

Appendix F:
Decision-Making Process for Studies
and Monitoring Methods

Decision-Making Process for Studies and Monitoring Methods

Draft: July 16, 1996

I. Background

A number of proposed studies and monitoring methods are outlined in the Stage II Rochester Embayment Remedial Action Plan. The studies are described in Chapter 4 "Studies required to complete identification of use impairments and describe pollutant sources". The monitoring methods are described in Chapter 9 "Surveillance and Monitoring Program". It is proposed that a "recommended" list and a "not recommended" list be developed for both studies and monitoring methods. These lists will be developed by using a formal decision-making process. The Water Quality Management Advisory Committee (WQMAC) and the Water Quality Coordinating Committee (WQCC) will advise the Water Quality Management Agency (WQMA) and the New York State Department of Environmental Conservation (NYSDEC) in this effort.

II. Decision-Making Process

Preliminary recommendations regarding studies and monitoring will be made by the Studies and Monitoring (SAM) Task Group. The Task Group will be comprised of scientific and technical experts from industry, local universities, and county and New York State governments. Some of the Task Group members will also be members of the WQMAC and the WQCC.

As part of its work, the Task Group must determine which studies and monitoring methods may be necessary in order to comply with Great Lakes Water Quality Agreement (GLWQA) requirements relating to RAPs. The GLWQA requires the following.

- Identification of beneficial use impairments.
- Identification of causes of use impairments.
- Identification of sources of pollutants.
- Monitoring programs to track the effectiveness of remedial measures.

The Stage I RAP identified beneficial use impairments in the Rochester Embayment Area of Concern (AOC), as well as the causes and sources of pollutants. However, four use impairments were listed in the Stage I RAP as unknown. In addition, issues were raised regarding the causes and sources of pollutants that could not be resolved.

Step 1 - Adopt a decision-making framework. The SAM Task Group must adopt a process to use in preparing "recommended" and "not recommended" lists of studies and monitoring methods. The proposed scoring processes for studies and monitoring methods are outlined as follows. The scores will be used as a guide in making decisions about recommendations.

Studies

Merit

Score	Need for study		
5	The proposed study would define the existence of a use impairment - professional judgment is not sufficient to define the status of a use impairment.	or	The proposed study would provide vital information about sources.
4	Undefined		Undefined
3	Undefined	or	The study would "bracket" sources by type.
2	Undefined		Undefined
1	Professional judgement could be substituted for the proposed study.	or	The study would add somewhat to understanding about sources.

Implementation (The scores for "Quality of Results" and "Cost" will be averaged.)

Score	Quality of Results
5	The study would produce accurate/usable results because the science, technology or strategy is proven.
4	Undefined
3	Undefined
2	Undefined
1	The study would produce an estimate only, or the science, technology or strategy is unproven.

Score	Cost
5	≤\$10,000
4	\$10,001-\$40,000
3	\$40,001-\$70,000
2	\$70,001-\$100,000
1	≥\$100,001

Total Score

Total Score = Merit Score + Implementation Score Implementation Score = (Quality of Results Score + Cost Score)/2
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Monitoring Methods

Merit

Score	Need for monitoring/adequacy of current monitoring
5	There is a great need for monitoring of the use impairment - little or no monitoring of the use impairment is currently conducted. In the case of citizen-based monitoring methods, the monitoring method would have substantial stewardship or community education potential.
4	Undefined
3	There is a need for monitoring of the use impairment - some monitoring is conducted but additional monitoring would be desirable. In the case of citizen-based monitoring methods, the monitoring method would have some stewardship or community education potential.
2	Undefined
1	There is little need for additional monitoring. In the case of citizen-based monitoring methods, the monitoring method would have minimal stewardship or community education potential.

Implementation (The scores for "Quality of monitoring data" and "Five-year monitoring cost" will be averaged.)

Score	Quality of monitoring data
5	The method would produce accurate/usable results.
4	Undefined
3	Undefined
2	Undefined
1	The method is experimental.

Score	Five-year Monitoring Cost
5	≤\$10,000
4	\$10,001-\$30,000
3	\$30,001-\$50,000
2	\$50,001-\$70,000
1	>\$70,001

Total Score

<p>Total Score = Merit Score + Implementation Score Implementation Score = (Data Quality Score + Cost Score)/2</p>

Step 2 - Scoring. Each task group member will apply the pertinent scoring system to each study and monitoring method and return their scores to Health Department staff no later than Monday, August 5, 1996.

Step 3 - Identify points of consensus. Individual task group members' scores will be analyzed in order to identify the studies and monitoring methods for which there is relative agreement.

Step 4 - Dialogue. Where there is relative disagreement a series of limited discussions will be conducted in order to reach a common understanding of the issues.

Step 5 - Consensus The Task Group will reach consensus regarding which proposed studies and monitoring methods should be recommended as part of the RAP.

Step 6 - Presentation of recommended lists. The Task Group will present its preliminary "recommended" list to the full membership of the WQMAC and the WQCC. The full membership of the WQMAC and the WQCC will review the Task Group's list and make separate recommendations to the WQMA and the NYSDEC. The WQMA and NYSDEC will consider these recommendations and adopt a list of recommended studies and monitoring methods to be incorporated into Chapter 10 "Selected Actions" of the Stage II RAP.

Step 7 - Review of the draft Stage II RAP. The International Joint Commission, the United States Environmental Protection Agency, and the general public will review the draft Stage II RAP and changes may be made based upon their review.

Appendix G: Resources

Resources

Chapter 1. Introduction

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Section 3.6. Air loading data

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Section 3.8. Monroe County air deposition monitoring

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Chapter 10. Selected Actions, Studies and Monitoring Methods

Section 10.1. Urban County Selected Remedial Actions

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Section 10.2. Rural Counties Selected Remedial Actions

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Section 11.7. Public participation during RAP implementation

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**Appendix H:
New York State Environmental
Quality Review**

PROJECT I.D. NUMBER

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Monroe County	2. PROJECT NAME Rochester Embayment Remedial Action Plan (RAP) Stage II
3. PROJECT LOCATION: Municipality <u>See attachment</u> County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) See attachment	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: See attachment.	
7. AMOUNT OF LAND AFFECTED: <u>Not applicable</u> Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly Not applicable.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: Not applicable	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals See attachment	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>Not applicable</u>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Monroe County</u>	Date: <u>May 23, 1997</u>
Signature: <u>Margaret Peck</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No See attachment

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 No. See attachment.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No. See attachment.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No. See attachment.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No. See attachment.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.
 No. See attachment.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.
 No. See attachment.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.
 No. See attachment

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly
 See attachment.

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Monroe County

John D. Doyle County Executive
Name of Lead Agency

John D. Doyle *Margaret E. Peck*
Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

John D. Doyle *Margaret E. Peck*
Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from responsible officer)

April 16, 1997
Date

**Short Environmental Assessment Form for the Rochester Embayment
Remedial Action Plan Stage II
Attachment**

Part I

3-4. The Rochester Embayment is the approximately 35 square mile broad bay in Lake Ontario at the mouth of the Genesee River. It is bounded by Nine Mile Point in the Town of Webster to the east and Bogus Point in the Town of Parma to the west. The Rochester Embayment watershed includes the watersheds of the Genesee River and its tributaries, the watersheds of streams that discharge directly into Lake Ontario within Monroe County, Irondequoit Bay, the Greece Ponds and numerous wetlands. The Embayment watershed incorporates all or a significant part of six counties: Allegany, Genesee, Livingston, Monroe, Ontario, and Wyoming.

6. Monroe County, as subcontractor to the New York State Department of Environmental Conservation (NYSDEC), is preparing the Stage II RAP. The RAP is required by the International Joint Commission and its required content is described in the Great Lakes Water Quality Agreement, as amended in 1987. The Stage I RAP (1993) identified water quality problems in the watershed of the Rochester Embayment. The Stage II RAP proposes and recommends water quality remedial measures for the identified problems. It also proposes studies to further define causes and sources of pollution, and monitoring methods to track the success of remedial measures.

10. The RAP involves no permit approval. Funding has been provided by Monroe County and the NYSDEC. RAPs have no direct action-forcing component. When the RAP is implemented, each selected action will undergo a separate SEQR review.

Part II

A. No official action is being taken as a result of the Stage II RAP. Therefore it does not cross a threshold for a Type I action. Each selected remedial measure will be subject to further SEQR review before implementation.

C1. Impacts:

Air quality: Pollution prevention and erosion control actions proposed in the RAP, if implemented, will have a slight beneficial impact on air quality.

Surface or groundwater quality or quantity: All of the proposed actions described in the RAP, if implemented, will improve surface water quality, and will indirectly improve groundwater quality.

Potential for erosion, drainage or flooding problems: The following proposed actions described in the RAP, if implemented, will reduce these problems:

- Streambank erosion control programs
- Development of stormwater wetlands
- Preservation of wetlands and critical habitat along waterways
- Consideration of water quality by transportation engineers
- Practices that manage stormwater runoff quantity and quality

There will be no impact on noise levels, existing traffic patterns, solid waste production or disposal.

C2. Impacts:

Aesthetic resources: The following proposed actions, if implemented, will improve aesthetic water resources:

- Actions which reduce the discharge of nutrients and, therefore, reduce the growth of algae at Charlotte Beach and other locations.
- Actions which preserve open space, such as preservation of wetlands and critical habitat along waterways.
- Actions which reduce erosion and, therefore, reduce the turbidity of the Genesee River and streams.

Agricultural resources: The proposed promotion of agricultural best management practices, if implemented, will improve the quality of stormwater runoff from agricultural lands.

Community or neighborhood character: Proposed actions that improve water quality and related aesthetic resources (see above), if implemented, will have a beneficial impact on neighborhoods near water resources and on recreational opportunities for the entire community.

There will be no impact on archaeological or historic resources.

C3. Impacts:

Plants and wildlife, significant habitats and threatened or endangered species will benefit from the following proposed actions, if implemented:

- Creation and preservation of wetlands
- Preservation of critical habitat along waterways and other habitat
- Reduction of toxic bioaccumulative chemicals in the water
- Reduced amount of siltation in waterways

C4. Impacts:

A municipality's existing plans or goals may undergo a change as a result of the RAP due to the proposed institution of intergovernmental agreements (IGAs) between a municipality and Monroe County or among municipalities. The IGAs, if implemented, will improve the quality of stormwater runoff, and help to protect fish and wildlife habitat.

Change in use or intensity of use of land or other natural resources: Changes will result from the proposed actions that, if implemented, will create and preserve wetlands and other habitat.

C5. Growth, subsequent development or related activities are not likely to be induced by the RAP actions if they are implemented.

C6 and C7. Other impacts

Public health will benefit from the proposed impacts in the RAP that, if implemented, will:

- Improve the water quality of the beach
- Gradually reduce the bioaccumulative toxic substances that cause fish consumption advisories

E. Controversy related to potential adverse environmental impacts.

The Stage II RAP was developed with considerable input from the public. The entire RAP was reviewed by:

- The Monroe County Water Quality Coordinating Committee, composed of representatives of Monroe County and New York State governments and agencies involved in water quality.
- The Monroe County Water Quality Management Advisory Committee, composed of representatives of citizens, public interests, economic interests and public officials.

In addition, each proposed urban remedial action was reviewed by a team composed of persons knowledgeable in the appropriate field.

When the final draft of the Stage II RAP was completed, there was a one-month public comment period during which verbal and written comments were requested. To facilitate the comment process, a public meeting was held which was widely publicized. Copies of the final draft of the Stage II RAP were available at many public and university libraries throughout Monroe County. Executive Summaries were available to all who requested them.

There was also input to the Stage II RAP from the five other counties that make up the major portion of the Rochester Embayment watershed: Allegany, Genesee, Livingston, Ontario and Wyoming. Proposed actions for rural counties were selected and reviewed by county representatives from agencies involved in water quality. The final draft of the rural proposed actions was presented within each county at Water Quality Coordinating Committee or

Environmental Management Council meetings. Copies of the final draft of the Stage II RAP were given to the chair of each Water Quality Coordinating Committee. Executive Summaries were available to all who requested them.

A responsiveness summary was prepared to record comments that were received at public meetings or in writing and to respond to them. The responsiveness summary is part of the Stage II RAP (see Appendices). Where appropriate, changes or additions were made to the text of the Stage II RAP as a result of the comments.

Appendix F

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number _____

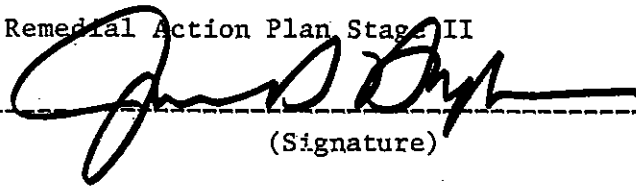
Date April 16, 1997

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Monroe County as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Rochester Embayment Remedial Action Plan Stage II

SEQR Status: Type I
Unlisted


(Signature)

Conditioned Negative Declaration: Yes
 No

Description of Action:

Monroe County, as subcontractor to the New York State Department of Environmental Conservation (NYSDEC), is preparing the Stage II RAP. The RAP is required by the International Joint Commission and its required content is described in the Great Lakes Water Quality Agreement, as amended in 1987. The Stage I RAP (1993) identified water quality problems in the watershed of the Rochester Embayment. The Stage II RAP proposes and recommends water quality remedial measures for the identified problems. It also proposes studies to further define causes and sources of pollution, and monitoring methods to track the success of remedial measures.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Lead Agency: Room 110, Monroe County Office Building, 39 West Main Street, Rochester, New York 14614-1476

Project: The Rochester Embayment is the 35 square mile broad bay at the mouth of the Genesee River. Its watershed incorporates all or parts of the following counties: Allegany, Genesee, Livingston, Monroe, Ontario, Wyoming.

Reasons Supporting This Determination:

(See 617.6(g) for requirements of this determination; see 617.6(h) for Conditioned Negative Declaration)

The Stage II Rochester Embayment Remedial Action Plan (RAP) proposes and recommends water quality remedial measures for problems identified in the Rochester Embayment and its watershed. It also proposes studies to further define causes and sources of pollution, and monitoring methods to track the success of remedial measures. When the Stage II RAP is implemented, each selected action will undergo a separate SEQR review.

Actions that are proposed in the Stage II RAP, if implemented, will:

- Improve surface water quality and indirectly improve groundwater quality.
- Reduce toxic bioaccumulative chemicals in waterways.
- Reduce the potential for erosion, drainage or flooding problems.
- Reduce the discharge of nutrients and, therefore, reduce the growth of algae at Charlotte Beach and other locations.
- Improve the quality of stormwater runoff from urban and agricultural lands.
- Help to preserve wetlands and habitat along waterways.
- Improve water recreation opportunities for the community.

Public participation was an important part of the development of the Stage II RAP.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person:

Address:

Telephone Number:

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001

Appropriate Regional Office of the Department of Environmental Conservation

Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

Applicant (if any)

Other involved agencies (if any).

**Appendix I:
NYSDEC Letter of December 19, 1996,
and Response**



Michael D. Zagata
Commissioner

December 19, 1996

Mr. Todd Stevenson and Ms. Carole Beal
Water Quality Planning
Monroe County Department of Health
350 East Henrietta Road, Bldg. #5
Rochester, NY 14620

Re: Rochester Embayment RAP - Preliminary Stage II Draft Comments

Todd + Carole

Dear Mr. Stevenson and Ms. Beal:

Enclosed is a draft of the comments for the Rochester Stage II RAP document. Although significant changes are not anticipated, we need to allow for late replies and discussion of the content with supervision. Also enclosed is the cover page for the 18 Mile Creek RAP to use as an example for spacing and logo locations.

I hope these comments/suggestions are useful. I look forward to and plan to attend the public information meetings on the final draft tentatively scheduled for February 24 and 25, 1996. As you noted, one day will be an implementation workshop and one evening will be an overview presentation and comment period for the general public. I informed Linda Vera in Region 8 DEC of these dates for attendance.

In regard to the public participation procedures needed for the public meeting: there are no formal requirements; however, repeating the protocol used to announce the Stage 1 public meeting would be appropriate. Our Region 9 Office is taking the following steps to prepare for the public comment of their draft RAP for 18 Mile Creek: Announce the intent to conduct RAP informational workshop(s) and RAP public comment meeting at local committee meetings (e.g. WQMAC) and request their assistance. Have local persons suggest and participate in announcing meeting dates. Post notices in malls, libraries, etc. Put advertisements in main area newspaper(s) and local newspaper(s). Allow about three weeks lead time for notices prior to meetings. Conduct workshop(s) to explain the RAP (18 Mile Creek plans two workshops, one on Feb 5 and one on Feb 18 at two different locations). Announce and conduct public comment meeting two weeks thereafter. All are evening meetings.

Please call me at 518-457-9603 with any questions.

Sincerely,

Robert E. Townsend, P.E.
Great Lakes and Estuaries Section
Bureau of Watershed Management

Enclosures
cc: Dick Draper

DRAFT
COMMENTS ON STAGE II
ROCHESTER EMBAYMENT RAP

Re: Comments on the Draft Stage II - Rochester Embayment Remedial Action Plan (RAP)

Dear Ms. Peet:

In late October, NYSDEC Division of Water distributed twenty-two copies of the draft documents for comments requested by December 11, 1996. Some substantive comments have been received, (e.g. DEC Region 8 has concerns with recommending dry basin conversions and the use of swirl concentrators). Other suggestions center on format. The Stage II document is very comprehensive, and as such, may have discouraged some through review. In the interest of expediting and improving the report the following suggestions are offered:

1. The outline used in Chapter 6 applies the headings "date project initiated" and "project description" to a number of activities that are more appropriately described as programs, policies, or regulations. For example, SPDES is a program, as is pretreatment, stormwater, and pollution prevention. The Great Lakes Water Quality Guidance is federal regulation. The difference is that these measures do not have an end point that one would associate with a project.
2. The SPDES "effectiveness" discussion on page VI-66 is inappropriate. The Division of Water feels strongly that there is no question that SPDES has been effective. Other factors listed here have contributed but this does not diminish the fact that SPDES is the regulatory program to control point source discharges. The RAP should clearly state SPDES success and effectiveness; to describe SPDES otherwise is not accurate.
3. Some organization changes may be needed. A common challenge to RAP reporting is the ability to combine program/activity descriptions so that a major topic is focused on in one section of the report instead of piecemeal throughout. Item one on the attached list of comments lists nine major topics under which RAP activities can be described.
4. The lengthy remedial action sections (chapters 6 and 7 urban/rural; approx. 600 pages), repeat use impairment descriptions upfront in each chapter and list resources at the end. Some streamlining may be needed: address each use impairment only once to achieve a focus and reference resources at the end as contained in the appendix or a separate reference document.

5. The appendices could be used to reduce the size of some chapters/sections (e.g. strategies, priority schemes) in the body of the report. Attention could then be focused on the conclusions of these sections rather than the background and technique descriptions. In fact, the appendices could be a separate document.

6. Attached is a more detailed list of suggestions and comments for improving the presentation of descriptions in the Stage II report. This information is provided in the following order:

- * 28 comments on the Stage II document on the first two pages
- * Six comments on the Executive Summary starting at comment 29
- * Eight comments by our Bureau of Assessment and Research
- * Three comments by our Division of Environmental Remediation
- * A copy of a memo by the Pollution Prevention Unit
- * Five pages of Public Involvement narrative
- * Copy of the Lake Ontario "Letter of Intent" (Re: LaMP)

If you have any questions please call me at 518-457-9603.

Sincerely,

Robert E. Townsend, P.E.
Great Lakes Section
Bureau of Watershed Management

cc: Dick Draper
Tom Pearson, Region 8

Draft Rochester Embayment Stage II RAP - Comments

Page

1. To avoid the repetition of discussion on many topics, a group of nine major topics is provided under which progress and remedial measures can be addressed. If not applied here, keep in mind for update document:
 - * Hazardous Waste Site Remediation
 - * Contaminated River Sediments
 - * Fish and Wildlife Assessments/Actions
 - * Health/Environmental Assessments/Actions
 - * Nonpoint Source Poll. Control
 - * Point Source Pollution Control
 - * Air Pollution Control
 - * Public Participation and Outreach
 - * Investigations and Monitoring
2. Suggest moving the Glossary to the back of the report. ix
3. Update 12/95 date of WQMAC member list. I-5
4. The existence of specific fish and wildlife restrictions to the Lower Genesee River has been questioned. III-4
5. The details of the Lower Genesee River Study may be more appropriately presented in Chapter VI as a completed remedial action. III-44
6. Update EPA rule status from 10/95 for mercury lamps. VI-29
7. See attached additional information for the Lake Ontario LaMP (Re: four stages). VI-37
8. See attached additional information for the LaMP public participation. VI-38
9. As noted in Table 6-1 activities address multiple use impairments. Repeating use impairments at top of page is unnecessary in Chapter 6.
10. Table 6-2 is not a good copy; also pages 62 and 63 are not good copies. VI-58
11. As noted in the cover letter in items #1 and #2, SPDES is an effective point source control program; reference to it as a "project" with some difficulty in stating its effectiveness is inappropriate. VI-66
12. As with SPDES, this same problem exists when discussing EBPS, Industrial Pretreatment, stormwater regulations, pollution prevention, and the Great Lakes Water Quality Guidance: these "programs, policies, regulations" are or will be effective (items 10, 11, 12, and 13 starting on page 65, and item 4 on page 20). VI-65
13. The "20 Year Trends" report is part of the Rotating Intensive Basin Survey (RIBS) reporting, which is worthy of its own section (perhaps in monitoring). VI-67
14. Suggest removing the term "voluntary" in the Pollution Prevention title. VI-89
15. MACT standards and impact should be discussed under an Air Pollution section. VI-91
16. Nonpoint pollution control program should be discussed under a Nonpoint section. VI-94
17. By using "A,B,C,etc." to divide chapter 6, the description of the Kodak Wastewater Treatment Plant is "lost" under the "Benthos" heading. This is an example of the need for some division as suggested in item one above. VI-123
18. CSO abatement would seem to be more appropriately discussed under "SPDES" or as suggested previously, the larger topic of Point Source Pollution Control. VI-128

19. As with CSOs, sections D.2, D.3, D.4, and D.12 could come under a larger heading of Nonpoint Source Pollution Control and Best Management Practices. VI-146
20. Our Region 8 Office does not fully support the concept of "Dry Basin Conversions" to address toxic removal. There is a concern for increase in water temperature and BOD and the effect on the cold water fishery. VI-170
21. The "NYS Coastal Program" comes under the Coastal Zone Management Act and deals with nonpoint pollution; however "nonpoint" is not in the title. VI-192
22. Suggest grouping pollution prevention cases at Xerox and Kodak (K.1, K.2) under a larger section addressing all Pollution Prevention discussion. VI-240
23. Tables 6-1 and 7-1 should stand alone; the "A,B,C.." grouping is difficult; suggest just listing the remedial measures or organizing as grouped in #1 above. VII-3
24. Some measures in Chapter VII repeat in the Urban and Rural sections: suggest groupings under one topic and discussion in a single section (e.g. pollution prevention, WQEP, BMPs and nonpoint pollution control measures) VII-153
25. The outlines (#1,2,3..) used to describe each remedial measure in chapters 6 and 7 are different and somewhat difficult to follow. Certain topics (e.g. funding sources, costs, public education) may more appropriately be discussed in a single section or table in the RAP document.
26. The target dates for publishing the interpretive water data report every three years, while USGS does one every five years are unclear. The planned newsletter and Six-Year RAP Progress Report in 2003 are encouraging. A compilation of the newsletter will serve as RAP progress documentation in working towards Stage III. XI-14
27. As suggested above, additional use of the Appendices is recommended to assist in focusing on chapter descriptions and discussions.
28. The Pollution Prevention Unit (no longer a Bureau) has provided the attached comments which include this name change and the need to update status statements to be current.
28. Our Bureau of Watershed Assessment and Research provided a list of comments; please see attachment.
29. The following comments are suggested concerning the Draft Executive Summary:
- * 1.1 - Delete the parenthetical after the title; add the following bullet to the Stage I RAP "identified use impairments".
 - * 1.1 - Need to address the Stage II upfront in this Stage II Exc. Summary; deliver Stage I background and RAP Process in a shorter version or on subsequent pages. [e.g. start with use impairments and deliver the Stage II summary to include: priority studies, key progress/successes, priority remedial actions, local emphasis with reference to Table 3.1, and implementation points. Then provide the background and goals describing the partnership(s) supporting the mission (goals) and any add'l Stage II detail.].

Note: the existing summary flows well, but needs a shortened summary or abstract initially to capture the reader and make one want to look for more detail. This may be accomplished by renaming this document the "Stage II Summary" and then providing an Executive Summary at the beginning. (Ref: the Niagara Falls RAP Summary).

- * 1.2.- Add these descriptive details: 43 RAPs are "under development and or implementation..."; AOCs are characterized by serious pollution problems (not just water pollution) and are the focal points of Great Lakes remedial activities; The GLWQA ensures RAP development and implementation...so that beneficial uses are restored and protected.
- * 1.6 - Shorten the detail on goals and objectives (this is a summary)
- * 3.1 - Shorten the list of actions; again, this is a summary - suggest leaving out the big-picture items from the summary and focusing on actionable items: (e.g. a shortened list of actionable items for the summary would include items #3, 14, 15, 16, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 33, 35, 37, 39, 41, 42, 43, 44 ,45 ,46, 47, 48, 50, 51, and 52).
- * 3.1 - On Tables 3.1 and 3.3, only include high priority items in the summary document; leave out Table 3.2 from the summary.

**Comments from Bureau of Assessment and Research
NYSDEC - Division of Water**

page:

p.IV-7 Tumor Surveys are interesting, but unless they address the cause of the tumor one questions their value. Experimental work using sediment extracts to induce tumors may have more value.

p. IV-2 Fishless Segment - This fishless segment does not appear to be due to toxic effects. We had caged fish downstream of the Kodak discharge and did not see significant mortality (recollection from field work - EJK)

p.IV-15 Comment on study: site LO-2 may be influenced by Irondequoit Cr. and the Genesee River. Also both sides may be not influenced by "fine grained sediment from the Genesee River since this material will be further out in the lake. The Phase 1 and 2 costs seem high.

p.IX-3 Comment on Monitoring for toxics: These sites were monitored 1989-90. In 1995-96 sampling was conducted at five sites in the Genesee Basin plus Johnson Creek (Orleans Co.) and Irondequoit Creek.

**Comments from Bureau of Assessment and Research - continued
NYSDEC - Division of Water**

page:

p. III-52 (Reviewer comment #4): although it is true that midge larvae and oligochaete worms are common inhabitants of these types of sediments, indices measuring abundance, diversity, and tolerance reveal definite impact. The midstream substrate at many of these sites may be bedrock, but the samples were taken in depositional areas of heterogeneous sediments, and diverse benthic communities should be expected. A "control" site community at Station 1 in 1993 provided reference conditions for comparison. Particle-size analysis was performed at all sites to ensure comparability of habitat.

p. IV-14 The measurement of deformities in chironomid mouthparts is a compelling tool, but one that is subject to availability of mature specimens of a given genus. The genus Chironomus is the midge shown to be most susceptible to deformities, and sufficient numbers often cannot be obtained, such as in the lower Genesee River. Many genera apparently do not display deformities, and it would be misleading to measure deformity rates in these.

p. IV-15 The estimated costs for Phase I and Phase II seem high. 24 benthic samples could be farmed out to a consulting firm for \$3000 total. It seems that many more sites could be sampled for the estimates given.

p. IX-7 As noted above, the availability of the proper genus of midge is critical for a deformity study to be conducted. Such a study would be valuable, but its difficulty/feasibility should be recognized.

Comments from Division of Environmental Remediation - NYSDEC

Note: The Inactive Hazardous Waste Site Regulations make a distinction between hazardous waste and hazardous substances or "chemicals". Site cleanup is targeted at remediating inactive hazardous waste sites as defined by a specific list of hazardous wastes. A site could be delisted even though there is still a hazardous substance concern without a known problem and cause relationship. Therefore, one must be careful with site descriptions and classifications. Division of Environmental Remediation comments follow:

I reviewed sections of the document that are directly related to the NYS Inactive Hazardous Waste Program. Below are a few comments, the first one with some import, the remainder being primarily minor presentation items. I did not comment on the many individual actions proposed for future watershed work, nor on the level of effort or costs estimated for these activities.

- Comment 1.) Page III-95, Second Paragraph - In referring to 12 sites delisted from the NYS Registry, the report concludes "Investigations have shown that hazardous chemicals are *not* leaching from the sites." This is a clear over statement of what delisting from the Registry says about a site. Delisting is no guarantee that hazardous chemicals are not leaching from the site. In fact, many of the sites delisted across the state are well known to contain hazardous chemicals (but perhaps not "hazardous waste") with some delisted sites shown to have contaminants migrating from the site. Unless the stated conclusion has been specifically verified for each of the 12 sites, it should be eliminated or revised to avoid over statement.
- Comment 2.) Tables 3-2 through 3-8 (except 3-5) alternately refer to 2,3,7,8 TCDD as dioxin or dioxins, and it takes the reader a while to sort out what compounds or compound is being referenced. The tables should be consistent. I suggest using the 2,3,7,8 parenthetical listed in Table 3-5 for the rest of the tables as well. The same suggestion also applies for use of the 2,3,7,8 TCDF parenthetical instead of alternately referring to furans and furan.
- Comment 3.) In Table 3-23, numerous compounds are listed under the heading of AOC Compounds of Concern, including relatively innocuous compounds such as Iron, Aluminum, et.al.. The RAP doesn't list the AOC Compounds of Concern, though elsewhere in the document it refers the reader to previous a RAP document for this information. Not having the earlier RAP document available, I was unable to confirm that some of the listed chemicals were actually "compounds of concern" rather than simply detections at a site. I would suggest that the full list of AOC compounds of concern be included within the Stage II RAP for easy reference. And by the way, are Iron, Aluminum, Manganese and Silver on the list?

**Comments on LaMP and Public Participation Activities
NYSDEC - Division of Water**

In Chapter 6 measures 6 and 7 require some updating:

- * The LaMP Management Structure text needs to be updated by using information from the Public Involvement Chapter 4 of the proposed draft LaMP Stage I document. A copy of the five pages of Chapter 4 are attached.
- * The LaMP Public Involvement text needs to be updated by using this same draft Chapter 4.
- * The relationship of the LaMP and LOTMP text needs to be corrected using the attached Lake Ontario Letter of Intent that describes the Four Parties plans for these two programs.

Other comments with page references include:

- p. VI-37 In the first row of the table on Stage I change "are" in pollutants are responsible to "may be" because conclusive information on many causes probable doesn't exist.
- p. VI-37 In the second row of the table on Stage II, the second row needs to be defined better to agree with item 6.c.ii on page 28 of the 1987 amended GLWQA on page 28. Suggest something like "strategy development for load reductions". Most importantly need to mention the "loading" concept.
- p. VI-37 The first sentence after the table should be updated to read "Currently, a draft Stage I document is being developed. This serves as the problem definition document; however, additional information concerning subsequent Stages has been included wherever possible.
- p. VI-38 Specifically, the third bullet under (a) LaMP Structure and the entire section (b) Public Participation, need to be updated using the attached draft LaMP Chapter 4 narrative.
- p. VI-39 The first paragraph under section (d) needs to be updated using the attached Letter of Intent.

New York State Department of Environmental Conservation

Pollution Prevention Unit

50 Wolf Road, Room 298

Albany, New York 12233-8010

Telephone: 518-457-7267 or 7-2553

FAX: 518-457-2570



Michael D. Zagata
Commissioner

MEMORANDUM

TO: Robert Townsend, Division of Water

FROM: John E. Iannotti, Director, Pollution Prevention Unit

SUBJECT: Draft Rochester Embayment Remedial Action Plan (RAP)

DATE: DEC 09 1996

Per a request from N.G. Kaul, staff from the Pollution Prevention Unit have reviewed the Draft Rochester Embayment RAP (dated September 30, 1996). In particular, staff reviewed Chapter 6 from the RAP which includes a description of pollution prevention programs and have the following comments:

1. There are several sections which indicate the submittal of studies and/or other information prior to the date of the Draft RAP; however, the current status is not indicated. For example, page V1-32 indicates that EPA will publish final Sediment Quality Criteria in January 1996. Was this criteria published? Another example is on page V1-49 which states that EPA was to list categories of sources of seven HAPs by November 15, 1995. Was this accomplished? It is understood that for a document of this size and complexity, it is very difficult to always include the most up-to-date information; however, every attempt should be made to include such information especially where the information could substantially change the conclusions of the report.
2. Section VI (A)(14) discusses New York State Pollution Prevention and the NYSDEC's M2P2 Program and refers in several instances to the NYSDEC's Bureau of Pollution Prevention (BPP). Those references to the BPP in this section and any other section of the RAP should be revised to indicate the BPP's reorganized name: The Pollution Prevention Unit.

If you have any questions on the above, please call Joseph Iannotti of my staff at 457-7267.

cc: N.G. Kaul
Joseph Iannotti

**Draft Stage II Rochester Embayment Remedial Action Plan
Responsiveness Summary to Issues Raised by NYSDEC
January 30, 1997**

Responses to general suggestions in letter (beginning on page 1 of the NYSDEC comments):

1. The word "project" has been replaced by "program" in all the headings in Chapter 6.
2. In Chapter 6, SPDES, the beginning of the effectiveness section and the loading data subsection within it have been changed. The macroinvertebrate data and water chemistry data subsections have been left unchanged. The changes are:

Several NYSDEC programs, collectively, have been effective in reducing point source discharges. The SPDES program is the core program for the NYSDEC Division of Water. SPDES is New York State's implementation of the National Pollution Discharge Elimination System under the federal Clean Water Act. The upgrading of wastewater treatment plants from primary to secondary and tertiary treatment technology, mandated by the Clean Water Act, has contributed very significantly to point source discharge reductions in New York. Other NYSDEC programs that contribute to reductions are:

- *Industrial pretreatment program (see Chapter 6 section on "Industrial Pretreatment Program")*
- *Environmental Benefit Permit Strategy (see Chapter 6 section on "Environmental Benefit Permit Strategy for renewing SPDES permits")*
- *Pollution prevention (see Chapter 6 section on "New York State pollution prevention")*

Loading data

Phosphorus, lead, cadmium, silver, cyanide and methylene chloride are chemicals of concern in the Rochester Embayment that have shown significant reductions in point source discharge loadings within the last six years. Mercury and bis (2-ethylhexyl) phthalate are examples of chemicals of concern in the Embayment that have shown increased loadings within the last six years. Increases may have one or more of the following causes:

- *New companies and new products.*
- *Increased use of chemicals due to increased production or use of new chemicals.*
- *Increased use of municipal systems by industrial dischargers.*
- *Population growth resulting in increased discharge to wastewater treatment plants.*
- *Improved capture and treatment of stormwater and reduction of combined sewer overflows.*

Parameters, as reported to the NYSDEC, may show increases due to:

- *Increased numbers of parameters in permits required to be analyzed and reported.*
- *Improved reporting.*
- *Improved analytical methods and lower detection limits.*

- *Difficulties in computing loadings.*

Because of the many variables affecting the reporting of point source discharge loadings, it is important to look at long-term (periods of 10-20 years) rather than short-term trends.

3. When work on the RAP was begun, it was recommended to us that we organize it according to use impairments. Our RAP outline, as organized by use impairments, was approved by both NYSDEC and our RAP advisory groups.

4. We will shorten the Stage II document in the following ways:

- Replace the use impairments lists at the beginnings of Chapters 6 and 7 sections with the phrase “Use impairments addressed: See Table 6-1” (or Table 7-1).
- Move the Resources lists from the sections in the document to the Appendices, which will be a separate volume.

The suggestions about addressing each use impairment only once will be considered when we prepare updates and analyze progress toward delisting each use impairment.

5. In addition to moving the resources, we will move the two ranking scheme documents in Chapter 10 to the Appendices. (A third ranking scheme document in that chapter has been deleted.)

Response to list of comments (beginning on page 3 of the NYSDEC comments):

1. When work on the RAP was begun, it was recommended to us that we organize it according to use impairments. Our RAP outline, as organized by use impairments, was approved by both NYSDEC and our RAP advisory groups.

2. The Glossary and Acronym list have been moved to the back of the document (but not to the Appendices).

3. Chapter 1 contains two WQMAC membership lists. Both the 1993-1995 membership list and the current membership list were included because both committees worked on the Stage II RAP.

4. Information has been added to the introduction to Table 3-1: “The Area of Concern includes the approximately six miles of the Genesee River that are influenced by lake levels, from the River’s mouth to the Lower Falls.”

A footnote has been added to Table 3-1, Restrictions on fish and wildlife consumption in the Lower Genesee River: “There is no specific fish consumption advisory for the Genesee River. However, most fish species found in the Lower Genesee River spend part of their lifetimes in Lake Ontario and are subject to Lake Ontario contaminants.”

5. The Lower Genesee River Study was once part of Chapter 6. The Monroe County Water Quality Management Advisory Committee (WQMAC) recommended moving it to Chapter 3

because it is not a remedial action and it includes new information about use impairments, causes and sources.

6. Updated information is now included.

7-8. See “Response to comments on the LaMP and public participation activities from the NYSDEC Division of Water.”

9. The lists of use impairments in Chapters 6 and 7 will be deleted.

10. We have tried to improve the quality of the tables by removing extraneous lines and words and by lightening the copy.

11. See “Responses to general suggestions in letter,” #2.

12. Comments on DEC-related effectiveness sections in Chapter 6 follow:

- Environmental Benefit Permit Strategy: All references to “criticisms” have been changed to “comments.”
- Industrial Pretreatment Program: After discussion with Robert Townsend, it was decided that this section needed no revisions. Townsend is satisfied with the wording of the Effectiveness section.
- Stormwater regulations: The text has been revised, as suggested by Robert Townsend.
- New York State pollution prevention: After discussion with Robert Townsend, it was decided that this section needs no revisions. Townsend is satisfied with the wording of the Effectiveness section.
- Great Lakes Water Quality Guidance: There have been 2 revisions:
 - (1) “Disagreement involves” has been changed to “issues involve.”
 - (2) Economics bullet now says: “EPA concludes that economic impact will be small because municipalities and industry can meet the objectives partly through pollution prevention. Municipalities and industry, on the other hand, say that the economic impact will be high for a small reduction in pollutants.”

13. Mention of 20 Year Trends has been added to the discussion of the RIBS existing macroinvertebrate monitoring program in the “Monitoring for Toxics” section in Chapter 9. Results from the Report are also used in the SPDES section of Chapter 6.

14. The word “voluntary” has been removed from the title “EPA voluntary pollution prevention programs.”

15. There will not be time to research and write about MACT standards and their impact in the Chapter 6 Air Pollution section. We would be pleased to add any text provided by NYSDEC.

16. The information about EPA’s Urban Nonpoint Pollution Pilot Program has been deleted from

the EPA Pollution Prevention section because it is the only program described that is not aimed at point sources, and because the program was temporary and limited.

17. The A,B,C headings in Chapters 6 and 7 have been discontinued.

18-19. We cannot reorganize the CSO sections, as suggested. The CSO program and SPDES are independent from each other. One of the reasons for beginning the CSO program was to protect the Ontario Beach at the mouth of the Genesee River.

20. The primary focus of the dry basin conversion program, as described in Chapter 6, is nutrient removal (not toxics removal). The use impairments that this program is planned to address (as identified in Table 6-1) all relate to nutrients/eutrophication. The Chapter 7 section “Manage Stormwater in Existing and Newly Developing Urban Areas” includes a discussion of NYSDEC’s concerns regarding possible thermal impacts associated with dry basin conversions. A reference to this discussion has been added to the Chapter 6 section. In addition, several wording changes have been made to the Chapter 6 and 7 sections to clarify that the intent is to convert dry basins into wetlands only where appropriate.

21. The word “Nonpoint” is in the title. The title was derived directly from New York State Department of State documents.

22. In Chapter 6, the Kodak and Xerox pollution prevention sections have been moved adjacent to the other pollution prevention sections.

23. The “A, B, C” groupings have been discontinued. Tables 6-1 and 7-1 “stand alone” in that they are the first items in their chapters and not part of any section about remedial measures.

24. We do not want to delete the Chapter 7 (Rural) sections that may appear to be “repetitive”:

- Even though similar, there are small but important differences (funding, implementor) between the sections in the urban and rural parts of Chapter 7.
- The rural counties should have their own intact chapter.

25. We cannot change the headings in either Chapter 6 or 7.

- Each is appropriate for the type of chapter.
- The headings are consistent within each chapter.
- The change to enumeration may make the headings easier to follow.

We do not want to move additional items to a chapter or table elsewhere.

- The WQMAC prefers to have all information about each section in the section without having to hunt for it somewhere else.
- Chapter 8 focuses on funding sources.
- Possible funding sources and implementors appear in tables in Chapter 10 and in the Chapter 11 narrative.

26. As currently written, Chapter 11 states that “The Monroe County Health Department will develop a Six-Year RAP Progress Report in coordination with the USGS Water-Data Interpretive Report. Currently, the Interpretive Report is published every five years. In the future, it is the goal of the USGS and the Monroe County Environmental Health Laboratory to publish the Interpretive Report every three years in accordance with the schedule on page XI-14.” Additional wording has been added to the narrative to clarify this issue.

27. The resources and two ranking scheme documents have been moved to the Appendices.

28. See responses below to letters from the Pollution Prevention Unit and the Bureau of Assessment and Research.

29. Executive Summary: Note that we will also produce a 2-4 page fact sheet in addition to the Executive Summary.

- 1.1 - In developing the Executive Summary, we tried to avoid the use of bureaucratic jargon. Therefore, in section 1.1 the phrase “water quality conditions/problems” was substituted for the term “use impairments”. Despite what the cover of the Executive Summary document may have indicated, it is intended as a summary of both the Stage I and Stage II Rochester Embayment RAP. That is why the Executive Summary begins with a discussion of the RAP process.
- 1.2 - The suggested changes to section 1.2 have been incorporated into the narrative.
- 1.6 - The objectives have been deleted.
- 3.1 - We will make a generic statement about ongoing actions and refer to the Stage II document. We have deleted Table 3-2.

Response to comments from Bureau of Assessment and Research, NYSDEC Division of Water (pages 5 - 6 of the NYSDEC comments):

Page IV-7: The purpose of Chapter 4 is to outline studies that will complete identification of use impairments or describe pollutant sources. In the case of fish tumors, this use impairment was listed as unknown in the Stage I Rochester Embayment RAP. The purpose of the survey, as described in Chapter 4, is to determine whether fish tumors are a use impairment in the AOC, not to address any possible causes of tumors (if in fact they are determined to be a use impairment). In regards to using sediment extracts to induce tumors, a number of issues associated with this type of study are addressed in the Chapter 4 section “Investigate whether contaminants affect the benthic community in the lower Genesee River”.

Page IV-2: Information has been added.

Page IV-15: Information has been added as a “NYSDEC reviewer comment.”

Page IX-3: Information has been added.

Page III-52: Information has been added as a NYSDEC response to a reviewer comment.

Pages IV-14, IV-15 and IX-7: Information has been added as “NYSDEC reviewer comments.”

Response to comments from the NYSDEC Division of Environmental Remediation (page 7 of the NYSDEC comments):

1. This paragraph has been changed.
2. References to dioxin and furan have been changed as suggested.
3. The complete list of compounds of concern for the Rochester Embayment are shown in another table, and a reference to find the compound list has been added to the table heading in the inactive hazardous waste sites section. Iron, aluminum, manganese and silver are on the compound list.

Response to comments on the LaMP and public participation activities from the NYSDEC Division of Water (page 8 of the NYSDEC comments):

1. The text has been updated.
2. The public participation sub-section now briefly describes Partnerships (Basin Teams), the Information Network, and Lake Ontario Forums.
3. The relationship between the LaMP and LOTMP has been updated in both the LaMP sections and the LOTMP section.
- 4-6. Suggested changes have been made.
7. The text has been updated.
8. The suggested change has been made.

Response to comments from the NYSDEC Pollution Prevention Unit (page 9 of the NYSDEC comments):

1. We do not have time for the research required to update all RAP information. We will add any updated information that is submitted to us.
2. “Bureau of Pollution Prevention” has been changed to “Pollution Prevention Unit.”