outlet, on handling of the C&D residues that would need to be disposed of in an environmentally sound manner, minimizing potential illegal disposal.

Suffolk County Waste Management Report and Recommendations

The Suffolk County Legislature empaneled a Regional Solid Waste Management Commission, chaired by the DEC Regional Director. A stated goal of the Commission Report provided that: "Suffolk County should support environmentally responsible alternatives to the long-haul trucking of waste," finding that:

The benefits of rail transport over trucking are clear from both an economic and social perspective. However, there are still logistical hurdles such as a single set of train tracks, commuter rail scheduling conflicts, and inefficient rail routes. There may also be public concerns relating new rail spurs and the conversion of rail yards into waste transfer locations. Nonetheless, regulators must play a helpful role in clearing the way for a future that reduces reliance on long-haul trucking and shifts to a more economic and environmentally friendly approach such as rail transportation.



The proposed Peconic facility is therefore consistent with the County's solid waste management objectives.

Conclusion

Based on the foregoing, the Peconic project is demonstrated to be consistent with the goals and objectives of New York State's solid waste management policy and with the Town of Brookhaven Solid Waste Management Plan, as well as with regional solid waste management goals and objectives as it will provide critically needed disposal infrastructure through rail-based transfer and transport of post-processed C&D.

As expressed during our call, we are anxious to move forward to the next phase of permitting and complete the process. Please contact us directly should any question regarding this submittal arise either by phone at 631.756.8000, ext. 1447, or by e-mail at jcline@h2m.com. We thank you for your time and assistance in this matter and look forward concluding the review process with the Division of Material Management.

Very truly yours,

H2M architects + engineers

Joseph F. Cline, P.E.
Practice Leader

Enclosures

- Facility Manual, revised May 2022

CC: Kevin Gershowitz, w/enclosures