



**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT NAME: DANKAMMER CLEARING AND GRADING PERMIT
PROJECT NO.: 2021-24
PROJECT LOCATION: SECTION 8, BLOCK 1, LOTS 75.211, 75.22, 75.42, 75.3
REVIEW DATE: 10 DECEMBER 2021
MEETING DATE: 16 DECEMBER 2021
PROJECT REPRESENTATIVE: SCS ENGINEERS

1. The applicants have provided a Full Environmental Assessment Form as previously requested. It is noted that the NYSDEC has issued a Negative Declaration for the project. NYSDEC's Neg Dec states "under the State Environmental Quality Review Act the project associated with this permit is classified as an Unlisted Action, the Department of Environmental Conservation has determined that it will not have a significant effect on the environment. Other involved agencies may reach an independent determination of environmental significance on the project." This office previously noted that the project impacts greater than 10 acres of property and would therefore be a Type I Action. Dominick Cordisco's comments regarding SEQRA status of the project in consideration of DEC's previously Negative Declaration should be received.
2. Security for the restoration of the areas proposed to be cleared and graded is required. Security in the amount of \$3,500 per acre is required.
3. The applicants have confirmed that no impacts to any Army Corps Jurisdictional Wetlands are proposed.
4. Additional erosion and sediment control notes have been added to the plans per this office's previous request.
5. The project requires a Public Hearing in compliance with Chapter 83 of the Town of Newburgh Code.

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in black ink, appearing to read 'Patrick J. Hines'.

Patrick J. Hines
Principal

PJH/kbw

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November 4, 2021
File No. 25221191.00

Mr. Patrick Hines
MHE Engineering
33 Airport Center Drive, Suite 202
New Windsor, NY 12553

RECEIVED
NOV 08 2021
MHE Engineering, D.P.C.

Subject: Danskammer Energy Landfill Closure Project
Town of Newburgh Planning Board Application
Response to Technical Comments

Dear Mr. Hines:

On behalf of Danskammer Energy, LLC (Danskammer), SCS Engineers (SCS) has prepared this response to the technical review comments provided by MHE Engineering (MHE) regarding the Town of Newburgh (the "Town") Planning Board Application (PBA) for the Danskammer Energy Landfill Closure Project, dated October 7, 2021. The following information responds to each of the comments identified by MHE.

1. Review Comment: *The project involves the clearing and grading required for the final closure of a portion of a Solid Waste Management Facility located on the Danskammer Energy parcel. Previous Coal Ash Landfill operated on the site under an NYSDEC Permit. Danskammer is seeking approval from the Town Planning Board in relation to the Clearing & Grading for the final landfill cover, as well as stormwater management review for the work associated with the landfill closure. Approximately 14.2 acres of property will be covered in an NYSDEC approved geomembrane. Associated grading with the cover, stormwater runoff control and final cover system are under review. The landfill closure is governed under NYSDEC regulations and has been Conditionally Approved by the DEC on 1 July 2021.*

Applicant Response: The comment is duly noted.

2. Review Comment: *The Applicants have provided a Short Environmental Assessment Form for the project. The project is identified as impacting greater than 10 acres of property such that a Long Environmental Assessment Form should be submitted. It is requested the Applicant's identify whether the NYSDEC has completed a SEQRA Review for the project.*

Applicant Response: A Full EAF has been completed and is attached to this response letter.

NYSDEC has completed a SEQR for this site. The decision is stated in the Site's current DEC solid waste permit, Item E, which is provided as Exhibit 13 in the original Danskammer planning board application and states:

"Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action, and the Department of Environmental Conservation has determined that it will not have a significant effect on the environment. Other involved agencies mat reach and independent determination of the environmental significance of this project."

NYSDEC has confirmed that SEQR determination covers the closure of the landfill as permitted with NYSDEC.

3. Review Comment: *A US Army Corps of Engineers Jurisdictional Determination dated 8 January 2021 has been received. It is requested the Applicants confirm that no impacts to the Jurisdictional Wetlands on the site are proposed under the Clearing and Grading application.*

Applicant Response: The applicant confirms that there are no proposed impacts to Jurisdictional Wetlands, which includes those identified in the USACE report dated January 8, 2021 and likewise depicted in the construction plan set submitted to the Newburgh PBA.

4. Review Comment: *Any Stormwater Management Reports prepared for the NYSDEC approval should be submitted for the Town's use.*

Applicant Response: The stormwater management plan is provided as an appendix to the construction SWPPP, which is included with this response letter.

5. Review Comment: *It is noted that the perimeter rip rap stormwater diversion ditches are to remain on the north side of all activity to divert upgradient flow away from the proposed construction area.*

Applicant Response: The applicant confirms that the existing diversion ditches on the northside of the landfill will remain to divert upstream flow away from the proposed construction area and activities, and will remain thereafter.

6. Review Comment: *In addition to the Stormwater Management Report it is requested the Applicant supply a draft Notice of Intent for coverage under the NYSDEC Construction Stormwater Permit and a draft Municipal Authorization completed with the Applicants information.*

Applicant Response: A draft NOI and accompanying SWPPP are included with this response. Again, it is noted that the stormwater management plan submitted to the DEC is included as an appendix to the SWPPP. Per the request of MHE, the draft NOI and municipal authorization (MS4) forms have been emailed in PDF format to Pat Hines with MHE.

Please note that the construction plan set is not included with the attached draft SWPPP appendices, as it has already been provided to the Town's Planning Board and Engineer. The construction plan set will certainly be included in the final PDF NOI submittal to NYSDEC.

7. Review Comment: *On Erosion and Sediment Control Sheet #8 identifies very general notes pertaining to erosion and sediment control. More detailed erosion and sediment control plan and notes should be provided, specific location for soil erosion and sediment control practices should be identified on the plan sheets. Notes pertaining to limits of areas tributary to each erosion and sediment control management practice should be incorporated into the plans. Notes regarding vegetating all unlined disturbed areas should be identified. Seeding specifications should be identified.*

Applicant Response: Additional notes have been added to the Erosion Control Plan, Sheet 8 of the construction plan set, which is included with this response letter. Notes regarding areas of tributary, clarification that all unlined disturbed areas will be vegetated, and a seed mix table have all been added. Vegetation and seeding are given in note Nos. 5 and 6.

Patrick Hines, MHE Engineering
November 4, 2021
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8. Review Comment: *Fugitive dust control should be addressed on the Erosion and Sediment Control Plans.*

Applicant Response: Notes regarding fugitive dust control have been added to the Erosion Control Plan, Sheet 8 of the construction plan set. and is included with this response letter

Sincerely,



Zack Christ
Project Manager
SCS Engineers

Initial of Author/initials of admin/Initials of Reviewer

cc:

Attachments: Draft NOI/SWPPP
Revised Erosion Control Plan Sheet 8
Full Form EAF