

# SEQR Workbook Update - June 12, 2026

## State Environmental Quality Review Act

### Environmental Justice Siting Law Amendments

## SEQR Guidance

---

### BACKGROUND

DEC provides guidance to project sponsors and agencies reviewing actions under the State Environmental Quality Review Act (SEQR) in the form workbooks posted on DEC's website: <https://dec.ny.gov/regulatory/permits-licenses/seqr/eaf-workbooks/links>. Workbooks are provided for each part of the Short and Full environmental assessment forms (EAFs), which guide users in a step-by-step fashion through each section and question on the forms. Workbooks are provided as guidance and not every possible circumstance and impact are covered, requiring sponsors and reviewing agencies to apply the statute and regulations to the nuances of the actions being considered. The SEQR workbooks are also subject to periodic revisions.

To implement the Environmental Justice Siting Law (EJSL or Siting Law), DEC has proposed amendments to the SEQR regulations at 6 NYCRR 617, and DEC has updated the model EAFs in accordance with those proposed amendments. This document contains draft updates to the SEQR workbooks, which are intended to assist project sponsors and SEQR agencies in implementing the amendments to SEQR and the EAFs when evaluating potential impacts on disadvantaged communities. Like DEC's existing SEQR workbooks, this guidance document provides instructions for each additional question in Parts 1 and 2 of the EAFs, with one section covering the Short EAF workbook and the other covering the Full EAF workbook. Additionally, this guidance document provides instructions for completing Part 3, which contains the negative and positive declarations and must, in all circumstances, be completed by the lead agency. The lead agency may also need to complete an additional analysis in Part 3 depending on the answers in Part 2.

## SHORT EAF– SEQR WORKBOOK GUIDANCE

---

DEC added questions in Parts 1 and 2 of the Short EAF to address potential impacts on disadvantaged communities. The additional questions are listed below along with guidance pertaining to each question.

### **Short EAF Part 1 Workbook (Project Sponsors)**

Question 21:

“Is the project located within, or within ½-mile of, a disadvantaged community? Yes No  
If no, could impacts from the project affect a disadvantaged community? Yes No

If the answer is Yes to either question in 21, answer the following question.

- a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):”
- 

### **Background Information**

This question evaluates potential pollution impacts on disadvantaged communities. Among the criteria for determining the significance of a proposed action, the SEQR regulations at 6 NYCRR 617.7(c)(xiii) include whether the action “...may cause or increase a disproportionate pollution burden on a disadvantaged community that is directly or significantly affected” by the action. In addition, SEQR regulations at 6 NYCRR 617.2(ae) define pollution broadly as “...the presence in the environment of conditions and or contaminants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property...”

Disadvantaged communities subject to evaluation include those designated pursuant to section 75-0111 of Environmental Conservation Law (ECL). The Climate Justice Working Group has posted interactive maps online showing the locations of disadvantaged communities and the criteria used to designate each community. The maps and additional information on disadvantaged communities are available at the following link:

<https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>. Upon adoption of the rule, DEC would incorporate the DAC map GIS layer into the EAF Mapper, which will automatically populate the answer to this question.

## Answering the Question

“Is the project located within, or within ½-mile of, a disadvantaged community? Yes No”

This question should be answered yes if any component of the project is located within, or within ½-mile of, a disadvantaged community, as identified by the EAF Mapper. *Upon adoption of the rule, DEC would incorporate the DAC map GIS layer into the EAF Mapper, which will automatically populate the answer to this question.*

“If No, could impacts from the project affect a disadvantaged community? Yes No”

If the project is located greater than ½-mile from a disadvantaged community, this question should be answered yes if the potential off-site impacts could reasonably be expected to occur within a disadvantaged community. The potential impacts could include, but would not be limited to, air emissions, wastewater discharges, noise, odors, and traffic.

If either question is answered yes, then proceed to Questions 21.a, and 21.b.

### Question 21.a

“Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management).”

All relevant potential impacts associated with the project that may occur within the disadvantaged community should be identified here. As with other questions on the Short EAF, additional pages should be attached where necessary. Where such impacts can be quantified, the available information should be provided and summarized. If there is a seasonal nature to the operations, that should also be described in response to this question. If the project involves a DEC permit that requires preparation of an Existing Burden Report, the report may serve as a supplemental source of information for the lead agency to consider potential impacts on disadvantaged communities and should be provided to the reviewing agency with the Short EAF.

## **Short EAF Part 2 Workbook (Reviewing Agencies)**

Question 12.

“Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool?  
Yes      No.”

The Disadvantaged Community Assessment Tool (Tool), <https://on.ny.gov/DACAT>, is a screening tool created by DEC to help lead agencies assess disproportionality and consider whether a potentially affected disadvantaged community has an increased likelihood of experiencing a moderate to large impact based on existing burdens or vulnerabilities as compared to relevant non-DACs. The Tool is based on data from the Climate Justice Working Group (CJWG) DAC map<sup>1</sup> and uses statistically meaningful thresholds to compare the existing burdens in a DAC with existing burdens in the following non-DAC scenarios: statewide rural, statewide urban, regional rural, and regional urban.

The Tool identifies DACs as having either 1) comparatively higher existing burdens or vulnerabilities and therefore an increased likelihood that a proposed action may have a moderate to large impact on the DAC (shown in orange, or yellow for those census tracts designated as Indigenous lands), or 2) having comparatively lower existing burdens or vulnerabilities and therefore a decreased likelihood that a proposed action may have a moderate or large impact on the DAC (shown in blue).

The Tool should not be relied upon exclusively to decide whether an impact is small or moderate to large. It is intended for use as a screening tool to help lead agencies identify DAC census tracts that may warrant further consideration, analysis, and community input based on existing information. Lead agencies should consider additional available information regarding pollution burdens and population vulnerability in the DAC. *Additional information about the Tool and methodology is in Appendices A and B to RIS. DEC expects to include this additional information as appendices to the Workbook.*

Disadvantaged communities that have been identified as having comparatively higher existing burdens or vulnerabilities have an increased likelihood that a proposed action may have a moderate to large impact on the disadvantaged community. Use the Tool to determine whether the disadvantaged community has been identified as having an increased likelihood that a proposed action may have a moderate or large impact on the disadvantaged community based on existing burdens or vulnerabilities.

---

<sup>1</sup> <https://climate.ny.gov/-/media/Project/Climate/Files/Disadvantaged-Communities-Criteria/2023-DAC-Maps-Version-1.pdf>. Climate Justice Working Group DAC map PDFs: <https://climate.ny.gov/-/media/Project/Climate/Files/Disadvantaged-Communities-Criteria/List-of-Disadvantaged-Communities.pdf>.

Question 13.

“Will the proposed action cause or increase a pollution burden within a disadvantaged community?”

## **Background**

This question evaluates potential pollution impacts on disadvantaged communities. Among the criteria for determining the significance of a proposed action, the SEQR regulations at 6 NYCRR 617.7(c)(xiii) include whether the action “...may cause or increase a disproportionate pollution burden on a disadvantaged community that is directly or significantly affected” by the action. In addition, the SEQR regulations at 6 NYCRR 617.2(ae) define pollution broadly as “...the presence in the environment of conditions and or contaminants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property...”

The degree to which a pollution burden may be caused or increased within a disadvantaged community because of the action will determine whether the response in Part 2 is identified as “No, or small impact may occur” or “Moderate to large impact may occur.”

## **Applicable Part 1 Information**

Some of the questions that should be specifically reviewed when answering this question are:

- Question 8
- Question 11
- Question 17
- Question 18
- Question 19
- Question 20
- Question 21

## **Analysis**

To decide if impacts will occur, the reviewing agency should look at the available information and ask the following questions:

- Will the proposed project create any new sources of pollution listed below or increase pollution listed below from existing sources? If so, how much?

- Air emissions, including particulate matter (e.g., dust, diesel emissions, or other fossil fuel emissions), oxides of nitrogen (NOx), volatile organic compounds (VOCs), hazardous air pollutants (HAPs), or other regulated air pollutants;
- Wastewater treatment or wastewater discharges;
- Solid waste generation, transport, or disposal;
- Hazardous waste generation, transport, or disposal;
- Industrial or commercial noise from operation of stationary or mobile equipment;
- Industrial or commercial lighting in contrast to existing lighting; or
- Industrial or commercial odors.
- Is the proposed site an active or inactive solid or hazardous waste site, or has the site previously been exposed to pollutants or contamination?
  - If so, is it undergoing or planned to undergo remediation?
- Will there be any excavation of solid or hazardous materials?
- Do any of the impacts identified in response to Questions 8, 11, 17, 18, 19, 20, or 21 occur within a disadvantaged community?

### **Will there be an impact?**

There is not likely to be an impact if the proposed project:

- Does not involve the creation or increase of air pollution, water pollution, solid waste generation transport or disposal, hazardous waste generation transport or disposal, industrial or commercial noise, industrial or commercial odors, or industrial or commercial lighting;
- Does not create any new sources or expand existing sources of pollution within a disadvantaged community; and
- Does not disturb or create an existing solid or hazardous waste disposal or remediation area.

If the lead agency determines that the project will not create or increase pollution burdens in these ways, there is not likely to be a moderate or large impact. In this case, check "No, or small impact may occur" on the Part 2 table. When all questions from Part 2 are completed, proceed to Part 3.

If the proposed project is likely to create or increase pollution within a disadvantaged community, the magnitude of this impact must be evaluated.

### **If there is an impact, how big will it be?**

If there will likely be an impact, the reviewing agency must evaluate the magnitude of that impact. This will depend on the overall scale and context of the proposed project. The reviewing agency should be reasonable when conducting this review. For additional information on the concept of reasonableness as it applies to SEQR, refer to section F in the Introduction of the SEQR Handbook.

## **Small Impact**

To decide if no impact or a small impact may occur, and whether no significant impacts to a disadvantaged community are anticipated, the reviewing agency should look at the available information and consider factors such as the following:

- Air emissions will occur at a level that does not require a state air pollution control permit;
- Solid or hazardous waste will be generated in an amount easily transported to and handled at a permitted disposal facility;
- Wastewater discharges will not occur or expand;
- All proposed operations would occur within an enclosed building;
- There will be no traffic associated with the project or the traffic generated is limited to non-truck traffic and will not increase to a level causing level of service impacts; and
- The disadvantaged community is identified by the Disadvantaged Community Assessment Tool as having comparatively lower burdens or vulnerabilities.

In these cases, check "No, or small impact may occur" on the Part 2 table. When all of Part 2 is completed, proceed to Part 3.

## **Moderate to Large Impact**

- Air emissions will occur at a level that requires a state air pollution control permit (i.e., Air State Facility or Title V permit);
- Solid or hazardous waste will be generated in an amount requiring substantial increase in truck traffic to transport to a permitted disposal facility;
- Solid or hazardous waste will be managed or disposed on site, requiring a state solid or hazardous waste management facility permit;
- Wastewater discharges will occur or expand, requiring a State Pollutant Discharge Elimination System (SPDES) permit;
- Proposed operations would potentially result in off-site pollution impacts;
- Traffic associated with the project will increase to a level or type causing level of service or safety impacts;
- The disadvantaged community is identified by the Disadvantaged Community Assessment Tool as having comparatively higher burdens or vulnerabilities; and
- The action involves a DEC permit application that requires preparation of an "existing burden report" analyzing potential pollution impacts to a disadvantaged community.

## **Recording your decision**

If you have determined there are no impacts, or that only a small impact may occur, no further analysis of this topic is needed. Check the box under "No, or small impact may occur" next to the question and move on to Part 3. You may choose to include an explanation in Part 3 as to why you decided there were no impacts or only small impacts, but you are not required to do so.

If you have determined that one or more moderate to large impacts may occur, additional analysis of this impact will be required in Part 3. You should note what the impacts are and the reasoning that led to your decision in Part 3.

## FULL EAF– SEQR WORKBOOK GUIDANCE

DEC has added questions in Parts 1 and 2 of the Full EAF to address potential impacts on disadvantaged communities. The additional questions are listed below along with guidance pertaining to each question.

### Full EAF Part 1 Workbook (Project Sponsors)

Question E.4.a:

“Is the project located within, or within ½-mile of, a disadvantaged community? Yes  
No”

This question should be answered yes if any component of the project is located within, or within ½ mile of a disadvantaged community. *Upon adoption of the rule, DEC would incorporate the DAC map GIS layer into the EAF Mapper, which will automatically populate the answer to this question.*

“If No, could impacts from the project affect a disadvantaged community? Yes No”

If the project is located greater than ½-mile of a disadvantaged community, this question should be answered yes if the potential off-site impacts from the project could reasonably be expected to occur within a disadvantaged community. The potential impacts could include, but would not be limited to, air emissions, wastewater discharges, noise, odors, and traffic.

“If the answer is Yes to either question in E.4.a, answer the remaining questions in the section.”

Question E.4.b “Will there be direct or indirect impacts that may affect a disadvantaged community, such as those listed below? Yes No

- i. new noise sources or expansions/modification of existing noise sources;
  - noise from operational sources
  - noise from construction activities
- ii. emissions of air pollutants including mobile emissions;
- iii. wastewater discharges;
- iv. generation of odors;
- v. light pollution;
- vi. new or modified radiation sources;
- vii. new or modified sources of solid waste generation, management, or disposal.

If Yes, describe the impacts:”

If any of the impacts listed in Question E.4.b may occur, the question should be answered Yes and the type of impact(s) described. All relevant potential impacts associated with the project that may occur within the disadvantaged community should be identified here. As with other questions on the Full EAF, additional pages should be attached where necessary. Where such impacts can be quantified, the available information should be provided and summarized. If there is a seasonal nature to the operations, that should also be described in response to this question.

Question E.4.c

“Do any of the state agency approvals identified in Question B.g include any of the following DEC permits?

State Pollutant Discharge Elimination System (SPDES) Yes No

Solid Waste Management Facility Yes No

Hazardous Waste Management Facility Yes No

Air Pollution Control (Title V or Air State Facility) Yes No

Water Withdrawal over 20 MGD for Cooling Water Yes No

Waste Transporter Yes No”

In response to this question, project sponsors should indicate whether any of the listed DEC permits will be required for the proposed action. Such DEC permits are considered “applicable permits” under the Siting Law. Such permits may involve the preparation of an Existing Burden Report, which may serve as a supplemental source of information for the lead agency to consider potential impacts to disadvantaged communities. The Existing Burden Report should be provided to the reviewing agency with the Full EAF.

## **Full EAF Part 2 Workbook (Lead Agencies)**

### Question 19: Impact on Disadvantaged Communities

“The proposed project may impact a disadvantaged community. Yes No”

This question asks the reviewing agency to evaluate potential pollution impacts on disadvantaged communities. Among the criteria for determining the significance of a proposed action, SEQR regulations at 6 NYCRR 617.7(c)(xiii) include whether the action “...may cause or increase a disproportionate pollution burden on a disadvantaged community that is directly or significantly affected” by the action. In addition, SEQR regulations at 6 NYCRR 617.2(ae) define pollution broadly as “...the presence in the environment of conditions and or contaminants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property...”

### **To answer this question:**

Review Part 1 Question E.4.a.

- Is the project located within, or within ½-mile of, a disadvantaged community?

This question can be answered by comparing the spatial limits of the project to the boundaries of mapped disadvantaged communities, available online at: <https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>. *Upon adoption of the rule, DEC would incorporate the DAC map GIS layer into the EAF Mapper, which will automatically populate the answer to this question.*

- If the project is not located within, or within ½-mile of, a disadvantaged community, could impacts from the project affect a disadvantaged community?

If the project is located greater than ½-mile of a disadvantaged community, this question should be answered yes if the potential off-site impacts from the project could reasonably be expected to occur within a disadvantaged community. The potential impacts could include, but would not be limited to, air emissions, wastewater discharges, noise, odors, and traffic.

If the answers to both of these questions are No, there would likely be no related impacts. If the answer to either question is Yes, check 'yes' and then answer sub-questions (a) through (h).

## Identifying Potential Impacts

The reviewing agency should evaluate the following sub-questions and decide if there will be a potential impact. If there will be a potential impact, the reviewing agency must evaluate the magnitude of that impact and decide if the impact will be small or moderate to large. This will depend on the overall scale and context of the proposed project. The reviewing agency should be reasonable when conducting this review. For additional information on the concept of reasonableness as it applies to SEQR, refer to section F in the Introduction of the SEQR Handbook.

- If the proposed project exceeds a numeric threshold in a question, it may be presumed to have a moderate to large impact.
- If the proposed project does not exceed a numeric threshold in a question, the reviewing agency should consider the scale and context of the project in determining if an impact may be small or moderate to large.
- If the proposed project may impact a DAC, and that DAC is identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool, then there is an increased likelihood that impacts from the project may be moderate to large.
- These sub-questions are not meant to be exhaustive. The reviewing agency should use the "Other impacts" sub-question to include any additional elements that should be analyzed for potential impacts.

## Applicable Part 1 Information

Review the "Relevant Part 1 Question(s)" column in the EAF when answering this question.

## Analysis

Answers to sub-questions (a) through (h) offer information that will help the reviewing agency to identify potential impacts to disadvantaged communities. Most of these are 'yes' or 'no' questions.

### Question 19.a

"The potentially affected disadvantaged community is identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool."

The Disadvantaged Community Assessment Tool (Tool) is a screening tool created by DEC to help lead agencies assess disproportionality and consider whether a potentially affected disadvantaged community has an increased likelihood of experiencing a moderate to large impact based on existing burdens or vulnerabilities as compared to relevant non-DACs.

The Tool is based on data from the Climate Justice Working Group (CJWG) DAC map<sup>2</sup> and uses statistically meaningful thresholds to compare the existing burdens in a DAC with existing burdens in the following non-DAC scenarios: statewide rural, statewide urban, regional rural, and regional urban.

The Tool identifies DACs as having either 1) comparatively higher existing burdens or vulnerabilities and therefore an increased likelihood that a proposed action may have a moderate to large impact on the DAC (shown in orange, or yellow for those census tracts designated as Indigenous lands), or 2) having comparatively lower existing burdens or vulnerabilities and therefore a decreased likelihood that a proposed action may have a moderate or large impact on the DAC (shown in blue).

The Tool should not be relied upon exclusively to decide whether an impact is small or moderate to large. It is intended for use as a screening tool to help lead agencies identify DAC census tracts that may warrant further consideration, analysis, and community input based on existing information. Lead agencies should consider additional available information regarding pollution burdens and population vulnerability in the DAC. *Additional information about the Tool and methodology is in Appendices A and B to RIS. DEC expects to include this additional information as appendices to the Workbook.*

Disadvantaged communities that have been identified as having comparatively higher existing burdens or vulnerabilities have an increased likelihood that a proposed action may have a moderate to large impact on the disadvantaged community. Use the Tool to determine whether the disadvantaged community has been identified as having an increased likelihood that a proposed action may have a moderate or large impact on the disadvantaged community based on existing burdens or vulnerabilities.

Disadvantaged communities that have been identified as having comparatively higher existing burdens or vulnerabilities have an increased likelihood that a proposed action may have a moderate or large impact on the disadvantaged community. Use the Tool to determine whether the disadvantaged community has been mapped as having comparatively higher existing burdens or vulnerabilities.

#### Question 19.b

“The proposed action may create new air emissions or increase existing air emissions within a disadvantaged community.”

---

<sup>2</sup> Climate Justice Working Group DAC map: <https://climate.ny.gov/-/media/Project/Climate/Files/Disadvantaged-Communities-Criteria/2023-DAC-Maps-Version-1.pdf>. Climate Justice Working Group DAC map PDFs: <https://climate.ny.gov/-/media/Project/Climate/Files/Disadvantaged-Communities-Criteria/List-of-Disadvantaged-Communities.pdf>.

Air emissions from a project could come from many sources including, but not limited to, burning fossil fuels, diesel equipment operation (including trucks), dust, manufacturing processes (e.g., volatile organic compounds and hazardous air pollutants), chemical and petroleum bulk storage, and others. Air emissions can also be dispersed well beyond their source, so even those sources located outside of the disadvantaged community may still result in community impacts and require evaluation. Impacts identified in Question 6 should also be reviewed in answering this question. Where new air emissions or an increase in existing air emissions may occur within a disadvantaged community, the potential impacts of those emissions must be evaluated.

Some of these sources may also require a DEC air pollution control permit (e.g., air state facility or Title V permit). Where such a permit is required, generally a moderate to large impact may occur, which should be evaluated further in Part 3 of the EAF. In addition, the sponsor may have also prepared an Existing Burden Report in support of their DEC permit application. That Report may be used as a source of supplemental information for the reviewing agency's evaluation, where available.

**A note about DAC indicator percentile numbers.** Information in the Climate Justice Working Group (CJWG) DAC map includes percentile numbers for 45 indicators displayed in a chart/table format. These indicators are grouped under "Health Impacts & Burdens," "Housing, Mobility, Communications," "Income," "Race/Ethnicity," "Land Use & Historic Discrimination," "Potential Climate Change Risk," and "Potential Pollution Exposure."

The indicator percentile scores are part of a formula used by the CJWG for the purpose of identifying DACs on a statewide basis. More information about the formula and the DAC methodology can be found in the DAC map Technical Guidance Document at <https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>. The percentile scores were not generated for the purpose of assessing disproportionality in the context of a specific DAC and a particular local impact; rather, they were generated to identify DACs on these larger geographic scales. In other words, the indicators are used for DAC *identification* rather than project *analysis*.

The indicator percentile scores show how a given indicator ranks compared to the entire state, including DACs, non-DACs, and New York City. For example, a truck traffic indicator percentile score of 10% means that in that tract, when compared with all other tracts in the state (non-DACs, DACs, and NYC tracts), 10% of the census tracts have estimated lower truck traffic and 90% of the census tracts have estimated higher truck traffic.

Indicator percentile scores may not be representative of conditions across an entire census tract, as census tracts are determined by a variety of factors, such as population and local boundaries. Indicators with a "high" percentile score do not necessarily mean that a given census tract qualifies as a DAC due to a "high scoring" indicator(s) alone. For example, in a census tract that has both residential and industrial uses, truck traffic may be low in the residential area but high in the industrial area, creating a moderate truck traffic indicator score for the census whole tract. Siting a project in the high traffic industrial area of this

tract may have different impacts than the siting of a project in a low traffic residential area. Therefore, while the indicator subject titles may be useful to help guide topics for discussion, the use of indicator scores, on their own, do not address disproportionality when assessing potential impacts of a specific proposed action on a DAC.

Question 19.c

“The proposed action may create new wastewater treatment or discharges, or expand existing wastewater treatment or discharges, within a disadvantaged community.”

Wastewater treatment occurring within a disadvantaged community may result in several potential adverse impacts, including lower water quality at the point of discharge, generation, and management of biosolids, and off-site odors. However, these impacts may also occur within a disadvantaged community where wastewater treatment or discharges occur outside the boundary of the community. Impacts identified in Question 3 should also be reviewed in completing this question.

Projects involving wastewater treatment may also require a new or modified SPDES permit. Where such a permit is required, generally a moderate to large impact may occur, which should be evaluated further in Part 3 of the EAF. In addition, the sponsor may have also prepared an Existing Burden Report” in support of their DEC permit application. That Report may be used as a source of supplemental information the reviewing agency’s evaluation, where available.

Question 19.d

“The proposed action creates or expands a solid or hazardous waste management facility, or involves the generation of solid or hazardous waste, within or near a disadvantaged community.”

The generation, transport, or disposal of solid or hazardous waste within or near a disadvantaged community may result in several adverse environmental impacts, including but not limited to noise, odors, air emissions, groundwater or surface water discharges, and others. The reviewing agency should evaluate the amount of waste involved, type of waste involved, hours and duration of operations, as well as the processes and controls being proposed to manage such wastes. Impacts identified in Question 16 may also be relevant.

Some of these activities may also require a DEC solid or hazardous waste management facility permit. Where such a permit is required, generally a moderate to large impact may occur, which should be evaluated further in Part 3 of the EAF. In addition, the sponsor may have also prepared an Existing Burden Report” in support of their DEC permit application. That Report may be used as a source of supplemental information for the reviewing agency’s evaluation, where available.

Question 19.e

“The proposed action may increase traffic within a disadvantaged community.”

Increases of traffic within a disadvantaged community creates potential for noise and air quality impacts, particularly where the increase is in heavy-duty vehicle traffic. The emission of fine particulate matter from diesel trucks is of particular concern given its adverse effects on individuals with asthma, heart disease, and other health conditions. Transportation impacts identified in Part 1, Question D.2.j and Part 2, Question 13 should also be reviewed in completing this question. Part 1, Question D.2.j and Part 2, Question 13 may indicate whether overall potential traffic increases are small or moderate to large. Other sources of available information on existing and proposed traffic levels may also be useful in evaluating traffic impacts (e.g., available DOT data, traffic studies, etc.).

Question 19.f

“The proposed action affects or involves one or more of the following facility types:

- i. landfill;
- ii. other industrial, manufacturing, or mining land use;
- iii. major oil or chemical bulk storage facility;
- iv. municipal waste combustor;
- v. power generation facility;
- vi. risk management plan site;
- vii. remediation site; or
- viii. scrap metal processor.”

Where a project involves one or more of the land uses contained in items 19.g.i-viii, adverse impacts to the disadvantaged community may occur.

Question 19.g

“Other Impacts”

There may be potential impacts within a disadvantaged community identified by the reviewing agency that are not addressed by the above questions. If so, they should be briefly identified and described in Question 19.g.

## **Full EAF Part 3 Workbook (Lead Agencies)**

Part 3 provides the reasoning supporting a determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

The determination for each type of potential impact, including those within disadvantaged communities, involves the following basic process:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size, or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, likelihood of the proposed action disproportionately burdening a disadvantaged community(ies), number of people affected by the impact, and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact.

To assess the significance of potential impacts on disadvantaged communities, the information provided in Part 1 and 2 of the EAF, the project application or proposal documents, input available from the community, available information on the pollution burden and population vulnerability of the community, and the Disadvantaged Community Assessment Tool, are all important sources of information to consider. Such information will help determine how the community may already be impacted by existing pollution burdens and the health stressors already present in the community. This information may include the disadvantaged community indicators used to designate the community (for example, if the truck traffic is an issue, the lead agency should evaluate the relative level of existing diesel truck traffic), existing New York State Department of Health data, data available on the U.S. Environmental Protection Agency's [EPA's EJScreen](#) tool, environmental data generated from community air monitoring (e.g., air, wastewater, etc.), available traffic studies, and other sources, for example.<sup>3</sup> See also above "A note about DAC indicator percentile numbers," Question 19.b. In addition, available community input can also be an important source of information on potential impacts and the importance of those impacts in determining significance. As a result, opportunities for public input are encouraged.

Next, information in Parts 1 and 2 of the EAF and the project application or proposal documents should be used to determine the action's potential contribution to the existing pollution burdens in the community. Such contributions may be temporary or long-term and should be evaluated accordingly. For example, the magnitude and importance of truck traffic associated with a project may be small where it is temporary and associated only

---

<sup>3</sup> Any data source listed here should be used in accordance with the instructions and limitations provided by the agency or entity that has generated and made the data available.

with construction. Conversely, if truck traffic is expected to increase and will be ongoing once the project is completed, the magnitude and importance of the project may be large. The fuel type to be used may also impact the magnitude and importance.

Using the information about existing pollution burdens, existing population vulnerability, and the project's expected contribution to the potential pollution burden, the magnitude and importance of the impact can be assessed. The Disadvantaged Community Assessment Tool is designed to help understand those existing burdens. Because disadvantaged communities are already identified as burdened based on a number of criteria, the importance assessment should contextualize potential project impacts through these identified existing burdens and evaluate their importance by taking them into consideration. For example, the magnitude and importance of a project may be small where there are no new sources of air emissions or wastewater discharges occurring in a sparsely populated area on the border of a disadvantaged community. By contrast, the magnitude and importance of a project may be large where a new wastewater discharge would occur in a densely populated area of a disadvantaged community that already experiences high environmental burdens or population vulnerabilities.

Project sponsors may also identify project elements designed to avoid or minimize the identified pollution contribution. In those cases, it is possible that the reviewing agency may determine that the magnitude and importance of an impact may be large, but the project includes features that mitigate those effects to the point where the impact is no longer significant. For example, an applicant may agree to alternative traffic routes or hours of operation that mitigate the impact of increased traffic levels. Such measures must be taken into consideration when determining significance of an impact.

## Full EAF Part 3 Workbook Examples – Disadvantaged Communities

### Part 3 – Determination of Significance

#### Example 1

**Proposed Activity:** A new regional operations center for a major electric utility company is proposed on 15-acre vacant lot in an industrially zoned portion of the municipality. The census tract in which the facility would be located is designated as a disadvantaged community. The site will employ about 75 full-time employees and include a 40,000-square-foot office space, a 20,000-square-foot vehicle maintenance garage, and an outdoor storage yard for fleet vehicles, heavy trucks (e.g., “bucket” trucks), electrical cables, transformers, poles, and substation equipment. It will also include a 20,000-gallon underground storage tank for diesel fuel for fleet vehicles and a small emergency back-up generator to power essential system operation equipment during power outages. Water and sewer are available at the site. The total land disturbance will be 10 acres, 5 of which is forested and 5 of which is cultivated agricultural land. There are no streams or wetlands on the site, and it is not located in a floodplain. The site is located on a local town road that connects to a state highway ¼-mile from the site. Surrounding land uses include agriculture, low density single family residential, and multi-family apartments. The nearest residence is 500 feet from the site.

- Using information from Part 1 of the Full EAF, the Planning Board answered Questions 1 through 19 on Part 2.
- Using the Full EAF Part 2 tools, the Planning Board decided that there would be no impact to the environmental resources evaluated in Questions 2, 3, 5, 6, 7, 9, 10, 11, 12, 14, 16, 17, and 18. These were all checked as “No or small impact may occur” on Part 2.
- However, the Planning Board determined that Questions 1, 4, 8, 13, 15, and 19 would need further evaluation in Part 3 because they identified the following impacts that could potentially be moderate to large. The project may:
  - Result in increased erosion from grading and excavation activities on 10 acres of land;
  - Result in bulk storage of diesel fuel over a shallow groundwater aquifer;
  - Result in a loss of approximately 5 acres of farmland;
  - Result in an increase in traffic on ¼-mile of a local town road;
  - Result in additional commercial or industrial lighting that shines on adjoining properties; and
  - Result in increased industrial land use and traffic within a disadvantaged community that is identified by the Disadvantaged Community Assessment

Tool (Tool) as having an increased likelihood of moderate or large impacts due to existing burdens or vulnerabilities.

**After further review, the Planning Board found:**

The Planning Board evaluated the magnitude, duration, likelihood, and importance of those potential impacts within the context of the community. They decided:

1. Even though the site will result in the disturbance of 10 acres of land, there is a low likelihood that erosion and impacts to land will occur because the site is relatively level and well-drained. Stormwater runoff will be adequately controlled through implementation of erosion control measures and long-term stormwater management measures included in the sponsor's stormwater pollution prevention plan.
2. Although potential groundwater contamination would be an important impact, the Board determined there is a low likelihood of groundwater contamination because the project design includes state-of-the art underground storage tank technology and perimeter groundwater monitoring wells. The fueling area will also be located adjacent to the fleet maintenance garage on a concrete, impervious area. The sponsor also prepared a spill prevention and countermeasures plan which will be implemented at the facility.
3. The loss of 5 acres of farmland will be an irreversible and certain impact of the project. However, the site did not contain soils classified as prime farmland, and the Board determined the importance of the impact to be low given the abundance of agricultural land uses on prime farmlands in other nearby areas.
4. The project will increase traffic on the ¼-mile section of town road before it reaches the New York State highway, which carries an average of approximately 3,000 vehicles per day. Traffic will include approximately 150 employee traffic trips per day (75 arriving and 75 leaving) and approximately 50 operational vehicle traffic trips per day (e.g., a combination of fleet vehicles and heavy-duty trucks). The Planning Board decided the likelihood and importance of traffic impacts were low based on the low-density of residences along the ¼-mile section of town road (10 homes) and the relatively large volume of traffic already carried on the New York State highway where multi-family apartments are located.
5. The site will require security lighting for the equipment storage yard, which has the potential to create a nuisance in residential areas near the site. The Board determined the impacts would be adequately minimized by the sponsor's dark-sky compliant lighting plan and landscaping plan, which provided visual screening around the perimeter of the site.
6. The project will increase light industrial land use within a portion of the town designated as a disadvantaged community. Taking into account potential air, water,

groundwater, noise, and visual impacts, the Board determined the proposed project would not likely result in any substantial increase in pollution within the disadvantaged community.

**An appropriate Part 3 statement for this example, specific to potential impacts on the disadvantaged community, would be:**

The Planning Board determined that potential moderate to large impacts could occur related to land disturbance, groundwater, farmland, traffic, and an increase in commercial/industrial land uses.

After analysis, the Planning Board determined no significant adverse air quality, water quality, groundwater quality, noise, or visual impacts will occur because of the project. Each of the potential impacts to these resources will either be unlikely to occur or avoided by project design. There are no surface waters on or near the site that could be impacted by facility operations. Operations will also be designed to avoid and minimize the potential for groundwater contamination through the use of modern fuel storage tank technology, groundwater monitoring wells, and a spill prevention and countermeasures plan. No significant adverse visual impacts will occur because site lighting will be dark-sky compliant (i.e., use of downward facing and shrouded lighting) and landscaping will provide visual screening around the perimeter of the site.

Impacts to air quality will not be significant. There is no equipment proposed on site that will generate air emissions requiring a DEC air pollution control permit or registration. The emergency back-up generator will require weekly testing to maintain its function and to ensure readiness but will otherwise only operate on an emergency basis. Traffic generated by the facility will result in a small increase in vehicle emissions, mostly associated with passenger vehicles of commuting employees. However, the nearest residences are more than 500 feet from the site in a low-density area, and the overall vehicle emissions are relatively small compared to existing traffic volumes on the New York State highway.

For the reasons discussed above, none of the potential impacts to air, water, groundwater, noise, visual, or traffic are significant. As a result, there will also be no significant adverse increase in the pollution burden within, or impacts to, the disadvantaged community.

Based on the Planning Board's analysis, they check box A on the last page of the Full EAF, Part 3, indicating a negative declaration is issued.

## Example 2

**Proposed Activity:** A new automobile transmission manufacturing facility and parts distribution warehouse is planned on a 20-acre, waterfront site and will employ approximately 300 workers. Most of the site has completed remediation from its prior use as a major oil storage facility, but about 3 acres will be remediated as part of the proposed project. The proposal includes 200,000 square feet of manufacturing space, 200,000 square feet of warehouse distribution space, 50,000 square feet of office space, and associated parking, truck delivery, and rail delivery infrastructure. The site is served by water and sewer for potable and sanitary service but will withdraw approximately 500,000 gallons of water per day from the adjacent river for cooling and manufacturing purposes. Approximately 450,000 gallons of non-contact cooling water and process wastewater will be treated and discharged to the adjacent river under a DEC State Pollutant Discharge Elimination System (SPDES) Permit. A central boiler fired on natural gas will provide steam heat and generate approximately 0.5 MW of electricity for the facility operations, requiring a DEC air pollution control permit. When completed, the facility will generate 600 commuter trips per day (300 arriving and 300 leaving) and about 150 heavy truck trips per day (75 arriving and 75 leaving). The site is located within the city limits of a large city, and within a census tract designated as a disadvantaged community. The Disadvantaged Community Assessment Tool identified the disadvantaged community as having an increased likelihood of experiencing a moderate to large impact based on existing burdens or vulnerabilities. Surrounding land uses are industrial, commercial, and high-density residential. The nearest residence is 100 feet from the site and a school is located 200 feet from the site.

- Using information from Part 1 of the Full EAF, the Planning Board answered Questions 1 through 19 on Part 2.
- Using the Full EAF Part 2 tools, the Planning Board decided that there would be no impact to the environmental resources evaluated in Questions 2, 4, 7, 8, 9, 10, 11, 12, 17, and 18. These were checked as “No or small impact may occur” on Part 2.
- However, the Planning Board determined that Questions 1, 3, 5, 6, 13, 14, 15, 16, and 19 would need further evaluation in Part 3 because they identified the following impacts that could potentially be moderate to large. The project may:
  - Result in construction that would last for 1.5 years;
  - Result in a new water withdrawal of 500,000 gallons per day and discharge of 450,000 gallons of treated wastewater per day using a nearby river;
  - Involve construction within a 100-year floodplain;
  - Result in air emission from burning natural gas for energy and steam generation and emissions of hazardous air pollutants from manufacturing processes;
  - Result in large increases in traffic from worker vehicles and truck delivery;
  - Result in the generation and use of up to 0.5 MW of electricity per day;
  - Result in industrial noise and light extending into neighboring properties;

- Involve the remediation of approximately 3 acres of land and construction on a former remediation site; and
- Result in increased industrial land use, new air emissions, new wastewater discharges, and traffic within a disadvantaged community.

**After further review, the Planning Board found:**

The Planning Board evaluated the magnitude, duration, likelihood, and importance of those potential impacts within the context of the community and decided:

1. The duration of construction would exceed one year, involving generation of noise, traffic, and fugitive dust. Although these impacts would be temporary, the Board decided they were potentially significant given the duration and proximity to residential areas and a school within a disadvantaged community.
2. A new water withdrawal and wastewater discharge involving the river for cooling and process water could create potential water quality impacts in an area already used by the community for fishing and some recreational access. The Board decided that water quality impacts were potentially significant, particularly in light of the environmental burdens already faced by the disadvantaged community.
3. Although the site is located within a 100-year floodplain, the Board decided that potential impacts to flooding were not potentially significant, based on the sponsor's plan to provide additional flood storage on a portion of the site and construction of stormwater infrastructure improvements at a city-owned property within the same watershed.
4. The addition of a natural gas-fired heat and power plant on the site was consistent with other uses currently located within that part of the city. A utility-scale power plant (150 MW) was already located within ½-mile of the site, and the additional plant would add a relatively small amount of additional air emissions within the community. However, the Board decided that the additional emissions, when combined with manufacturing emissions and potential traffic-related emissions, could significantly and adversely impact the disadvantaged community given the existing sources of air pollution in the area and identified environmental burden of the disadvantaged community.
5. Noise and light generated from the site would be consistent with other industrial sources in the area, but given its proximity to residential areas and a school, noise and light glare were potentially significant impacts, particularly since the plant would run in three shifts over 24 hours at peak production.
6. Remediation of 3 acres of the site would be necessary to complete the development, but the work represents a continuation of remediation already completed on the

majority of the site. Although the removal of contaminated soil and cleanup on 3 acres was identified as a moderate to large impact, the Board determined it was not significant since the controls and requirements already implemented would continue.

7. Given the designation by the Tool of the area as a disadvantaged community with high existing burdens and vulnerabilities compared to non-disadvantaged communities, the Board determined that the potential air quality, water quality, noise, traffic, and light impacts identified above were important and significant.

**An appropriate Part 3 statement for this example would be:**

The Planning Board determined that potential moderate to large impacts could occur related to land disturbance, surface water, flooding, air quality, traffic, noise/odor/light, human health, and an increase in commercial/industrial land uses.

After analysis, the Board decided that the potential impacts to flooding and site remediation were not significant. They recognized that development would occur within the floodplain, but the sponsor's plan also includes elements to improve flood storage capacity and stormwater management, both of which more than offset the decrease in floodplain capacity on the site. In addition, remediation of 3 acres of the site would complete a larger remediation project that had already been undertaken, removing a potential source of pollution exposure within the area and disadvantaged community. Therefore, impacts related to site remediation were also not significant.

The Planning Board determined that other impacts would be moderate to large, likely to occur, and important given the designation of the community as a disadvantaged community, the Tool's identification of the community as having an increased likelihood of experiencing a moderate to large impact based on existing burdens and vulnerabilities as compared to relevant non-DACs, the proximity of residential land uses, and a school in close proximity to the site. As a result of this analysis, topics 1, 2, 4, 5, and 7 have been determined to be potentially significant. There is not adequate information or analysis of those impacts or how they could be mitigated.

Therefore, the Planning Board has determined there are potential significant adverse construction impacts and impacts to water quality, air quality, noise and light, traffic, and the disadvantaged community and an environmental impact statement evaluating these impacts is necessary.

The Planning Board then checks and completes section C on the last page of the Full EAF.