

US EPA ARCHIVE DOCUMENT

**EPA 2007 State Innovation Grant Program
Final Project Narrative/Workplan**

I. Project Title

New York State Small Business Sectors ERP Implementation Pilot Project

II. Applicant Name

New York State Department of Environmental Conservation (NYSDEC)

Project Partners

The New York State Department of Economic Development (NYSDED)

New York State Environmental Facilities Corporation (NYSEFC)

New York State Energy Research and Development Authority (NYSERDA)

New York State Office of Science, Technology and Academic Research (NYSTAR)

Project Contact

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III. EPA Funding Requested

\$255,000

IV. Project Period

October 1, 2007- September 30, 2011 (may be adjusted dependent on EPA award date)

V. Project Narrative/Workplan

Project Overview

The New York State Department of Environmental Conservation (NYSDEC) is seeking EPA assistance through EPA's 2007 State Innovation Grant Program to conduct a project to investigate the effectiveness of the Environmental Results Program (ERP) model to provide compliance assistance and achieve measurable compliance improvement for Small Business Sectors in New York State, and to promote pollution prevention and energy efficiency. The proposed pilot project will initially target autobody shops and printers, and then be expanded to include an additional small business sector to be determined by NYSDEC and the project partners.

Recent New York State legislation (Chapter 654, Laws of 2005) created a new Article 28 of the Environmental Conservation Law (ECL). The main purpose of this legislation is to provide the NYSDEC with broad authority to promote pollution prevention as the preferred means for reducing energy and resource consumption, the use of hazardous substances, and the generation of hazardous substances, pollution and waste; and to increase pollution prevention and environmental compliance assistance, including on-site technical assistance, to small businesses.

This new law calls for a cultural shift in New York's approach to protecting public health and the environment which is both timely and important. While maintaining and continuing to enhance the State's crucially important existing regulatory programs, this law requires the development of programs incentives that will foster innovation and adoption of the safest, most sustainable production methods, work practices, products and technologies. Becoming a leader in the development of such policies will also help New York businesses maintain their competitive advantage in an increasingly global marketplace.

Current Situation and Need

NYSDEC's mission is "to conserve, improve, and protect its natural resources and environment, and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well being." This mission has historically been implemented primarily through its regulatory permit, inspection and enforcement programs; however, the adoption of ECL Article 28 finally places pollution prevention and compliance assistance at the heart of NYSDEC's core mission, along with its historic regulatory and stewardship responsibilities.

To carry out this mission, and fulfill the mandates of ECL Article 28, NYSDEC is seeking funding through the EPA 2007 State Innovation Grant Program for the development and implementation of an Environmental Results Program, including pollution prevention and compliance assistance. The proposed ERP will be modeled after the general ERP framework developed by the Massachusetts Department of Environmental Protection, initially targeting the autobody and printers sectors, and then be expanded to include an additional small business sector.

The reasoning behind NYSDEC pursuing the ERP concept is primarily based on resource limitations. NYSDEC realized that within our hazardous waste regulatory program, small sources, or generators were given little or no oversight. The ERP approach has been demonstrated in other states to be effective in bringing a greater number of regulated facilities into regulatory compliance in a more timely and cost-effective manner than conventional compliance monitoring efforts. New York is hoping to learn from experience gained in other states.

One of our primary considerations in choosing a sector was to build on existing work other states had completed within the scope of ERP. New York State was aware of ERP tools that had been developed by Massachusetts, New Hampshire, Rhode Island, and Vermont for dry cleaners, printers, photo processors, autobody shops, and hazardous waste small quantity generators. As NYSDEC studied the ERP concept within our RCRA-C program, we began to consider which universes of small quantity generators or conditionally exempt small quantity generators constituted large number of facilities for which we had not been able to assess compliance. NYSDEC considered a number of sectors including laboratories, autobody shops, printers, auto repair, dentists and dry cleaners. Some sectors were eliminated from consideration due to existing programs already targeting them, such as dry cleaners, or due to new legislation affecting a specific sector, such as dental facilities, where the regulatory requirements for these facilities would not be fully in place for several years.

NYSDEC chose to target the autobody shops sector because it consists of a more homogeneous group of facilities, with a smaller number of individual waste streams. The Printers sector, not being as homogeneous a universe as the autobody sector, was then chosen to be targeted because it would be a slightly more complex sector to work with under ERP. Also, both the printers and autobody sectors handle volatile chemicals on a regular basis. Control of these materials, and proper handling of wastes, will help reduce VOC emissions, eliminate spills and other mismanagement of waste materials, resulting in improved environmental performance of these sectors.

The choice of the third sector will be coordinated with the P2/CA Council. NYSDEC and the P2/CA Council will review department compliance and enforcement records along with current TRI (Toxic Release Inventory) data to identify the additional ERP sector to be included under this grant. The council will also reach out to Trade Associations to identify those that will actively and cooperatively participate in the ERP program.

Project Description

NYSDEC is proposing to implement a pilot ERP for autobody shops and printers in NYSDEC Regions 4 and 9, and then expand the project to implement an ERP for a third small business sector. (Please see Appendix A for a map of the NYSDEC regions.) NYSDEC has been compiling a database of autobody shops and printers in Regions 4 and 9, and has determined that there are approximately 2250 autobody shops, and 900 printers in

these two Regions. NYSDEC estimates that the statewide totals for these sectors would be about 10,000 autobody shops and 4,500 printers.

Under this grant program, NYSDEC is proposing a four-year project. The project would begin immediately after the grant award, and will consist of three overlapping phases. Phase 1 will consist of the implementation of a pilot ERP for autobody shops located in NYSDEC Regions 4 and 9. Phase 2 will consist of the implementation of a pilot ERP for printers located in NYSDEC Regions 4 and 9. During Phase 3, NYSDEC will begin implementing ERP for these sectors in the remaining seven DEC Regions. Phase 3 for autobody shops will begin upon completion of Phase 1. Phase 3 will also include the development of an ERP for another small business sector to be determined by the P2/CA council, as discussed above.

The NYSDEC ERP approach will include the development of compliance assistance materials, environmental compliance self-certification documents, and baseline and post-certification compliance inspections to assess compliance and improvements in sector environmental performance. NYSDEC will need to determine whether all aspects of the self-certification portion of the proposed ERP project will be mandatory. However, NYSDEC is aware that other States have implemented successful ERPs with voluntary participation. The compliance assistance workbooks and workshops being developed for this initiative will also include sector-focused pollution prevention and energy efficiency concepts and recommendations.

Data developed for work on the ERP will be handled in either Microsoft Excel or Microsoft Access. As mentioned above, NYSDEC has already begun compiling a database in Microsoft Excel of autobody shops and printers. NYSDEC will use the Massachusetts ERP Automation Software tool for the primary data management method. Based on our evaluation of this tool, we believe it can handle all of the essential data needs that we expect from the implementation of this project. NYSDEC participation with the ECOS ERP Consortium will also give us access to updates or additions to the Massachusetts tool, as other states work with it, and make improvements. NYSDEC will also use contractor assistance provided by EPA for program development and completing statistical analyses.

Public Involvement

Public involvement and participation in the planning, design, and implementation of the project's components is critical to its success. The New York State Department of Economic Development and the New York State Environmental Facilities Corporation will assist NYSDEC in ensuring public knowledge of the project. Input from Sector trade associations will be requested in the process of developing program materials such as the pollution prevention and compliance assistance workbooks and workshop materials. Meetings will be held with sector trade associations to promote and explain ERP and the self-certification program prior to ERP implementation. Also, brochures or other materials may be handed out during baseline inspections to familiarize facilities and surrounding communities with ERP and to encourage participation in workshops and the self-certification process. Workshop announcements and self-certification packages will be mailed directly to regulated facilities in the target sectors as well as posted on the NYSDEC and the project partners' state agency websites.

Public Participation and Environmental Justice Areas

To address environmental justice concerns and ensure community participation in this project, outreach activities associated with this project will target locations within or easily accessible to potential environmental justice areas. *NYSDEC Commissioner Policy-29 Environmental Justice and Permitting*, defines *potential environmental justice area* as a minority or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Potential areas are shown on county maps on the NYSDEC website at: <http://www.dec.ny.gov/public/899.html>. ERP workshops located in or easily accessible to potential environmental justice areas will be specifically located and timed for easy access by interested stakeholders, in accordance with *Tips for Preparing a Public Participation Plan Pursuant to the NYSDEC Commissioner Policy-*

29, *Environmental Justice and Permitting*. However, ERP workshops will not be held in all environmental justice areas that have been defined within New York State, and not all ERP workshops will be held in environmental justice areas. Please see Appendix D for a copy of Commissioner Policy-29 and Public Participation Tips. These documents are also posted on the NYSDEC website at: <http://www.dec.ny.gov/public/333.html>.

Environmental Outputs and Outcomes

The goals of this project are to use ERP tools to help NYSDEC increase compliance assistance and pollution prevention outreach to the large universe of various small business sectors, and improve their environmental performance and pollution prevention practices in a more timely and cost effective manner than traditional compliance assistance and monitoring efforts.

Environmental performance will be assessed by conducting baseline and post-certification random inspections using multi-media inspection checklists and Environmental Business Practice Indicators (EBPIs). The EBPIs will include beyond compliance measures or best management practices (BMPs) to measure pollution prevention and energy efficiency practices. The number of facilities to be inspected will be statistically determined, and a random list of facilities will be generated from the databases developed for each of the sectors included in this project. Checklist questions and EBPIs will be developed in consultation with NYSDEC regulatory divisions and the P2/CA Council, and will address all relevant air, water, chemical bulk storage, solid and hazardous waste regulatory requirements, as well as assess pollution prevention and energy efficiency practices. Other State ERPs and the NEWMOA Common Measures Project will also be used as resources for developing EBPIs for each of the sectors included in this project. EBPIs may be modified for each of the sectors during the course of this project based on stakeholder input and inspection results. EBPIs proposed at this time for the autobody shop phase of this project include:

Compliance Indicators

- Does the facility utilize High Volume Low Pressure (HVLP) spray guns?
- Does the facility utilize an automatic/enclosed spray gun cleaner or other method to minimize air emissions?
- Are solvents and clean-up rags stored in closed containers?
- Does the facility utilize a spray booth or filtered exhaust system to control paint overspray?
- Is the lid on the metal parts washer closed when not in use?
- Are all hazardous waste containers properly labeled?
- Are all hazardous waste containers closed unless waste is being added or removed?
- Are all hazardous waste containers in good condition, (i.e., free of severe rusting or apparent structural defects, and not leaking)?
- Does the facility use a hazardous waste manifest to ship its hazardous waste when a manifest is required?

BMPs

- Does the facility utilize an automated paint color dispensing unit?
- Are vacuum sanders used and dust collected stored and disposed of properly?
- Have spray gun operators received any formal training or certification?
- Does the facility recycle clean-up solvents?

The environmental outputs of the NYSDEC ERP approach will include sector-specific compliance assistance workbooks, workshops, and self-certification documents. Outputs will also include the development of EBPIs and beyond compliance measures (including pollution prevention and energy efficiency metrics), and baseline and post-certification compliance inspections, as discussed above. The environmental outputs will be measured by the attendance at compliance assistance workshops, the number of workshops held in potential EJ areas, the number of responses to self-certification requirements, statistical analysis of inspection data and EBPIs to determine compliance rates, and pollution prevention and energy efficiency practices, and the reporting of measurement data and findings to stakeholders, trade associations, other states, and EPA.

It is anticipated that the environmental outcomes of this project will include increased compliance rates, and overall improved environmental performance of autobody shops, printers, and an additional small business sector. Environmental outcome measures will include the statistical analysis of EBPIs and beyond compliance indicators to assess compliance and improvements in sector environmental performance as well as the measurement of reductions in toxic air pollutants, reductions in solid and hazardous waste generation, and reductions in hazardous waste releases. Improvement in administrative efficiency in conducting compliance monitoring and providing compliance assistance is also expected to be a result of implementing the ERP model. NYSDEC will provide a plain language report of our results in an easily accessible format for stakeholders and the public to understand the reporting and tracking of these environmental results measures.

Lastly, NYSDEC will evaluate the results of this project to determine whether the ERP approach should be expanded to other small business sectors or other environmentally significant activities, such as construction related storm water management issues.

Reporting Requirements

NYSDEC will submit quarterly progress reports to EPA tracking completion of project milestones, expenditures of funds, important outcomes and unexpected problems or issues, and summarize technical progress. It is anticipated that the EPA Technical Project Liaison will participate actively in the project and be aware of progress. All data collected for this project will be shared with EPA for the purpose of assessment on a regional and/or national level. Within 90 calendar days following the completion of this project, NYSDEC will submit a final project report to EPA summarizing the results of the project, including:

- Project overview
- Performance measures selected for each sector
- Summary of rates of compliance and outcomes achieved
- Statistical methodologies implemented to gather and analyze the data
- Data aggregation, analysis and quality assurance methods used by NYSDEC
- Cost analysis
- Problems, successes, lessons learned.

Transferability

NYSDEC is committed to meeting with other states to share our experiences, successes and problems associated with this project. NYSDEC has been and will continue to be involved in NEWMOA and ECOS ERP activities. Throughout this project and beyond, NYSDEC will make all ERP materials available, and assist states as requested. In our final project report, NYSDEC will document the pros and cons of the program, problems that had to be solved, costs involved, partners needed, and other information that may be helpful to implement a similar program. NYSDEC will also use this information to determine whether the ERP approach should be expanded to other small business sectors as well as other environmentally significant activities, such as construction related storm water management issues.

Programmatic Capability and Project Partners

Under New York State Environmental Conservation Law (ECL) Article 28, NYSDEC is directed to establish and implement a new Small Business Pollution Prevention and Environmental Compliance Assistance (P2/CA) Program. The purpose of the program is to assist small businesses to achieve pollution prevention and comply with environmental laws, and to support and enhance all environmental and regulatory programs carried out by NYSDEC. This legislation also requires the establishment of a P2/CA Coordinating Council and multi-media Ombudsman Program.

NYSDEC has partnered with the P2/CA Coordinating Council to complete the proposed ERP project as well as address the Article 28 requirements. The P2/CA Coordinating Council includes representatives from: NYSDEC, the New York State Department of Economic Development (NYSDED), the New York State Environmental

Facilities Corporation (NYSEFC), the New York State Energy Research and Development Authority (NYSERDA), and the New York State Office of Science, Technology and Academic Research (NYSTAR).

Key Personnel

NYSDEC DSHM staff will be responsible for overall project management including administering grant funds, progress reporting, and ensuring quality assurance requirements are met. In addition, key personnel assigned to this project will also rely on contractual assistance provided by EPA for program development and statistical analyses.

The following are the key personnel from NYSDEC responsible for this proposal and a summary of their qualifications. Their resumes are included in Appendix B of this document.

Project Manager:

Paul R. Counterman, P.E., Environmental Engineer 4, Director, Bureau of Hazardous Waste Regulation, Division of Solid & Hazardous Materials, NYSDEC. Mr. Counterman has worked on hazardous waste issues at NYSDEC for over 33 years. Mr. Counterman is responsible for a wide variety of activities in the hazardous waste regulatory program, including: inspection and compliance; permitting of hazardous waste treatment, storage, and disposal facilities; data management; technical determinations; compliance assistance; and hazardous waste fees and taxes. Also responsible for the development of new hazardous waste regulations and programs including hazardous waste minimization, e-wastes, and implementing the NYS facility siting law.

Other Key Personnel:

Thomas J. Killeen, P.E., Environmental Engineer 3, Chief, Inspection & Compliance Section, Bureau of Hazardous Regulation, Division of Solid & Hazardous Materials, NYSDEC. Mr. Killeen has been a member of DEC since 1986, and has been Chief of the Inspection & Compliance Section for the past four years. Previously, he was the Regional Solid & Hazardous Materials Engineer in DEC's Region 3 office, which included the supervision of the Hazardous Waste, Solid Waste and Pesticides programs. Mr. Killeen has been a certified RCRA inspector for the past 5 years.

Sitansu Ghosh, P.E., Environmental Engineer 2, Inspection & Compliance Section, Bureau of Hazardous Regulation, Division of Solid & Hazardous Materials, NYSDEC. Mr. Ghosh has worked for NYSDEC for about twenty-two years, and has experience in hazardous waste permitting, closure, corrective action, inspection and compliance, solid waste planning and facility management, pollution prevention, and the development of data management systems.

Victoria Schmitt, P.E., Environmental Engineer 2, Inspection & Compliance Section, Bureau of Hazardous Regulation, Division of Solid & Hazardous Materials, NYSDEC. Mrs. Schmitt has 20 years of experience with the Division of Solid & Hazardous Materials. Her present responsibilities include monitoring the compliance of hazardous waste management facilities, and developing an Environmental Results Program for autobody shops and printers in New York State.

Project Team

- A. New York State Department of Environmental Conservation (NYSDEC)
 - Division of Environmental Permits (DEP)
 - Division of Solid & Hazardous Materials (DSHM)
 - Division of Air Resources (DAR)
 - Division of Water (DOW)
 - Division of Environmental Remediation (DER)
- B. New York State Department of Economic Development (NYSDED)

- C. New York State Environmental Facilities Corporation (NYSEFC)
- D. New York State Energy Research and Development Authority (NYSERDA)
- E. New York State Office of Science, Technology and Academic Research (NYSTAR)

Project Team Member Responsibilities (Note, these responsibilities may change as the project develops.)

- A. New York State Department of Environmental Conservation (NYSDEC)
 - 1. Division of Solid & Hazardous Waste (DSHM)
 - Project Manager and Coordinator
 - Preparation of EPA State Innovation Grant Application
 - Preparation of EPA State Innovation Grant Project QAPP
 - General ERP Training for P2/CA Council
 - Sector Universe Database Development and Maintenance
 - Manage Workbook Development
 - Develop Certification Form
 - Baseline, Post Certification, and Targeted Inspections
 - Enforcement - non responders and return to compliance issues
 - Inspection and Self-Certification Database Development and Input
 - Inspection and Self-Certification Data Statistical Analysis
 - Prepare Quarterly Progress Reports and Final Project Report
 - 2. Division of Environmental Permits Pollution Prevention Unit (DEP)
 - Pollution Prevention (P2) Section of Workbook
 - P2 Section of Checklist
 - Fact Sheet Development
 - P2 Outreach Materials
 - Present Workshops
 - Mailings
 - Develop cross-agency metrics with the P2/CA Council for gauging and reporting program progress and success
 - Onsite assistance
 - 3. Other NYSDEC Environmental Quality (EQ) Divisions (DAR, DOW, DER - for areas of their program responsibility)
 - Sector Identification from Program Databases
 - Inspection Checklist and Self-Certification Form Program Sections
 - Preparation of Guidance Manual Program Sections
 - Identify Sector-specific Environmental Business Practice Indications
 - Sector-specific cross-training of EQ Inspectors
 - Assist in preparing compliance assistance workshop materials
 - Enforcement – Non-responders and return-to-compliance issues
- B. New York State Environmental Facilities Corporation (NYSEFC)
 - Assist in Plain Language Review of Manuals and Outreach Materials
 - Workshop Arrangements
 - Assist in preparing mailings (Brochures, Workshop Notifications)
 - Present Workshops
 - Provide technical outreach to Trade Associations
 - Develop cross-agency metrics with the P2/CA Council for gauging and reporting program progress and success
 - On-site assistance

- C. New York State Department of Economic Development (NYSDED)
 - Serve as Ombudsman
 - Outreach to Trade Associations
 - Publicity About ERP and Workshops
 - Lead marketing/outreach to the business community
 - Develop cross-agency metrics with the P2/CA Council for gauging and reporting program progress and success

- D. New York State Energy Research and Development Authority (NYSERDA)
 - Provide a list of possible applicable energy efficiency measures
 - Information about NYSERDA Program Opportunities for Manuals/Mailings
 - NYSERDA Presentation Materials for Workshops
 - Funding for Energy Efficiency Projects through existing NYSERDA programs

- E. New York State Office of Science, Technology and Academic Research (NYSTAR)
 - Information for Manuals/Mailings About NYSTAR Programs
 - NYSTAR Presentation Materials for Workshops
 - Assist in the development of New Technologies (Research)

NYS Small Business Sectors ERP Implementation Pilot Project Project Activities and Timeframes

The following timelines are based on EPA's estimated final award date of October 2007.

TIMEFRAME	MAJOR PROJECT ACTIVITIES/MILESTONES	OUTPUTS
Summer 2007	Prepare QAPP for NYS Small Business Sectors ERP Implementation Pilot Project	<ul style="list-style-type: none"> ▪ Completed QAPP
October 2007 - December 2007	<p>Begin Phase 1 - Pilot Autobody Shops ERP in DEC Reg. 4 & 9 including:</p> <ul style="list-style-type: none"> • Identify Autobody shop universe in Regions 4 & 9 • Develop Regions 4 & 9 Autobody shop database • Develop Draft Environmental Business Practice Indicators (EBPIs), inspection checklist, and self-certification form • Develop draft Autobody Compliance Assistance Workbook • Meet with Autobody Trade Associations and other stakeholders • Review draft ERP documents with stakeholders • Finalize inspection checklist and EBPIs • Generate list of random autobody shops 	<ul style="list-style-type: none"> • # and list of Reg. 4 & 9 Autobody shops • Autobody shops EBPIs and inspection checklist
January 2008 - March 2008	<p>Phase 1 - Pilot Autobody Shops ERP in DEC Reg. 4 & 9</p> <ul style="list-style-type: none"> • Conduct Autobody shops Baseline Random Inspections <ul style="list-style-type: none"> ▪ Input and analyze data from baseline inspections ▪ Revise EBPIs if necessary ▪ Revise and Finalize Workbooks and Self-certification forms 	<ul style="list-style-type: none"> ▪ # of baseline inspections completed for autobody shops in Reg. 4 & 9 ▪ Baseline compliance rate of autobody shops in Reg. 4 & 9 ▪ Autobody shop workbook and self-certification form
April 2008- June 2008	<p>Phase 1 - Pilot Autobody Shops ERP in DEC Reg. 4 & 9</p> <ul style="list-style-type: none"> ▪ Conduct Compliance Assistance Workshops in Regions 4 & 9 ▪ Distribute Compliance Assistance Materials and Self-Certification forms ▪ Identify statewide Autobody shop universe ▪ Begin developing statewide Autobody shop database 	<ul style="list-style-type: none"> • # of autobody workshops given in Regions 4 & 9 • # of autobody shops workbooks and self-certification forms distributed • # and list of autobody shops statewide
July 2008 – September 2008	<p>Phase 1 - Pilot Autobody Shops ERP in DEC Reg. 4 & 9</p> <ul style="list-style-type: none"> • Receive, input and analyze self-certification submittals • Generate list of region 4 & 9 targeted facilities and random autobody shops • Complete random and targeted Post-Certification Inspections of autobody shops in Regions 4 & 9 	<ul style="list-style-type: none"> • # of Reg 4 & 9 autobody shops self-certification forms submitted • # of Reg 4 & 9 autobody shops post-certification random and targeted inspections completed

TIMEFRAME	MAJOR PROJECT ACTIVITIES/MILESTONES	OUTPUTS
<p>October 2008- December 2008</p>	<p>Phase 1 - Pilot Autobody Shops ERP in DEC Reg. 4 & 9</p> <ul style="list-style-type: none"> •Input data from Region 4 & 9 post-certification Inspections •Complete statistical analysis of inspection and self-certification data for Region 4 & 9 Autobody shops •Make adjustments to EBPIs, forms, and compliance assistance materials where needed. <p>Roll out of Statewide Autobody Shops ERP</p> <ul style="list-style-type: none"> •Generate statewide random list of autobody shops for baseline inspections •Conduct statewide baseline random inspections •Input and analyze data from baseline inspections 	<ul style="list-style-type: none"> •Post-certification compliance rate of Reg. 4 & 9 autobody shops •performance rates of Reg. 4 & 9 autobody shops <ul style="list-style-type: none"> •# of statewide autobody baseline inspections completed •Baseline compliance rate of autobody shops statewide
<p>January 2009- March 2009</p>	<p>Roll out of Statewide Autobody Shops ERP</p> <ul style="list-style-type: none"> •Conduct Autobody Compliance Assistance Workshops statewide •Distribute Autobody Compliance Assistance Materials and Self-Certification forms <p>Begin Phase 2 – Pilot Printers ERP in Regions 4 & 9</p> <ul style="list-style-type: none"> •Identify Region 4 & 9 and statewide Printers Universe •Develop Regions 4 & 9 and statewide Printers database •Develop Printers EBPIs, inspection checklist, and self-certification form 	<ul style="list-style-type: none"> •# of autobody shops workshops given in Reg. 4 & 9 •# of autobody shops workbooks and self-certification forms distributed <ul style="list-style-type: none"> •# and list of Reg. 4 & 9 printers •Printers EBPIs and inspection checklist
<p>April 2009- June 2009</p>	<p>Continue Statewide Autobody Rollout</p> <ul style="list-style-type: none"> •Receive and input statewide autobody self-certification submittals •Generate random list and targeted list of autobody shops <p>Continue Phase 2 - Printers Pilot ERP</p> <ul style="list-style-type: none"> •Meet with Printers Trade Associations and other stakeholders •Review draft ERP documents with stakeholders •Finalize printers inspection checklist and EBPIs 	<ul style="list-style-type: none"> •# of self-certification forms submitted by statewide autobody shops <ul style="list-style-type: none"> •Printers EBPIs and Inspection checklist
<p>July 2009- September 2009</p>	<p>Continue Statewide Autobody Rollout</p> <ul style="list-style-type: none"> •Conduct Autobody shops random and targeted Post-Certification Inspections •Complete statistical analysis of inspection and self-certification data for Autobody shops. <p>Continue Phase 2 - Printers Pilot ERP</p> <ul style="list-style-type: none"> •Generate random list of printers in Regions 4 & 9 •Conduct Baseline Random Inspections of Region 4 & 9 printers •Input and analyze data from Regions 4 & 9 printers baseline inspections 	<ul style="list-style-type: none"> •# of statewide autobody shops post-certification random and targeted inspections completed •Statewide autobody post-certification compliance rate <ul style="list-style-type: none"> •# of baseline inspections completed for printers in Reg. 4 & 9 •Baseline compliance rate of printers in Regions 4 & 9

TIMEFRAME	MAJOR PROJECT ACTIVITIES/MILESTONES	OUTPUTS
October 2009- December 2009	<p>Continue Phase 2 - Printers Pilot ERP</p> <ul style="list-style-type: none"> ▪ Revise EBPIs if necessary ▪ Revise and Finalize Workbooks and Self-certification forms ▪ Conduct Compliance Assistance Workshops in Regions 4 & 9 ▪ Distribute Compliance Assistance Materials and Self-Certification forms 	<ul style="list-style-type: none"> • Printers workbook and self-certification form • # of printers workshops given in Regions 4 & 9 • # of printers workbooks and self-certification forms distributed
January 2010- March 2010	<p>Continue Phase 2 - Printers Pilot ERP</p> <ul style="list-style-type: none"> ▪ Revise EBPIs if necessary ▪ Receive and input self-certification submittals from Region 4 & 9 printers ▪ Generate random list and targeted list of Region 4 & 9 printers 	<ul style="list-style-type: none"> • # of printers self-certification forms submitted in Reg. 4 & 9
April 2010- June 2010	<p>Continue Phase 2 - Printers Pilot ERP</p> <ul style="list-style-type: none"> ▪ Revise EBPIs if necessary ▪ Complete random and targeted Post-Certification Inspections of printers in Regions 4 & 9 ▪ Input data from Region 4 & 9 post-certification Inspections ▪ Complete statistical analysis of inspection and self-certification data for Region 4 & 9 Autobody shops <p>Make adjustments to EBPIs, forms, and compliance assistance materials where needed.</p> <p>Roll out of Statewide Printers ERP</p> <ul style="list-style-type: none"> ▪ Generate statewide random list of printers for baseline inspections ▪ Conduct statewide baseline random inspections of printers ▪ Input and analyze data from baseline inspections 	<ul style="list-style-type: none"> • # of printers post-certification random and targeted inspections completed in Reg. 4 & 9 • Reg. 4 & 9 printers Post-certification compliance rate • performance rates of printers in Reg. 4 & 9 • # of baseline inspections of statewide printers completed • Baseline compliance rate of printers statewide
July 2010 – September 2010	<p>Continue Roll out of Statewide Printers ERP</p> <ul style="list-style-type: none"> • Conduct Compliance Assistance Workshops statewide ▪ Distribute Compliance Assistance Materials and Self-Certification forms <p>Begin Phase 3- Develop ERP for to be determined (TBD) small business sector:</p> <ul style="list-style-type: none"> • Identify TBD sector universe • Develop TBD sector database 	<ul style="list-style-type: none"> • # of printers workshops held statewide • # of printers workbooks and self-certification forms distributed statewide • # and list of facilities in TBD sector
October 2010- December 2010	<p>Continue Roll out of Statewide Printers ERP</p> <ul style="list-style-type: none"> • Receive, input and analyze self-certification submittals • Generate list of statewide targeted facilities and random printers • Complete random and targeted Post-Certification Inspections of printers statewide • Input data from statewide printer post-certification Inspections • Complete statistical analysis of statewide printer inspection and self-certification data 	<ul style="list-style-type: none"> • # of statewide printers post-certification random inspections completed • # of statewide targeted printer inspections completed • Statewide printers post-certification compliance rate • Statewide printers performance measures

TIMEFRAME	MAJOR PROJECT ACTIVITIES/MILESTONES	OUTPUTS
October 2010- December 2010	<p>Continue Phase 3- Develop ERP for to be determined (TBD) small business sector:</p> <ul style="list-style-type: none"> •Develop TBD sector Draft EBPIs, inspection checklist, and self-certification form •Develop draft TBD sector Compliance Assistance Workbook •Meet with Trade Associations and other stakeholders •Review draft ERP documents with stakeholders •Finalize inspection checklist and EBPIs •Generate random list of TBD sector facilities 	<ul style="list-style-type: none"> •TBD sector EBPIs and inspection checklist
January 2011 – March 2011	<p>Continue Phase 3- Develop ERP for TBD small business sector:</p> <ul style="list-style-type: none"> •Conduct Baseline Random Inspections •Determine baseline compliance rate 	<ul style="list-style-type: none"> •# of baseline inspections of TBD sector •TBD sector baseline compliance rate
April 2011- June 2011	<p>Continue Phase 3- Develop ERP TBD sector:</p> <ul style="list-style-type: none"> •Conduct TBD sector compliance assistance workshops •Distribute Self-Certification forms and Compliance Assistance Materials •Receive and evaluate self -certification submittals •Conduct Random Post-Certification and targeted inspections 	<ul style="list-style-type: none"> •# of TBD sector workshops •# of TBD sector workbooks and self-certification forms distributed •# of TBD sector self-certification forms submitted •# of TBD sector post-certification random and targeted inspections completed
July 2011- September 2011	<p>Continue Phase 3- Develop ERP TBD sector:</p> <ul style="list-style-type: none"> • Complete statistical analysis of inspection and self-certification data for TBD sector •Prepare Final Report of Project Results 	<ul style="list-style-type: none"> •TBD sector post-certification compliance rate •TBD sector performance measures • •Final Project Report

NYSDEC Phase 1 – Autobody Shops ERP Logic Model

INPUTS	ACTIVITIES	OUTPUTS	CUSTOMERS	SHORT TERM OUTCOMES	MEDIUM TERM OUTCOMES	LONG TERM OUTCOMES
<p># of Staff participating in development and implementation of Autobody ERP</p> <ul style="list-style-type: none"> • NYSDEC • NYSEFC • NYSDDED • NYSERDA • NYSTAR <p># of Stakeholders involved in ERP Development</p> <ul style="list-style-type: none"> • USEPA • Autobody Shop Associations <p>EPA State Innovation Grant</p> <p>Existing ERP Tools from other States (Massachusetts, Rhode Island, Maine, etc.)</p> <p>NEWMOA Common Measures Project Compliance Indicators</p> <p>Massachusetts ERP Automation Software</p>	<p>Identify the universe of autobody shops.</p> <p>Conduct inspections at a random set of autobody shops to establish baseline performance.</p> <p>Establish performance measurements for Autobody Shops.</p> <p>Develop compliance assistance workbooks and self-certification forms</p> <p>Provide technical assistance to auto body sector through workshops</p> <p>Distribute workbooks and self-certification forms</p> <p>Conduct and evaluate random post-certification inspections of printers</p> <p>Evaluate compliance performance using the results of the self-certifications and inspections</p>	<p># of Autobody Shops in autobody shop universe database</p> <p># of inspections completed and baseline compliance rate of autobody shops</p> <p>List of performance measurements for autobody shops</p> <p>Compliance assistance workbooks and self-certification forms</p> <p># of workshops held</p> <p># of workbooks and self-certification forms distributed to autobody shops</p> <p># of post-certification inspections</p> <p>Post-certification compliance rate for autobody shops</p> <p>Report on statistical analysis/comparison of compliance rates and P2 practices of Autobody shops</p>	<p>Autobody Shops</p> <p>Interested public</p>	<p>Autobody shops are knowledgeable of applicable environmental regulations</p> <p>Autobody shops are knowledgeable of pollution prevention, best management practices, and energy efficiency tips applicable to their businesses</p> <p>Knowledge of compliance requirements and BMPs for autobody shops is improved within potential EJ areas</p>	<p>Autobody shops are aware of and improve compliance with EBPIs and applicable environmental regulations</p> <p>Autobody shops more safely manage hazardous waste and toxic chemicals during storage and transportation</p> <p>Autobody shops are aware of and take P2 measures to reduce use of chemicals, solvents and paints</p> <p>Autobody shops take measures to increase energy efficiency of shop operations</p>	<p>Autobody shops use less toxic chemicals and generate less hazardous waste</p> <p>Reduction in HW releases</p> <p>Reduction in VOC emissions from Autobody sector</p> <p>Costs and time required by NYSDEC to conduct compliance monitoring and provide compliance assistance to autobody shops are reduced.</p> <p>Reduction in amount of waste generated by autobody shops resulting in lower cost for waste management by autobody shops.</p> <p>Increased competitiveness of autobody shops.</p>

NYSDEC – Phase 2 Printers ERP Logic Model

INPUTS	ACTIVITIES	OUTPUTS	CUSTOMERS	SHORT TERM OUTCOMES	MEDIUM TERM OUTCOMES	LONG TERM OUTCOMES
<p># of Staff participating in development and implementation of Printers ERP</p> <ul style="list-style-type: none"> • NYSDEC • NYSEFC • NYSDED • NYSERDA • NYSTAR <p># of Stakeholders involved in ERP Development</p> <ul style="list-style-type: none"> • USEPA • Printers Trade Associations <p>EPA State Innovation Grant</p> <p>Existing ERP Tools from other States (Massachusetts, RI, Maine, etc.)</p> <p>NEWMOA Common Measures Project Compliance Indicators</p> <p>Massachusetts ERP Automation Software</p>	<p>Identify the universe of printers.</p> <p>Conduct and evaluate inspections at a random set of printers to establish baseline performance.</p> <p>Establish performance measurements for printers</p> <p>Develop Printers workbooks and self-certification forms</p> <p>Provide technical assistance to printers through workshops</p> <p>Distribute Printers workbooks and self-certification forms</p> <p>Conduct and evaluate random post-certification inspections of printers</p> <p>Evaluate compliance performance using the results of the self-certifications and inspections</p>	<p># of Printers in sector universe database</p> <p># of baseline inspections</p> <p>baseline compliance rate for printers sector</p> <p>List of printers performance measurements</p> <p>Printers workbooks and self-certification forms</p> <p># of workshops held</p> <p># of printers sector workbooks and forms distributed</p> <p># of post-certification inspections</p> <p>Post-certification compliance rate for printers</p> <p>Report on statistical analysis/comparison of compliance rates and P2 practices of Printers</p>	<p>Printers</p> <p>Interested public</p>	<p>Printers are knowledgeable of applicable environmental regulations</p> <p>Printers are knowledgeable of pollution prevention, best management practices, and energy efficiency tips applicable to their businesses</p> <p>Knowledge of compliance requirements and BMPs for printers is improved within potential EJ areas</p>	<p>Printers are aware of and improve compliance with EBPIs and applicable environmental regulations</p> <p>Printers more safely manage hazardous waste and toxic chemicals during storage and transportation</p> <p>Printers are aware of and take P2 measures to reduce use of chemicals and solvents and dyes</p> <p>Printers take measures to increase energy efficiency of their operations</p>	<p>Printers use less toxic chemicals and generate less hazardous waste</p> <p>Reduction in VOC emissions from Printers sector</p> <p>Costs and time required by NYSDEC to conduct compliance monitoring and provide compliance assistance to printers is reduced.</p> <p>Reduction in amount of waste generated by autobody shops resulting in lower cost for waste management by printers, and increased competitiveness of printers.</p>

NYSDEC – Phase 3 TBD Small Business Sector ERP Logic Model

INPUTS	ACTIVITIES	OUTPUTS	CUSTOMERS	SHORT TERM OUTCOMES	MEDIUM TERM OUTCOMES	LONG TERM OUTCOMES
<p># of Staff participating in development and implementation of to be determined (TBD) sector ERP.</p> <ul style="list-style-type: none"> • NYSDEC • NYSEFC • NYSDDED • NYSERDA • NYSTAR <p># of Stakeholders involved in ERP Development</p> <ul style="list-style-type: none"> • USEPA • Trade Assoc. <p>Existing ERP Tools from other States (Massachusetts, RI, Maine, etc.)</p> <p>NEWMOA Common Measures Project Compliance Indicators</p> <p>Massachusetts ERP Automation Software</p>	<p>Identify the universe of TBD sector.</p> <p>Conduct inspections at a random set of TBD sectors to establish baseline performance.</p> <p>Establish performance measurements for TBD sector.</p> <p>Develop compliance assistance workbooks and self-certification forms for TBD sector.</p> <p>Provide technical assistance to TBD sector through workshops</p> <p>Distribute workbooks and self-certification packages</p> <p>Conduct inspections at a random set of TBD Sector to establish post-certification performance.</p> <p>Evaluate compliance performance using the results of the self-certifications and inspections</p>	<p># of facilities in TBD sector universe database</p> <p># of baseline inspections</p> <p>Baseline compliance rate for TBD sector</p> <p>List of performance measurements for printers</p> <p>TBD sector compliance assistance workbook and self-certification form</p> <p>Number of workshops given</p> <p># of TBD sector workbooks and forms distributed</p> <p># of post-certification inspections</p> <p>Post-certification compliance rate for TBD sector</p> <p>Report on statistical analysis/comparison of compliance rates and P2 practices of TBD sector</p>	<p>TBD sector</p> <p>Interested public</p>	<p>TBD sector is knowledgeable of applicable environmental regulations</p> <p>TBD sector is knowledgeable of pollution prevention, best management practices, and energy efficiency tips applicable to their businesses</p> <p>Knowledge of compliance requirements and BMPs for TBD sector is improved within potential EJ areas</p>	<p>TBD sector is aware of and comply with applicable environmental regulations</p> <p>TBD sector more safely manage hazardous waste and toxic chemicals during storage and transportation</p> <p>TBD sector are aware of and take P2 measures to reduce use of chemicals and solvents</p> <p>TBD sectors take measures to increase energy efficiency of their operations</p>	<p>TBD sector uses less toxic chemicals and generates less hazardous waste</p> <p>Reduction in VOC emissions from TBD sector</p> <p>Costs and time required by NYSDEC to conducting compliance monitoring and provide compliance assistance to TBD sector is reduced.</p> <p>Reduction in amount of waste generated by TBD sector resulting in lower cost for waste management, and increased competitiveness of TBD sector.</p>

**EPA 2007 State Innovation Grant Program
 NYS Small Business Sectors ERP Implementation Pilot Project**

Budget Narrative

Table 1: Year 1/ October 2007- September 2008 (Phase I – Pilot Autobody ERP)			
Item	Project Cost	State Leverage Funds	Proposed EPA Funding
Personnel (* see breakdown in Table 6 below)	\$92,703	\$92,703	0
Fringe Benefits (45.53%)	42,208	42,208	0
Indirect costs (34.38% fixed)	46,382	46,382	
Supplies: - JMP 7 Corporate statistical software	1,500	0	1,500
- Envelopes	500	0	500
Contractual: Printing ~ 2500 workbooks	8,000	0	8,000
Mailings ~ 2500 workbooks	8,000	0	8,000
Workshops (6)	15,000	0	15,000
Travel	3,000	0	3,000
Year 1 Totals:	\$217,293	\$181,293	\$36,000

Table 2: Year 2/Oct. 2008-Sept. 2009 (Roll out Statewide Autobody ERP and Phase 2 Pilot Printers ERP)			
Item	Project Cost	State Leverage Funds	Proposed EPA Funding
Personnel (* see breakdown in Table 6 below)	\$92,703	\$92,703	0
Fringe Benefits (45.53%)	42,208	42,208	0
Indirect costs (34.38% fixed)	46,382	46,382	0
Contractual: Software support, Data Input	20,000	0	20,000
Printing ~ 8000 workbooks	24,000	0	24,000
Mailings ~ 8000 workbooks	24,000	0	24,000
Workshops (20)	40,000	0	40,000
Travel	7,000	0	7,000
Year 2 Totals:	\$296,293	\$181,293	\$115,000

Table 3: Year 3/Oct. 2009- Sept. 2010 (Continue Phase 2 Pilot and Rollout Statewide Printers ERP)			
Item	Total Project Cost	State Leverage Funds	Proposed EPA Funding
Personnel (* see breakdown in Table 6 below)	\$92,703	\$92,703	0
Fringe Benefits (45.53%)	42,208	42,208	0
Indirect costs (34.38% fixed)	46,382	46,382	0
Contractual: Printing (~3600)	10,000	0	10,000
Mailings (~3600)	10,000	0	10,000
Workshops (15)	30,000	0	30,000
Travel	5,000	0	5,000
Year 3 Totals:	\$236,293	\$181,293	\$55,000

**EPA 2007 State Innovation Grant Program
NYS Small Business Sectors ERP Implementation Pilot Project**

Budget Narrative (Continued)

Table 4: Year 4/Oct. 2010- Sept. 2011 (Continue Printers ERP rollout and Phase 3 TBD Sector ERP)			
Item	Project Cost	State Leverage Funds	Proposed EPA Funding
Personnel (* see breakdown in Table 6 below)	\$92,703	\$92,703	0
Fringe Benefits (45.53%)	42,208	42,208	0
Indirect costs (34.38% fixed)	46,382	46,382	0
Contractual: Printing (~5000 workbooks)	15,000	0	15,000
Mailings (~5000 workbooks)	15,000	0	15,000
Workshops (5-10)	15,000	0	15,000
Travel	4,000	0	4,000
Year 4 Totals:	\$230,293	\$181,293	\$49,000

Table 5: Total Project Costs									
Funding Period	Supplies	Contractual	Travel	Personnel	Fringe	Indirect Costs	Total EPA Funded Costs	Total State Funded Costs	Total Annual Costs
Year 1	2000	31,000	3,000	92,703	42,208	46,382.40	36,000	181,293.40	217,293.40
Year 2	0	108,000	7,000	92,703	42,208	46,382.40	115,000	181,293.40	296,293.40
Year 3	0	50,000	5,000	92,703	42,208	46,382.40	55,000	181,293.40	236,293.40
Year 4	0	45,000	4,000	92,703	42,208	46,382.40	49,000	181,293.40	230,293.40
Item Annual Costs:	2000	234,000	19,000	370,812	168,832	185,530			
TOTAL PROPOSED EPA FUNDING:							\$255,000		
TOTAL STATE FUNDING:								\$725,174	
TOTAL PROJECT COST:									\$980,174

Table 6: Personnel Costs Breakdown					
NYSDEC Personnel	Annual Salary	FTE	Personnel	Fringe Benefits (45.53%)	Indirect costs (34.38%)*
Environmental Engineer 2 (G-24)	75,356	1.0	\$75,356	34,310	37,703
Environmental Engineer 2 (G-24)	75,356	0.1	7,536	3,431	3,770
Environmental Engineer 3 (G-27)	87,838	0.05	4,393	2,000	2,198
Environmental Engineer 4 (M-4)	108,362	0.05	5,418	2,467	2,711
NYSDEC Personnel Costs/Year			\$92,702	\$42,208	\$46,382.40

*See Appendix C for Negotiated Indirect Cost Rate Agreement

Appendices

Appendix A

NYSDEC Regional Offices



The department's nine regional offices bring DEC programs within the reach of all New Yorkers from Long Island to Buffalo. Each DEC region is headed by a regional director and is organized to serve the needs of communities within its boundaries.

Region 1 Nassau and Suffolk counties

Region 2 Brooklyn, Bronx, Manhattan, Queens and Staten Island

Region 3 Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties

Region 4 Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie counties

Region 5 Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington counties

Region 6 Herkimer, Jefferson, Lewis, Oneida and St. Lawrence counties (315) 785-2239

Region 7 Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins counties

Region 8 Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne and Yates counties

Region 9 Allegany, Chautauqua, Cattaraugus, Erie, Niagara and Wyoming counties

Appendix B

NYSDEC Key Personnel Resumes

Paul Richard Counterman, P.E.

Professional Experience

April 1974 - Present

Employed by the New York State Department of Environmental Conservation, Division of Solid & Hazardous Materials in the hazardous waste program from its inception in positions of increasing responsibility as outlined below:

Director of Various Hazardous Waste Bureaus
October 1981 to Present

Responsible for development and implementation of most aspects of the RCRA/HSWA Hazardous Waste (HW) Regulatory Program. As Bureau Director, was responsible for a broad range of hazardous waste activities including: inspection and compliance, permitting of hazardous waste treatment, storage, and disposal (TSD) facilities; remedial activities for in-place toxic sites at these regulated TSD facilities; RCRA groundwater compliance activities at the major commercial hazardous waste facilities; obtaining and maintaining EPA RCRA and HSWA Authorizations for the hazardous waste regulatory program; and developing and implementing programs for: waste minimization; household hazardous waste; restricting the landburial of hazardous wastes, and a statewide planning process to site future TSD facilities.

Supervisor, Chemical Technology Section
December 1980 - October 1981

Primary responsibilities included permitting and compliance activities at hazardous waste facilities and evaluating waste streams to determine if they were hazardous. This section was formed when the Technology Section, below, was divided.

Chief, Technology Section
November 1978 - December 1980

Responsible for all aspects of the State's hazardous waste programs that existed at that time. In addition to the duties of the Chemical Technology Section (above), responsible for conducting detailed analysis of environmental impacts of historic hazardous waste disposal sites and developing remedial plans for these sites. Responsible for negotiation of the Occidental Hyde Park settlement agreement and much of the initial work at Love Canal.

Senior Sanitary Engineer
November 1976 - November 1978
and

Primary responsibility for development and implementation of a State-wide hazardous waste management program.

Assistant Sanitary Engineer
April 1974 - September 1972

Research Assistant
August 1971 - September 1972

Department of Environmental Engineering, Rensselaer Polytechnic Institute, Troy, New York: Full time research assistant employed under a grant from the National Science Foundation to investigate means of improving the efficiency of air pollution devices for removing sulfur dioxide from power plant emissions.

Research Assistant
June 1970 - October 1970

Fresh Water Institute, Smith Bay, Putnam Station, New York: Designed, constructed and operated a small ambient air quality monitoring station. Also, participated in a water quality sampling and analysis program.

Education:

Bachelor of Science

Major: Chemical Engineering
Rensselaer Polytechnic Institute, June 1970

Master of Engineering

Major: Environmental Engineering
Rensselaer Polytechnic Institute, May 1973:
Emphasis on air and water pollution with background in ecological studies.
Thesis: The Inhibition of the Oxidation of Sulfur Dioxide in Alkaline Scrubbing Liquors. Graduate study was supported by a Rensselaer Scholarship and a National Science Foundation Research Assistantship.

Professional Licenses:

Licensed Professional Engineer in the State of New York
(License Number 053715-1)

Thomas J. Killeen, P.E.

Experience

NYS Department of Environmental Conservation June 2003 to Present

Chief, Inspection & Compliance Section, Bureau of Hazardous Waste Regulation

General Responsibilities: Supervise a staff of six engineers and paralegals; coordinate the statewide hazardous waste inspection program; oversee the statewide hazardous waste enforcement program and coordination with Division of Environmental Enforcement.

NYS Department of Environmental Conservation April 2000 to October 2003

Regional Solid & Hazardous Materials Engineer - Region 3

General Responsibilities: Supervise a staff of 18 in the Solid Waste, Hazardous Waste and Pesticides Programs; coordination of Inspection and Enforcement actions; responsible for regional budgeting.

NYS Department of Environmental Conservation Aug. 1992 to April 2000

Environmental Engineer 2 - Division of Water

General Responsibilities: Development of SPDES permits for major municipal POTWs, pulp and paper mills, dairies and industries in the food processing sector; wastewater treatment plant design review and approval for industrial dischargers and non New York State Revolving Funded POTW projects; responsible for the Environmental Benefits Permit Strategy (EBPS) system for the Biological Systems Section. This system is used for workload planning.

NYS Department of Environmental Conservation Nov. 1989 to Aug. 1992

Environmental Engineer - Division of Water

General Responsibilities: Development of SPDES permits for major municipal POTWs, pulp and paper mills, dairies and industries in the food processing industry; treatment plant design review for industrial dischargers and major municipal projects; assisted in the development of the Environmental Benefit Permit Strategy (EBPS), the Division of Water's project to streamline the permitting process for SPDES permits.

NYS Department of Environmental Conservation Dec. 1987 to Nov. 1989

Environmental Engineer - Division of Hazardous Substances Regulation

General Responsibilities: Review of Closure Plans and Closure Certifications for tank and container storage areas at Treatment Storage and Disposal Facilities (TSDFs) throughout New York; conduct facility audits and field inspections for facilities wishing to be removed from interim status under the CAPT LOIS program; maintain internal permit, closure and financial assurance tracking system and coordination of this system with USEPA's tracking system.

NYS Department of Environmental Conservation Oct. 1986 to Dec 1987

Chemical Engineer - Division of Solid & Hazardous Waste

General Responsibilities: Review of Closure Plans and Closure Certifications for tank and container storage areas at Treatment Storage and Disposal Facilities (TSDFs) in DEC regions 6, 7 and 8; develop a database tracking system for TSDF permitting, closure and financial assurance tracking system.

Education

Rensselaer Polytechnic Institute, Troy, New York

B.S. Chemical Engineering - May 1985

Hudson Valley Community College, Troy, New York

A.S. Math & Science - May 1983

Sitansu B. Ghosh, P.E.

Experience

April 2003 to present
New York State Department of Environmental Conservation, Division of Solid and Hazardous Materials, Bureau of Hazardous Waste Regulation, Albany, New York.
Environmental Engineer 2. Responsibility includes:
Hazardous Waste compliance inspection; Compliance assistance; Initiate enforcement action, Development of cases for referral to legal; Development and management of inspection database; Mixed occupancy and incompatible waste survey; Environmental justice coordination; Development of base line data for ERP project; Update inspection forms to incorporate regulatory changes; Training new engineer and inspectors; Coordination with Regional and Central office staff, consultants and EPA.

September 92 to April 2003
New York State Department of Environmental Conservation, Pollution Prevention Unit, Albany, New York.
Environmental Engineer 2. Responsibility included:
Supervision of Implementation and Evaluation Section staffs; Multimedia Inspection Program; Auto Recycler Initiative; P2 metrics project, New York State Pollution Prevention Information Clearinghouse, Development of multimedia facility M2P2 (400/95) list; Toxic Release Inventory, Development of New York state Multi Media Inspection Model.

December 89 to September 92
New York State Department of Environmental Conservation, Division of Solid Waste, Bureau of Facility Management, Albany, New York.
Environmental Engineer 2. Responsibility includes:
Solid Waste Management Plan technical support; Development of computer based solid waste management capacity tracking system; Generic technology assessment.

November 85 to December 89
New York State Department of Environmental Conservation, Division of Solid Waste, Bureau of Hazardous Waste Technology, Albany, New York.
Environmental Engineer 1 and 2. Responsibility includes:
Hazardous waste facility closure; facility permitting; Corrective action; Coordination with Central and Regional office staff, Industries and Consultants.

Education
Bachelor of Technology, Agricultural Engineering, June 1970
Indian Institute of Technology, Kharagpore , India
Master of Technology, Agricultural Engineering, August 1973
Indian Institute of Technology, Kharagpore , India

Certification
New York State Licensed Professional Engineer
Certificate of Data Processing

VICTORIA M. SCHMITT, P.E.

EDUCATION Bachelor of Science, Environmental Engineering, May 1987
Rensselaer Polytechnic Institute, Troy, New York

CERTIFICATION New York State Licensed Professional Engineer # 070419-1

EXPERIENCE

November 2004-
Present New York State Department of Environmental Conservation, Division of Solid & Hazardous Materials, Bureau of Hazardous Waste Regulation, Albany, New York. Environmental Engineer 2. Responsibilities include conducting inspection and monitoring activities for hazardous waste management facilities to ensure compliance with New York State Environmental Conservation Law.

November 2001-
November 2004 NYSDEC, Region 4 Office, Division of Solid Waste, 1150 North Westcott Road, Schenectady, NY 12306. Environmental Engineer 2: Responsibilities include conducting monitoring and enforcement activities for solid waste management facilities to ensure compliance with New York State Environmental Conservation Law. Also, provide technical assistance to regulated community and general public on Part 360 regulatory requirements regarding solid waste management.

March 1994 -
November 2001 NYSDEC, Division of Solid & Hazardous Materials, Albany, New York. Environmental Engineer 2: Responsibilities included technical review of Part 360 permit applications, variance requests and closure plans for solid waste management facilities located in Region 3. Provided technical assistance to other Department staff and the regulated community on the implementation of Part 360-7 Construction and Demolition Debris Landfills. Reviewed Bond Act and Landfill Closure State Assistance Program reimbursement requests.

January 1991 -
March 1994 NYSDEC, Division of Solid Waste, Albany, New York. Environmental Engineer 1: Responsibilities included technical review of solid waste composting and land application permit applications to determine compliance with Part 360 regulations. Also, conducted sampling at several construction and demolition debris processing facilities, and developed revised regulations for 6 NYCRR Part 360- 7 Construction and Demolition Debris Landfills.

May 1989 -
January 1991 NYSDEC, Region 3 Office, Division of Solid Waste, New Paltz, New York. Environmental Engineer 1: Conducted monitoring and enforcement activities for solid waste management facilities to ensure compliance with New York State Environmental Conservation Law. Provided technical assistance to regulated community and general public on Part 360 regulatory requirements regarding solid waste management.

July 1987 -
May 1989 NYSDEC, Division of Solid Waste, Albany, New York. Environmental Engineer 1: Responsibilities included technical review of land application and composting permit applications and annual reports to determine compliance with Part 360 regulations. Developed regulations for transfer stations and infectious waste treatment, storage and disposal facilities, and prepared environmental impact statements for these regulations. Presented the regulations at several public workshops held throughout New York State.

Appendix C

Negotiated Indirect Cost Rate Agreement



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

OMB CIRCULAR A-87 COGNIZANT AGENCY
NEGOTIATION AGREEMENT

Page 1 of 2

New York State Department of
Environmental Conservation
Albany, New York

Date: February 27, 2007

Filing Ref: April 11, 2006

The indirect cost rates contained herein are for use on grants and contracts with the Federal Government to which Office of Management and Budget Circular A-87 applies, subject to the limitations contained in the Circular and in Section II, A below.

SECTION I: RATES

Type	Effective Period		Rate	Base
	From	To		
Fixed:				
SRF (Staff Reassigned to EFC)	4/1/2007	3/31/2008	11.83%	(a)
All Other DEC Programs	4/1/2007	3/31/2008	34.38%	(a)

Basis for Application

(a) Direct salaries and wages plus applicable fringe benefits costs.

Treatment of Fringe Benefits: Fringe benefits applicable to direct salaries and wages are treated as direct costs.

SECTION II: GENERAL

A. LIMITATIONS: The rates in this Agreement are subject to any statutory and administrative limitations and apply to a given grant, contract or other agreement only to the extent that funds are available. Acceptance of the rates is subject to the following conditions: (1) Only costs incurred by the department/agency or allocated to the department/agency by an approved cost allocation plan were included in the indirect cost pool as finally accepted; such costs are legal obligations of the department/agency and are allowable under governing cost principles; (2) The same costs that have been treated as indirect costs have not been claimed as direct costs; (3) Similar types of costs have been accorded consistent accounting treatment; and (4) The information provided by the department/agency which was used to establish the rates is not later found to be materially incomplete or inaccurate by the Federal Government. In such situations the rate(s) would be subject to renegotiation at the discretion of the Federal Government.

New York State Department of
Environmental Conservation
Albany, New York

Page 2 of 2

B. CHANGES. The fixed rate contained in this agreement is based on the organizational structure and the accounting system in effect at the time the proposal was submitted. Changes in the organizational structure or changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rate in this agreement, require the prior approval of the authorized representative of the responsible negotiation agency. Failure to obtain such approval may result in subsequent audit disallowances.

C. THE FIXED RATE contained in this agreement is based on an estimate of the cost which will be incurred during the period for which the rate applies. When the actual costs for such a period have been determined, an adjustment will be made in the negotiation following such determination to compensate for the difference between the cost used to establish the fixed rate and that which would have been used were the actual costs known at the time.

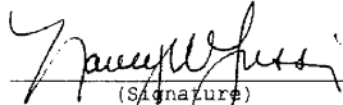
D. NOTIFICATION TO FEDERAL AGENCIES: Copies of this document may be provided to other Federal agencies as a means of notifying them of the agreement contained herein.

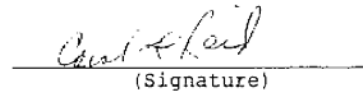
E. SPECIAL REMARKS: None

ACCEPTANCE

By the State Agency:

By the Federal Agency:


(Signature)


(Signature)

Nancy W. Lassier
(Name)

Carol D. Reid, Team Leader
Financial Analysis and
Oversight Service Center
U.S. Environmental
Protection Agency

DIRECTOR OF MANAGEMENT & BUDGET SVCS
(Title)

February 27, 2007

ENVIRONMENTAL CONSERVATION DEPT.
(Agency)

3/6/07
(Date)

Negotiated by: Jacqueline Smith
Telephone: (202) 564-5055

Appendix D

Commissioner Policy 29, Environmental Justice and Permitting

New York State Department of Environmental Conservation

DEC Policy

Issuing Authority: Commissioner Erin M. Crotty

Date Issued: 3/19/03 Latest Date Revised: 3/19/03

I. Summary:

This policy provides guidance for incorporating environmental justice concerns into the New York State Department of Environmental Conservation (DEC) environmental permit review process and the DEC application of the State Environmental Quality Review Act. The policy also incorporates environmental justice concerns into some aspects of the DEC's enforcement program, grants program and public participation provisions. The policy is written to assist DEC staff, the regulated community and the public in understanding the requirements and review process.

This policy amends the DEC environmental permit process by identifying potential environmental justice areas; providing information on environmental justice to applicants with proposed projects in those communities; enhancing public participation requirements for proposed projects in those communities; establishing requirements for projects in potential environmental justice areas with the potential for at least one significant adverse environmental impact; and providing alternative dispute resolution opportunities to allow communities and project sponsors to resolve issues of concern to the community.

This policy will promote the fair involvement of all people in the DEC environmental permit process. It will do this by training and educating DEC staff on environmental justice; providing public access to DEC permit information; incorporating environmental justice concerns into DEC's permit review process; and pursuing technical assistance grants to enable community groups in potential environmental justice areas to more effectively participate in the environmental permit review process.

This policy contains groundbreaking elements which will lead the nation in environmental justice. As such, the DEC expects that the policy will be revised regularly to account for new information in the area of environmental justice and other issues encountered during the implementation of this policy.

II. Purpose and Background:

In 1998, various and diverse parties interested in environmental justice, including a number of environmental justice advocates and minority and low-income community representatives from across New York State, met with the DEC Commissioner to express concern over environmental justice issues. Concerns raised by interested parties included, but were not limited to: the lack of meaningful public

participation by minority or low-income communities in the permit process; the unavailability or inaccessibility of certain information to the public early in the permit process; and the failure of the permit process to address disproportionate adverse environmental impacts on minority and low-income communities.

On October 4, 1999, in response to the concerns raised by parties interested in environmental justice, DEC announced a new program to address environmental justice concerns and ensure community participation in the state's environmental permitting process. DEC named an Environmental Justice Coordinator to oversee the Office of Environmental Justice and develop DEC's Environmental Justice Program, and created two staff positions in the Division of Environmental Permits. DEC also established the New York State Environmental Justice Advisory Group (Advisory Group) comprising representatives from state, local and federal government, community groups, environmental groups, and the regulated community. The Advisory Group, chaired by the Environmental Justice Coordinator, was asked to develop recommendations for an environmental justice permit policy and recommend elements for an effective environmental justice program.

On January 2, 2002, the Advisory Group submitted a report to DEC Commissioner Erin M. Crotty containing its recommendations for creating an effective environmental justice program. The report: Recommendations for the New York State Department of Environmental Conservation Environmental Justice Program focuses on the environmental permit process and is intended to ensure DEC's programs are open and responsive to environmental justice concerns. Additional recommendations for an environmental justice program are also included in the report.

The DEC held public meetings state-wide to solicit public comment on the Advisory Group report and accepted public comment for a period in excess of 50 days, through February 22, 2002. This policy is based on the Advisory Group report, public comment on the report and DEC staff recommendations.

On August 7, 2002, a draft of this policy was released for public review and comment. The comment period exceeded 90 days, ending on October 11, 2002. Numerous detailed comments were received by the DEC and are reflected in this policy and in the implementation of this policy.

III. Policy:

It is the general policy of DEC to promote environmental justice and incorporate measures for achieving environmental justice into its programs, policies, regulations, legislative proposals and activities. This policy is specifically intended to ensure that DEC's environmental permit process promotes environmental justice. This policy supports the DEC's continued funding and implementation of environmental programs that promote environmental justice, such as urban forestry, environmental education, the "I Fish NY" program and watershed enhancement projects. This policy also encourages DEC efforts to implement other programs, policies, regulations, legislative proposals and activities related to environmental justice.

This policy shall become effective 30 days after the full text of this policy, or a summary thereof, along with information on how the full text may be obtained, has been published in the Environmental Notice Bulletin, as defined in Environmental Conservation Law 70-0105. Any application for a permit received after the effective date of this policy will be subject to the provisions of this policy.

This policy shall be reviewed at least 18 months from the effective date and revised, as necessary, to consider the policy's applicability to various DEC Programs, incorporate evolving information on environmental justice and reflect the best available environmental protection information and resources. The 18-month period shall enable DEC to further develop implementation procedures, better identify resources needed to implement the policy, and determine appropriate legislative, regulatory and policy

changes that can be implemented. Thereafter, DEC shall periodically evaluate the need for further revision, as implementation experience is gained.

This policy will not be construed to create any right or benefit, substantive or procedural, enforceable by law or by equity by a party against the DEC or any right to judicial review. This policy may be subject to change at the discretion of DEC.

A. Definitions. For purposes of this policy, the following definitions shall apply.

1. *Census block group* means a unit for the U.S. Census used for reporting. Census block groups generally contain between 250 and 500 housing units.
2. *Environmental justice* means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.
3. *Low-income community* means a census block group, or contiguous area with multiple census block groups, having a low-income population equal to or greater than 23.59% of the total population.
4. *Low-income population* means a population having an annual income that is less than the poverty threshold. For purposes of this policy, poverty thresholds are established by the U.S. Census Bureau.
5. *Major project* means any action requiring a permit identified in section 621.2 of title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR Part 621.2), which is not specifically defined as minor.
6. *Minority community* means a census block group, or contiguous area with multiple census block groups, having a minority population equal to or greater than 51.1%* in an urban area and 33.8%* in a rural area of the total population.
7. *Minority population* means a population that is identified or recognized by the U.S. Census Bureau as Hispanic, African-American or Black, Asian and Pacific Islander or American Indian.
8. *Potential environmental justice area* means a minority or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.
9. *Rural area* means territory, population, and housing units that are not classified as an urban area. See definition for 'urban area' below. For purposes of this policy, rural classifications are established by the U.S. Census Bureau.
10. *Urban area* means all territory, population, and housing units located in urbanized areas and in places of 2,500 or more inhabitants outside of an urbanized area. An urbanized area is a continuously built-up area with a population of 50,000 or more. For purposes of this policy, urban classifications are established by the U.S. Census Bureau.

B. Policy Directives. With respect to this policy, DEC shall:

1. Upon the effective date of this policy, provide enhanced accessibility to public permit information held by the DEC, including access to DEC permit information on the DEC Website and a toll free environmental justice hotline to enable the public to access the Office of Environmental Justice during business hours;
2. Upon the effective date of this policy, use geographic information system screening tools and U.S. Census data to identify potential environmental justice areas within New York State;
3. Upon the effective date of this policy, use enhanced public participation and public notification mechanisms, including those which are most effective in potential environmental justice areas.

4. Upon the effective date of this policy, DEC shall make guidance available to assist permit applicants in complying with the Public Participation Plan requirements of this policy. The guidance shall contain tools and information, including those that will better enable the applicant to engage community residents in potential environmental justice areas in the environmental permit review process;
5. Upon the effective date of this policy, facilitate alternative dispute resolution between permit applicants and the public to resolve conflicts in the permit review process;
6. Upon the effective date of this policy, educate permit applicants with respect to environmental justice, the environmental review process, the requirements of this policy and the methodology for identifying a potential environmental justice area by distributing information on environmental justice to permit applicants;
7. Upon the effective date of this policy, provide to interested members of the public such information on environmental justice that is provided to permit applicants. Within six months from the effective date of this policy, the DEC shall identify and begin conducting workshops to educate the public with respect to environmental justice, the environmental review process, the requirements of this policy and the methodology for identifying a potential environmental justice area;
8. Upon the effective date of this policy, establish two work groups to assist DEC to develop and incorporate critical environmental justice information into the DEC environmental review process. Each work group shall report its results to the DEC Commissioner no later than six months after the effective date of this policy. The results will be considered by the DEC Commissioner when revising this policy;
 1. One work group shall develop recommendations for conducting a disproportionate adverse environmental impact analysis as a component of the environmental impact statement. Although the Advisory Group report recommended a basic methodology for conducting such an analysis, further definition and specific criteria are needed;
 2. A second work group to be established in conjunction with the New York State Department of Health, shall identify reliable sources of existing human health data and recommend means to incorporate such data into the environmental review process;
9. Within three months from the effective date of this policy, educate DEC staff with respect to environmental justice, the environmental review process and the requirements of this policy. The DEC Office of Environmental Justice shall develop a curriculum and begin implementation of formal training on environmental justice to affected staff in the Divisions of Air Resources, Solid & Hazardous Materials, Water, Environmental Permits, Public Affairs and Education, and other divisions. DEC staff charged with policy implementation have already received training;
10. Within three months from the effective date of this policy, begin conducting supplemental compliance and enforcement inspections of regulated facilities to ensure that facilities are operating in compliance with the Environmental Conservation Law. Supplemental enforcement and compliance inspections will apply to facilities located in potential environmental justice areas where there is reason to believe that such facilities are not operating in compliance with the Environmental Conservation Law;
11. Within three months from the effective date of this policy, translate information on the DEC environmental permit process for comprehension by non-English speakers. The DEC Office of Environmental Justice shall translate the following documents into Spanish: What is SEQR?; A Citizen's Guide to SEQR; The SEQR Cookbook; How to Apply for a DEC Permit; the Guide to Permit Hearings; and the Guide to Mediation Services. The DEC shall also evaluate the need for translation to other languages;
12. Within three months from the effective date of this policy, draft legislation to establish funding and criteria for a technical assistance grant program to assist the public in the permit review process. Funding for the technical assistance grant program shall be derived from the Environmental Protection Fund and may be supplemented by other funding opportunities;
13. Within six months from the effective date of this policy, draft regulations to enhance the effectiveness and strengthen the elements of this policy and address potential adverse environmental impacts that may bear disproportionately on potential environmental justice areas, including regulations to establish mandatory public participation requirements; regulations to require the electronic submission of environmental impact statements; regulations to establish additional criteria for determining significance pursuant to 6 NYCRR 617.7. The DEC will also review the list of Type I actions at 6 NYCRR 617.4,

evaluate the need for amendments to include actions that may bear disproportionately on potential environmental justice areas and draft regulations based upon the evaluation;

14. Within six months from the effective date of this policy, propose draft revisions to the full environmental assessment form to, among other things, include information that can be used to identify adverse environmental impacts which bear disproportionately on potential environmental justice areas, and
15. Ensure compliance with the procedural elements of this policy.

IV. Responsibility:

The Office of General Counsel shall provide oversight to ensure compliance with this policy. Each DEC division and office affected by this policy, including those responsible for the permit programs listed in section V.A.1 of this policy, is expected to provide support to fulfill the elements of this policy.

V. Procedure:

The following procedure shall be incorporated into the DEC permit review process when the DEC serves as Lead Agency under the State Environmental Quality Review Act (SEQR). Where the DEC is not the Lead Agency under SEQR, the DEC shall implement the following procedure to the extent permitted by law, including Applicability, the Preliminary Screen, Guidance to Permit Applicants, Enhanced Public Participation, Environmental Impact Assessment, Coordinated Review and Alternative Dispute Resolution. All other requirements related to SEQR shall be strongly encouraged.

A. Applicability.

1. Except as provided for below, the policy shall apply to applications for major projects and major modifications for the permits authorized by the following sections of the Environmental Conservation Law:
 1. titles 7 and 8 of article 17, state pollutant discharge elimination system (SPDES) (implemented by 6 NYCRR Part 750 et seq.);
 2. article 19, air pollution control (implemented by 6 NYCRR Part 201 et seq.);
 3. title 7 of article 27, solid waste management (implemented by 6 NYCRR Part 360): including minor modifications involving any tonnage increases beyond the approved design capacity and minor modifications involving an increase in the amount of putrescible solid waste beyond the amount that has already been approved in the existing permit;
 4. title 9 of article 27, industrial hazardous waste management (implemented by 6 NYCRR Part 373); and
 5. title 11 of article 27, siting of industrial hazardous waste facilities (implemented by 6 NYCRR Part 361).
2. This policy shall not apply to permit applications for minor modifications, except as provided above, nor to renewals, registrations or general permits.
3. Permits authorized by delegation for sources subject to the federal requirements of prevention of significant deterioration (PSD) are subject to a review process under federal regulations and will undergo an environmental justice analysis consistent with EPA policy and guidance. Sources subject to the federal requirements of PSD will also be subject to other state permits applicable under this policy which will trigger the requirements of this policy in addition to the environmental justice analysis required by EPA policy and guidance.

B. Methodology for Conducting Preliminary Screen. Upon receipt of an application for a permit covered by this policy, the DEC Division of Environmental Permits shall conduct a preliminary screen to identify whether the proposed action is in or near a potential environmental justice area(s) and determine whether

potential adverse environmental impacts related to the proposed action are likely to affect a potential environmental justice area(s).

1. Identify Potential Adverse Environmental Impacts and Area to be Affected. DEC staff in the Division of Environmental Permits and the affected environmental quality divisions shall identify potential adverse environmental impacts associated with the proposed action. Environmental quality program staff shall also identify the area to be affected by the potential adverse environmental impacts.
2. Determine Whether Potential Adverse Environmental Impacts are Likely to Affect a Potential Environmental Justice Area. An integrated geographic information system and demographic application (GIS Application), shall be used to determine whether potential adverse environmental impacts from the proposed action are likely to affect a potential environmental justice area. Using the information from section V.B.1 above, Environmental Permits staff will determine if any census block groups, meeting the GIS application thresholds for a potential environmental justice area, are within the affected area. The census block groups meeting the GIS application thresholds for a potential environmental justice area should fall substantially within the affected area. If no census block group(s) meeting the GIS application thresholds for a potential environmental justice area is identified, the proposed action is not likely to affect a potential environmental justice area and the permit review process may continue independent of the elements of this policy. If a census block group(s) meeting the GIS application thresholds for a potential environmental justice area is identified, the proposed action is likely to affect a potential environmental justice area and the remainder of these policy requirements shall be incorporated into the review process.

C. Guidance to Permit Applicants. Where a potential environmental justice area is identified by the preliminary screen, the DEC Division of Environmental Permits shall provide the applicant with relevant information on environmental justice. This may include a copy of this policy, the methodology for identifying a potential environmental justice area, guidance developed to implement the policy (e.g., guidance for developing and implementing a public participation plan), information on the alternative dispute resolution process and other documents as applicable.

D. Enhanced Public Participation Plan. Public participation in the DEC environmental permit review process means a program of activities that provides opportunities for citizens to be informed about and involved in the review of a proposed action. To ensure meaningful and effective public participation, this policy requires applicants for permits covered by this policy to actively seek public participation throughout the permit review process. Applicants are encouraged to consider implementing the public participation plan components prior to application submission.

1. Where a potential environmental justice area is identified by the preliminary screen, the applicant shall submit a written public participation plan as part of its complete application. At a minimum, the plan must demonstrate that the applicant will:
 1. Identify stakeholders to the proposed action, including residents adjacent to the proposed action site, local elected officials, community-based organizations and community residents located in a potential environmental justice area;
 2. Distribute and post written information on the proposed action and permit review process. Information shall be presented in an easy-to-read, understandable format, using plain language and, when appropriate, public notice materials shall be translated into languages other than English for comprehension by non-English speaking stakeholders;
 3. Hold public information meetings to keep the public informed about the proposed action and permit review status. Meetings should be held throughout the permit review process at locations and times convenient to the stakeholders to the project;
 4. Establish easily accessible document repositories in or near the potential environmental justice area to make available pertinent project information, including but not limited to: application material, studies, reports, meeting presentation materials and media releases. The applicant may also establish a repository on the internet.

2. As part of the public participation plan submission, the applicant shall include a report which summarizes: all progress to-date in implementing the plan; all substantive concerns raised to-date; all resolved and outstanding issues; the components of the plan yet to be implemented and an expected time line for completion of the plan.
3. Upon completion of the public participation plan, the applicant shall submit written certification that it has complied with the plan. As part of the certification, the applicant shall submit a revised report detailing activity which occurred subsequent to the initial submission of the report. The certification shall be signed by the applicant, or the applicant's agent, and submitted to DEC prior to a final decision on the application.

E. Full Environmental Assessment Form. Where a potential environmental justice area is identified by the preliminary screen, a full environmental assessment form shall be completed for those actions classified as Unlisted in 6 NYCRR Part 617 and meeting the applicability requirements of this policy. (A full environmental assessment form is currently required for all Type I actions.)

F. Environmental Impact Assessment. Under existing regulations, as part of its impact review, DEC must consider other sources of pollution or similar facility types in the project area in order to establish the baseline conditions against which project impacts will be assessed. DEC shall continue to consider sources of pollution or similar facility types in the respective airshed, watershed, or wasteshed for the project under consideration.

G. Coordinated Review. Where a potential environmental justice area is identified by the preliminary screen, the action is classified in 6 NYCRR Part 617 as either Type I or Unlisted and the project involves more than one agency, the DEC shall coordinate the review of the action with the other involved state and local agencies.

H. Determining Significance. Where the DEC is the lead agency, the Division of Environmental Permits staff based on comments from the affected environmental quality divisions, shall determine the significance of a Type I or Unlisted action, pursuant to criteria established in 6 NYCRR 617.7. If the DEC determines that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant, no further environmental justice analysis is required. If the DEC determines that the action may include the potential for at least one significant adverse environmental impact, 6 NYCRR 617.7 requires the preparation of an environmental impact statement (EIS) and the remainder of the policy requirements shall be incorporated into the review process.

I. Scoping. Where the DEC is the lead agency, a potential environmental justice area is identified by the preliminary screen and an EIS is required, scoping, pursuant to 6 NYCRR 617.8, shall be conducted. Scoping shall include an opportunity for meaningful and effective public participation consistent with the procedures set forth in this policy.

J. Environmental Impact Statement Content. Where the DEC is the lead agency, a potential environmental justice area is identified by the preliminary screen and an EIS is required, the draft EIS shall identify the potential environmental justice area to be affected, describe the existing environmental burden on the potential environmental justice area and evaluate the additional burden of any significant adverse environmental impact on the potential environmental justice area. The detail and depth of analysis for this evaluation will be identified by the DEC during the scoping process.

K. Environmental Impact Statement Procedure. When a draft EIS includes an evaluation of additional burdens on a potential environmental justice area, the DEC shall conduct a public hearing regarding the proposed action and shall receive comments on the draft EIS for no fewer than 60 calendar days from the first filing and circulation of the notice of complete application, or no fewer than ten calendar days following the completion of the public hearing, whichever is later.

L. Alternative Dispute Resolution. At any time prior to a final decision on the permit, the permit applicant and the public may voluntarily avail themselves of the alternative dispute resolution process to resolve conflict in the permit review process. Prior to issuance of the notice of public hearing, pursuant to 6 NYCRR 621.7, the parties shall be encouraged to seek alternative dispute resolution services from an independent provider. After issuance of the notice of public hearing, the parties shall be encouraged to seek alternative dispute resolution services from the DEC Office of Hearings and Mediation Services (OHMS). Where issues raised in ADR are resolved with enforceable permit conditions, the DEC shall incorporate those enforceable permit conditions into the permit. Where issues raised in ADR are resolved with conditions beyond the enforceable authority of the DEC, the conditions may be incorporated into a private agreement between the non-DEC parties and enforceable by those parties.

M. Decision and Findings Requirement. Consistent with existing regulations, any adverse environmental impact related to an action must be avoided or minimized to the greatest extent practicable.

Related References: New York State Environmental Conservation Law §1-0101; New York State Environmental Conservation Law §3-0301; New York State Environmental Conservation Law, article 8; New York State Environmental Conservation Law, article 70; New York State Administrative Procedure Act, article 3; Sections 616, 617, 621 and 624 of title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York; USEPA Region 2 Interim Environmental Justice Policy; U.S. Census Bureau.

Tips for Preparing a Public Participation Plan

The New York State Department of Environmental Conservation (DEC) issued Commissioner Policy-29 Environmental Justice and Permitting (CP-29), to address environmental justice concerns and ensure community participation in the DEC environmental permit review process. Among other things, CP-29 amends the DEC environmental permit review process by identifying potential environmental justice areas and establishing requirements for proposed projects affecting those communities.

CP-29 Section V.D. requires applicants for permits covered by CP-29 to actively seek public participation throughout the environmental permit review process. Public participation in the DEC environmental permit review process means a program of activities that provides opportunities for stakeholders to be informed about and involved in the review of a proposed action. Public participation, including open and effective dialogue with stakeholders, can build relationships, provide a forum to address concerns, and help develop and promote actions that minimize impacts on the surrounding community and the environment as a whole.

Specifically, CP-29 states that where a potential environmental justice area is identified by the preliminary screen, the applicant shall submit a written Public Participation Plan (plan) as part of its complete application. At a minimum, the plan must demonstrate that the applicant will:

- Identify stakeholders to the proposed action;
- Distribute and post written information on the proposed action and the environmental permit review process;
- Hold a public information meeting or meetings to keep the public informed about the proposed action and the permit review process;
- Establish an easily accessible document repository or repositories in or near the potential environmental justice area;
- Provide a report or reports which summarize all progress to-date in implementing the plan, all substantive concerns raised to-date, all resolved and outstanding issues, the components of the plan yet to be implemented and an expected time line for completion of the plan; and
- Upon completion of the plan, submit written certification that the applicant has complied with the plan and submit a final report detailing the activities that occurred pursuant to the plan.

Please Note: The DEC's Office of Environmental Justice is available to consult on Public Participation Plans. DEC Staff and the public may contact the office at 518-402-8556, e-mail: ej@gw.dec.state.ny.us or toll free at 1-866-229-0497 (within NYS).

The following tips are intended to assist project sponsors in complying with the plan requirements as they apply to DEC permits subject to CP-29.

Permit Applicant/Project Sponsors

- Should consult with the assigned DEC Project Manager in the Division of Environmental Permits for project-specific guidance when developing a Public Participation Plan. The DEC Project Manager is encouraged to consult with the Regional Citizen Participation Specialist and the Office of Environmental Justice.
- Will develop a plan that informs, encourages dialogue and solicits input from all stakeholders involved. Attention should be paid to public participation efforts in potential environmental justice areas, since these minority and low-income populations have been historically absent from the public participation process. For more information about potential environmental justice areas, please refer to CP-29 or consult with the Division of Environmental Permits analyst handling the application.

- Will develop a plan that includes: the identification of stakeholders; the distribution of written information about the proposed project and the permit review process; informational meeting(s) to inform the public of the proposed action, the permit review process, and the opportunities for public input; and the designation of a document repository or repositories. This plan must be submitted as part of the complete application and will be made available to the public.
- Are encouraged to develop and implement the plan or portions of it, prior to submission of the permit application.
- Are encouraged to develop the plan with input from the suggested groups/sources listed later in this document under the **Identify Stakeholders and create a Contact List** section.
- Will submit a progress report or periodic progress reports to the lead agency and DEC detailing: the current status of the plan's implementation; all substantive concerns raised to date; all resolved and outstanding issues; the components of the plan yet to be implemented, and an expected time line for completion of the plan. The plan and reports should be detailed and include among other things: copies of written information such as newspaper notices, flyers, and meeting invitations; methods used to engage the public and solicit outreach; a detailed description of issues; a detailed description of how the issues will be addressed; the time and date of public meetings; and the names of meeting attendees. The progress reports will become part of the application and will be made available to the public.
- Will submit a final progress report when the plan has been completed and will certify in writing that the applicant has complied with the plan. The certification will become part of the application and will be made available to the public.

Identify Stakeholders and Create a Contact List

- Assemble a primary contact list consisting of the names, addresses, telephone numbers and e-mail addresses of individuals and organizations with a direct stake in the proposed action by reaching out to:
 - residents/neighborhood groups who are near or adjacent to the proposed project and that will be or potentially will be affected by the operation;
 - community boards, community leaders, local community, civic and recreational organizations, environmental and business groups. Ask these entities for their contact lists and other local resources to help identify stakeholders;
 - people who have expressed an interest in the proposed project by attending public meetings, writing or calling;
 - people who have expressed an interest in similar projects or in projects affecting the same neighborhood or community;
 - neighborhood religious establishments; and
 - elected officials who live in and/or represent the community of concern.
- Along with the primary contact list of actual stakeholders (above), a secondary contact list is recommended for those with overall project interests, such as:
 - elected officials who represent the greater municipal and state legislative areas (mayor, town supervisor, State Assembly or Senate member);
 - appropriate federal, state and local government personnel;
 - municipal clerks and public works department staff. Ask these entities for their sewer or water system user lists, municipal telephone directories, tax rolls and tax maps; and
 - local media.
- The contact list should be developed early in the application process and updated regularly to include new stakeholders.

Written Information

- Should be used to present factual information, outline options, answer questions and invite stakeholders to participate in a meeting.

- Should be clear, concise, free of legal terminology, and tailored to the intended audience. When tailoring material for a general audience, keep in mind that many daily newspapers are written on a sixth-grade level.
- Should be provided in the English language and translated for the non-English speaking stakeholders.
- Should be distributed with important points highlighted.
- Should let the reader know where they can obtain further detailed information (i.e. website, repository location, DEC staff contact information).
- The following formats can be used to present written information: fact sheet, poster, responsiveness summary, invitation, flyer in a local newspaper, church bulletin, bulletin boards, community newsletter, or mailing; posting a billboard notice on the proposed site; newspaper advertisement or other.
- Suggestions to consider when preparing written material for distribution:
 - The material should be easily noticed by the public. Consider colorful, eye catching or bold text;
 - offer a wide distribution to various sources, such as local forums, public meetings, or a local radio station;
 - post information at highly visible points in the community (i.e. billboards or other signs where stakeholders are likely to see the information);
 - directly mail post cards, flyers or fact sheets to stakeholders on the contact list; and
 - distribute information door-to-door. This will enable the project sponsor to discuss the project with community residents.

Public Information Meetings

- Should:
 - be scheduled after consulting with community leaders, local organizations, municipal and school officials, and other stakeholders in setting a meeting date. Meetings should be scheduled to avoid important meetings or events that are regularly held or already scheduled within the community;
 - be held at a time when working people can attend, and
 - not conflict with national or religious holidays or locally important observances.
- Should be held in a location that is familiar to residents (i.e. municipal hall, school, fire station or library), is easily accessible to people with disabilities and to public transportation, and has ample work space and parking. Community leaders, organizations, municipal and school officials, and other stakeholders will be able to help identify an appropriate location for the meeting.
- Publicize meeting logistics as early as possible to give stakeholders ample notification. Notify the community and other stakeholders at least three weeks before a meeting is to take place.
- At the beginning of the meeting, review the agenda and invite attendees to set and agree to meeting ground rules. Let the attendees know how they can participate and allow for comment/question periods both during and at the conclusion of the meeting as time allows. Also, let the attendees know where they can obtain answers to questions they may have after the meeting has concluded.
- Encourage dialogue during the meeting. Avoid one-sided meetings where either the project sponsor does all of the talking or where the stakeholders read a prepared statement with no feedback from the project sponsor. Explore a variety of meeting formats that incorporate small group discussions between the project sponsor's staff and stakeholders. The use of a neutral facilitator or meeting planner can help the project sponsor tailor the public meeting to best suit the circumstances. For more in-depth discussion of the project, consider meeting with individuals or small groups at their convenience.
- The notification for a public meeting should provide:
 - the name of the project sponsor;
 - the name and address of the proposed project;
 - the description of why the meeting is being held;
 - the time and place of the public meeting;

- a short description of why the public should attend;
- a short description about how the public can participate, the type of input sought, whether there will be a question and answer period;
- a brief description about the information that will be discussed; and
- contact information for any questions about meeting.
- A DEC hearing does not satisfy the requirement for a public meeting. A DEC hearing may be held in addition to a project sponsor's public meeting. The project sponsor's public meeting should be held prior to any DEC hearing or public comment period.

Document Repositories

- Select a location close to the proposed project and easily accessible by stakeholders (i.e. public libraries or community organization offices).
- The repository should have evening and weekend hours, whenever possible.
- The repository should contain a copy of all information relevant to the proposed project and should be updated regularly. Repositories should also be checked regularly to ensure that no documents are missing. A list of contents will help keep the repository organized.
- The project sponsor may wish to maintain a second repository online via the Internet. While this may enable some stakeholders to access the documents, those without Internet capability will not be able to access the information.
- Where DEC offices are used as a repository, a second repository situated close to the proposed project and easily accessible by stakeholders should also be established.

Please Note: The DEC's Office of Environmental Justice is available to consult on Public Participation Plans. DEC Staff and the public may contact the office at 518-402-8556, e-mail: ej@gw.dec.state.ny.us or toll free at 1-866-229-0497(within NYS).