City of Rensselaer Planning Commission
State Environmental Quality Review
CONDITIONED NEGATIVE DECLARATION
Notice of Determination of Non-significance

Date: June 30, 2011

This notice is issued pursuant to the State Environmental Quality Review Act, Article 8 of the NYS Environmental Conservation Law and its implementing regulations at Part 617 of the New York State Code of Rules and Regulations (collectively, "SEQRA").

The City of Rensselaer Planning Commission (the "Planning Commission"), as the lead agency under SEQRA, has determined that the proposed action described below will not have a significant adverse environmental impact and that a draft environmental impact statement will not be prepared.

Name of Action: **Proposed Blacktop Plant**

Applicant: **New Castle Asphalt, LLC**

SEQR Status: **Unlisted**

Conditioned Negative Declaration: **Yes**

Description of Action:

New Castle Asphalt, LLC ("the Applicant") proposes to construct and operate a blacktop plant (the "Project") on an approximately 12.4 acre site (the "Site") in the Port of Rensselaer, and has applied for site plan approval and a special use permit. The proposed blacktop plant will be a "drum mix" plant. The proposed use is consistent with the existing "Industrial" zoning classification and, therefore, no zoning amendment will be required. As proposed, the plant will mix coarse aggregate (crushed stone), sand and liquid asphalt to produce blacktop. Drum mix plants produce one type of blacktop at a time in a continuous feed, as compared to batch plants, which can make a different type of blacktop for each "batch." The blacktop plant consists of various components, including:

- Cold feed bins. Aggregates at ambient temperatures would be loaded into these bins, metered out through the bottom and delivered by conveyor to the drum.
- RAP bins. Recycled asphalt pavement ("RAP") would be loaded into bins, crushed and metered out through the bottom and delivered by conveyor to the drum.
- Drum. The drum is a cylinder that slowly rotates. Aggregates would be fed into the drum and heated to dry them. Aggregates move through the center of the drum and are heated, while the RAP is introduced into an isolated mixing chamber. Liquid asphalt is metered into the drum in the mixing area before the aggregate/RAP/liquid asphalt mixture is removed from the drum via a conveyor to the hot storage silos and discharge area.
- Hot Storage Silos/Discharge Area. Trucks pull onto one of the two scales under the silos and discharge area to be loaded. The appropriate mix is dropped via

- Baghouse. The emissions from the drum are collected and fed back in a closed loop to the burner for ignition to prevent blue smoke and odors. The exhaust emissions are fed by enclosed duct to the baghouse. The air is circulated through the hanging bags. Particulates adhere to the bags and are collected by a conveyor that moves the dust to a collection silo. The collection silo is periodically emptied and stored on-site. The baghouse is designed to remove approximately 99.94 percent of particulate matter. Most of the dust is reincorporated into the blacktop.
- Control room. The plant is highly automated. The plant operator works in this room, sets the plant to produce the desired mixes and prints the ticket for each load.
- Liquid Storage. Liquids used in the manufacture of blacktop and maintenance of the plant will be stored in the area of the Site northwest of the drum. These tanks will be located within impermeable secondary containment. Trucks delivering these fluids park on an impermeable concrete pad.
- Spray Bars and Truck Racks. Automated spray bars spray the bed of blacktop trucks to prevent blacktop from sticking. This process is automated and is controlled by the plant operator. The truck racks after the plant allow truck

The tallest buildings on the Site will be the fuel and additive storage buildings, which will be approximately 18 feet high. The tallest structures will be the hot storage silos, which will be approximately 66 feet high, with adjacent appurtenances (e.g., blacktop elevator) that are approximately 84 feet high.

Aggregate and RAP will be delivered to the Site in dump trucks. The aggregate and RAP will be stored in open piles in a stockpile area in the southern part of the Site. The stockpile area will be bermed along its perimeter and graded to direct stormwater towards the stormwater management area. The floor of the stockpile area will be covered with crushed stone.

Location:

The Site consists of approximately 12.4 acres located on the west side of Riverside Avenue in the Port of Rensselaer, City of Rensselaer. The Applicant proposes to lease the Site from the owner, the Albany Port District Commission. The Site is bounded by the Empire Power generation plant to the east and northeast, the Fulton Cogeneration Associates plant to the north, a scrap metal facility to the northwest, petroleum bulk storage facilities to the south, and the Hudson River to the west. The nearest residential area to the north, the Fort Crailo neighborhood, is located approximately 3,300 feet from the Site. There is an area of mixed

residential and commercial property along Route 9-J approximately 1,400 feet to the east of the Site and a residential area approximately 1,800 feet from the Site.

The Site is zoned for industrial use. It is currently unoccupied. The Site has previously been disturbed, and much of it is covered with a layer of gravel. A secondary growth of trees and brush covers the western and northern perimeters of the Site. Approximately 5.8 acres of the Site will be used for the blacktop mixing plant and raw material stockpile area. Another 0.8 acres will contain the stormwater run-off control features.

A single line railroad spur exists along the northeast and eastern parts of the Site. This spur is not proposed to be used by the Applicant, but is used by the adjacent scrap metal salvage operation. The Site is lit by a number of pole-mounted lights in the center of the property, remaining from the Site's prior use as a laydown area during the construction of the Empire Power generating plant. The poles are approximately 25 feet high. Overhead electrical and telephone lines run along the west and south sides of Riverside Avenue. A power transmission line from the adjacent cogeneration plant runs across the northeast part of the Site.

A bicycle path has been proposed to be built along Riverside Avenue, east and south of the Site. The path through the industrial area is planned to terminate at an overlook to be constructed by Empire Power in an area to the southwest of the Site, overlooking the Hudson River and the industrial port area.

Reasons Supporting This Determination:

For the reasons discussed below, the Planning Commission concludes that, with the imposition of the conditions set forth in this Negative Declaration, the proposed New Castle Asphalt mixing plant will not have any significant adverse environmental impacts.

A. Noise

The area surrounding the Site is industrial in nature and no potential sensitive receptors are located near the Site. To determine compliance with the noise provisions of the City's noise ordinance and to assess potential impacts to receptors, the following work was performed by the Applicant. The Applicant identified potential receptors, existing noise sources and representative ambient monitoring locations; monitored ambient sound levels at the chosen locations on Riverside Avenue, the Port Expressway and the residential area to the east of the Site; obtained sound measurements of equipment from similar facilities and from equipment manufacturers that were representative of the equipment to be used at the Site; and modeled on-site sound levels, calculating the attenuation to the streets, and to the nearest potential receptors. The Applicant's acoustical analysis has indicated no potential significant changes in the sound levels around the Site due to the Project. To further minimize any impacts, the Planning Commission has determined that the following best management practices will be required as conditions of approval:

- Equipment, including noise control mufflers, must be kept in good repair;

- Speed limits on the Site must be 15 miles per hour or less;
- The blacktop plant should be oriented as shown on the site plan map submitted by the Applicant to orient the loudest part of the plant away from potential receptors and keep the loudest site activities as far from public areas as possible;
- The proposed entrance/perimeter access road should be paved to reduce road noise;
- Loadout from the stockpiles should be from the interior of the piles, leaving the bulk of the piles as sound barriers between equipment and potential off-site receptors;
- Loader(s) in the plant's stockpile area(s) should be equipped with a "white noise" back-up alarm or a sonar-activated alarm that only sounds when it detects an obstacle behind the reversing loader;
- Truck drivers should be instructed to use jake brakes only in emergency situations; and
- Truck drivers should be instructed not to slam tailgates when emptying loads of RAP or aggregate.
- The crushing of RAP shall be limited to the hours of 8 a.m. to 6 p.m.
- All RAP crushed on-site shall be used only in the on-site blacktop mixing process.

B. Cultural Resources

A Phase 1A/1B cultural resources investigation, which involved excavation and subsurface test pits, was performed at the Site. This investigation found that most of the native

soils had been removed by prior industrial activities over a large portion of the Site. The Site has been historically used for industrial purposes and was most recently used as a construction laydown and parking area during the construction of the nearby power plant. Much of the Site is covered by a layer of crushed stone that in turn overlies a layer of older fill. No significant impacts to cultural resources were identified. The potential impacts of the project on existing or potentially eligible historical resources in the surrounding community were also investigated in a visual study. No significant impacts were determined to occur to historical resources. The results of the Phase IA/IB investigation were shared with the Office of Parks, Recreation and Historic Preservation ("OPRHP"), which has requested more details with respect to the results of the investigation.

The Planning Commission determines that the following condition is appropriate:

- The Planning Commission shall not issue site plan approval for the Project until documentation is provided to it that OPRHP's information requests have been satisfied.

C. Lighting

The Project will need, at times, to operate at night for public road work projects that are conducted overnight for the convenience of the motoring public. Therefore, the Site will be equipped with lights for night operations. In this regard, it should be noted that both of the power plants that surround the Site employ 24-hour lighting to a significant extent. In addition, the distance of the Site from any residential receptors makes it unlikely for there to be any

adverse lighting impacts from the Project. The existing pole-mounted lighting will be kept in place as much as possible. The stockpile area will be lit by two of the existing pole-mounted lights. A pole-mounted light in the southern part of the stockpile area will be moved a few feet to the southeast to avoid areas frequented by equipment. The cold feed bins and RAP bins will be lit by another of the existing pole-mounted lights. With respect to the lighting of the Project's buildings and other structures, the Planning Commission establishes the following condition:

- lighting on the buildings and other structures on the Site shall consist of hooded lights mounted on the buildings and related structures.

D. Threatened/Endangered Species/Habitats

The New York State Department of Environmental Conservation ("DEC") has reviewed the Site and has determined that, based on the disturbance to and prior uses of the Site, no impacts to threatened or endangered species or habitats are anticipated and a survey was not necessary. DEC noted that the Applicant's plans showed no disturbance within twenty to thirty feet of the bank of the Hudson River and that, if future work was planned along the bank or bed of the River, DEC should be given an opportunity to review and comment (DEC letter, June 10, 2011).

Accordingly, the Planning Commission determines that the Project will have no adverse impacts on threatened or endangered species or habitats, with the imposition of the following condition:

- Areas of the Site within thirty feet of the bank of the Hudson River shall not be disturbed.

E. Traffic

Employee vehicles and most delivery trucks will travel south and west on the Port Expressway to Riverside Avenue to access the Site. The nearest liquid asphalt distributor is Gorman Brothers, located further south of the Site in the Port of Rensselaer, so it is expected that liquid asphalt deliveries will come via Riverside Avenue from the south. Trucks leaving the Port of Rensselaer from the Site will use NYS Route 9J and US Route 20. The potential impact of project generated traffic was assessed in a Traffic Study and Supplemental Traffic Evaluation that were prepared by Creighton Manning Engineers and reviewed by the Planning Commission's consultant.

The Supplemental Traffic Evaluation, dated May 17, 2011, and prepared at the request of the Planning Commission, specifically examined the intersection of Columbia Turnpike (Routes 9&20) and South Street (Route 9J). It found that the current level of service ("LOS") of the South Street approach to the westbound Columbia Turnpike ramp during the peak morning traffic hour was "F." The evaluation's traffic counts determined that approximately 94 percent of the vehicles during the peak hour were passenger cars, with heavy vehicles constituting the other 6 percent. Seventy-eight percent of the traffic volume on the ramp originated from drivers entering the City from East Greenbush to the south. It estimated that the Project would generate

an additional 31 truck trips from the Site using the South Street exit onto westbound Columbia turnpike. The evaluation determined that the intersection approach would continue to operate at an LOS of "F," and that waiting times would increase from 61 seconds to 92 seconds.

The construction of the Port Expressway, which routes traffic through the Columbia Turnpike/South Street intersection, was intended in part to remove truck traffic from Riverside Avenue in the Fort Crailo residential neighborhood. The intersection has operated at a low LOS for some time. The Planning Commission determines that the following conditions are appropriate:

- The Planning Commission will transmit the traffic study, supplemental report and its consultant's comments to the New York State Department of Transportation ("DOT") so that DOT may identify reasonable measures to be implemented to improve the LOS at the intersection.
- Based upon the results of DOT's review, the City will take measures to place an intersection improvement project on the Regional Transportation Improvement Plan ("TIP"), and the Applicant shall support such inclusion.
- The Applicant shall schedule deliveries of aggregate, RAP and other raw materials so that the empty returning trucks do not leave the Site during the peak (8 a.m. to 9 a.m.) traffic period.

F. Air Emissions/Odors

The Applicant proposes to build a drum mix hot mix asphalt facility that will utilize a Gencor model drum mix plant with a rated capacity of 400 tons per hour of asphalt. The asphalt drum will be fired by natural gas, No. 2 distillate fuel oil, and recycled fuel oil. Under the DEC registration, annual asphalt production will be capped at 350,000 tons per year, which includes up to 200,000 tons of asphalt per year when firing natural gas; 100,000 tons per year when firing recycled fuel oil; and 50,000 tons per year when firing No. 2 distillate fuel oil. The Applicant has indicated that it will only produce 200,000 tons of asphalt per year and will use natural gas as its primary fuel. Emissions from the asphalt drum and the attached silo will be controlled using fabric filters (baghouse). The proposed design also includes a hammer mill crusher that will be used to process RAP at a maximum crushing rate of 60 tons per hour.

The Applicant has submitted an air permit registration to DEC. Under the registration process for a "minor facility" not requiring a full air permit, the Applicant has stated that the Project will produce less than 50 tons of regulated air pollutants and less than 25 tons of volatile organic compounds, less than five tons of any single hazardous air pollutant and less than 12.5 tons of any combination of hazardous air pollutants. DEC has accepted the registration under its air permitting regulations. The Planning Commission determines that the following conditions are appropriate:

- The Applicant shall provide to the City Code Enforcement Office a copy of the air registration/acceptance from DEC and copies of all future correspondence or reports submitted to DEC, including the results of stack tests and other sampling.

- The Applicant shall not exceed the threshold for emissions set forth in its registration submission to DEC.
- If the Applicant subsequently wishes to alter/expand its operations in a manner that would result in greater emissions than are set forth in its registration submission, it must submit a new environmental assessment form and site plan application to the Planning Commission.
- The Applicant shall not allow trucks to idle on the Site while parked at the Site for loading, waiting, etc.
- The drum operation and other stationary air sources shall not be closer to the Site's property lines than shown on the existing site plan submitted by the Applicant.
- Production of asphalt shall be limited to 200,000 tons per year.
- The Applicant shall apply water or other appropriate material to roadways on the Site as necessary to minimize dust.

G. Stormwater

Currently, stormwater drains from the Site toward the railroad spur along the east side of the Site, where it collects before ultimately entering the existing stormwater system along Riverside Avenue. As reflected in the Applicant's proposed site plan (the "Site Plan"), the perimeter of the Site will be bermed and rollover curbs will be placed on the perimeter access road to prevent stormwater runoff from leaving disturbed areas of the Site and to prevent runon from entering the Site. Runoff from the stockpile and plant areas will be directed to a

stormwater management area on the Site, where it will enter a stone-lined ditch, a sediment trap and a detention pond before being discharged to the existing stormwater system. The Planning Commission adopts the following condition:

- The stormwater management system on the Site shall be constructed in accordance with the plans submitted by the Applicant as part of its Site Plan application, as the same may be approved by the Planning Commission.
- During construction, weekly inspection reports of stormwater runoff control measures shall be submitted to the City's Code Enforcement Office.
- Where feasible, the Applicant shall evaluate the use of green infrastructure for stormwater control.

H. Visual Impacts

The Applicant conducted a visual impact study pursuant to DEC's visual impact assessment guidance. The results indicated that the Site would be visible from relatively few vantage points in the surrounding area, and from most of those points only in leaf-off periods. In addition, the Site is located in the midst of a large industrial area and across the Hudson River from similar industrial uses. Accordingly, the Project will not have any significant adverse visual impacts.

I. Groundwater

The Applicant's plans call for a septic system to be installed to handle the sanitary needs of the Applicant's employees. This will require approval from the Rensselaer County Department of Health. In addition, petroleum products will be stored on-site. These will be stored in areas with impervious pavement and secondary containment. The Planning Commission determines that the following condition is appropriate:

- The Applicant shall receive approval for the on-site septic system and submit same to the Planning Commission prior to site plan approval.

J. Community Resources

The local police and fire officials were contacted with respect to the Project, and they indicated that their departments had sufficient resources to serve the Project.

K. Consistency with Zoning, Community Character, Comprehensive Plan and LWRP

As previously noted, the Site is zoned for industrial use and is surrounded on three sides by industrial uses (electrical generating facilities, oil storage terminals, scrap metal facility) and on one side by the Hudson River. The City's 1987 Local Waterfront Revitalization Plan (the "1987 LWRP") described then-current land uses, recommended long-term land use goals and

necessary developmental actions within various sectors of the City's waterfront areas. The Site is located within an area designated in the 1987 LWRP as the "Albany Port District," adjacent to areas designated "Petroleum Terminals/Tank Farm Area," Port-Related Lands" and "BASF/Sterling Organics" (LWRP, p. IV-9). Under the category of "Recommended Long-Term Land Use," the 1987 LWRP recommended for the Albany Port District an "active marine dependent port area." For the "Port-related Lands," the 1987 LWRP recommended "marine support services and expanded light industry." For the BASF/Sterling Organics area, the 1987 LWRP recommended "light-industry," with the "maintenance and rehabilitation of use of existing facilities…"(id.).

The City's 2006 Comprehensive Plan characterized this same area as "industrial," with a "light-industrial" area to the east, along South Street (Route 9-J). The Comprehensive Plan stated that "permitted uses in this area should include any industry that will require 24-hour production of noise and light, generate significant truck traffic for delivery, or manufacture goods that require safe distances from the general public" (p. 49).

In the 2010 draft of an updated LWRP (the "2010 LWRP"), the entire area encompassed by the 1987 LWRP's previous Albany Port District, Port-Related Lands, Petroleum Terminals/Tank Farm Area and BASF/Sterling Organics is classified as proposed for "industrial" uses. The 2010 LWRP notes that "heavy industrial uses should be located as far south in the area as possible to avoid land use conflicts with adjacent residential and mixed use area."

Summary of Conditions

The following is a summary of the previously discussed conditions:

Noise

- Equipment, including noise control mufflers, must be kept in good repair;
- Speed limits on the Site must be 15 miles per hour or less;
- The blacktop plant should be oriented as shown on the site plan map submitted by the Applicant to orient the loudest part of the plant away from potential receptors and keep the loudest site activities as far from public areas as possible;
- The proposed entrance/perimeter access road should be paved to reduce road noise;
- Loadout from the stockpiles should be from the interior of the piles, leaving the bulk of the piles as sound barriers between equipment and potential off-site receptors;
- Loader(s) in the plant's stockpile area(s) should be equipped with a "white noise" back-up alarm or a sonar-activated alarm that only sounds when it detects an obstacle behind the reversing loader;
- Truck drivers should be instructed to use jake brakes only in emergency situations; and
- Truck drivers should be instructed not to slam tailgates when emptying loads of RAP or aggregate.
- The crushing of RAP shall be limited to the hours of 8 a.m. to 6 p.m.
- All RAP crushed on-site shall be used only in the on-site blacktop mixing process.

Cultural Resources

- The Planning Commission shall not issue site plan approval for the Project until documentation is provided to it that OPRHP's information requests have been satisfied.

Lighting

- Lighting on the buildings and other structures on the Site shall consist of hooded lights mounted on the buildings and related structures.

Threatened/Endangered Species/Habitats

- Areas of the Site within thirty feet of the bank of the Hudson River shall not be disturbed.

Traffic

- The Planning Commission will transmit the traffic study, supplemental report and its consultant's comments to the New York State Department of Transportation ("DOT") so that DOT may identify reasonable measures to be implemented to improve the LOS at the intersection.
- Based upon the results of DOT's review, the City will take measures to place an intersection improvements project on the Regional Transportation Improvement Plan ("TIP"), and the Applicant shall support such inclusion.

- The Applicant shall schedule deliveries of aggregate, RAP and other raw materials so that the empty returning trucks do not leave the Site during the peak (8 a.m. to 9 a.m.) traffic period.

Stormwater Management

- The stormwater management system on the Site shall be constructed in accordance with the plans submitted by the Applicant as part of its Site Plan application, as the same may be approved by the Planning Commission.
- During construction, weekly inspection reports of stormwater runoff control measures shall be submitted to the City's Code Enforcement Office.
- Where feasible, the Applicant shall evaluate the use of green infrastructure for stormwater control.

Air Emissions/Odors

- The Applicant shall provide to the City Code Enforcement Office a copy of the air registration/permit and copies of all future correspondence or reports submitted to DEC.
- The Applicant shall not exceed the threshold for emissions set forth in its registration submission.
- If the Applicant subsequently wishes to alter/expand its operations in a manner that would result in greater emissions than are set forth in its registration submission, it must

- The Applicant shall not allow trucks to idle while parked at the Site for loading, waiting, etc.
- The drum operation and other stationary air sources shall not be closer to the Site's property lines than shown on the existing site plan submitted by the Applicant.
- Production of asphalt shall be limited to 200,000 tons per year.
- The Applicant shall apply water or other appropriate material to roadways on the Site as necessary to minimize dust.

Groundwater

- The Applicant shall receive approval for the on-site septic system and submit same to the Planning Commission prior to site plan approval.

For Further Information:

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