



October 14, 2021

Kate Kornak, Regional Permit Administrator
New York State Department of Environmental Conservation (DEC)
1130 North Westcott Rd.
Schenectady, New York 12306

Vincent Sapienza P.E.
Commissioner

Re: **Hughes Energy, LLC - Draft Scope
Route 23
Town of Roxbury; Delaware County, NY
Tax Map #: 114.-1-11
DEP Log #: 2020-SC-0631-SQ.1**

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

Dear Ms. Kornak:

465 Columbus Avenue
Valhalla, NY 10595

The New York City Department of Environmental Protection (DEP) has reviewed the Draft Scoping Document for the preparation of a Draft Environmental Impact Statement (DEIS) or the above-referenced action.

T: (845) 340-7800
F: (845) 334-7175

DEP respectfully submits the following comments for DEC's consideration:

Section 1.0

The following revision is noted – the action will require DEP review and approval of a Stormwater Pollution Prevention Plan (SWPPP). “Watershed Protection Review” was erroneously listed as the permit required from DEP.

Part D

The project proposes the addition of nearly 6,000 gpd of wastewater, of which 4,800 gpd is industrial wastewater. The EIS should include adequate information about the pretreatment of industrial waste to assess potential impacts to operation and performance of the Prattsville WWTP.

Section 4.1

The project would increase the number of trucks hauling solid waste through this area. In fact, three of the proposed four routes include sections of roads that either run parallel to NYC's reservoirs or adjacent to source water streams. Many of the roadways along these routes are mountainous and difficult to navigate, particularly in inclement weather increasing the risk of vehicular accidents and associated spills in these sensitive areas. The DEIS should properly address these concerns.

Section 4.4

This section includes the following statement: "Therefore, proximity to a drinking water reservoir within the New York City watershed does not represent a significant impact and is not recommended for inclusion in the EIS Scope." On the contrary, the proximity of the action to NYC's Schoharie Reservoir and several reservoir stems must be factored into all DEIS analyses of potential impacts, in particular, impacts to watercourse and wetlands. Additionally, the DEIS must make clear that proximity to these sensitive features was duly considered in selecting appropriate mitigation measures.

In addition, the statement that "...the entire Facility is located outside the NYC limiting distance for the protection of drinking water resources" is vague and thus not entirely accurate. The Watershed Regulations include varied prohibitive limiting distances for a wide array of activities. As currently proposed, the facility is located outside the specific limiting distance that prohibits the siting of new solid waste facilities within 1000 feet of reservoirs and reservoir stems as noted in Section 18-41(a) of the Watershed Regulations.

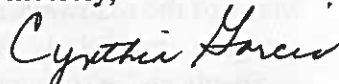
Reasonable Alternatives

Salting and deicing of paved areas can cause highly saline runoff that poses deleterious impacts to water quality and biotic health. The Schoharie watershed, and this area specifically, already exhibit some of the highest chloride concentrations in the region. As such, it is preferable to limit use of de-icing chemicals and other similar chemicals to the extent possible particularly given the proximity to Schoharie Reservoir. Accordingly, the DEIS should fully explore limits on the use of deicing chemicals and alternatives to road salt including non-toxic materials or sand for traction.

The circulated documents indicate that stormwater runoff will be discharged directly to a wetland. The DEIS should explore alternatives to a direct stormwater discharge of this nature and consider relocating the outfall to a point outside of the wetland proper.

Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia, Supervisor
SEQRA Coordination Section

X: A. Dangler, USACE