



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

**PROJECT NAME:** DANKAMMER CLEARING AND GRADING PERMIT  
**PROJECT NO.:** 2021-24  
**PROJECT LOCATION:** SECTION 8, BLOCK 1, LOTS 75.211, 75.22, 75.42, 75.3  
**REVIEW DATE:** 14 JANUARY 2022  
**MEETING DATE:** 20 JANUARY 2022  
**PROJECT REPRESENTATIVE:** SCS ENGINEERS

1. The application before the Planning Board is for a Clearing & Grading Permit in support of work covered under an NYSDEC Part 360 Permit. NYSDEC has previously issued the permit to permanently cap portions of a previous coal ash landfill. Project involves re-grading of material in support of the cap as well as stormwater management improvements on the site to provide for long term stormwater operation and maintenance.
2. A Stormwater Facilities Maintenance Agreement should be provided for the project. The site may be covered under an NYSDEC Multi-Sector Permit which if that is the case the Multi-Sector Permit reporting could be utilized in lieu of the filed agreement if the applicant consents to submitting the Multi-Sector Permit information periodically to the Town when reporting to the NYSDEC as required.
3. Security in the amount of \$3,500.00 per acre is required.

Respectfully submitted,

**MHE Engineering, D.P.C.**

A handwritten signature in blue ink that reads 'Patrick J. Hines'.

Patrick J. Hines  
Principal

PJH/kbw

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November 4, 2021  
File No. 25221191.00

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

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

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

Dear Mr. Hines:

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

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

**Applicant Response:** The comment is duly noted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Zack Christ". The signature is written in a cursive, flowing style.

Zack Christ  
Project Manager  
SCS Engineers

Initial of Author/initials of admin/Initials of Reviewer

cc:

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