

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8
6274 East Avon-Lima Road, Avon, NY 14414-9516
P: (585) 226-5400 | F: (585) 226-2830
www.dec.ny.gov

December 20, 2017

Via E-mail (romulus@rochester.rr.com) and U.S. Mail

Thomas Bouchard, Chairman
Town of Romulus Planning Board
1435 Prospect Street
PO Box 177
Romulus, New York 14821

Re: SEQR Lead Agency Response
Circular enerG Waste-to-Energy Facility
DEC Pre-Application No. 8-4530-00168
Town of Romulus, Seneca County

Dear Mr. Bouchard:

The NYS Department of Environmental Conservation (DEC) has reviewed the State Environmental Quality Review Act (SEQR) lead agency coordination request for the above-referenced project, which we received on December 8, 2017.

According to the information provided, the project involves the construction and operation of a waste-to-energy facility which will combust municipal solid waste to generate electricity. The facility would be developed on 48 acres of the former Seneca Army Depot and be designed to accept up to 2,600 tons of municipal solid waste per day. The project is proposed in two phases: the first phase scheduled for completion in December 2021 to produce slightly under 25 megawatts (MW) of electricity, and the second phase scheduled for completion in December 2023 to increase generating capacity up to 50 MW. The facility would also involve a water withdrawal from Seneca Lake of approximately 445,000 gallons per day, which would be in addition to the use of the Village of Waterloo municipal water supply for domestic operations.

Department Jurisdiction

Based on our review of the circulated documents, the project will require the following Department permits:

1. Part 360 Solid Waste Management Permit: In addition to the general requirements contained in 6 NYCRR Part 360, recently adopted solid waste management regulations cover solid waste combustion in 6 NYCRR Part 362.
2. Part 201-6 Title V Permit: The review would be subject to 6 NYCRR Part 231, New Source Review, and 6 NYCRR Subpart 219-2 pertaining to municipal solid waste incinerators. In addition, federal New Source Performance Standards (NSPS) at 40 CFR 60 Subpart Eb apply to large municipal solid waste combustors, which include materials separation and siting analysis requirements.
3. Part 601 Water Withdrawal Permit: For the proposed withdrawal of over 100,000 gallons of water per day.

4. Part 608 Water Quality Certification: For proposed impacts to federally regulated wetlands associated with site development.
5. State Pollutant Discharge Elimination System (SPDES) Permitting:
 - a. Process and/or stormwater discharges from the site would either require an individual SPDES permit or compliance with the SPDES Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity. Additional details concerning the discharges of stormwater and wastewater from the site are required to determine the appropriate SPDES permitting requirements.
 - b. Compliance with the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002), for construction activities that will disturb over one acre of land.
 - c. Potential SPDES Permit modifications at existing area facilities that may receive and treat solid waste leachate.
6. 6 NYCRR Part 613 Petroleum Bulk Storage

By copy of this letter we are advising project representative of the potential need for these approvals. It is possible that the DEC permit requirements listed above may change based on additional information received or as project modifications occur.

SEQR Lead Agency

Because the proposed project involves two phases, which combined would total up to 50 MW of electric generating capacity, Article 10 of the Public Service Law ("Article 10") pertaining to the siting of major electric generating facilities may apply. If Article 10 applies, the project would be exempt from SEQR, and instead be reviewed by the New York Department of Public Service ("DPS") on behalf of the New York State Board on Electric Generation Siting and the Environment. Therefore, the Department recommends that a formal determination from the DPS regarding Article 10 applicability for this project be obtained by the project sponsor.

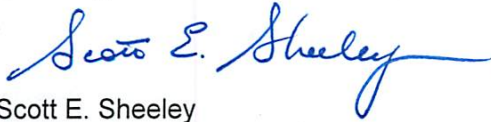
While there is currently no written determination regarding Article 10 applicability from the DPS, this letter serves to inform the Town of Romulus Planning Board (Board) that, after careful consideration of the submitted documents, we object to the Board assuming lead agency status for this project. Instead, the Department would like to serve as the SEQR Lead Agency for the review of this proposal due to the multiple DEC jurisdictions that would apply to the project, and the potential for impacts that are not primarily local in significance.

Please indicate at your earliest convenience, but no later than January 20, 2018, whether the Town of Romulus Planning Board concurs with the Department serving as the SEQR Lead Agency. If we are unable to agree to the designation of a lead agency, SEQR regulations contain a procedure for resolving disputes at 6 NYCRR § 617.6(b)(5). However, we would welcome the opportunity to discuss this proposal, and the designation of a lead agency, further with the Board before any formal request to resolve a potential lead agency dispute is filed with the Commissioner of DEC.

If designated as the SEQR lead agency, it would be the Department's intent to withhold a determination of significance under SEQR until a written determination on the applicability of Article 10 from the DPS is provided. If the DPS does not assert jurisdiction under Article 10 of the Public Service Law, the Department would then proceed with the SEQR process and include the Town of Romulus Planning Board in the review as an interested agency.

If you have any questions pertaining to the Department's jurisdiction, or you wish to arrange a meeting between the Town and Department to discuss the project, you may call me at (585) 226-5382.

Sincerely,



Scott E. Sheeley
Regional Permit Administrator

Ecc: Paul D'Amato, Regional Director, DEC Region 8
Scott Foti, Regional Engineer, DEC Region 8
Greg MacLean, Regional Materials Management Engineer, DEC Region 8
Dennis Harkawik, Regional Attorney, DEC Region 8
Scott Rodabaugh, Division of Water, Regional Water Engineer, DOW, DEC Region 8
Thomas Marriott, RAPCE, Division of Air Resources, DEC Region 8
Robert Call, Environmental Analyst, DEC Region 8
Alan Knauf, Esq., Knauf Shaw
James Austin, DPS, Environmental Certification & Compliance

Cc: Supervisor and Town Board, Town of Romulus
Zoning Board of Appeals, Town of Romulus