

Broome Technology Park

Public Comment
Draft Scoping Document

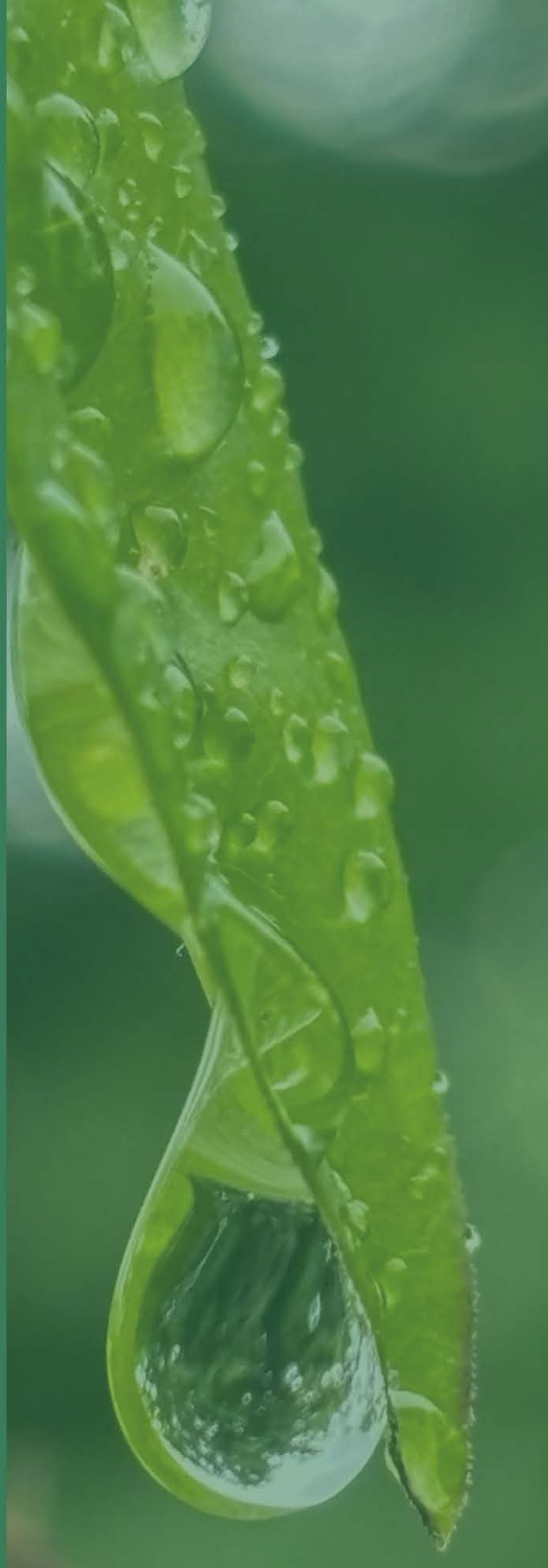


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Comment Letter ID	Name	Organization/Affiliation	Address	City	State	Zip	e-mail	Comment Format	Dated	Phone
1	John Shapinas	Local Resident	Mailing address not provided				jshapinas@gmail.com	e-mail	8/26/2024	-
2	Ron Renaldo	Local Resident	201 Evergreen Street, Unit 5-ID	Vestal	NY	13850	rrenaldo@stny.rr.com	e-mail	8/30/2024	(607) 296-9753
3	Serena Labrecque	Local Resident	Mailing address not provided				salabrec@buffalo.edu	e-mail	9/11/2024	-
4	Elaine Livingston	Local Resident	Mailing address not provided				livingsed@aol.com	e-mail	9/11/2024	-
5	Jerry Motsavage	Local Resident	Mailing address not provided				jmmotsavage@yahoo.com	e-mail	5/10/2014	-
6	Judith Nalepa	Local Resident	Mailing address not provided				-	letter	9/23/2024	-
7	Brendan Bystrak	Local Resident	Mailing address not provided				-	letter	9/23/2024	-
8	Valdi Weiderpass	Chair of Susquehanna Group of Sierra Club	P.O. Box 572	Endicott	NY	13760	wiederpa@aol.com	letter	9/23/2024	-
9	Diane Hill	Local Resident	Rhodes Road	Union	NY	-	dmhill9@yahoo.com	e-mail	9/23/2024	-
10	Susan Capone	Local Resident	465 East Maine Road	Johnson City	NY	13790	suecapone@hotmail.com	e-mail	9/23/2024	-
11	Jenny Mikulski	Local Resident	Mailing address not provided				jmikulski13790@gmail.com	e-mail	9/24/2024	-
12	Josh Enderle	Broome County Environmental Management Council Chair	60 Hawley Street, P.O. Box 1766	Binghamton	NY	13902	jse67@cornell.edu	letter	9/24/2024	(607) 778-2114
13	Peter Capone	Local Resident	465 East Maine Road	Johnson City	NY	13790	ppcapone1@outlook.com	e-mail	9/24/2024	
14	James Tokos	Town Supervisor, Town of Maine	2647 State Route 26	Maine	NY	13802	tokos@townofmaine.org	letter	9/18/2024	
15	Johnathan Cronell	New York State Department of Environmental Conservation, Region 7	5786 Widewaters Parkway	Syracuse	NY	13214	jonathan.cronell@dec.ny.gov	letter	10/11/2024	(315) 426-5494

Broome Tech Park DCD

From Ron Renaldo <rrenaldo@stny.rr.com>

Date Fri 8/30/2024 12:36 PM

To Techpark <TechPark@theagency-ny.com>

I have read the subject [Draft Scoping Document](#) for the Broome Technology Park's environmental impact assessment, which was released on Wednesday, Aug. 21, 2024 and concur with and support all its findings, conclusions and recommendations.

Ron Renaldo

Ron Renaldo
201 Evergreen Street
Unit 5-1D
Vestal, NY 13850

Mobile telephone: (607)296-9753
E-Mail: rrenaldo@stny.rr.com

Comments on the 2024 Draft Scoping Document for the Broome Technology Park

From Serena Labrecque <salabrec@buffalo.edu>

Date Wed 9/11/2024 10:01 PM

To Techpark <TechPark@theagency-ny.com>

The following are my comments on the Draft Scoping Document for the Broome Technology Park.

Pages 2-3 under "Description of the Project" claim that this location was the site with the "fewest barriers to development." However, Maine citizens have protested this claim. In order to build on this location, first Airport Road would need to be expanded, which would result in the destruction of many residences. The bedrock at this location is shale, which may be difficult to build an entry road on. In addition, the location is in a residential zone. Spot zoning would be required to build at this location. This document mentions other locations but does not provide reasons for why they were dismissed in favor of one with poor bedrock, a two lane road, spot zoning, and residences in close proximity.

This document reviews the environmental impacts of constructing the technology park, but not the environmental impacts of operation. The intended uses of the park you provided list multiple dangers for environmental and human health. For example, the manufacture of semi-conductors has been shown to be dangerous to both workers and the surrounding environment, involving carcinogenic chemicals that can escape into the soil, air, or water. The manufacturing of semi-conductors can involve the following chemicals: arsenic, acetone, arsine, benzene, cadmium, hydrochloric acid, lead, methyl chloroform, toluene, and trichloroethylene. There have been many reports of contamination around previous manufacturing areas-- such as Fairchild, and Toshiba in Japan-- and a corresponding increase in miscarriages and cancer in nearby residents and workers. The manufacture process also involves the use of PFCs, a potent greenhouse gas. What steps will be taken to ensure the operations of this tech park will not contribute to pollution, global warming, and poor human health? Especially since the site is stated in the Environmental Assessment to be located on an aquifer and will likely require waste discharge into the groundwater?

Finally, this document states that an Environmental Assessment was completed, yet I found issues that were not addressed in the Draft Scoping Document.

Page 2 of the Environmental Assessment states that the Town of Maine Board's approval is required. The Town of Maine Board have publicly stated that they do not approve of the project.

Section D.2.a. claims "excavation, mining, or dredging" will be required, but does not fill out the following questions as to its purpose, the amount of material required to be removed from the site, a description of the nature of materials removed, total area, maximum area or depth, or any of the following material.

Section D.2.b. does not answer whether or not the construction will encroach on wetlands. Was that not investigated? Instead, the Environmental Assessment claims additional information will be provided in the Scoping Document. The Draft Scoping Document claims assessment will be done in the future, but

why was it not investigated in the original Environmental Assessment? Section E.1.b. does not list the acreages of the current land use, and section E.2.h once again claims wetlands will be investigated at a later date.

In fact, many sections of the Environmental Assessment were left uncompleted. Many more sections were marked "TBD Additional Information to be Assessed in the GEIS." If you are unable to fully complete your original Environmental Assessment, why was it approved? And why were these holes of information not mentioned in the Draft Scoping Document?

Finally, The Description for Action Section A.9 claims the construction will not greatly affect Aesthetic Resources. The residents of the Town of Maine have argued this claim, particularly due to the nearby cemetery. Also, Section A.11 claims the construction will not impact open space. Yet, at the meeting on September 10th, the area was indeed described as "open space."

The Draft Scoping Document does not address any of the above concerns.

Thank you for your time, and I hope you will take my comments into consideration.

Sincerely,
Serena Labrecque
MGeol

Broome Technology Park

From Elaine Livingston <livingsed@aol.com>

Date Wed 9/11/2024 10:09 PM

To Techpark <TechPark@theagency-ny.com>

I am writing to express my opposition to the Broome Technology Park at the proposed site. There is no reason to develop rural land and pave it over when there is large amounts of vacant properties waiting for redevelopment. Examples include the Northgate Plaza, the former Weis Plaza on Main Street in Binghamton, the whole building along Martin Luther King Park, and many other sections of Binghamton. Huge sections of Endicott and Johnson City sit vacant, waiting for tenants. We need to protect our rural areas from development to keep from increasing the water runoff that causes the lowland flooding along the Chenango and Susquehanna Rivers. I believe we also need to restrict further development above a certain elevation (to be negotiated) to preserve the character of our region, ensure that we have clean water and air, and protect our wildlife. We choose to live here because of the uncrowded characteristics of our area and do not want to see urban and industrial sprawl to occur.

REDEVELOP EXISTING UNUSED PROPERTIES! DO NOT DEVELOP NEW LANDS, FOREVER DESTROYING NATURE! Pay attention to how we humans have been destroying our planet and its climate. We **MUST** change our mindset if we are to leave a habitable planet to future generations!!

Elaine Livingston
Direct Descendant of Philip Livingston,
a signer of the Declaration of Independence.

[Boycott Chevron](#)

[Boycott Nestle](#)

[Boycott Exxon](#)

Broome technology Park

From Jerry Motsavage <jmmotsavage@yahoo.com>

Date Sun 9/22/2024 8:37 PM

To Techpark <TechPark@theagency-ny.com>

I have a huge concern about building the technology park on approximately 526 acres of land located at Airport Road in the towns of Maine and Union in Broome County. You are going to take this huge area of undeveloped land that rain water and snow melt soaks into and develop it with buildings and paved parking lots. I realize there is some drainage of water from this land but not to the extent once the park is developed. This will greatly increase the water flow down airport road and then into the valley. Another watershed may be needed to control the increased flow of water and not overburden the watershed that is currently on airport road. The water eventually ends up in the Little Choconut Creek which has flooded our neighborhood in the first ward of Binghamton and others in Johnson City. I hope all this is being considered before this project is developed. Our area has experienced enough flooding. Thank you.



Judith Nalepa
8 Fillmore Ave
Endicott, NY 13760

I

Attention: Stacey Duncan
director of Broome County
IAA

RECEIVED
SEP 23 2024

I was not able to attend
the meeting held on
September 10, 2024 at
Maine Endwell High School.
My husband Leon Nalepa
owns property that borders
Airport Road and East Maine
Road.

I grew up in Endicott
New York and was in the
class action lawsuit against
International Business
Machines (IBM) There
were about 430 people in
the lawsuit. Four law firms
were involved. One from
Binghamton, New York, One
from Philadelphia, Pa, One
from Rochester, New York

II

and last from New York City, New York.

There was only 1 political figure to our rescue. That was Maurice Hinchey and sadly he died from cancer. Our mayor, trustees, town of Union supervisor, Broome county executive and governor could care less.

Our Air, water and soil were contaminated. There are no more grasshoppers, praying mantises caterpillars around. The crickets just came back this year.

The New York State health department did not do their job. The DEC Department Environmental Conservation admitted their job was not done either.

Every time a meeting was held IBM's lawyers and

III

representatives were there, they were drinking bottle water. Why if the water was ok Drink the tap water what were they afraid of? What I have to say can't be said in only 3 minutes, as you can read. A copy of this letter is going to be sent to the Town of Maine Supervisor.

On Oak Hill Avenue in Endicott, there were 3 females who died of Brain Tumors. My cousin, who lived on Oak Hill Avenue growing up for a short time, developed a Brain tumor. The neuro surgeon who specialized in such surgeries asked her where she grew up in such an industrialized area.

My aunt and uncle who lived in the 600 block of

IV

Jennings Street had 3 sons. The 3 sons and father all died of cancer. There is a house on 702 Monroe Street that had a garage apartment. The son in law in the garage apartment died of cancer. The husband and wife who lived in the house died of cancer and so did their son.

I did a map of all the streets of where, I knew that people died of cancer and made copies. The New York State health department and IBM wanted to know where I got it from. I pointed to my head. It was from my excellent memory able to give the years of all this.

When technical businesses start using chemicals they poison, the air, water and soil.

VI

I don't know how if
any you Stacey know of
these chemicals. I looked
up these chemicals that
IBM used and it was not
nice. We even had a Chemistry
professor from Binghamton
University in our lawsuit.

All 4 law firms made
it their business to settle
out of court without
consulting the 430 people.
That should not have
been up to them to decide.
We should have made
that choice. I feel very
strongly we were

DECEIVED

When it comes to money
and politics. People will
send their own Relatives
Down the River.

Oh and IBM even
was dumping their contaminated

VI

waste in Endwell.

I do not expect an
answer from you. Just to
let you know that everyone
is not nieve or Stupid.

Judith Ann Nabpa

Brendan Bystrak, PE
1073 Wickerton Lane & 1601 Airport Road
Webster NY, 14580 Binghamton NY 13905

Ms. Stacy Duncan, Broome County IDA Five South College Drive Suite 201 Binghamton, NY 13905	Lisa Nagle EDR 217 Montgomery Street Suite 1100 Syracuse, NY, 13202
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September 23, 2024

RE: Broome County IDA SEQR
Draft EIS Scoping Comments

Ms. Duncan and Nagle:

I have reviewed the Draft Scoping Document for the proposed Broome County Technology Park. While the draft scoping covers many of the potential impacts, I believe it still falls short in several areas. In all the past articles and publication, the IDA has been identifying the develop area as a 526 acre park, the Draft Scoping now cites 545 acres. Is there updated mapping that defines the project limits for the EIS?

The involved and interested agencies listed excludes any federal permitting/reviewing or funding agencies. Does the IDA and its consultants not anticipate any involvement from the US Army Corps of Engineers or FAA in the reviewing this park? Is there no anticipated federal funding?

Regarding the draft, in the following paragraphs I would request the draft include edits and or inclusion on defining the:

1. potential significant adverse impacts.
2. potential significant beneficial environmental impacts.
3. alternative analysis.
4. Impacts on sewer and water facilities.
5. elimination of fossil fuels.

1. Analysis of the potentially significant adverse and beneficial environmental impacts of the project”

The IDA and its consultants have a very different perspectives on this project and its potential impacts on the residence in the Town’s of Maine and Union. From the start of the IDA campaign to sell this project to the public, “It’s time to build new sites in Broome” published May 24, 2023. Stacey Duncan’s quote *“It is not only an imperative for the IDA to build new sites -it is our responsibility”*.

Purpose of Scoping in SEQR

The primary goals are to focus an EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are not relevant or non-significant with the respect to the proposed action.

The factors that could be potential large impacts were outlined in my original letter to the Town of Maine dated July 16, 2023, public involvement for me started well over one year ago. The identified factors included zoning, existing infrastructure and easements, steep grades, shallow bedrock, and historical potential environmental conditions.

So again, I ask, how can the Lead Agency be impartial and not properly investigate and provide transparency to the public on the very application they are proposing as the applicant. The Lead Agency and Applicant have the sole responsible to scope this project based on SEQR law. The IDA shows this lack of transparency clearly in how parts 1, 2, and 3 were completed at the beginning of the SEQR Process. I sent a letter dated March 4, 2024, to the Town of Maine and IDA on the numerous sections of the EAF long form completed by Stacey Duncan that at left many impacts unaccounted for in SEQR, attached.

Part 2 Full Assessment Long Form - Identification of potential Project Impacts.

Following sections lacked assessment of the potential moderate to large impacts:

Section 1 Impacts on the Land - No or small Impacts (except Steep Slopes and Bedrock)

Section 5 Impact on Flooding – No or small Impacts

Section 7 Impacts on Plants and Animals – No or small Impacts

Section 11 Impacts Open Space and Recreation - No or small Impacts

Section 15 Impacts on Noise, Odor and Light - No or small Impacts

Section 16 Impacts on Human Health - No or small Impacts

The IDA and its consultants have a very different perspective on the impacts based on their sole responsibility to build this park and my perspective as lifetime resident and civil engineer with over 30 years of experience.

2. What does the IDA and its consultants view as beneficial environmental impacts?

In section 3.16 Hazardous Materials, the scoping mentions the Phase 1 report that will summarize recognized environmental conditions “REC”. I have once again attached the letter I sent to the Town of Maine with copies to the IDA dated October 6, 2023 – Lack Due Diligence related to Phase 1 Report following ASTM E 1527.

Several items not outlined in the draft scope that should be part of this EIS:

Soil testing of the 60+ acre orchard for persistent pesticides. This analytical testing should be performed before an archaeological 1B investigation occurs to protect the consultants.

The IDA should commit to complete remediation of the historical farm and orchard dumps to be a true environmental benefit. Scoping related to these remediation areas would include recycling of scrap metals and soil testing to determine if remaining wastes are regulated or if potential toxic materials are present. This would include the large orchard dump previous discussed in my letters. It would further include the former Hall Farm Dump in the steep ravine on the Saraceno property that encroaches into a tributary of the Little Choconut Creek just upstream of the small waterfalls.

The IDA's consultant sent a response to my review that further reinforced the absolute lack of due diligence into the environmental assessment of the properties. One item was the construction and demolition fill area on the frontage of 1577 Airport Road operated by the Dellapenna Family. The IDA's consultant indicated there was no visible evidence of this fill site. Weeks later the NYSDEC investigated the property and the NYSDEC Division of Water cited the Dellapenna family. Again, weeks later an environmental drilling company was on-site performing a Phase 2 Investigation. This Phase Two investigation is for a recognized environmental condition that the consultants fail to identify.

Other items include the historical intrastate pipelines installed in 1880's, drum and orchard farm dumps, irrigation well and elevated tank system in the orchard to name a few more. The IDA's consultants fail to identify or attempt to investigate these items that I had disclosed to the Town of Maine and IDA.

The Appendices to Accompany the DGEIS fails to identify the Phase 1 Report or Phase 2 Assessment completed at the waste disposal area. For transparency, make the record complete. Define how the IDA can have a beneficial environmental impact on the existing conditions.

3. "alternative analysis will also be provided with emphasis placed on the Project as the preferred alternative".

As part of the scoping and alternative analysis I would like to see the previous completed preliminary analysis that makes this the preferred location. Stacy Duncan's article "Designing development parks of the future today" dated November 30, 2023 notes over 200 properties were reviewed and graded based on their developability. I would like to see the alternative analysis included in the appendix of the DEIS. I would further ask that the alternative analysis look at closing the Binghamton / Broome County Airport and redeveloping the area into the modern technology park. Redevelopment of the airport would significantly minimize nearly every potential large adverse impact based on the following:

- Broome County already owns the site and totals nearly 890 acres.
- It is in the Town of Maine's Industrial Zoning District, no zoning changes required.
- It follows the Town of Maine Comprehensive Plan.
- Has county operated and non-dedicated potable water and sanitary sewers. If the county remains the owner and developer, no further water or sewer districts are required. Capacity to service still must be addressed regardless of location.
- The perimeter is secured with fencing and the area is level and for the most part cleared of vegetation, limited impacts on deforestation and loss of habitat.
- There is ongoing development of on-site renewable energy generation.
- The enplanements from the airport have fallen far below the Master Plan forecasts.
 - 2009 Master Plan for 2010 Projection was 130,180, actual was 108,988.
 - 2009 Master Plan for 2015 Projection was 137,639, actual was 77,654.
 - 2020 Enplanements totaled 8,700+/-
 - 2021 Enplanements totaled 10,400 +/-
 - 2009 Master Plan for 2025 is a projection of 148,317.

Avelo stopped flights back on August 18, 2024, they couldn't make the route to Orlando profitable even with their employees reportedly on the county payroll.

The airport is down to a single service from Delta.

- The 2024 Approved Broome County Budget has a \$5,457,657 line item for the airport. January to May 2023 Delta has 6,481 enplanements while in 2022 Delta totals were 11,672, on average 1,000 enplanements per month. If Delta remains in operation with 12,000 enplanements, then the cost to taxpayers is an average \$454 per enplanement.
- November 30, 2023, article “Designing Development Parks of the Future Today” by Stacy Duncan cites the new 600 park could result in another nearly \$1,000,000,000 in annual economic activity. Sure beats paying \$454 per person as a tax payer to fly out of the dying airport.

Repurposing the airport is not only in the best interest of the environment but is also the most likely the economical location.

4. Impacts on sewer and water facilities.

At the public meeting on September 10, 2024, I had started asking about the scoping and impacts to the water treatment and distribution system as well as the sanitary sewer collection and treatment plant.

The original conceptual drawing prepared by ELAN in January of 2023 showed 8 building sites with approximately 2,340,000 square feet. The IDA completed the EAF Long Form by stating that no district extensions are required for sewer or water and that no impacts were identified to the treatment facilities.

Wastewater collection and treatment works:

1. Will the IDA and its consultants be performing an assessment on the existing capacity for wastewater treatment at the joint Johnson City / Binghamton treatment plant?
2. Will the study consider, if 2.4 million sq ft of new Industrial / Corporate / Business / Technology uses are constructed with this limit any additional future development in the collection area by treatment plant “Johnson City, Town of Union, and City of Binghamton” by reserving the remaining available capacity of the plant for a future park that could take 20 to 40 years to build out? Define what treatment plant upgrades would be required to treat the composition and quantity of wastewater generated by the park at build-out.
3. With the 450 feet of elevation change and four distinctive drainage patterns, will the county be owning and operating the pump stations and force mains to convey all wastewater flow to the existing collection system?
4. Will backup power for the lift station be green technology and not rely on fossil fuel “diesel or natural gas” generators?
5. Will the reports define all the collection system upgrades needed from the proposed park location all the way to the treatment facility?
6. Will the study also look at the types of waste being potentially generated and how it will be compatible given the treatment plant does not accept any industrial wastes, refer to Articles 6 and 7 Rules and Regulation for the B-JCJSTP?
7. Will the study also show any additional capacity for the local residence or future development to tie-into this collection and conveyance system for the surrounding residential properties, is there a greater community benefit?

As I stated at the hearing, the county extended a 10-mile sanitary sewer to the Broome County Airport, and has not allowed any residence to connect to this system. Will this development be any different? Will extending the sanitary wastewater collection benefit the towns for additional development to further support the park? Will existing residents have a benefit to connect to dedicated public sanitary sewers?

Potable Water and Fire Protection

1. Identify the water district limits and benefited properties.
2. Define the hydraulic capacity the proposed park including the benefited area in district and future growth in the town as the result of the park, need for additional housing as example.
3. Who will own and operate the distribution system and all associated mains, lift stations, water tanks, and hydrants? Broome County?
4. How will the system perform with over 450 feet of grade change from Airport Road to the top of the orchard. The pumping stations and fire services will require emergency backup power to ensure adequate pressure and volumes remain available, will these use natural gas or diesel “fossil fuels” as the backup fuel source?
5. What is the available capacity to service the park and benefit area, will new wells or well fields be required to be developed within the park boundary?

5. In section 3.9 Energy and Telecommunications

The Draft Scoping makes no mention of the use of Natural Gas in this Project? Is the IDA making a commitment that no further dependence on fossil fuels “natural gas” will be installed to this new sustainability-focused green prototype technology park?

Does NYSEG have any capacity to serve this park for electrical demand, what would be the overall demand be at build-out. Does NYSEG have the substation and T&D line to accommodate the park and all its infrastructure?

Will this park include a 100MW storage facility? Will fire and EMS receive the equipment and training on how to respond to event at such facilities.

What impacts are considered for clearing forest to install green energy like geothermal wells or solar field?

Thank you for your consideration in addressing these items in the DGIS Scoping Documents.

Respectfully submitted,

Brendan Bystrak, PE (087235)

Brendan Bystrak

CC: IDA Board Members
SEQR Agencies related to Project.
Limited neighbors to the proposed park

Attachments: Bystrak Letter, dated October 6, 2023 – Lack Due Diligence related to Phase 1 Report
Bystrak Letter, dated March 4, 2024 – SEQR long Form Parts 1, 2, and 3 – Concerned Citizen

References:

- NYS DEC SEQR Handbook 4th Edition
- Stacey Duncan @ IDA, "It's time to build new sites in Broome" published May 24, 2023
- Stacey Duncan @ IDA, "Designing Development Parks of the Future Today" November 30, 2023
- 2009 Greater Binghamton Airport Master Plan
- 2021-2023 Greater Binghamton Airport Annual Reports
- Broome County 2024 Approved Budget
- Rules and Regulations Binghamton-Johnson City Joint Sewage Treatment Plant

Brendan Bystrak, PE
1073 Wickerton Lane & 1601 Airport Road
Webster NY, 14580 Binghamton NY 13905

Attachment #1

Mr. Jim Tokos, Supervisor
Town of Maine
12 Lewis Street
PO Box 336
Maine NY, 13802
tokos@townofmaine.org

**RE: Broome County IDA
Shumaker Phase 1 Report Comments**

October 6, 2023

Supervisor Tokos,

I have reviewed the Phase 1 Environmental Site Assessment prepared by Shumaker on behalf of the Broome County Industrial Development Agency (The Agency) and would like to share my findings. First, as part of my 30+ years as a consultant, I have prepared hundreds of Phase 1 Reports for lending institutions and private developers.

Shumaker's Executive Summary raises many questions based on growing up in the Stella Ireland Valley and my direct work experience "ASTM actual knowledge". The summary notes that no recognized environmental conditions (REC) were identified and that the report was prepared in accordance with ASTM Practice 1527 by an environmental professional following #312.10 of 40 CFR 312.

Some of my questions are as follows:

1. What are the subject parcels and is my land part of their proposed Park?
2. Report does not address the historical use as an Orchard as a concern.
3. Report does not mention the farm dump or all the drums in the orchard dump, solid waste disposal site.
4. Report does not mention the C/D landfilling operation that has been in use for over the past 20 year's on the subject parcel with numerous petroleum containing containers in the fill along my property. This is an ASTM REC as a solid waste disposal facility.
5. Report does not contain any credible interviews related to the property history.
6. There is no reference to a historical use questionnaire completed by the owners.
7. Report does not identify the historical exposed petroleum and gas pipeline on the subject property installed in 1880's.

Seeking clarification from Schumaker on what the original site assessment limits were:

1. The report title identifies the three parcels owned by the Dellapenna family at 225 and 305 East Main Road and 1577 Airport Road.

2. Section 2.1 describes the “Subject Parcel” as being in a rural area comprising three parcels totaling 259.73 acres. I completely agree it’s in a rural residential area. However, the current tax mapping combines the three parcels at 306.56 acres total. The Agency consultant lacks due diligence by verifying the parcel limits and area of the parcels missing nearly 47 acres.
3. Section 3.3.1 Subject Property Summary notes one address for the Subject Property is 1601 Airport Road as a residential property. 1601 Airport Road is a residential property, I own. Due diligence, misidentification of the adjoining parcels, unless it was originally one of the true subject parcels as delineated in the EDR Target Mapping.
4. The EDR study limits for the Phase 1 Report is larger than the defined Subject “Target” Parcels. It appears that the original intent of the Phase 1 Report also included:
 1. James Family Parcel on Airport Road (32.05 Acres)
 2. Bystrak Family Parcel on Airport Road (29.1 Acres)
 3. Comfort Family Parcel on Airport Road (51.96 Acres)
 4. Bell Family Parcel on Kot Road (38.10 Acres)

Refer to the EDR Overview Map dated October 22, 2022.

These four added parcels creates a Target Area of 457.77 acres.

Governor Hochul notes the IDA is considering a 600 acre Corporate Park on August 28, 2023.

Due Diligence as required by the ASTM Standards related to Interviews, ASTM Section 9:

1. The only interviews that were completed for preparation of the report was the owners two nephews that were encountered during the site reconnaissance, refer to Section 4 of the report. They reported no known environmental issues at the Subject Property and further stated they believed the land was very clean.
2. Section 1.3, bullet four, note interviews of persons knowledgeable about the current and past uses of the Subject Property. These persons are the nephews of the owner who occasionally hunt on the property. By ASTM definition, the interviews are not based on actual knowledge interviews.
3. There appears to be no interview with other local, county, or state agencies.
4. There is no reference to Freedom of Information Requests (FOIR) to the Health Department of NYSDEC for historical research or interviews, ASTM 1527-21 Section 11.

Section 1.2 Subject Property History, ASTM Sections 7, 8, and 9:

1. Although ASTM 1527 note application of pesticide in orchards many not be a REC, the due diligence requirements of an environmental profession under #312.10 of 40 CFR 312 should have identified several relative factors worthy of noting in the report.
2. First, the historical use as an orchard is well documented by the aerial photographs and historical topographic maps in the EDR Report. The orchard was developed near the turn of the century and is clearly visible in the 1930 aerial images, not referenced in the EDR Report. The ERD report shows the orchard activity was very active from first image in 1944 to approximately 1974. It is also expressed on the historical topographic maps, when orchards were identified, in 1961, 1968, and 1976. This timeframe covers the use of persistent pesticides including DDT and Lead Arsenate use in orchards.

3. Second, several historical structures are clearly visible in the aerial images. The 1967 aerial image best represents several of the historical structures within the 60 acre orchard. These structures were all places I explored growing up in the valley below the orchard. The buildings consisted of the old watch tower, a block building near the old evergreen hedge road (west side of the orchard, just north of the main road), and a second structure along the northern edge of the main road where I remember there being elevated tanks.
4. What is not identified in the report or reported by the owners nephews, or observed by the environmental professionals is the large orchard dump located just east of the orchard in the woods. I was familiar with this dump having been an avid bottle collector and dug there many times in the late 1970 to early 1980's. This dumping ground is over 100 yards in length and 30 yards wide as the main disposal area. However, there are numerous drums scattered all downhill of the dumping area off an old orchard road. These drums are all along my common boundary with the former orchard. Again, no mention of the dump or drums in the report. Again having an 60 acre orchard during the years of persistent use of pesticides including DDT and lead arsenate.
5. Consideration needs to be given to what agency will become the Lead Agency related to the SEQR Process. Part 2 of the EAF Long form requires the assessment on "Impacts to human Health". The historical orchard was in operation from the turn of the century into the late 60 and early 1970's. This 60-acre orchard operated during the time of use of persistent pesticides and a larger solid waste area exists with numerous pails and drums. Will or could workers involved with earth moving and utility installation be exposed to persistent hazardous chemical during the development of the property. As a neighbor growing up and exploring the orchard, I had observed an area where elevated tanks used to be, that was a very long time ago and I do not have permission to seek this area out on their private property.

Section 5 of the report is related to the site reconnaissance that occurred between October 8 to 11, 2022. The short description of this section describes the barn and area limited to East Main Road. The site reconnaissance was conducted before receipt of the ERD report including the historical aerial photographs and topographic maps. **Section 2.2** Description note that access is from East Main Road. Based on the lack of observations related to the Dellapenna parcel identified as one of the Subject Parcels (1577 Airport Road) due diligence was not in conformance with the ASTM Standards. 1577 Airport Road is clearly an active Construction / Demolition landfilling operation. It is also clearly visible in the EDR historical aerial images from 1996, 2009, 2013, and 2017. The C/D landfill is active and I have not found permits for the operation in the local, county or state systems? Fill is being placed along the Bystrak and Comfort boundaries and filling is occurring within the Broome County Right-of-way. Walking my boundary with the C/D Landfilling operation, numerous five-gallon pails of a variety of fluids were observed at my properties southeastern corner. This C/D disposal area has been active for over 20 years with no known permits with fill placement exceeding 50 feet over, covering 2.25 acres and encroaching on the Little Choconut Creek. Refer to ASTM 1527-21 Section 9.4.25.

Review of the NYSDEC New York State Inactive Landfill Initiative, July 2022 Status Report.

Either the subject parcel or adjoining parcel is identified in this report. The Clean Water Infrastructure Act of 2017 required the NYSDEC to conduct investigations of certain solid waste disposal sites to determine if sites are causing contamination of a drinking water source. This report identifies Dellapenna Dump 1 (ranking 54) and Dellapenna Dump #2 (ranking 50) in Johnson City, Town of Union, operated by the subject parcel owners. Dellapenna Dump #2 is identified as Priority 2 with exceedances of criteria in the site's groundwater with no impacts to downgradient water wells. Dellapenna Dump #1 is pending prioritization based on the report.

The professional consultant that prepared and signed this report attesting to conformance with #312.10 of 40 CFR 312 completely missed the 2.25 acre landfill with owners having two other identified waste disposal sites in the NYSDEC programs in the Town of Union one with confirmed groundwater contamination.

There is no environmental questionnaire or interview completed by the current owner, ASTM E1527 Section 10.

Timelines

The Site Reconnaissance was performed on November 8 to 11, 2022 (over 4 days and before EDR report is issued to identify potential areas of concern).

The Interviews were conducted on October 8, 2022, first day of site assessment.

The EDR report was prepared on October 28, 2022

The report is dated October 28th, 2022. (Same day as the EDR Report).

Report cites it was prepared in accordance with the ASTM E1527-13 Standards of Practice for Environmental Site Assessment. Noting the report is dated October 28, 2022, the current ASTM Standard is 1527-21 with a sunset period to December 15, 2023.

Section 1.1 notes the Report was prepared for the Agency and considered valid for 1 year. The report was issued on October 28, 2022 and should be considered invalid on October 28, 2023, just a few weeks away. The section further notes that certain aspects are valid for 180 days referring to site reconnaissance, regulatory database review, and interviews. These components became invalid back in April, 2023 (six months ago).

Representing the property or client:

I would ask the Board and Staff to read the second to last paragraph on Page 16 of the Shumaker Report, several times.

"This report was prepared under the direction of the client and its representatives. Because professional judgments incorporated into the Report are based on the defined Scope of Services and guidance by the Client (The Agency) in focusing the efforts of the consultant, there is an inherent limitation on the breadth and scope of the report. Any third party may necessarily have different interests, purposes, and motives than our Client regarding this assessment report.

First sentence, the Agency, not ASTM E1527-13 is the guidance used by an environmental professional to represent the subject properties being investigated in the report.

Second sentence, The Agency focused the environmental professional and caused inherent limitation and absolute lack of professional environmental assessment of the parcels. Shumaker is to focus its attention on the barn and area around East Main Road, ignore the orchard and historical use, ignore the four exposed 135+ year old pipelines, ignore the drums and waste in the orchard farm dump, ignore the C/D landfill, make the property very clean like the owner nephews said it is.

Third sentence, report was prepared for the use and interest of The Agency and impediments to potential development of this park is not reportable, it doesn't meet the client needs if environmental concerns are identified.

The Agency needed this property to have no Recognized Environmental Conditions (REC) since it could jeopardize its development and potentially FAST NY Funding from the Governor. Shumaker appears to have intentionally ignored several obvious conditions on the subject parcel and lacks due diligence in preparation of this report for their client under their guidance.

ASTM 1727-21 Section 7.3.1

The environmental professional shall, based on professional judgement, evaluate the relative lines of evidence obtained as part of the Phase 1 process to identify recognized environmental conditions in connection with the subject property.

Quite a contradiction to Section 7 of the Shumaker Report.

I would also like clarification from the Broome IDA on the August 15, 2023 announcement by Governor Hochul.

According to the new release:

Broome County IDA/LDC (The Agency) - \$500,000: *This project will create a new 300 acre sustainability-focused corporate park designated to attract advanced electronic and semiconductor manufacturers, test packaging and related supply chain companies, life sciences, and agricultural processing. There is the potential for an additional 300 acres to be acquired at this site, resulting in a new 600-acre corporate park. Market studies have already determined potential opportunities for the park, which includes several industry customers eligible for FAST NY grant funding. Total project cost - \$1 million dollars.*

1. Is the application to the FAST NY funds available?
2. Did it rely on the Phase 1 report Citing no REC's to secure this funding?
3. Are the market studies available for public review?
4. Define the 600 acres, new Subject Parcels, what is the 600 acre boundary?
5. What is the difference between an IDA's Industrial Park and Hochul's Corporate Park?
6. Has the Agency only committed spending \$1 Million dollars on the development?

Again, I would appreciate a notification as an adjoining landowner when the IDA makes a submission or formal application.

Respectfully submitted,

Brendan Bystrak, PE (087235)

CC:

Joyce Grover, Town of Maine, Town Clerk
Emailed to: grover@townofmaine.org

Mr. Bob Lawler, Code Enforcement Officer
Emailed to: lawler@townofmaine.org

References:

Shumaker Phase 1 Environmental Site Assessment, prepared for The Agency, Dated October 28, 2022.

ASTM E1527-21

#312.10 of 40 CFR 312

NYSDEC New York State Inactive Landfill Initiative, July 2022 Status Report.

Governor Hochul August 15, 2023 Release on FAST NY Funding

Brendan Bystrak, PE
1073 Wickerton Lane & 1601 Airport Road
Webster NY, 14580 Binghamton NY 13905

Attachment #2

Mr. Robert McKertich
Coughlin & Gerhart LLP
99 Corporate Drive
Binghamton NY, 13904

RE: Broome County IDA Project
SEQR Long Form Parts 1, 2, and 3
Comments from a concerned citizen.

March 4, 2024

Mr. McKertich,

I would like to express concerns and comments on the IDA's proposed Technology Park in the Towns of Union and Maine related to the SEQR Forms, Lead Agency Status, and Transparency.

I have reviewed the following documents:

Long Form EAF Part 1 prepared by the IDA, dated January 17, 2024, signed by Stacey Duncan.

Figure 1 as presented in the EAF Packet.

Revised Figure 1 emailed to one of the residences and reportedly sent to the Town of Maine by the IDA on February 20, 2024.

Part 2 prepared by the IDA, no date on document.

Part 2 is to be completed by the Lead Agency.

Currently, the IDA and Town of Maine are seeking Lead Agency Status.

No determination has been made by the Commissioner (617.6,b(5)).

Part 3 completed by Stacey Duncan of the IDA, dated February 14, 2024.

I first became aware of this project in November of 2022 when I approached a Dellapenna family member on potentially purchasing land to expand my family's property and camp off Airport Road. Since November of 2022, the IDA has never defined this project and I do not understand how its impacts can be determined at this time. This development went from a 290 Acre Industrial Park to 600-acre Corporate Park, to Business Park and now in the SEQR documents 526 Acre Technology Park. The Part 1 of the Long Form EAF is incomplete and lacks any description on what is being proposed. It fails to identify all potentially involved and interested agencies and does not identify any approvals being required. Part 2 lacks identification of Moderate to Large impacts based on the NYSDEC Workbook, the IDA and its consultants just checked the boxes and moved on. Part 3 lacks due diligence which I am getting used to seeing from the IDA on all its materials prepared for this proposed project.

My background: I am a NYS Professional Engineer with over 30 years of related experience in zoning, permitting, site design, stormwater, infrastructure, environmental, and SEQR having served as both a Town Engineer and Principal Engineer with a diversity of clients. Over the past nine months I have prepared several letters that have been sent to the Town of Maine and the IDA expressing my concerns related to the location of this project including:

July 16, 2023, History and knowledge of the area

October 6, 2023, Review of the Phase 1 by Shumaker

October 19, 2023, Letter from Hunt responding to my October 6 correspondence.

December 13, 2023, The IDA presentation at Town of Maine

February 20, 2024, after IDA's article "Building Today to Support Our Economic Future."

Included Drawings I prepared, since the IDA has never shared any mapping.

The following are my comments based on growing up on Airport Road with actual knowledge of the project area and my experience as a Professional Engineer having reviewed and prepared similar SEQR documentation. The IDA has lacked transparency, integrity, and due diligence since this project first began. The determination of the Lead Agency will be made by the commissioner as outlined in section 617.6 (b) (5). Based on my review of the documents, the involved agencies lack definition of this project's goals, size, process, approvals required, and most of all the identified potential impacts.

The rest of this assessment is prepared in black and blue. The black is text from the SEQR Forms prepared by the IDA. [Blue is added information completing missing relative information related to potential impacts.](#)

B. Governmental Approvals ([IDA identified no required approvals](#))

B,a. Town of Maine Town Board

[RE-Zoning](#)

[Water District](#)

[Sewer District](#)

[Lighting District](#)

[New Intermunicipal Agreement \(sewer and water\)?](#)

Town of Union Town Board

[RE-Zoning](#)

[Water District](#)

[Sewer District](#)

[Lighting District](#)

[Town of Chenango \(239 Review within 500 feet\)](#)

B,b. Town of Maine Planning Board

[Site Plan](#)

[Subdivision](#)

[Variance for Road Grades](#)

Town of Union Planning Board
Site Plan
Subdivision
Development on Steep Slopes

B,d. Other Local Agencies

Broome County Sherriff
NYS Police Troop C
East Maine Fire Company
Choconut Center Fire Department
Union Volunteer Emergency Squad
Maine Emergency Squad
Johnson City Water Department (potable Water Supply)
Binghamton-Johnson City Sewage Treatment Plant (Sanitary and Industrial Treatment)

B,e. County Agencies

Broome County Public Works
Broome County Highway and Engineering (curb-cuts and new roads if dedicated)
Broome County Flood Control (watershed management C.2.b.)
Broome County Planning
Broome County Health Department
Water Supply
Public Health and Safety (former orchard)
Subdivision

B,g. State Agencies

NYS DEC
Water Quality Cert.
State Pollutant Discharge Elimination System (SPDES) General Permit
SWPPP & NOI
Article 15, Stream Banks
Water Supply (5 or more customers)
Air Pollution Control?

NYS DOH

NYS OPRHP

Empire State Development (Funding)

B. h. Federal Agencies (no federal agencies were identified)

FAA Federal Aviation Administration
Site is approximately 2.5 miles south and higher in elevation then runway
On the glide path into the Broome County Airport

US Army Corps of Engineers (Wetlands) D.2.b

Any Federal Funding agencies?

Other:

Susquehanna River Basin Commission

Millennium Pipeline

Crossing their northeast transmission pipeline (roads and utilities)

Easement encroachment

Impacts to Transmission Pipeline Integrity Management 255.5 and 255.901

New York State Electric and Gas (NYSEG)

Easement encroachment

Sag on electrical transmission lines (clearances)

Electrical Distribution (ability to serve)

Natural Gas Distribution (capacity and ability to serve)

NEPA (if Federal, does the National Environmental Policy Act apply?)

Any Federal Funding? How is building a 526/585-acre park happening with no Federal Funding?

USFWS (including Federal Migratory Bird Treaty)

FAA (above)

US Army Corps, Section 404 (Wetlands)

EO 13112 Invasive Species

Section 106 of National Historical Preservation Act.

C.3. Zoning

C.3.c What is the proposed Zoning? (Industrial, Corporate, Business, Technology)?

How do you determine impacts if we do not know the uses and sizes (massing)?

D Project Details

D,1,a General Nature.....if mixed, include all components.

Light Industrial, commercial

Who are existing companies that have expressed interest in relocating?

Defining what the parks intended users will be (it keeps changing).

Defining what is the IDA's Actual Role in the Park?

Where does their involvement begin and end?

D,1,b,a Total Acreage = 526 Acres

The IDA Mapping does not agree with this area.

Based on Broome County GIS, Total Park limits are 585 acres +/-, refer to Drawing C1.0.

IDR reports eight parcels under contract (420 acres).

The 8 Parcels on GIS total 474.46 acres (55 +/- acres more than IDA is reporting).

D,1,b,a Total Acreage to be physically disturbed answer is **0 (Zero)** (That is not possible)

Additional information to be provided in Scoping Document

How do agencies determine impacts? Define the Goals of the Park and its intended users.

D.1.b.c. Total acreage owned or controlled by applicant or sponsor = **0 (Zero)**

IDA has stated publicly that have Saraceno and Dellapenna parcels under contract.

Is that not control?

Dellapenna has four parcels under contract:

- 1577 Airport Road = 20.82 acres
- 225 East Maine Road = 129.7 acres
- 305 East Maine Road = 156 acres
- 325 East Maine Road = 35.2 acres (partial)

Saraceno has 4 Parcels under contract:

- 59 Bartel Road = 61.64
- 72 Bartel Road = 57.39 acres
- 77 Bartel Road = 7.58 acres
- 58 Bartel Road = 6.27 acres

These 8 parcels under contract total 475 +/- acres, (Based on Broome County GIS)

Yet IDA states they have 420 under control (contract).

IDA states application is for 526 acres,

All parcels combined totals 585 acres, based on IDA figure in the EAF and County GIS parcel mapper, refer to Drawings C1.0 and C1.1.

If the IDA cannot define the project limits, how can they determine the impacts?

Adding and removing parcels is the definition of Segmentation in SEQR.

D.1.d Is the proposed action a subdivision, or does it include a subdivisions? **IDA Answers NO**

The answer here must be a YES,

There are eight parcels under contract reported by the IDA.

There are at least four additional parcels where partial taking, or complete taking are proposed.

These lots are in two towns and would involve resubdivision to a single parcel.

Right-of-way for new roadways created (assuming all new roads will be dedicated)

How will individual parcels then be defined, for marketing and sales for development?

D.1.e will the proposed action be constructed in multiple phases? **IDA Answers NO**

Is buildout anticipated in just the first year?

IDA has indicated they anticipate 20+ years of development, like the existing park.

Existing Park started in mid-1980's, near build out has taken 40 years.

That is potentially twenty+ years of impacts associated with development?

D.1.h does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake lagoon or other storage? **IDA**

Answers NO

The action is to construct a 290 to 600 acre Industrial/Corporate/Business/Technology Park.

The site is all steep gradients typically over 10% refer to drawing C2.0.

The topography has three distinct drainage basins to the west to existing ponds/county reservoir.

The eastern slopes are severe draining to Little Choconut Creek.

How will development not create or impact the existing watersheds?

No answers are given to the six subquestions.

D.2 Proposed Operations (IDA notes "Additional information to be provided in GEIS")

IDA answers YES to D.2.a,

but does not answer any of the following nine questions.

D.2.b Would the proposed action cause or result in alteration of, increase or decrease in size of, or **encroachment into any existing wetland, waterbody**, shoreline, beach or adjacent area? **IDA does not answer this question.**

This answer should be YES, impacts to Federal Wetland areas, delineation was to be performed as part of the original studies awarded in October 2022. RFP notes that field verification by NYS DEC or ACOE agents is not required for step one of this study.

Delineation flagging was observed along my boundary line, delineation has occurred.

IDA does not identify any federal agencies in Section B. Government Approvals.

Crossing Little Choconut Creek with new roadways is an encroachment to waterbody.

Potential impacts on the Broome County operated Flood Control Dams.

D.2.c Will the proposed action use, or create a new **demand for water**?

IDA answers YES and existing water supply will be utilized.

No demand is forecasted.

IDA indicated that property is within "Town of Union - Choconut Center Water District."

Calls with Johnson City Water Department indicated no district exists for the proposed IDA Park.

IDA indicates a district extension will be required.

Will new intermunicipal agreement be required between Town of Maine and Town of Union and Village Johnson City?

Does Johnson City Wells have capacity to serve?

D.2.d Will the proposed action generate liquid waste?

IDA answers YES and

D.2.d.i does not forecast waste generation _____gallons per day

D.2.d.ii Nature of liquid waste to be generated (sanitary, wastewater, industrial, if combination, describe all components and approximate volumes or proportions of each)

No Answer, Sanitary extent to be determined in the GEIS.

D.2.d.iii will the proposed action use any existing public wastewater treatment facilities? **IDA answers NO**

IDA wants to build NEW Industrial / Corporate / Business / Technology Park?

Assumption is private septic systems then, FOR ALL USES?

D.2.d.iv will a new wastewater (sewage) treatment district- be formed to serve the project site? **IDA answers NO**

No district extension?

No connection to existing sanitary sewers in Town of Union?

No main extension or out of district uses in the Town of Maine?

Johnson City Binghamton Treatment plant does not accept industrial discharges.

Refer to Rules and Regulations Related to use of the Binghamton-Johnson City Joint Sewage Treatment Plant, Dated September 1, 2021. Articles 6 and 7.

Will pretreatment facilities be required depending on each development parcel?

Would these be dedicated or privately operated pre-treatment systems?

How does the agency know what the action will include?

Segmentation if sewer districts and extension are required.

What are the potential impacts to groundwater, private wells, in the vicinity of the park?

D.2.e will the proposed action disturb more than one acre and create stormwater runoff? IDA answers YES

D.2.e.i how much impervious surface will the project create in relation to total size of the project?

IDA answers, Details TBD. Additional information to be provided in the GEIS.

IDA should be sharing its Conceptual Site Plan as documented in the IDA's November 3, 2023, RFP. THE IDA states **"with the initial site evaluation a conceptual development plan was prepared to test the capacity regarding buildings and road layout"**. Infrastructure needed to be conceptualized before the Part 1 of the EAF is completed so all agencies and assess the potential impacts. The IDA has also not referred to all other studies completed by their team, including Wetlands, geotechnical borings, sampling, utility and infrastructure capacities and locations, from the September 2022 RFP.

IDA indicated in the RFP dated November of 2023 that a Conceptual Plan has been created!

IDA provides no information on its original Conceptual Analysis performed by Shumaker / Hunt Engineering, as defined in its September 2022 RFP for "Initial Evaluation".

D.2.j will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services., IDA answers YES

IDA has indicated building a new looped roadway off Airport Road with two intersections at the Town of Maine Meeting on November 21, 2023: one at its northern limits off either Bartel Road or new access adjacent to 1689 Airport Road. Second access was proposed near the Sports Dome, Intersection Airport Road, and Middle Stella Ireland Road.

Bartel Road has existing grade of 15%.

Airport Road is a rural highway posed at 55 mph with areas recommended signage of 40 mph.

Airport Road has many areas of limited sight distance for a new Industrial Park access.

All potential highway impacts need to be identified and addressed in SEQR.

Addition turning lanes

Reducing posted speed limits

Widening existing roadways

Signalization of intersection

Airport Road is the main transportation corridors to the Broome County Landfill.

It also gathers trip generation for the Broome County Airport.

E. Site and Setting of Proposed Action

E.1 No information has been provided in table associated with E.1.b

E.2h. Potential Contamination History

IDA answered YES, and cited Spill 0907355 and 0551108

IDA retained Shumaker to Perform a Phase 1 ESA on three Parcels, with eight under contract.

I reviewed the Phase 1 Report and sent a letter dated October 6, 2023 to the Town of Maine Town Board and copies to the IDA.

I cited many lacks in due diligence in the preparation of the ASTM E1527 Phase 1 Report.

HUNT, acquired Shumaker, which sent a response to the Town, and dismissed all of my observations. Refer to Hunt letter dated October 19, 2023, to Town of Maine Supervisor. Many of these areas are identified on Drawing C3.0.

At this time, the IDA has contracts on 8 parcels totaling 420 +/- acres (based on IDA) and 475 acres based on Broome County GIS.

The historical use was a 60+ acre orchard that operated from the turn of the century into the late 1960's to early 1970's.

The elevated tanks were never investigated in the orchard by the IDA's consultants.

The original well remains, adjacent to one of the tanks, and has not been abandoned.

There is a large farm dump with numerous drums and debris from the orchard operations.

In EAF Workbook, for Part 2, Hazards to Human and Public Health.

Agricultural lands (vineyards, orchards, croplands) Land planned for development may have had pesticides and other chemicals applied onto them in the past.

Consider including:

**Some pesticide residues (e.g., arsenic) can persist in the soil and groundwater for several decades*

**Potential exposure to drinking water, air, and direct human contact.*

I had also reported on an undocumented 2+ acre C/D disposal area off Airport Road.

The IDA consultants could not find or identify, based on their response on October 19th.

I made a report to the NYSDEC and complained about numerous pails of materials in the fill along my boundary.

NYS DEC did investigate, a violation from Division of Water was issued to the owners.

ECO reported he had cited this location several times over the past 20 years.

Weeks later, a drilling and sampling team was observed on this nonexistent fill area according to the IDA and its consultants.

I also noted the location of the original Rockefeller Pipeline installed in the 1880's, America first intrastate pipelines. These lines are exposed and no records on when or how they were decommissioned.

E.2 Natural Resources on or Near Project Site

E.2.a Depth to Bedrock, IDA notes greater than 5 feet.

Requested IDA to share all its reports from the initial study.

This was one of the items in the IDA RFP from September 2022. Was this task performed?

Complete 15 soil borings on slopes 0 – 20%, provide boring logs.

No reports have been made available to any agency or public.

IDA states in Part 1, average depth to bedrock is greater than 5 feet and no bedrock is exposed.

IDA state's Part 3, bedrock is exposed or within 5 feet.

How can it be both?

E.2.f Approximate proportion of proposed action site with slopes, IDA does not answer:

Approximately 40 percent of the site is greater than 15% slopes, refer to my drawing C2.0.

This was one of the items in the IDA RFP from September 2022. Was this task performed?

IDA is completely non-transparent, shares no records with agencies or the public.

E.2.h Surface Water Features, IDA acknowledges wetlands and Choconut Creek as Class "C".

There are several other tributaries depending on final parcel configuration, refer to drawing C3.0.

E.2.h.v, IDA indicated NO water bodies listed in the most recent compilation of NYS waters:

DEC Resource Mapper identifies Little Choconut Creek as a 303D Stream.

DEC Resource Mapper also identifies a TMDL Watershed.

E.2.m IDA does not identify any wildlife species that occupy the project site:

Mammals include Black Bear, Whitetail Deer, Fisher, Fox, Coyote, and many other furbearers.

Birds: Eagles, Raptors, many varieties of owls, unknown on migratory nesting birds.

Fish: Little Choconut Creek is a class "C" stream, variety of fish observed and caught in the creek.

E.2.q., Is the project site or adjoining area currently used for hunting, trapping, fishing, or shell fishing. IDA states NO

This answer is clearly yes.

Development will have a major impact on hunting opportunities on the adjoining property.

All the neighbors on the west side of Airport Road near this park treasure our family land, especially for hunting.

Part 2 IS TO BE COMPLETED BY THE LEAD AGENCY

IDA and Town of Maine seeking lead agency status.

No lead agency has been established at this time.

In conjunction with Part 3, the IDA and its consultants do not follow the NYSDEC Workbook in defining impacts. The IDA indicates no to small impacts on several section 6, 9, 15, and 16. It further does not identify impacts on sections 2, 5, 7, 11 and 12. Based on the NYS DEC workbook for Part 2 of SEQR, at least 5 of these sections should have some of the boxes checked for moderate to large impacts. The IDA and its consultants do not deserve the Status as Lead Agency. They lack transparency and will not define the scope of this overall project and all potential impacts leading to segmentations.

1.Impacts on Land [Workbook Items](#):

a.& b. There are many springs on the steep slopes draining to Litte Choconut Creek, water table is less than 3 feet.

c. bedrock is shallower than five feet (just walk the hillside if you can)

d. Action will move over 1,000 tons to develop roads, infrastructure, and buildings.

f. Little Choconut Creek drainage area is very steep slope with erodible soils, sedimentation of the Broome County Watershed Reservoir.

2. Impacts on Geological Feature

Generations of Kids have been collecting fossils in the creek and shale beds for a very long time.

3. Impacts on Surface Waters

a. new storm water management facilities will need to be constructed.

e. With the steep slopes and Litte Choconut Creek as a TMDL and 303D, erosion of the steep slopes will be a constant issue during construction.

g. Based on IDA answers in Part 1, there will be no sewer district extension. Will this all be on septic?

h. Siltation of the Broome County Flood Control Dam, off Airport Road in Town of Dickenson.

k. IDA notes proposed action may require the construction of new, or expansion of existing wastewater treatment plant. Where will industrial and sanitary wastes be treated? What are the capacity of the existing facilities? Closest is joint Binghamton-Johnson City with prohibition of industrial Waste. Will a pretreatment facility need to be constructed? Who would own and operate?

4. Impacts on Groundwater.

c. IDA answers no. The proposed action may allow or result in residential uses in areas without water and sewer services. I would hope if creation of 3,000 new jobs occurs, new homes are constructed near the jobs being created.

f. Petroleum Bulk Storage is a reality for this Industrial/ Corporate / Business Park. With the NYS ban on natural gas services in 2026, back-up power will be petroleum with storage requiring large fuel tanks.

5. Impacts on Flooding, Box should be checked YES

This small section of Broome County has numerous flood control structures. This area has four existing distinct drainage areas all conveying run-off to existing surface waters, refer to drawing C1.0 and C1.1. Two of these impounds are Broome County Flood Control Dams, one is on East Maine Road and part of a NYS DEC Freshwater Wetland. The second is off Airport Road in Town of Dickenson. Two others are privately owned ponds. If flooding wasn't a concern, why did the county build these structures?

6. Impacts on Air, (How can the IDA answer no to slight impact)

How can the IDA answer this question when they will not share the potential user and sizes of the structures? Agencies cannot assess impacts if absolutely no information is given.

The site is located 2.5 miles south of the Broome County Airport on its glide path. The proposed park site is at an elevation higher than the runways at the Broome County Airport. How is the FAA not an identified agency in Part 1. What are the potential impacts to aviation with construction of this park?

7. Impacts on Plants and Animals **the IDA checks the no box and moves on.**

How could the clearing and development of this new 585 acre Industrial / Corporate / Business / Technology Park not have a major impact on Loss of Flora and Fauna. This area is comprised of currently undeveloped rural lands, having an 60-acre orchard and various fields used for agricultural and livestock uses. The fields and orchard have been fallow for the past 40+ years.

Workbook Part 2 Items 7 g. and h. should clearly be noted as moderate to large impacts.

11. Impacts on Open Space and Recreation **(How can the IDA answer no impact)**

The Dellapenna family and friends utilize this area as the rest of the adjoining landowners have for decades. Our family share in the hunting traditions much like the James and Comfort families on either side of our parcel that have received the threatening Eminent Domain taking letter from the IDA. The EAF Workbook highlight discussion on impacts to wildlife and wildlife habitat, with the deforestation and loss of habitat for a 585 acre Industrial / Corporate / Business / Technology Park. This park will have an impact on Open Space and Recreation.

15. Impact on Noise, Odor, and Light **(How can the IDA answer no impact)**

The residences along Airport Road in the Towns of Union and Maine have long endured years of truck traffic associated with the Broome County Landfill. The increase in traffic during construction over the next 20-40 years and daily traffic to and from the park will negatively impact the quality of life for the residents and their home values.

Workbook Part 2 Item 15 a. Is the IDA going to perform sound studies to establish background existing noise levels. Currently there is no occupied development of these parcels, just historical orchard, farmland, and forest. The traffic will generate a noise impact to the residents by significantly increasing the heavy truck traffic on Airport Road. The overall traffic noise might not increase, the duration day and night surely will have a moderate to large impact on the residents along these roadways.

Workbook Item 15 b. is related to blasting within 1500 feet of residents' homes.

The IDA requested fifteen soil borings on the Dellapenna Parcels where slopes were 0 to 20%, upper orchard area. The IDA has noted that they would like the new roadway to intersect Airport Road near the Sports Complex. Bedrock is very shallow on the eastern side of the ridge and is exposed across my property at 1601 Airport Road. Blasting to install the roadways and infrastructure will be needed and will impact the residents.

Workbook Part 2 Items 15 d. and e. should clearly be noted as moderate to large impacts.

The park will no doubt have lighting systems installed for parking and way finding. This area of the Town of Union and Town of Maine is rural zoned and undeveloped where residence enjoy dark skies and very little sky glow from the southern urbanized areas.

In addition, one of the business types the IDA constantly bring ups is Agribusiness. Intergrow East Inc. completed one of its complexes just over five miles from my home in Webster NY. The sky glow from the greenhouse operations, if placed in a rural area, with no other lighting source, would be a major impact on the night sky.

16. Impact on Human Health (How can the IDA answer no to slight impact)

This question asks the reviewing agency to evaluate the potential impacts from exposure to any solid or hazardous waste.

The IDA, as part of the initial evaluation started in September 2022, hired a firm to complete a Phase 1 Environmental Site Assessment of the three Dellapenna Properties. At this time, the IDA reports that they have eight parcels under contract, and no further evaluations conducted into my original findings on the three parcels or the additional five properties they have under contract. I had the opportunity to review the Phase 1 Report and found it lacking due diligence and reporting on any negative potential impacts to the IDA purchase. After my review, I submitted a letter to the Town of Maine Town Board on October 6, 2023, and sent copies to the IDA. Hunt responded to the Town Board on October 19, 2023, without re-visiting the properties.

For the Public's Health, Safety, and Welfare, I have reported on the historical 60-acre orchard use, and associated farm dumps, drum disposal, tanks, and other relative features associated with a large-scale orchard operation.

Cite: recent news in Town of Parma, Monroe County articles by Steve Orr and Meaghan McDermott September 2018. An orchard was being redeveloped into a residential use. Topsoil was stripped off and used for a variety of community projects. Soil testing later revealed soil was contaminated with arsenic and DDT.

In Part 3 of the EAF, the IDA has acknowledged a significant portion of the site is within an archaeological buffer area. Do the archeologists and field staff have the right to know about potential exposure? Will the workers involved with clearing and stripping topsoil have the Right to Know? Due diligence would identify the historical orchard as REC and soil sampling conducted to limit the potential exposure to the public.

In addition, after receiving the response from Hunt, I contacted the local ECO. The NYSDEC investigated the property at 1577 Airport Road on November 3, 2023, where the IDA consultants said they observed no evidence of a C/D operation in the vicinity. The Division of Water wrote a violation for 2-acre fill site with no SWPPP. On November 17, 2023, a drill rig and sampling technicians were on site. I reached out to DEC, and they indicated they were not drilling. I contacted Broome County Highway; they were not aware of any drilling and had not received a Dig Safe Notification either.

Who becomes responsible for the Public's Health, Safety and Welfare if the IDA leads SEQR.

The IDA once again lacks due diligence in the completion of the required SEQR forms and documentation related to their proposed Park. The IDA team includes Harris Beach (Frank Pavia), EDR (Lisa Nagle), Hunt and Delta. The IDA continues to lack transparency and has not shared any related report, maps or documentation for the project started back in September of 2022. The IDA clearly states on page 2 of their RFP dated November 3, 2023 that a conceptual development plan was prepared to test the capacity regarding buildings and road layout.

What are the next step to ensure that the Town of Maine secures the Lead Agency Status?

Who do I need to contact to at the NYS DEC to support the Town of Maine's standing for Lead Agency?

Who else do I contact regarding the IDA's lack of Due Diligence in the preparation of these documents?

Does the IDA need to restart the SEQR Process and correct the forms before sending letter to the Involved and interested agencies?

Was it against the SEQR Law for the IDA to declare itself the Lead Agency, then POS DEC the action with absolutely no community involvement?

Thank you for your time.

Respectfully submitted,

Brendan Bystrak, PE (087235)

Brendan Bystrak

CC:

Joyce Grover, Town of Maine, Town Clerk

Emailed to: grover@townofmaine.org

Mr. Bob Lawler, Code Enforcement Officer

Emailed to: lawler@townofmaine.org

Art Robinson, Town Board Member

Emailed to: Robinson@townofmaine.org

Neighbors near me,

References:

NYS DEC Full Environmental Assessment Form (FEAF) Workbook

DOH Broome County, Orchards



September 23, 2024

To: Stacey Duncan, Executive Director
Broome County Industrial Development Agency

The following are the comments of Susquehanna Group of Sierra Club regarding the Draft Scoping Document for the Broome County Technology Park, also referred to as Broome Tech Park, in relation to the New York State Environmental Quality Review Act (SEQRA), in particular for the scope of items to be considered for development of a Draft Generic Environmental Impact Statement (DGEIS).

The local Susquehanna Group of the Sierra Club opposes the siting of the proposed business park, referred to as Broome County Technology Park, at the site near intersection of East Maine Road and Airport Road selected by the Broome County IDA. While we are supportive of development of appropriate sites in the area and value improving our Broome County marketing for future businesses, we are disappointed in the selection of this site. Several of our members walked a portion of the proposed site and found it to be relatively unsuitable for development.

We found the site to have a number of drawbacks including:

- (1) The area is mostly wooded, therefore requiring cutting and removing a large number of trees.
- (2) The site is quite steep in many areas, adversely affecting water runoff and complicating construction. Large buildings and parking lots would add large impermeable areas that would result in a huge increase in water runoff, which is compounded by the steep terrain. With increasingly severe high precipitation events, rainfall of 4 inches per hour or more for many hours, should now be considered.
- (3) There are inadequate water and sewage utilities, therefore requiring new lines to be built.
- (4) There would be limited accessibility to the proposed site via Airport Road and even worse via East Maine Road, with concern regarding increased local traffic and especially, truck traffic.
- (5) Within the area there are multiple springs which would be impacted by construction.
- (6) The site appears to not have been specifically chosen for any particular type of business, raising questions of whether prospective businesses would be interested.
- (7) The area is rural in character, and this development would significantly affect community character

What other alternative sites were considered, especially those that don't have steep terrain and have better access to transportation and utilities?

We heard that the site being considered, once had an active apple farm that was closed down because of lead and arsenic from the chemicals used at the farm. There is an old farm dump with 55-gallon barrels littered on the property. In addition, we were informed that a property on the Airport Road side has been cited by the Division of Water for violation for a landfill of over one acre with NO permits.

The Towns of Maine and Union control the zoning, and to our knowledge the site is not zoned for industrial development, with significant opposition to changing the zoning to accommodate the project. The towns deserve to be involved in the process for consideration of the project at this site.

We understand that the Industrial Development Agency (IDA) met with the Town boards, but only after purchase agreements for properties were in place. The Susquehanna Group of the Sierra Club has invited the IDA to present their proposal in more detail to our members at a future meeting. This has not been an example of transparent governance expected of the IDA.

Sincerely,



Valdi Weiderpass, Chair

Susquehanna Group of Sierra Club

P.O. Box 572

Endicott, NY 13760

Email of Valdi Weiderpass is wiederpa@aol.com

Public Comments: Broome Tech Park

From Diane Hill <dhill9@yahoo.com>
Date Mon 9/23/2024 10:20 PM
To Techpark <TechPark@theagency-ny.com>

RE: proposed Broome Tech Park

So this land off Airport Rd/East Maine Rd has been sitting there forever, untouched. This doesn't mean it's useless or a waste of space. It's an eco home to hundreds and thousands of living beings. It is priceless trees that help clear the air. But someone saw this land just sitting there, unused, "cheap" and bought it. Now they selfishly want a return on that purchase. They want to destroy this forested area, displace humans and animals, disrupt the eco-system, corrupt the natural resources, install electric grids, wires & pipes, pave roads, add more car exhaust pollution, and traffic all to put in buildings that are not essential and is not zoned for this rural area.

The Broome County Industrial Development Agency(IDA) seems to be trying hard to position themselves as 'environmentally friendly' in their public facing presentations - walking trails, outside art installations etc. Sorry but environmentalists PLANT TREES, they don't cut down hundreds of acres and install pavement and concrete. Climate change is destroying our planet. The recommendations are NOT to pave more, not to strip cut more, industrialize more. We save the planet by planting MORE trees. Reforestation. Not destruction.

Our roads (East Maine Rd/Kot Rd/Rhodes Rd) is already experiencing the effects of clear cutting land on a hillside and now residents have to deal with flooding, road erosion, and property damage. And no one is happy about this.

Even the 2023 Southern Tier Strategic Plan stresses the natural environment. (And if you want to read ahead to #4 COLLABORATION which isn't evident in the Agency's forceful push for this unwanted corporate park)

At the heart of this Plan are a set of values that guide the Southern Tier REDC's approach to economic development:

- 1. Equity:** Economic growth and physical planning will seek to benefit all Southern Tier communities, and to narrow racial, gender, socio-economic, and geographic disparities.
- 2. Diversity:** Strategies put forth by this plan will respect that the region is made up of many types of communities that bring different strengths and require different approaches.
- 3. Sustainability:** The region's natural environment is one of its greatest assets, and investments will seek to preserve this asset.
- 4. Collaboration:** The region will work and learn in partnership, across the public and private sectors, across counties, and with other regions of the state.

In Broome County there are lots of already developed space. Derelict factory sites (massive IBM complex), empty shopping plazas, abandoned storefronts, offices and buildings. Take over these sites and repurpose them instead of destroying pristine land. Show how to "green" these already industrialized sites. How great to have an office park be more centrally located so that future employees can access it via public transportation. They will be closer to restaurants and local services, shorter commutes, less gas used.

We also are less than impressed by the unprofessional actions and non-transparency by the Agency in trying to force this plan through at state levels while ignoring the local government and community. Before a plan was formulated and even near an environmental study the IDA was going at neighbors with 'eminent domain' takeover on private properties. They have refused to answer questions, even now after over a year of meetings. I have to wonder if the companies and prospective tenants they are chasing after to move into this corporate park are getting much more detailed plans than we are.

Stop the push for an unwanted, unnecessary corporate park on this rural land and destroying it simply for personal profit and against what the local community wishes for.

NO WAY I D A

Diane Hill
Rhodes Road/Town of Union

Public comment regarding Scoping Document Broome County IDA

From sue <suecapone@hotmail.com>
Date Tue 9/24/2024 12:00 AM
To Techpark <TechPark@theagency-ny.com>

I am writing to share my concerns regarding the proposed Broome County "Tech Park" by the Broome County IDA. These concerns encompass "land use, zoning and community character, community service and utilities, water supply, traffic, air quality and noise".

I have many concerns specifically towards the general land use, zoning and community character. I moved to the Town of Maine because of its rural appeal. I own 50 acres adjacent to the proposed site. This land is not zoned for industrial use by the Town of Maine, and the Town board has remained responsive and firm to our community's desire for this land to remain rural. They have pledged not to rezone this proposed site for any other use. The T.O.M. has developed a Comprehensive Plan that identifies specific areas for Industrial use and development which it appears the Broome County IDA continues to ignore. Their proposed site encompasses nearly an entire mountain top of beautiful rural green spaces owned for private use. It is a combination of open meadows, heavily wooded areas, wetlands, ponds, creeks and run off locations. It is inhabited by an enormous amount of wildlife within its boundaries. The IDA proposal would literally strip this mountain of its wild open spaces and completely upend and destroy the character of this naturally beautiful green space. It would certainly also displace countless native species of wildlife and would decimate the quiet country living of hundreds of local families. This proposal does not meet nor respect the local community's current status as rural and its wish to remain so. We do not want to destroy the current mountaintop, full stop.

I also have many concerns as it relates to the community's services, utilities, and water supply. The proposed site is situated outside of village police and fire coverage and would put an expansive drain on county resources due to its location. The families that live within and adjacent to the proposed site are on well water and septic systems. I have concerns that any additional development would put enormous stress on the available water. I have recently had to drill a deeper well water system due to the construction of one single family home next to my property. I am fearful that mine and surrounding homes may not be able to maintain an adequate water supply for our daily use if this tech park is constructed.

This tech park proposal would increase local traffic exponentially and I fear for the safety, increased noise and its affect on local air quality. Both roads surrounding the site are single lane, windy roadways with minimal to no shoulder. They will not support this additional traffic. If this proposed site is developed to its full expanse, surely these roadways would need to be redesigned for heavy traffic. This brings me to my final concern. The use of eminent domain to not only expand the size of the proposed park, but to grab land, space, and homes that currently hug the roadways should be a nonstarter for a park developed for potential private corporations. The IDA is either very naïve, or not being very honest with hundreds of additional homeowners with regards to eminent domain. They have already been busy bullying local landowners with the threat of eminent domain in order to satisfy their land grab. This is just plain wrong and in bad faith.

Overall, the local community, including myself, are all for bringing new jobs and opportunities to Broome County. However as taxpayers we would like to see our taxes better used to clean up the vacant brown spaces that litter our county and fill them with industry. I would like my taxes and local authorities to work towards building a more vibrant community and capitalize on opportunities to populate all of our currently designated industrial zones and not unnecessarily destroy green spaces and rural communities. The IDA has been dishonestly spreading information to our local and state politicians that they have only received positive feedback on this proposed industrial park. I have attended all public forums that they have held and I have not witnessed anything but negative concerns about their project. I believe they have failed in their argument for the need of a development of this size, they continue to be unresponsive to the local community feedback, and have been shamelessly non-transparent with the extent of their plans and actions within the community at large.

Sincerely,

Susan Capone
465 East Maine Road
Johnson City, NY

With regards to

Sent from [Mail](#) for Windows

Broome tech park concerns

From Jenny Mikulski <jmikulski13790@gmail.com>
Date Tue 9/24/2024 1:40 PM
To Techpark <TechPark@theagency-ny.com>

Hello,

I have owned my home on east Maine road for over a year now and with this project I feel that you have lacked transparency with the residents of this area for years. With you appointed as lead on the seqr and not appointed officials I feel that biased decisions will be made and maybe some info omitted. There are many concerns I have because of local wildlife and the green area. Another concern is the water table. Absolutely no resident or business currently in this area is on city or public water - they are all on their own well and septic systems. How's that going to come into play and has it even been thought of? No answer on that has been presented that I know of. In the long run the capacity of this project proposes a threat and a danger of drying up and/ or contaminating wells with no access to another water source which is concerning. The other issue is that no businesses have even been promised to come into this park. So is this just going to be a land grab for potential? We are threatening tax payers homes that have been owned for generations for potential?

The only consistent posting I have seen on the agency is the idea of battery storage facilities and the like to manufacture those items.

I thought the only other option for the IDA to proceed would be spot zoning which in nys I was under the assumption that that is illegal unless it was in favor of the town's comprehensive plan which the proposed park does not for the town or Maine.

I recently came across this proposed bill

<https://www.nysenate.gov/legislation/bills/2023/S7834>

This bill would over rule any towns decision if the park had a facility in relation to storing lithium ion batteries. There are numerous concerns with this . No businesses have been named to go into the park except for the assumption of a battery storing facility. This specific bill name and number is currently dead however my concern is it could be revised re named and renumbered which is why I thought that you werent too worried about the zoning decision. This alone confirms my fears.

This is very close to the airport and jc school system. If something were to go wrong it puts all facilities nearby in danger. The technology for this is new and can catch fire easily - water cannot put out a fire brought on by batteries. This has already occurred in Warwick my and east hampton. I feel that the project is being pushed even though the zoning for the town of Maine is against it due to this bill. If something like that were to happen that raises concerns with me as a resident as we have a smaller end squad.

I feel that this is still just a land grab even if the proposed project brings potential - so did the one in Conklin and so did the one in kirkwood - both have empty buildings now that are just rotting away.

Why threaten family's livelihood and memories for essentially something that will just rot and raise everyone's taxes???

I would like to close with the fact that literally none of my questions have been answered by anyone due to everyone's uncertainty and I have been under the impression that this has been in the works for atleast three years. Surely a straight answer can be said for some of these points.

Thanks,

Jenny mikulski



State of New York County of Broome Government Offices

Environmental Management Council

Jason T. Garnar, County Executive · Josh Enderle, Chair

Re: Broome County Tech Park Project EMC Comments

The Agency

Five South College Drive, Suite 201

Binghamton, New York 13905

To Whom It May Concern:

Thank you for the opportunity to comment on the Draft Scoping Document. We are writing as the Broome County Environmental Management Council. The EMC serves as advisors and a public forum for citizens throughout Broome County to participate in local government decision-making. We recognize the positive aspects of the proposed Broome County Technology Park, such as the potential opportunity for economic development and sustainable infrastructure. This also includes the possibility of future investments, improved transportation systems, and housing for local communities. The EMC recognizes the SEQR as a decision-making tool to help local and state agencies weigh the social, economic and environmental impacts of a proposed project before an action is taken. We hope to open a collaborative dialogue to ensure that all steps of the SEQR process are met and that the Broome County IDA and concerned citizens are able to reach a compromise that suits the best interests of all involved parties.

Listed below are our concerns regarding the overall SEQR process:

- The community was not invited to the table until the project location and design was already chosen. SEQR requires that the process begin “at the earliest possible time” and before any action is taken. The plans for this project began long before 2024, when the SEQR process began. A vote to purchase property is considered an action as defined by SEQR. In October 2023, the Agency was considering the purchase of 300 acres from Roseann Dellapenna as per an agreement dated November 7, 2022, at which time there were significant concerns about the project expressed by members of the IDA (Broome County IDA, 2023).
- SEQR has multiple thresholds which define a Type 1 Action, which are likely to have a significant impact on the environment that would require an environmental impact statement. The project is over the 100 acre threshold, requires the rezoning of agricultural land, and exceeds other defined limits, and therefore, as a Type 1 action SEQR requires that a Full Environmental Assessment Form be prepared to determine the magnitude and significance of the project (NYSDEC, State Environmental Quality Review, 2019, p. 9).

- The full EAF identifies a number of potentially significant issues, but also has a number of questions left blank (Broome County IDA, Full Environmental Assessment Form, p. 4, 6, 7, 8).

Listed below are our concerns regarding the draft scoping document:

SEQR requires that alternatives be explored to determine the best possible scenario to achieve the goals of the project while maximizing the benefits to the community and minimizing the impacts. The heart of the SEQR process is the examination of these alternatives in an open, transparent process. The alternatives were not shared and presented in the scoping document as required by § 617.8 (b) and (e). (NYSDEC, State Environmental Quality Review, 2019, p. 6). For example, the IDA owns over a hundred acres of land in the Broome Corporate Park, and there are hundreds more acres that are privately owned but still undeveloped in the vicinity. The infrastructure and industrial zoning of those areas are likely more amenable to development than the residential and agricultural zones of the selected site. This is a reasonable alternative that should be considered.

SEQR requires that the scoping document identify the issues that are likely to have significant impacts on the environment, specifically those identified in Part 3 of the full EAF, as per § 617.8 Scoping (b) and (e). The impact areas identified are: Impact on Land, Impacts on Surface Water, Impact on Groundwater, Impacts on Air, Impact on Agricultural Resources, Impact on Aesthetic Resources, Impact on Historic and Archeological Resources, Impact on Transportation, and Impact on Energy, Impact on Noise, Odor, and Light, Impact on Human Health (Broome County IDA, 2024). Likewise, the Scoping document does not include known details and aspects of the project or the site location that would inform the public more fully on the scope of the EIS - which is the primary goal of scoping.

In essence, the draft scoping document submitted for review is a standard outline of any scoping document, which could apply to any development project. A comparison of the text of the scoping document shows a 44% similarity report to internet sources, but none are cited in the document. This may suggest a lack of knowledge of the project, combined with a direct “cut and paste” from other sources. More importantly, the lack of detail hints that the preparers did not create a transparent document intended to invite a full and fair discussion of the benefits or impacts of the project.

Additionally, the scoping document refers to the preparation of a Generic EIS or GEIS throughout the report. As per its definition in § 617.10, Generic EIS’s are broader in scope and more general than a site-specific and project-specific EIS that suits this endeavor. The use of the term Generic EIS does not seem suited to this site-specific project, unless there are plans to significantly broaden the scope of the EIS.

Indeed, a generic EIS would have been most beneficial in the conceptual stages of expanding the opportunities for economic development in our community. An open, transparent and early process would have created an atmosphere of trust, engagement and support for the Broome Tech Park. It

is our sincere hope that the IDA will use the SEQR process as intended, as an integral part of the Agency's decision-making process which involves the public throughout the planning process.

We are writing as concerned stakeholders and we hope to have a productive dialogue to encourage collaboration and teamwork. The Broome County EMC would be more than happy to extend a helping hand to encourage transparency and offer an open forum for discussion.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Josh Enderle". The signature is fluid and cursive, with a large initial "J" and "E".

Josh Enderle, Broome County Environmental Management Council Chair

Sources cited:

Broome County IDA, Board Minutes, October 18, 2023

<https://theagency-ny.com/manage/storage/uploads/00000002218.pdf>

Broome County IDA, Full Environmental Assessment Form, February 14, 2024

<https://theagency-ny.com/manage/storage/uploads/00000002254.pdf>

NYSDEC, 6 NYCRR Part 617 State Environmental Quality Review, 2019

https://extapps.dec.ny.gov/docs/permits_ej_operations_pdf/part617seqr.pdf

Public comment regarding Scoping Document Broome County IDA

From peter capone <ppcapone1@outlook.com>
Date Tue 9/24/2024 8:30 PM
To Techpark <TechPark@theagency-ny.com>

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I have many concerns specifically towards the general land use, zoning and community character. I moved to the Town of Maine because of its rural appeal. I own 50 acres adjacent to the proposed site. This land is not zoned for industrial use by the Town of Maine, and the Town board has remained responsive and firm to our community's desire for this land to remain rural. They have pledged not to rezone this proposed site for any other use. The T.O.M. has developed a Comprehensive Plan that identifies specific areas for Industrial use and development which it appears the Broome County IDA continues to ignore. Their proposed site encompasses nearly an entire mountain top of beautiful rural green spaces owned for private use. It is a combination of open meadows, heavily wooded areas, wetlands, ponds, creeks and run off locations. It is inhabited by an enormous amount of wildlife within its boundaries. The IDA proposal would literally strip this mountain of its wild open spaces and completely upend and destroy the character of this naturally beautiful green space. It would certainly also displace countless native species of wildlife and would decimate the quiet country living of hundreds of local families. This proposal does not meet nor respect the local community's current status as rural and its wish to remain so. We do not want to destroy the current mountaintop, full stop.

I also have many concerns as it relates to the community's services, utilities, and water supply. The proposed site is situated outside of village police and fire coverage and would put an expansive drain on county resources due to its location. The families that live within and adjacent to the proposed site are on well water and septic systems. I have concerns that any additional development would put enormous stress on the available water. I have recently had to drill a deeper well water system due to the construction of one single family home next to my property. I am fearful that mine and surrounding homes may not be able to maintain an adequate water supply for our daily use if this tech park is constructed.

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Sincerely,

Peter Capone
465 East Maine Road
Johnson City, NY



Town of Maine

P.O. Box 336

Maine, N.Y. 13802

607/862-3334 Town Hall, Lewis St.
607/862-9209 Highway Garage, Nanticoke Rd.
607/862-4057 Fax Number

September 18, 2024

VIA CERTIFIED MAIL AND EMAIL

techpark@theagency-ny.com

Stacey Duncan, CEO and Executive Director
Broome County Industrial Development Agency
5 South College Drive, Suite 201
Binghamton, NY 13905

Re: The Broome County Technology Park
Towns of Main and Union, Broome County, NY
Draft Scoping Document Comments

Dear Ms. Duncan:

I am writing on behalf of the Town Board of the Town of Maine in response to the Draft Scoping Document for the above-referenced project. The IDA's Draft Scoping Document fails to satisfy the regulatory requirements and it fails to incorporate important aspects of the environmental analysis required for a thorough review. The Maine Town Board requests that the IDA consider the following comments.

Procedural Background

The purpose of an EIS is to systematically analyze the full range of potentially significant adverse environmental impacts of a proposed action at a level of detail needed to properly assess the impacts, and how those impacts can be avoided or minimized. EISs should be written in plain language that can be read and understood by all [§ 617.9(b)(1)].

Formal scoping is required for all EISs. The scoping process has several objectives - to identify the specific issues to be addressed in the EIS; describe the extent and quality of information needed; list available sources of information; specify study methods or models to be used to generate new information, and to define the nature and presentation of the data to be generated by the studies and models; define reasonable alternatives; and specify possible measures for mitigating potential impacts.

The written scoping document provides a means of ensuring that significant topics have not been overlooked or missed, and that the level of analysis in the EIS satisfies standards established during the scoping process. The scoping document acts as the outline that will be used to prepare the DGEIS and to determine whether a draft EIS is adequate for public review.

Therefore, the scope must be prepared with a level of specificity that expresses to the reader what the expectation is in how the data, graphics, reports, recommendations, alternative, and reasonable alternatives will be presented.

This particular EIS is a generic EIS. A generic EIS may be broader and more general than a site or project specific EIS and should discuss the logic and rationale for the choices advanced as a broad range of future projects is likely to result from the action contemplated. Therefore, the DGEIS must include enough information to understand the significance and magnitude of the potential impact for the array of alternatives identified.

Comments on the Draft Scoping Document

With the above in mind, the scoping document should include a list of deliverables for each topic which clearly identifies what will be studied and how that information will be presented in the DGEIS. A collaborative effort with involved agencies is necessary to understand what the reasonable deliverables are based on what is known about the use, location, and value to the public these properties represent.

The following list must be included in the Draft Scoping Document to provide the level of detail necessary to analyze the existing conditions, the potentially significant environmental impacts, and to develop reasonable mitigation measures:

Cover Page

- Identify that the Scoping Document is for the preparation of a Draft Generic Environmental Impact Statement for the Broome County Technology Park.
- “Prepared for” should be changed to Project Sponsor.
- Identify the Lead Agency.
- Provide a page after the cover page and before the table of contents that identifies the following:
 - Date of issuance of the positive declaration.
 - Date of the public scoping session.
 - Date through which public comments will be accepted.
 - Provide a project sponsor contact person and contact information.
 - Provide a Lead Agency contact person and contact information.

Introduction

- Identify the acreage in each of the Towns of Maine and Union and include the current zoning districts within each municipality.
- Describe the SEQR review agencies (Lead Agency, Involved Agencies, and Interested Agencies) and their responsibilities in the process. A list of each of the Involved Agencies and Interested Agencies (at the time of the environmental review) for the proposed action shall be provided. Also provide a list of members of the public that have expressed an interest in the proposed action, if applicable.
- The Table of Contents shall also include subsections.

1.0 Executive Summary

- In addition to the items already identified in the Draft Scoping Document, the following shall also be briefly discussed in the executive summary:
 - A discussion of the history of the project site, any previous development proposal or studies, current conditions, relevant history of SEQRA process (i.e., relevant dates establishing Lead Agency, the date of adoption of the Positive Declaration, date of the acceptance of the Scoping Document) and purpose of DGEIS.
 - Produce a detailed description of the Project purpose, need and public benefit.
 - Describe the anticipated type of development being proposed including overview of project layout, types of proposed structures, parking, loading, circulation, landscaping, lighting, signs, and utilities.
 - Access and street network.
 - Significant beneficial and adverse impacts.
 - Unavoidable adverse environmental impacts.
 - Irreversible commitment of resources.
 - Alternatives to propose action, including the mandatory no-build alternative.
 - Summary of impacts on utility and transportation infrastructure.
 - Summary of impacts on energy and solid waste management.
 - Summary of growth inducing impacts.
 - List of Involved Agencies.
 - List of Interested Agencies.

2.0 Description of the Proposed Action

- List what types of maps will be provided, such as a regional map, town maps, tax maps, zoning maps, etc.
- Provide the addresses and tax identification number for each of the properties involved.
- Identify and graphically show existing easements.
- With regard to “nearby residential areas” “protected or natural manmade features” “dominant land use” as noted in the Draft Scoping Document, a numerical distance from the project site must be determined to understand the study area. Given the size of this site and its rural nature, at least a ¼-mile study area should be established.
- The site description should include existing zoning, site characteristics, soil and topography, vegetation conditions, wetlands, wildlife habitat, cultural and historic resources, and the prior and present use of the site.
- This section should explain the design and layout of the proposed action.

Project Area

- Proposed impervious surfaces.
- Area of disturbance, including utility areas.
- Description of natural areas and areas of the site to remain undisturbed.
- Areas of open space.
- Stormwater management/drainage plans.

Structures

- Building areas.
- Layout of buildings and structures.
- Sample building elevations.

- o Fire protection for the buildings in terms of capacity requirements.

Site access, vehicular and pedestrian circulation, and parking

- o Description of access to nearby public transportation facilities or inclusion of public transportation on the site.
- o Description of location and ownership of roads and emergency access.
- o Description of proposed public and private rights-of-way.
- o Pavement area and pavement types.
- o Description of on-site vehicle, bicycle, and pedestrian circulation, including ingress and egress.
- o Description of construction vehicle access during construction and post-operation.
- o Description of access to nearby bicycle lanes.
- o Description of access to nearby sidewalks.
- o Number of parking spaces and parking layout.
- o Locations and numbers of EV charging stations.
- o Any improvements to public rights-of-way or other public improvements.

Landscaping, Lighting and Signage Plans

- o Conformity with Towns of Maine and Union requirements.
- o Description of existing and proposed landscape buffers in relation to potential site visibility.
- o Description of site lighting, including hours thereof.
- o Provide a lighting/photometric plan depicting existing and proposed outdoor lighting throughout the site, showing values in footcandles.

Utilities

- o Sewer.
- o Water.
- o Drainage.
- o Electric and Natural Gas.
- o Garbage and Recycling.
- o Energy and Utility saving features.
- o Solar, cable, and personal wireless telecommunications facilities.

3.0 Existing conditions, Potential Impacts, and Mitigation Measures

- This section shall clearly provide a detailed discussion of the known and anticipated adverse environmental impacts of this project; the severity of the impact, and practical mitigation measures designed to avoid, minimize, or offset the impact; unavoidable adverse environmental impacts, and irreversible commitment of resources; and alternatives including the mandatory no built alternative. The following minimums shall be included in the scoping document, listed in the order in which they appear:

3.1 Land Use, Zoning and Community Character

- The Draft Scoping Document identifies that “the GEIS will analyze and discuss the Project’s compliance with the intent and provisions of the relevant zoning laws of each town. If the Project does not comply with local zoning or project plans do not meet certain design standards, the DGEIS will discuss various options for compliance.” This statement is vague and incomplete. The Project should comply with the goals and objectives of the town comprehensive plan and any other local, regional, and state plans, initiatives, and laws, as well as local zoning regulations.

Existing Conditions

- Evaluate the existing population. Identify if there are seasonal fluctuations.
- Include the discussion of the goals and policies set forth in the Town of Maine and Town of Union Comprehensive plans, as well as adopted policies and/or plans set forth within local and regional land use, planning, and development documents, such as open space, farmland, and watershed plans.

Potential Impacts

- Discuss the potential impacts of the project on population growth and the effects of population growth on the economy and existing land uses of the Town.
- Discuss the positive and negative impacts of population growth.
- Provide an analysis of the change in the local economy (including restaurants, shopping, services, etc.) that would likely occur as a result of the completion of the project, including jobs which support the project, construction related jobs, Town services, and the economic benefits due to indirect spending generated by residents and employees of the Project.
- Discuss fiscal and economic impacts.
- Discuss how the project could potentially impact community character and future development trends.
- Discuss housing needs.
- Discuss the impact this project may have by increasing the development needs or potential of the area.
- Describe the fiscal and economic impacts the project will have.
- Discuss the design and compatibility of the Project with the context of the built environment, i.e., adjacent uses, and pattern of development.
- Discuss the compatibility of the Project with existing community plans including consistency with adopted policies and/or plans as set forth within local and regional land use, planning, and development documents, including the Town and County comprehensive plans, open space and farmland protection plans, and Watershed Plans.

Potential Mitigation

- Discuss appropriate mitigation measures for the change in the use of the land and its anticipated compatibility with the surrounding area.
- Identify sustainable design elements and green stormwater management practices meant to mitigate an increase in density as a result of the Project.

- o It should be identified that mitigation will be proposed for identified adverse environmental impacts, as necessary. Unavoidable adverse impacts will be identified, and quantified if possible.
 - o Discuss if amendments to existing community plans will be required and if any mitigation measures will be required to bring the project in line those plans.

3.2 Community Services and Utilities

Existing Conditions

- o In addition to police, fire and emergency services, schools should also be included in this analysis.
- o Include their locations, staffing levels, equipment availability, and average response time to the site. Emergency services should include police, fire, ambulance and rescue squads, whether volunteer and paid.
- o Evaluate the existing capacity of the public water and sewer systems, and the ability for the systems to be expanded to include this project.
- o Consider other projects that are proposed that will rely on the same services.
- o Evaluate the existing water source(s).

Potential Impacts

- o Discuss the effects of additional demands on schools, fire, police and emergency medical services and their capabilities to service the Project.
- o Discuss appropriate mitigation measures for the change in community character resulting from the provision of water and sewer to this project and the reallocation of such from other proposed and future projects.
- o Mitigation measures should be provided which address the identified adverse environmental impacts. Unavoidable adverse impacts should also be identified and quantified, if possible.
- o Discuss the methodology of the architectural design, site planning, building placement, and choice of materials and colors to integrate the Project into the site to ensure compatibility with the existing built environment or natural conditions of the property.
- o Discuss the effects of additional demands on the local Highway Departments.

3.3 Geology, Soils, and Topography

Existing Conditions

This section should specially list what will be analyzed:

- o Identify site slopes and ranges (0-10%, 10-15%, 15-25%, 25%+).
- o Provide a grading and cut and fill analysis of the site.
- o Discuss the removal and/or reuse of existing vegetation and topsoil.
- o Discuss construction impacts and procedures, including erosion control measures, dust control, and other temporary impacts.

- o Given the previous use of the land as an orchard, discuss soil testing methods to detect the presence of agricultural chemical residues, such as but not limited to pesticides, herbicides, arsenic, mercury, etc., in soil and their relationship to acceptable levels as identified by local, state, and federal standards.
- o Farm dump locations shall be identified.
- o Construction phasing of the project, including a schedule of construction milestones (i.e., site clearing, grading, stormwater management, infrastructure, foundations, etc.); construction practices; truck access routes; and import/export of natural materials.

Potential Impacts

- o Quantify slope disturbance by category resulting from the Project and depict on topographic map with two (2) foot contours, including existing and proposed contours.
- o Discuss phasing schedule and methods to limit the area of disturbed soils.
- o Discuss avoiding the removal of existing vegetation and topsoil.
- o Discuss impact of removal of vegetation and topsoil on habitat.
- o Discuss adequate soil erosion and sediment control measures designed in accordance with the NYS Department of Environmental Conservation's "New York Standards and Specifications for Erosion and Sedimentation Control" (current version).
- o Discuss the proposed grading plan for the Project and estimate proposed cut and fill earthwork volumes. If earthwork volumes cannot be balanced on the site, the anticipated volume of earth to be imported to, or exported from the project site shall be defined. The number of truck trips associated with any import/export activities shall be estimated and the anticipated routing of such truck trips shall be identified. Discuss truck trip timing and traffic control.
- o Discuss the reuse limitations or proper disposal of agricultural soils on the site.
- o Discuss the types and amounts of farm dump materials in each location identified.
- o Discuss the need for any retaining walls or similar stabilizing measures.
- o The Draft Scoping Document does not specifically identify a preliminary geotechnical report, which will be required to determine constructability requirements. This report should be included as an Appendix to the DGEIS.

Potential Mitigation

- o Discuss elements of the Project design and site layout which eliminates or minimizes impacts to mature vegetation, steep slopes, and sensitive soils.
- o Discuss mitigation as required, including construction methods and phasing, and best management practices that will be employed.
- o As necessary, discuss construction de-watering and rock removal mitigation techniques.
- o Following construction all disturbed areas should be stabilized and all soil and sediment control measures must be removed.
- o Identify cleanup procedures for contaminated soils and other debris identified on the Project site.

3.4 Ecological Communities/Threatened and Endangered Species

The Draft Scoping Document describes the “Dominant ecological community...based on site investigations and publicly available sources where site access is not feasible.” It is unclear why there are portions of the site that are not accessible. At a minimum, a habitat assessment should be conducted in each of the four seasons over several days to monitor and record activity on the entire site. In addition, the analysis should not be limited to the “dominant ecological community.” The analysis should include the entire ecological community, including migratory birds, which should be protected by limiting the construction season outside the general bird nesting season from March through August, or those areas proposed for construction during the nesting season by survey, and when occupied, such areas should be avoided until the young have fledged.

Existing Conditions

- o A Comprehensive Endangered/Threatened Specials Habitat Assessment Report shall be prepared by a qualified biodiversity professional. This assessment shall be included as an Appendix to the DGEIS.
- o Description and mapping of habitat cores, forest cores, meadows/farmlands, and forest index patches, where appropriate.

Potential Impacts

- o Discuss impacts of the Project on the potential loss of existing ecosystems which support existing plants and wildlife habitats, and the potential for the degradation of these natural systems that result in the loss of species.
- o Discuss impacts on wildlife displacement, loss of nesting/breeding, foraging, and over-wintering of wildlife, and potential for wildlife accommodation on and off the site.
- o Discuss the retention of wildlife travel corridors and interconnectivity with off-site wildlife travel corridors.

Mitigation Measures

- o Identify methods to eliminate or avoid, to the maximum extent practicable, disturbance of plant and animal ecosystems and habitat.
- o Identify that a consultation will occur with New York State Department of Environmental Conservation (NYSDEC), U.S. Fish and Wildlife Service (USFWS), and NY Natural Heritage Program, to determine if special conditions of development or permits are required.

3.5 Surface Water Resources and Wetlands

Existing Conditions

- o Include locations and descriptions of existing water wells both on the site and within ¼-mile of the project site.
- o Reference the stormwater management report that will be provided in Section 3.5 and discuss the erosion and sediment control measures.
- o Discuss any locally designated wetlands and buffer areas.

Potential Impacts

- o Discuss potential for diminished water quality of surface waters by erosion due to construction and long-term operations.
- o Discuss any encroachments into surface water resources including whether encroachments are temporary or permanent.

Mitigation Measures

- o Discuss methods to minimize activity near wetland resources.
- o Discuss methods to maintain protections of on-site NYSDEC, USACE, and if applicable, locally designated wetlands and buffer areas.
- o Mitigation measures shall be provided for identified adverse environmental impacts, as necessary. Unavoidable adverse impacts shall also be identified.

3.6 Stormwater Management

Existing Conditions

- o In addition to providing a stormwater management plan that meets New York State stormwater requirements (SPDES) for quality and quantity, demonstrates that the proposed action does not exacerbate existing drainage conditions.
- o Provide the location, type, and discussion of existing and proposed stormwater management facilities, including a discussion of existing MS4 community requirements.
- o Describe the depth to the water table.

Potential Impacts

- o In addition to the potential impacts identified in the Draft Scoping Document, include a discussion of potential impacts from future drainage patterns, stormwater peak discharges, stormwater quantity reduction and stormwater quality, with regard to on-site and off-site receiving waters and wetlands.
- o Discuss potential for diminished water quality of surface waters by erosion due to construction and long-term operations.
- o Discuss Stormwater Pollution Prevention Plan (SWPPP), which shall include a sediment and erosion control plan. The SWPPP shall be provided as an appendix in the DGEIS.
- o Discuss any encroachments into surface water resources including whether encroachments are temporary or permanent.

Mitigation Measures

- o Use of alternative innovative stormwater management techniques to promote the infiltration of stormwater and minimize the generation of surface runoff.
- o Green stormwater practices shall be discussed, such as the reuse of collected stormwater from impervious surfaces for irrigation purposes, pervious and/or permeable pavement materials, onsite infiltration practices, bioretention, etc.
- o Mitigation measures shall be provided for identified adverse environmental impacts, as necessary. Unavoidable adverse impacts shall also be identified.

3.7 Water Supply

Existing Conditions

- o Identify impacts associated with extensions of existing water supply to serve the Project.
- o Identify location of all on-site and off-site utility improvements necessary to facilitate the Project.
- o Provide three-year summary of water (2021-2023).

Potential Impacts

- o Provide itemized estimate of water and wastewater capacity requirements for Design Flow (NYSDEC Hydraulic Loading Table) and Probable Flow (actual water demands from comparable projects).
- o Review WATERCAD hydraulic model of the Towns of Maine and Union Water Distribution and assess the impacts at critical nodes for the following conditions: Average Demand (gpm), Peak Hourly Demand (gpm) and Fire Demand (Sprinkler plus Hydrant Reserve).
- o Provide a summary of average daily demand and peak demands of water.
- o Describe proposed water main extension to the project and provide a calculation of fire flow requirements based on NFPA guidelines.
- o Discuss compliance with the Towns of Maine and Union Comprehensive Plans and Capital Improvement Programs for expansion and/or improvements to the water infrastructure.
- o The water analysis shall be provided as an appendix in the DGEIS.

Mitigation Measures

- o Discuss regulatory compliance with local, state or federal requirements or program objectives.

3.8 Sanitary Sewer Service

Existing Conditions

- o Identify impacts associated with extensions of the existing sanitary sewer system to serve the Project.
- o Identify location of all on-site and off-site utility improvements necessary to facilitate the Project.
- o Discuss the sewer credit requirement for the Binghamton/Johnson City Joint Sewage Treatment Plant.

Potential Impacts

- o Provide a summary of average daily demand and peak demands of water and sewer usage, and gas and electric needs.
- o Identify the types of industrial wastewater discharge anticipated and its strength to ensure it is adequately accounted for.
- o The review of the capacity of the existing WWTF and conveyance system shall include a summary review of flows and performance for the years 2021-2023. Highlight and provide average of the highest 3 months of flows for each year. Provide

analysis of additional flow and organic loading under two conditions: Design Flow of Project and Probable Flow of Project.

- o Discuss compliance with the Towns of Maine and Union Comprehensive Plans and Capital Improvement Programs for expansion and/or improvements to the sewer infrastructure.
- o The sewer analysis shall be provided as an appendix in the DGEIS.

Mitigation Measures

- o No comments.

3.9 Energy and Telecommunications

Specify that this section is about energy demand, as it is different than Section 4.0 which addresses conservation of energy.

Existing Conditions

- o No Comments.

Potential Impacts

- o Energy demand calculations shall be provided as an appendix in the DGEIS.
- o Written confirmation (i.e., "Will Serve") shall be provided indicating utility service provider's ability and willingness to provide service to the Project.

Mitigation Measures

- o No comments.

3.10 Traffic and Transportation

Existing Conditions

The section identifies that the "relevant" existing conditions for vehicular and pedestrian traffic will be evaluated. The general public does not know what a typical traffic study includes and what is considered relevant. The traffic study shall include a comprehensive description of size, capacity, and physical condition of the roadways in the study area, including, but not limited to:

- o Classification and jurisdiction
- o Roadway width (edge to edge)
- o Number of lanes per direction
- o Presence of shoulders
- o General grade and alignment (hills and curves)
- o Speed limit
- o Roadway surface condition
- o Parking (permitted/prohibited/present?)
- o Sidewalks
- o Pedestrian accommodations, including sidewalks, crosswalks, curb ramps and pedestrian traffic signal equipment

- o Bicycle accommodations
- o Bus stops
- o Discuss planned/ongoing roadway projects being undertaken by NYSDOT, County, and/or the Towns of Maine and Union.
- o A list of roadways to be studied shall be included.
- o Traffic conditions for weekly AM and PM peak conditions shall be evaluated from historical data and by conduction turning movement counts. The time intervals shall be set for data collection and the intersections enumerate.
- o Traffic volume counts shall be provided.
- o Trip generation, turning movement counts, traffic volume, intersection capacity, etc., shall be included. Discuss the mix of vehicle types on the affected roadways.
- o Pedestrian and vehicular safety data shall be included.
- o Include accident history for roadways and intersections within the study area.
- o Document the location of school bus stops.
- o Public transportation shall be included.
- o Sightlines and sight profiles at Project driveways shall be provided.

Potential Impacts

- o On-site public transportation stops.
- o Provide adequate fire and emergency access verified with truck turning templates illustrating the maneuverability of large vehicles into and out of the Project site, as well and circulating with the Project site.
- o Identify the Project completion year and coordinate with the New York State Department of Transportation (NYSDOT) to determine the appropriate "Design Year."
- o Identify other projects which will generate a substantial volume of traffic through the study area and determine how much traffic these developments will add to the transportation network during peak hours.
- o Based on a consideration of historical traffic growth and the volumes of traffic to be added by the identified vicinity developments, establish an annual background traffic growth rate to grow the existing traffic volumes to the design year which will be reflective of the anticipated increase in general traffic activity in the area by that time. Identify the metrics to be used.
- o Grow the existing traffic volumes at the intersections identified in Existing Conditions section above and add the vicinity development traffic volumes to get the "No-Build" traffic volumes, with figures included in the DGEIS.
- o Using accepted sources, such as the current version of Institute of Transportation Engineers (ITE) publication, Trip Generation, or surveys of similar local facilities, determine how much traffic will be generated by the Project during the weekday AM and PM peak hours, as well as weekend peak hours. Trip Generation estimates should also be included for total weekday daily and weekend daily trips. Any seasonal variations in the Trip Generation should be identified.
- o Trip distribution patterns should be established for the generated trips, based on expected travel times and trip origins/destinations to assign the Project traffic to the study intersections, with figures included in the DGEIS.

- o The Project trips should be added to the No-Build traffic volumes for the intersections identified above to yield the "Build" traffic volumes, with figures included in the DGEIS.
- o Provide figures illustrating the Existing, Projected, No-Build, Site-generated and Build Traffic Volumes, as well as Site-generated Trip Distributions for the study area intersections.
- o Build and No-Build peak-hour traffic analysis at the intersections identified in Existing Conditions above using acceptable transportation analysis software, based on the Highway Capacity Manual. Where other identified projects are required to implement roadway improvements, these improvements should be included in the No-Build and Build intersection analyses, along with the other projects traffic. The resulting analyses should be compared (level of service, delays, and volume/capacity ratios - with tables provided in the DGEIS), and potential project impacts compared. This information should be provided for each location by lane group. Queues and available storage should also be provided.
- o At intersections with high accident rates, the number of Project vehicles added to individual turning movements should be identified along with the number of accidents that have been recorded on those movements.
- o Provide a discussion regarding the Project's potential impact, if any, to pedestrian, bicycle, and public transportation.
- o Indicate how parking will be provided and how peak parking demand will be accommodated by the number of parking spaces proposed, including the required number of ADA parking spaces. Peak parking demand estimates should be performed using accepted sources, such as the current version of Institute of Transportation Engineers (ITE) publication, Parking Generation, or surveys of similar local facilities.
- o Identify maximum peak-hour construction traffic, peak-hour construction traffic mix and recommended truck traffic routes to and from the site during construction. Discussion shall include number/size of trucks, existing truck restrictions on area roadways, and length of construction for the various phases, including cut and fill. Include a discussion on the impacts to the current roadway pavements and the potential for repairs.
- o Multi-modal transportation opportunities, including the identification of available public transportation, shuttles to and from the Project, bike- and ride-share or ride-hauling opportunities, and the use of pedestrian and bicycle trails and paths to community destinations should be quantitatively discussed.
- o The traffic study shall be provided as an appendix to the DGEIS.

Mitigation Measures

- o Provisions for bicycle racks and EV charging stations at the Project Site.
- o Widening local roadways determined to be too narrow to accommodate projected volume and type of traffic.
- o Provision of additional/upgraded traffic control, including but not limited to new/upgraded traffic signals, signage and/or roadway striping.
- o Provision of additional/upgraded pedestrian accommodations, including but not limited to new/enhanced crosswalks, new/upgraded sidewalks, pedestrian lead intervals and/or new/upgraded pedestrian traffic signals.

- o Provision of additional/upgraded bicycle accommodations, including but not limited to signage, striping, roadway widening and/or sharrows.
- o Whether or how public transit could be extended to the site, including potential stop locations, and what the trip-reduction benefits might be.
- o Any mitigation measures should identify the party responsible for implementing the improvements and the method of funding.

3.11 Air Quality

Recommend also referencing Climate Change to capture air quality as it relates to greenhouse gas emissions (GHG), and the waste stream.

Existing Conditions

- o Describe current sources and amounts of greenhouse gas emissions being produced on the site.
- o Describe current sources and amounts of solid waste being produced and how it is being disposed of.
- o Describe the existing solid waste management programs and the existing and the capacity of the Broome County Landfill.
- o Describe current sources and amounts of carbon sequestration being provided by vegetation and soil.

Potential Impacts

- o Describe project sources of direct (propane, natural gas, fuel oil, gasoline, diesel usage) greenhouse gas emissions during both construction and long-term operations, include transport and commuting.
- o Describe project sources of indirect (electricity, solid waste) greenhouse gas emissions during both construction and long-term operations.
- o Identify nature and amount of potential waste generated during both construction and long-term operations, and proposed methods of disposal.
- o Describe when solid waste will be produced or handled as part of the proposed project, the quantity or type of waste involved, and any difficulties in handling those wastes.
- o Describe the impact the waste generated by the Project may have on the ability of the Broome County Landfill to manage the waste both in types of waste and quantity generated over time.
- o Identify secondary impacts due to transport and disposal off-site.
- o Identify compliance with the goals and objectives of the New York State Climate Action Plan and Broome County's commitment as a Climate Smart Community.
- o The air quality/climate change report shall be provided as an appendix to the DGEIS.

Mitigation Measures

- o Identify alternatives and mitigation measures to reduce energy and fuel demands during construction and long-term operations.

- o Incorporate energy conservation techniques and technologies beyond minimum requirements of State Energy Conservation Construction Code, LEED or Energy Star, into the design and operation of the buildings and parking areas.
- o Minimize overall project layout to minimize internal travel distances.
- o Optimize ability to use structure orientation and design to minimize energy demands.
- o Incorporate methods to reduce fuel costs for structural heating or cooling (for example, insulation, heat pumps, or high efficiency insulated windows).
- o Investigate opportunities for recycling, such as use of construction products fabricated from recycled material (recycled carpet squares, reprocessed glass, tiling, or rubber floor coverings produced from waste tires), or using waste heat from an industrial plant to heat the facilities.

3.12 Noise

Existing Conditions

- o The Draft Scoping Documents proposal to “generally describe existing conditions” is insufficient. Conduct a Noise Study demonstrating existing conditions.

Potential Impacts

- o Noise producing sources shall include hours of operation and duration relative to nearby sensitive receptors.
- o Discuss site conditions that will affect noise propagation such as terrain, existing vegetation, etc.
- o Discuss conformance with the NYSDEC Conservation Program Policy entitled, “Assessing and Mitigating Noise Impacts.”
- o Discuss noise from congregant activities at night, if applicable.
- o The noise analysis shall be provided as an appendix to the DGEIS.

Mitigation Measures

- o Unavoidable adverse impacts shall be identified, and quantified if possible.

3.13 Economic Conditions

- o Special taxing districts or credit programs shall be discussed in the fiscal and economic impact report, such as but not limited to the sewer credit requirements with the Binghamton/Johnson City Sewage Treatment Plant.
- o The comprehensive fiscal and economic impact report shall be provided as an appendix to the DGEIS.

3.14 Cultural Resources

The historic, cultural, and archaeological reports and correspondence with State Historic Preservation Office (SHPO) shall be provided as an appendix to the DGEIS. Include any potential impacts to the cemetery currently located off of Airport Road in the vicinity of the proposed Project.

3.15 Visual Resources

No comments.

3.16 Hazardous Materials

Given the previous use of the land as an orchard, soil testing to detect the presence of agricultural chemical residues, such as but not limited to pesticides, herbicides, arsenic, mercury, etc., in soil and their relationship to acceptable levels as identified by local, state, and federal standards.

3.17 Architectural Design Concept

Refer to the comments in Section 2.0 that provides parameters for the design and layout of the proposed action.

4.0 Impacts on the Use and Conservation of Energy

Discuss the impact of the proposed changes to the NYS Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code, as set forth in the Department of State Notice of Rule In Development, on the Project.

5.0 Alternatives

- o Provide a comparison matrix of the sites investigated by the Project Sponsor and the criteria used to conclude that the Project site “presented the fewest barriers to development.”
- o Provide a list of specific alternatives to be studied. In addition to the no-build alternative, an as of right plan, a reasonable worst case scenario plan, and the sponsors preferred plan shall be included at a minimum.
- o Include a copy of the “preliminary analysis” that was performed for site selection.
- o Include an analysis of the current zoning and comprehensive plan requirements for all alternative sites.
- o Develop a cost-benefit formula by which all project alternatives can be compared. The formula shall include, at a minimum, an analysis of the environmental, community and financial impacts.
- o The alternatives analysis shall include any and all sites and projects that were excluded from the analysis and a statement as to why they were excluded.

6.0 Cumulative Impacts

No comments.

7.0 Growth Inducing Impacts

- o This section should include a discussion of the growth-inducing impacts that result as a consequence of the approval and construction of the Project, as well as the

extension of water and/or sewer services to the Project Site and the potential residential and commercial growth that may bring.

8.0 Unavoidable Adverse Impacts

- o Provide a summary of proposed impacts in terms of loss of environmental resources.
- o Temporary construction impacts
- o Impacts to natural site features
- o Operational impacts

9.0 Irreversible and Irretrievable Commitment of Resources

No comments

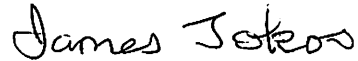
The following additional sections shall be included:

- Agricultural Resources.
- Open Space and recreation. A portion of the land accommodates a dedicated snowmobile trail managed by Ridge Riders Snowmobile Club.
- Odor.
- Consistency with Community Plans (different than community character).
- A section detailing whether the project proponent has complied with the requirements of SEQR. This section shall include an analysis of whether the project proponent has taken "action" (as that term is defined in the SEQR regulations) on the project by approving Resolutions for real property transactions and authorizing site work (including logging) prior to the SEQR analysis being complete. It shall also discuss whether the project proponent has complied with the requirement to notify all Interested and Involved Agencies.
- A statement regarding irrelevant or insignificant information pursuant to SEQR.
- Information to be included in the Appendix of the DGEIS:
 - o All application materials
 - o SEQR documentation - Environmental Assessment Form (EAF) Parts 1 and 2, and Positive Declaration, Lead Agency designation
 - o Final Scoping Document
 - o Correspondence related to the Project
 - o Site Plan (Full scale)
 - o Building Elevations
 - o Traffic Impact Study
 - o Stormwater Management Plan and Engineering Report
 - o Natural Resources Report(s), including habitat and wildlife studies
 - o Water System Data and Supporting Technical Reports
 - o Wastewater Collection and Supporting Technical Reports
 - o Archaeological Survey (if required)
 - o Cultural Resources Investigation Report
 - o Wetland Delineation Report
 - o Geotechnical Report
 - o List of all federal, state, regional or local agencies, organizations or consultants contacted during the preparation of the DGEIS

- o Relevant correspondence regarding the Project
- o Visual analyses/renderings
- Public Inspection statement
- The Appendices to the DGEIS shall include the Lead Agency Designation and the Positive Declaration.

Thank you for your attention to this important matter. In addition, we would appreciate the opportunity to speak with you about these items in more detail.

Sincerely



James Tokos
Town Supervisor

cc: Robert H. McKertich, Esq., Coughlin & Gerhart, LLP
Zina Lagonegro, EIT, AICP, Passero Associates

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 7

5786 Widewaters Parkway, Syracuse, NY 13214-1867

P: (315) 426-7438 | F: (315) 426-7425

www.dec.ny.gov

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Stacy Duncan, Executive Director
Broome County Industrial Development Agency (IDA)
Broome County Local Development Corporation (LDC)
Five South College Drive, Suite 201
Binghamton NY, 13905

**RE: Broome County Technology Park
SEQR Draft Scoping Document Comments
Towns of Maine and Union, Broome County**

Dear Stacy Duncan:

The New York State Department of Environmental Conservation (DEC) has reviewed the “Draft Scoping Document” received on September 12, 2024, associated with the State Environmental Quality Review (SEQR) for the proposed Broome County Technology Park project (Proposed Project) along Airport Road in the Towns of Maine and Union. Based on current information, DEC’s potential jurisdictions under the Environmental Conservation Law (ECL) are listed included below. Please note that DEC may identify additional jurisdictions as information becomes available.

DEC offers the following comments on the draft scope for consideration in the preparation of the final scope for the Draft Generic Environmental Impact Statement (DGEIS).

General Comments

1. Flood Resilience - The DGEIS should discuss how drainage will be maintained and how any potential flooding would be mitigated. It should also discuss how future physical climate risk has been considered and resiliency measures, where necessary, have been developed into project design, pursuant to the Community Risk and Resiliency Act (CRRRA).

DEC supports documenting floodplains and recommends re-evaluating and updating floodplain mapping for any significant grade changes.

2. Solid Waste - The DGEIS should consider whether there is a potential for population growth associated with this development and its impact on the management of solid waste and recyclables. Any potential change in the type or amount of waste and recyclable material generated by Broome County Technology Park should also be included. This section should consider the existing waste management network’s capacity, its ability to accept increased volumes associated with the Proposed Project, and the potential for population growth. The need for new or expanded waste management facilities should also be considered in the DGEIS.

Section 2.5 Reviews, Approvals and Other Compliance Determinations

3. The permitting requirements for water withdrawal, as mandated by DEC, are governed by the provisions detailed in Article 15, Title 15 of the ECL. Moreover, these requirements are further specified by the implementing regulations contained within 6 New York Codes, Rules, and Regulations (NYCRR) Part 601. Both the governing statutes and implementing regulations define a “*threshold volume*” of 100,000 gallons per day (gpd) or more. New public water supply systems with the capacity to meet or exceed the 100,000 gpd threshold volume will need a Water Withdrawal Permit pursuant to 6 NYCRR 601 Regulations. This applies both to withdrawals from new sources of water and to increased withdrawals from existing sources. This also applies to the extension of a “service area” of public water supply systems with a capacity that meets or exceeds the threshold volume. The entity that supplies the water would be responsible for the new or modified permit.

DEC has a Memorandum of Understanding (MOU) with the Susquehanna River Basin Commission (SRBC) governing the shared jurisdiction of water withdrawals within the Susquehanna River Drainage Basin (the Basin). Generally speaking, facilities within the Basin are subject to regulation by the SRBC per [Chapter VIII of Title 18 in the Code of Federal Regulations \(CFR\)](#) and may be exempt from DEC’s permit requirements [6 NYCRR 601.9(b)]. As the project site is within the Basin and subject to the jurisdiction of the SRBC, the DGEIS should include a determination of jurisdiction from the SRBC.

4. This section should discuss the current requirements of DEC’s State Pollutant Discharge Elimination System (SPDES) Permits, including the Construction General Permit (GP-0-20-001) and Multi-Sector General Permit (GP-0-23-001). The DGEIS should describe how these requirements would be met. The Stormwater Pollution Prevention Plan (SWPPP) needs to address hydraulic changes pre- and post-construction, and all changes to hydrology from filling in any wetlands, streams, and drainageways on site. Sufficient information should be developed to identify the approximate size and location of necessary stormwater management measures and outfalls during and after construction.

It is important to note while DEC Region 7 Division of Water and Town of Union will jointly evaluate the required SWPPP prepared by the applicant, the SWPPP will require the Town of Union’s approval per the MS4 General Permit (GP-0-24-001). The MS4 Acceptance Form signed by the Town of Union must be submitted with the Notice of Intent to gain coverage under the SPDES Construction General Permit.

5. The DGEIS should consider and discuss any potential air permitting which may be required for the various industries to be established with Proposed Project. DEC requires air pollution control permits and registrations, under 6 NYCRR Part 201, for certain operations that release sources of air pollution. Applications for air permits or registrations must include information on the facility’s emissions, the operating processes at the facility, the raw materials being used, the height and location of stacks or vents, the applicable sections of the regulations that apply to the facility, and the controls being applied. Any air permits and/or registrations must be obtained before construction begins. Additionally, the proposed project may be subject to the mandates of the Climate Leadership and Community Protection Act (CLCPA) and could require an analysis pursuant to Section 7(2) and Section 7(3) of CLCPA. Please see DEC Program Policy DAR-21 and DEP-24 for guidance on preparing the CLCPA analysis. DAR-21: https://www.dec.ny.gov/docs/air_pdf/dar21.pdf and DEP-24: <https://dec.ny.gov/sites/default/files/2024-05/prgrmpolicy24dash1.pdf>.

6. The DGEIS should consider federal jurisdictions including Section 404 of the Clean Water Act. If the U.S. Army Corps of Engineers (USACE or Corps) requires a permit pursuant to Section 404 of the Clean Water Act for the discharge of fill in Waters of the U.S., then a Section 401 Water Quality Certification will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. A determination on Corps jurisdiction and Nationwide Permit eligibility is likely necessary for a DEC jurisdictional determination. For more information, please visit: https://www.dec.ny.gov/permits/6042.html#Water_Quality_Certification.

Section 3.5 Surface Water Resources and Wetlands

7. This section of the DGEIS should include an evaluation of impacts on surface water volume, including streams, wetlands, and drainageways, and groundwater elevations during and after construction. Please be advised that New York State (NYS) ECL, Article 24, has been amended to revise the definition of a freshwater wetland. Beginning on January 1, 2025, the existing DEC maps depicting freshwater wetlands will no longer be regulatory. Instead, new more accurate informational maps are being developed for the public. In addition, smaller wetlands of "unusual importance" will be regulated if they meet one, or more, of 11 newly established statutory criteria. Any wetlands that meet the applicable definition and criteria will be regulated by DEC and subject to permitting, regardless of whether they appear on the informational maps.
8. Due to the scale of the project and the anticipated need to have large areas of soil exposed at any given time, the DGEIS should evaluate the soil characteristics that may cause or contribute to erosion on site. A reference should be developed to identify any supporting information or reports that will be included as an appendix.

When considering an overall approach to stormwater management at the site, the DGEIS should pay particular attention to Chapter 3 of the NYS Stormwater Management Design Manual (SMDM). This chapter focuses on Stormwater Management Planning. The SMDM requires a specific planning process when addressing stormwater management on a project site and guides the planner through steps to maintain pre-development natural hydrologic conditions of the site by application of environmentally sound development principles, such as green infrastructure, as well as treatment and control of runoff discharges from the site.

Section 3.7 Water Supply

9. The DGEIS should provide adequate details on anticipated water demands and sources for obtaining water. A Water Withdrawal Permit and/or modification of an existing permit may be necessary from the SRBC and/or the DEC for this project depending on water demands and source(s). Also, see Comment 3 above.
10. The DGEIS should include an evaluation of alternative water sources and the reasoning followed to select the proposed sources of supply.
11. The DGEIS should consider and include details and a summary of water conservation and reuse practices to mitigate water demands.
12. The DGEIS should include a summary of any investigated and considered alternative water sources.

13. The DGEIS should evaluate any increase in taking and any influence on water levels in streams and wetlands proximal to the project site. Significant withdrawals have the potential to impact fisheries resources through impingement and entrainment.

Section 3.8 Sanitary Sewer Service

The DGEIS should consider the following information regarding wastewater discharge, treatment, and sewer extension:

14. Binghamton Johnson City Wastewater Treatment Plant (BJC WWTP or BJC) Review and Approval

- As required in the BJC SPDES permit, if any of the proposed industries are categorical industries, or have the potential to materially change the nature of the discharge or increase the discharge of one or more substances authorized in the BJC permit, the BJC facility must adequately notify both U.S. Environmental Protection Agency (EPA) and DEC prior to acceptance of the waste. DEC would then review the information to determine whether a SPDES permit modification is necessary. If a permit modification is necessary, no discharge can be made to the facility before the modification is issued. This process should be described in the DGEIS.
- A confirmation from BJC is necessary to know whether its facility can accept the expected additional flows and organic loadings from the extension. The proposed project will be required to obtain a Significant Industrial User (SIU) permit from BJC. Multiple SIU permits may be required depending upon the characteristics of the wastewater and the composition of industries discharging to BJC. This process should be described in the DGEIS.
- The DGEIS should include adequate details on the Proposed Project's potential wastewater loading, flow, and discuss the proposed on-site wastewater pretreatment technologies, if any.
- The DEIS should consider that DEC issues SPDES permits incorporating federal standards of performance under state law. NYS does not have an approved pretreatment program. EPA has regulatory jurisdiction of the industrial pretreatment program at BJC. Local permits are issued to industrial users by BJC under EPA approved pretreatment programs.

15. Conveyances

- The DGEIS should evaluate potential locations of any proposed sewer extension and potential hydraulic flows in gpd and potential organic loadings in pounds per day (lb/d).
- The DGEIS should evaluate alternatives for the potential downstream routes for the sewer to BJC, detailing all sewer diameters and theoretical capacities during peak flows.
- The DGEIS should indicate any proposed system design capacity and how the capacity was determined.
- The DGEIS should discuss that design plans and specifications, stamped and signed by a Professional Engineer licensed in the State of New York, will need to be submitted to DEC. Design plans must include plan and profile views of the proposed extension. Design plans should also indicate lots served, property lines, existing and proposed streets (if applicable), storm drainage, existing and proposed utilities and easements, direction of flow, contour lines, placement of manholes, rim and invert elevations for pipes and type of pipe selected, and special construction (i.e. drop manholes, crossing of waterways). Detailed drawings and specifications will need to be provided for manholes, pipe bedding and construction, leakage testing, deflection testing, notes indicating sewer and waterline separation distances.

16. Pump stations (If required)

- The DGEIS should discuss that design plans and design specifications, stamped and signed by a Professional Engineer licensed in the State of New York, will need to be reviewed and approved by DEC. These plans must cover all equipment and appurtenances, construction procedures, testing of piping and equipment. These plans would also need to include the following:
 - i. Type of pump station (wet well/dry well); package or built-in-place; number and type of pumps chosen (submersible or suction lift).
 - ii. Maximum flow expected and how this was calculated.
 - iii. Details of pump curves and head calculations.
 - iv. Accessibility of pump station for maintenance and protections for personnel, including ventilation.
 - v. Provisions which consider buoyance of the station and its structures. Chemical storage and pumps (if applicable).
 - vi. Detail of bar rack (if applicable).
 - vii. Corrosion prevention considerations.
 - viii. Location of all valves and control systems.
 - ix. Provisions for alarm systems and emergency operation.
 - x. Bypass plan (if applicable).

Section 3.9 Energy and Telecommunications

17. The DGEIS should include a discussion of natural resource impacts for constructing utility connections, such as clean water, wastewater, electric, gas, telecommunications, and roadway expansions. The information in the Natural Resource section relevant to the Utilities and Infrastructure should also be referenced in this section of the DGEIS.
18. DEC recommends developing a phasing plan, which coincides with Broome County Technology Park's incremental expansion, for the buildout and expansion of all utility upgrades required to meet the Proposed Project's anticipated demands. The phasing plan should include sewer extensions, pumping systems, new clean water sources and distribution systems, wastewater plant upgrades, and gas and electricity distribution infrastructure.
19. The DGEIS should also provide adequate information to demonstrate that all utility upgrades will be constructed, operational, and sufficient to accept waste from or provide service to the Proposed Project.

Section 3.16 Hazardous Materials

20. The DGEIS should include a discussion of hazardous waste, listed in 6 NYCRR Part 371.4, that the Proposed Project may generate. Details should include the type of hazardous waste anticipated to be generated, approximate volumes, storage methods, disposal options, and how the facility will operate following hazardous waste regulations found at 6 NYCRR Part 370-373.

Mitigation considerations for solid waste should include an evaluation of processing methods and chemicals used in the manufacturing process to determine if alternative methods could reduce the generation of hazardous waste.

Section 4.0 Impacts on the Use and Conservation of Energy

21. The DGEIS should contain a description of energy sources to be used during both construction and operational phases of a project. Anticipated levels of demand or consumption should be estimated as accurately as possible given available information. In addition, the DGEIS should discuss alternatives and mitigation that could reduce energy and fuel demands during construction and long-term operation. The 2018 amendments to SEQR regulations require all NYS agencies to evaluate such greenhouse gas (GHG) impacts in a new section specifically dedicated to climate change and its impacts. Proposed energy conservation measures that go beyond the minimum requirements of the NYS Energy Conservation Construction Code (9 NYCRR Parts 7810 through 7816) should be specifically identified, such as LEED or Energy Star. Please refer to Chapter 5, Section C, Item 44 on page 123 in DEC's SEQR Handbook, found at: https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf.

The information and energy conservation measures discussed in this section may be applicable and cross-referenced to the Greenhouse Gas Emissions and Climate Change chapter.

Thank you for the opportunity to provide written comments on the DGEIS for the Broome County Technology Park project. DEC hopes that Broome County IDA/LDC will find the information helpful in the preparation of the DGEIS for this Proposed Project. If you have any questions on the information provided in this letter, you may call me at 315-426-5494, or email me at jonathan.cronell@dec.ny.gov.

Sincerely,

Jonathan Cronell
Environmental Analyst
Division of Environmental Permits

Cc. Dereth Glance, DEC Regional Director, Region 7
Kevin Balduzzi, DEC Regional Permit Administrator, Region 7
Jonathan Stercho, DEC Deputy Regional Permit Administrator, Region 7
Thomas Vigneault, DEC Regional Water Engineer, Region 7
Gary Priscott, DEC Regional Professional Geologist, Region 7