

104-12



**FINAL ENVIRONMENTAL  
IMPACT STATEMENT**

**750 CELL  
MAXIMUM SECURITY  
CORRECTIONAL FACILITY**

**Seneca Army Depot,  
Seneca County, New York**

Prepared for:

New York State Office of  
General Services (OGS)

and

New York State Department  
of Correctional Services (DOCS)  
Glenn S. Goord, Commissioner

Prepared by:

Rust Environment & Infrastructure  
12 Metro Park Road  
Albany, New York 12205

**January 1999**

**Rust Environment  
& Infrastructure**

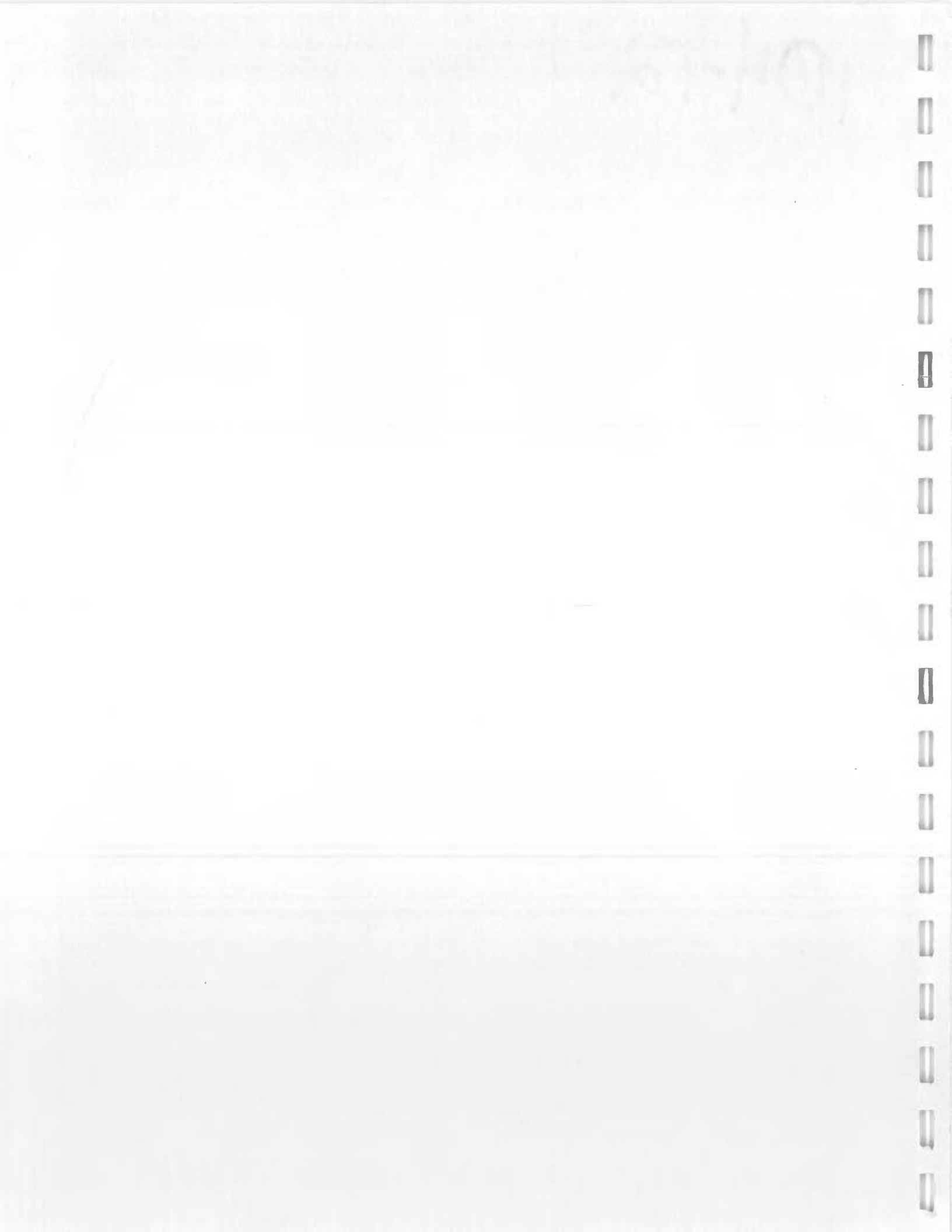


TABLE OF CONTENTS

Chapter	Page
1.0 INTRODUCTION	1-1
2.0 RESPONSE TO COMMENTS ON THE DEIS	1-1
2.1 Description of Proposed Action	1-1
2.1.1 Purpose, Need and Benefits	1-1
2.1.2 Regional Geographic Setting and Site Location	1-2
2.1.3 Site History	1-2
2.1.4 Design and Layout	1-2
2.1.5 Site Utilities	1-4
2.1.6 Construction	1-6
2.1.7 Facility Operations and Staffing	1-7
2.1.8 Project Schedule and Cost	1-10
2.1.9 Approvals Required	1-11
2.2 Natural Resources	1-13
2.2.1 Geology and Soils	1-13
2.2.2 Topography	1-13
2.2.3 Surface and Ground Water Resources	1-13
2.2.4 Air Resources	1-14
2.2.5 Terrestrial Ecology	1-16
2.2.6 Aquatic Ecology	1-20
2.3 Human and Cultural Resources	1-20
2.3.1 Transportation	1-20
2.3.2 Land Use and Zoning	1-21
2.3.3 Demographic Characteristics, Housing, and Employment	1-22
2.3.4 Community Services	1-25
2.3.5 Infrastructure/Utilities	1-25
2.3.6 Public Safety	1-26
2.3.7 Hazardous Waste	1-27
2.3.8 Agricultural Resource	1-30
2.3.9 Historic and Archeological Resources	1-30
2.3.10 Aesthetics/Visual Environment	1-30
2.3.11 Noise	1-32
2.3.12 Regional Development Plans	1-32
2.4 Mitigation Measures to Minimize Environmental Impacts	1-33
2.5 Unavoidable Adverse Environmental Impacts	1-33
2.6 Alternatives	1-33
2.7 Irreversible and Irretrievable Commitments of Resources	1-34
2.8 Growth Inducing Aspects	1-34
2.9 Effects on the Use and Conservation of Energy Resources	1-34
2.10 SEQRA Procedures	1-34

**APPENDICES**

Appendix

- A Written Comments Received on the DEIS
- B Additional Information on Solid Waste Management Units

## 1.0 INTRODUCTION

The Draft Environmental Impact Statement (DEIS) for the Seneca Maximum Security Correctional Facility was distributed by the New York State Department of Correctional Services (DOCS) on December 15, 1998. A public hearing on the DEIS was held at the Willard Drug Treatment Campus in Willard, New York on January 8, 1999. At the hearing, DOCS accepted oral and written comments on the DEIS. At the end of that meeting, the hearing was closed. DOCS invited written comments on the DEIS to be submitted during the 30-day public comment period, which ended on January 18, 1999.

This Final Environmental Impact Statement (FEIS) incorporates the December 1998 DEIS by reference and all comments received at the January 8, 1999 public hearing or submitted separately in writing. Appendix A includes copies of all written comments, and any written responses to those comments. Section 2.0 presents each of the comments made on the content of the DEIS by individuals, organizations or agencies that submitted written or oral comments, along with responses to those comments. These comments and responses are presented for those sections of the DEIS on which comments were made (e.g. Project Description, Water Resources, Land Use and Zoning, etc.). After each comment, the name of the person or organization that made that comment is noted, and then a response is provided, if necessary. (Some comments do not require responses.) Where a number of persons made similar comments, their comments are listed together, and a combined response to all of the comments is provided.

## 2.0 RESPONSE TO COMMENTS ON THE DEIS

### 2.1 Description of Proposed Action

Please note that the proposed project site will encompass 675 acres, as compared to the 710 acres specified in the DEIS. The revised site boundary is shown on a figure in Appendix B.

#### 2.1.1 Purpose, Need and Benefits

**Comment:** *I am calling to let you know that I oppose the building of the new prison in Seneca because I do not believe we should be building more prisons. We should be educating youth and implementing other programs for preventing crime and helping young people find productive ways to use their lives. (Patricia Trudo)*

**Response:** DOCS concurs that educating youth and implementing other programs for preventing crime and helping young people find productive ways to use their lives is important. However, as indicated in Section 2.1 of the DEIS, the need for the proposed facility is driven by the existing overcrowding within the DOCS system.

No other comments were received relative to project purpose and need. Comments related to project benefits are addressed in Section 2.3.3 (Demographic Characteristics, Housing, and Employment).

### 2.1.2 Regional Geographic Setting and Site Location

**Comment:** *The Village Board is unanimously in favor of the State's decision to place this 750 cell prison at the Seneca Army Depot property. We have some concerns that we hope can be addressed and answered at a future time. (Leon Kelly, Mayor of Village of Ovid)*

**Response:** The specific concerns are addressed in this FEIS in the appropriate sections below.

**Comment:** *I spent 30 years of my life at the Seneca Army Depot (except for 2 years in the Marine Corps). I feel everything is positive in choosing the Depot for a prison -- an idle piece of property, its vastness, the utilities that currently exist. Rebut the "do-gooders" that bring up the same old reasons, e.g.: "We will have relatives coming up from N.Y.C." - as if all the relatives are criminals. Go for it and satisfy the social as well as economics sides of the discussion. (Joseph J. Felice)*

**Response:** No Response Necessary

Also refer to two addition comments supporting the location selected for the facility: the comment of Glenn Cooke, Executive Director of the Seneca County Industrial Development Authority (SCIDA), in Section 2.3.2 and the comment of Dennis Aloia, County Manager for Seneca County, in Section 2.3.10.

### 2.1.3 Site History

No comments were received relative to site history.

### 2.1.4 Design and Layout

**Comment:** *I question the need for the vehicle maintenance facility. Since the proposed correctional facility is in such close proximity to Willard, which has adequate facilities as far as vehicle maintenance is concerned, there may be duplication of effort. As a taxpayer, I would be a little bit upset to see a million-dollar vehicle maintenance facility built there and have the same facilities here that are grossly underutilized. (Glenn White)*

**Response:** According to the Deputy Superintendent at the Willard Drug Treatment Campus, the vehicle maintenance facility at Willard is being utilized to capacity. Therefore, it is not possible to eliminate the vehicle maintenance facility at the proposed correctional facility site, and rely on the Willard vehicle maintenance facility to support both the Willard Drug Treatment Campus and the proposed correctional facility.

**Comment:** *The configuration of the prison frightens me. The people that come out of that system are going to be a threat to the general environment of any place they go. I*

*assume that most of the activities that take place inside of them will be similar to the activities now going on in our prison system, where my observation is that the cons run the prison and the only thing we to is contain them in there. There are a lot of frightening things that go on in these prisons. To put people back on the street after they've been in prison is also frightening, especially with the concept of no parole. (Bob Gilbert)*

**Response:** No Response Necessary

**Comment:** *With the double cells slated to be only 105 square feet (even the ones at the new Malone prison will be 110 square feet), certain health concerns are raised. First, this size does not meet the standards set by the American Public Health Association ("APHA") of 120 square feet for double cells, nor the American Correctional Association's ("ACA") minimum standards of 25 square feet of unencumbered space per occupant, or of 80 square feet of total floor space per occupant (i.e., 160' total) when confinement in a double cell exceeds 10 hours a day. Second, such close quarters inevitably enhance the risk of transmittal of TB and other airborne diseases, as well as the chance of violent encounters (sexual and/or otherwise) between cellmates. How long will the inmates be in these double cells per day? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** As noted in Section 2.0 of the DEIS (Project Description), the cells at the proposed facility are designed specifically for double ceiling, and will be larger than other cells in the DOCS system. The cells at the Malone prison will also be 105 square feet. The prisoners at the Seneca facility will be in their cells for approximately 9 hours a day, including sleeping hours. ACA standards are either mandatory or non-mandatory; their double ceiling standards are non-mandatory. The applicable standard (3-4128) applies only in those situations where the number of inmates exceeds the facility's rated bed capacity. The number of inmates at the proposed facility will not exceed its rated bed capacity. Correctional facilities in New York State are required to comply with the New York State Uniform Fire Prevention and Building Code including standards referenced therein. The APHA standards are not referenced and are not applicable. Based on a review of other states that similarly house their maximum security inmates, there is no documentation of any adverse physical or psychological effects of double ceiling. Furthermore, the Federal courts, in January 1998, made a decision that states that double ceiling does not adversely affect inmate health.

**Comment:** *If there is no air conditioning system for the inmates, how are the celled housing unit buildings ventilated? Does this meet the required air exchange standards set by the American Society of Heating, Refrigeration and Air Conditioning Engineers ("ASHRAE"), of 25 cubic feet of outside air per minute per person to adequately dilute TB contaminants?(Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** ASHRAE Standard 62-1989 was used as a design minimum for the housing unit buildings. This standard specifies a minimum requirement of 40 cfm of outdoor air per cell. In the inmates cells, 140 cfm of outdoor air was provided to each cell for heating purposes (the heating

system is a 100% outside air system). Please note that the ASHRAE Standard provides environmental controls for indoor comfort, and not the dilution of TB contaminants.

In the Gallery, ASHRAE Standard 62-1989 specifies a minimum requirement of 15 cfm of outdoor air per gallery, and a requirement of 0.10 cfm of floor area per corridor. Each gallery is approximately 1000 square feet. Therefore, 100 cfm of outdoor air would be required for this space. Each gallery is supplied with 250 cfm of outdoor air (100% outdoor air system).

The control room, with a total of two people in the entire area, is treated as a guard station. ASHRAE Standard 62-1989 specifies a minimum requirement of 15 cfm of outdoor air per person. This area is supplied with 300 cfm from AHU-4 and 8000 cfm from SF-1 (both 100% outdoor air). This equates to approximately 6.5 changes per hour.

**Comment:** *Please verify that new fencing of the overall DOCS parcel is not proposed. New fencing of the overall parcel would impede the movement of wildlife (this comment does not pertain to the actual facility). (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** The six-foot perimeter fence is a requirement of the Department of the Army (Army) to prohibit the public from trespassing from the proposed State facility property onto the Depot facility. When this requirement changes, or when the Army leaves the Seneca Army Depot in 2001, DOCS may entertain an alternative solution proposed by the New York State Department of Environmental Conservation (NYSDEC). Additionally, the six-foot fencing is also to prohibit the deer population from interfering with security patrols and the security fencing system itself. Prior to completing the six-foot enclosure, DOCS will work with NYSDEC to remove the white-tail deer population within the 675-acre parcel.

### 2.1.5 Site Utilities

The comments below address wastewater only. Other site utilities are addressed in Section 2.3.5.

**Comment:** *Note that newer wastewater treatment plants than the one envisioned for use typically have much lower levels of inflow and infiltration (I/I) and receive a higher strength or concentration of wastewater. The design of the receiving wastewater treatment plant must also consider the usage water swings associated with a correctional facility. The report to be submitted should also address the handling of vehicle maintenance wastewater that may be generated as well as cooling water from boilers or any other sources. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** Information on wastewater characteristics, vehicle maintenance, and cooling water pretreatment has been transmitted to O'Brien and Gere for inclusion in its report.



**Comment:** *The sanitary sewers which are connected to the building 715 wastewater treatment plant (WWTP) located at the north end of the present Seneca Army Depot presently bypass the treatment plant. These sanitary sewers have developed a significant I/I flow amount since the WWTP has been temporarily shut down. The I/I flow has been recorded at 0.8 mgd during wet weather conditions. A project to eliminate this I/I flow needs to be completed before the proposed youth facility at the north end of the Depot or before the new correctional facility connects to this system. For your information, the 715 WWTP facility has a valid State Pollutant Discharge Elimination System (SPDES) permit. The present effluent flow limit is 0.30 mgd. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** OGS understands there is an I/I flow problem, and anticipates that this issue will be addressed in the O'Brien and Gere report.

**Comment:** *The building 4 WWTP has significant I/I that results in SPDES permit effluent limit violations. The building 4 WWTP effluent flow limit in the SPDES permit is 0.25 mgd. Influent to this plant is received from areas both inside the Depot and areas outside the depot (Romulus/Varick). Influent flow from inside and outside the Depot are monitored separately and need to be subtracted from the reported available capacity of the treatment plant. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** OGS expects that the O'Brien and Gere report will consider all flows entering the Building 4 wastewater treatment plant, including I/I.

**Comment:** *The third option mentioned in the DEIS is use of the Seneca County Sewer District #1 plant with a design flow of 0.7 mgd. The average flow at the facility is 0.481 mgd with a maximum flow of 0.817 with I/I. The Willard DOCS current contribution to this treatment plant is 0.271 mgd. It is our understanding that the Willard DOCS will double their flow to the system. The proposed correctional facility 0.3 mgd flow would be an additional flow. Note that the Seneca county sewer district must adopt a revised sewer use law to include an inter-municipal agreement for enforcement within particular jurisdictions. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** OGS has no knowledge of any added flows to the Willard DOCS Complex from any development within that facility. In addition, we understand that the Seneca County Plant will be evaluated in the O'Brien and Gere report.

**Comment:** *All of the wastewater options include pumping stations and a force main miles in length to convey the wastewater to the treatment plants. For the selected option, what is the detention time for this force main? Please explain how a force main of this length will be designed to prevent the wastewater in the force main from turning*

*septic before it reaches the treatment plant. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** Wastewater flows will be equalized. Equalization tanks will provide aeration. The detention time to the Building 715 wastewater treatment plant is approximately four hours. Pretreatment of wastewater at the facility will consist of screening to remove inorganic material, injection of a bioxide for odor control, and provision of nitrate-oxygen to the wastewater via nitrate salts (calcium nitrate). Bioxide is a patented process (U.S. Filter) that utilizes the addition of a process solution to enhance conditions favorable for growth of beneficial bacterial, which oxidizes dissolved hydrogen sulfide and other compounds as part of its metabolism. Bioxide will also provide BOD reduction in the wastewater.

**Comment:** *The potable water need is 300,000 gpd while the wastewater generated is 240,000. Please explain the difference. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** As indicated in Section 2.5.4 of the DEIS, the anticipated potable water use at the proposed correctional facility is estimated to average 200 gallons per day (gpd) per inmate, or a total of 300,000 gpd. Wastewater volume is estimated to be 80 percent of potable water use based on OGS/DOCS experience with similar facilities. Based on this ratio, the anticipated wastewater volume will be 240,000 gpd.

**Comment:** *Additional NYSDEC comments will be provided after receipt and review of the O'Brien & Gere report relating to wastewater. Items to be addressed include the following: the wastewater to be generated needs to be characterized. What is the design basis for wastewater strength or concentration? (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** NYSDEC's review of the O'Brien and Gere report is welcomed, and any comments will be addressed when they are received. However, as stated earlier in our response, the wastewater characteristics have been transmitted to O'Brien and Gere for inclusion in its report. OGS also expects the report to address the issue regarding the design basis for wastewater strength and/or concentration.

## 2.1.6 Construction

**Comment:** *It is important that there be oversight and controls over the contractors in the construction phase to insure that soil material does not leave the site and impact downstream creeks, wetlands and Seneca Lake. Controls for fugitive dust from construction are important. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** As indicated in Section 4.1.1 of the DEIS, appropriate soil erosion and sediment control measures will be implemented to minimize the loss of soil during construction. Temporary

soil erosion control measures will include installation of fabric silt fencing surrounding the areas to be cleared, as necessary, to prevent drainage to wetlands, and collection of storm water runoff using a system of catch basins, collection pipes, drainageways and retention ponds to minimize contact with soil and the potential for erosion. Disturbed areas will be minimized to the extent possible during construction, and any areas that are disturbed will be revegetated using native species upon completion of construction activities. As indicated in Section 5.1.4 of the DEIS, construction of the proposed correctional facility will result in the short-term emission of air pollutants originating as fugitive dust. These emissions will be minimized by the use of fully enclosed vehicles to transport refuse and construction waste products off site, and the prohibition of any open burning of waste products on site. Other standard practices for reducing dust during construction activities, such as spraying with water, will be used as necessary. DOCS or OGS will provide oversight of the construction contractor(s) to ensure that soil material does not leave the site and impact downstream creeks, wetlands, or Seneca Lake, and that the controls for fugitive dust are implemented.

**Comment:** *It is important that your contract specifications include adequate controls on the contractors who may generate waste including wood, cardboard, metal, concrete and other waste construction materials. Oversight of the contractor(s) is needed in this area. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** The contract specifications will include adequate controls on contractors that generate waste including wood, cardboard, metal, concrete and other waste construction materials. No on-site disposal will be allowed. All waste materials will be collected in appropriate containers and transported to an appropriate off-site disposal facility. DOCS or OGS will provide oversight of the construction contractor(s) to ensure that the contract specifications are met.

### 2.1.7 Facility Operations and Staffing

**Comment:** *The 32 academic/vocational staff to be hired for 1500 men is approximately a 1:50 ratio. When one takes into account that these 32 staffers will be responsible not only for academics and vocational training, but for volunteer services, pre-release programs and ASAT programs, it seems like an inadequately small staff. Please comment. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** The Academic and Vocational staff (13 teachers, 14 Vocational Instructors, and 5 administrative personnel) will be responsible for only academic and vocational programming. The 27 teachers/instructors will program 500 inmates each module (i.e., AM, PM, Evening or Late Evening) and 1,000 inmates each day (i.e., two modules). Not every inmate will be available for programs. Those in Special Housing, Keeplock, the Infirmary, facility reception, etc., are not available to be programmed. The actual number available will be approximately 1,080.

Of the 13 teachers, 11 teachers will be assigned to classrooms, and two teachers will be Cells Study Teachers, providing services to inmates in Special Housing, Keeplock, and the Infirmary. The standard ratios (the number of inmates at any one time for each teacher/instructor) are 25 for each teacher and 20 for each vocational instructor. Prerelease will be handled, as in done in each of the

DOCS facility, by trained inmates under the supervision of the counseling staff. Alcoholism and substance abuse treatment (ASAT) will be provided by one full ASAT team, consisting of an ASAT Counselor and two ASAT assistants.

**Comment:** *What types of academics/vocational training will be offered to the inmates, and will these be offered other than in-cell? Please provide more details in general on this topic. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** As indicated in Section 2.6.4 of the DEIS, Academic/Vocational Services staff will provide inmates with a variety of academic and vocational training programs for the maintenance of the correctional facility, volunteer services, pre-release programs, and the ASAT program. All available inmates will be scheduled for two modules of any combination of Academic, Vocational, ASAT, and work programs. Academic programs will include a full range of instruction from basic literacy and Adult Basic Education through the High School Equivalency Diploma (in English and Spanish) as well as English as a Second Language. Vocational shops will include: carpentry, electrical trades, building maintenance, custodial maintenance, radio/TV repair, masonry, plumbing and heating, horticulture, vocational assessment, and small engine repair. (Some of these shops will be provided in two shifts.)

**Comment:** *What does it mean in the DEIS where it says that all "available" inmates will be scheduled for programming in two modules? Which inmates are "available" ones and how often are these modules rotated? Please explain the module system. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** Of the 1,500 inmates, only 1,080 will actually be available for programming at any one time. Generally, up to 30% of the population is unavailable for programming at any one time. It is estimated that three hundred inmates will be in Special Housing and 120 will be unavailable because they are in Facility Reception status, out to court, are in Keeplock, or are in the Infirmary. This is generally true at every facility DOCS operates.

DOCS programming is by modules, which are three-hour blocks of time, such as AM, PM, Evening or Late Evening. Every available inmate is programmed for two modules (6 hours per day, 30 hours per week) in Work, Academic, Vocational or ASAT, depending on their individual needs and the needs of the facility.

**Comment:** *In terms of programming, how is the system planning to address the needs of long-term prisoners? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** Long term inmate have access to and must participate in the same programs as other inmates, depending on their identified needs (Academic, Vocational, ASAT, or Work). Except for work, an inmate generally spends approximately 6 months in a program, at which time he is reassigned to another needed program. An inmate who needs all four programs (Academic, Vocational, ASAT, and Work), might be programmed to Academic first (until the eighth grade level is reached), then Vocational, followed by ASAT, and finally, to a facility work assignment.

**Comment:** *What exactly will be available in terms of recreation for the inmates? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** Recreation will be available to all inmates. This will include active sports, as well as fitness activities, sedentary activities, and a wide variety of other leisure time activities. As indicated in Section 2.6.6 of the DEIS, the proposed correctional facility will include some open recreation yards as well as some indoor facilities for general population inmate use. Each housing unit will have an attached small exercise yard with basketball courts and exercise stations. An outdoor recreational area (including a baseball field) will be located in the site's northeast corner in the vicinity of the Activities Building. Inmates are able to participate in recreation during the non-programmed modules (day or evening, depending on their program assignment schedule).

**Comment:** *With an almost entirely white population in the Seneca area, how will the DOCS attempt to assure that there is a racially integrated staff to deal with the majority black/latino population to be incarcerated there? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** Like all New York State agencies, the DOCS is an equal opportunity employer. In addition, transfers to the facility will be based on seniority, rather than race. Although the staff will be racially integrated, there is no guarantee that it will match the racial or ethnic composition of the inmate population.

**Comment:** *There appears to be no meaningful means of transportation for families who will be traveling long distances (most from NYC) to see the men imprisoned there (there are no trams, no public transportation, and the nearest airport is more than one hour away). What does the DOCS plan to do to ameliorate these conditions and facilitate inmate visitation, especially knowing that family contact is one of the greatest single contributors to an inmate's rehabilitation? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** As with many DOCS facilities throughout the state, there is no public transportation to the proposed facility. Most of inmates in the state system are from New York City. On weekends, most of the visitors will be transported to the correctional facility using private intercity bus services provided specifically for correctional facility visitors (state funded Family Visitor Program buses, or private buses sponsored by various social service agencies).

**Comment:** *If, according to the DEIS, visiting hours will be shortened to accommodate shift changes at the proposed prison, this means that family and friends will be traveling extremely long distances to see the men incarcerated there for shorter visits than at other prisons. What can the DOCS do to accommodate longer visiting hours for families (e.g., allowing evening visits)? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*



**Response:** As indicated in Section 4.2.1 in the DEIS, on weekends, most of the visitors will be transported to the correctional facility using private intercity bus services provided specifically for correctional facility visitors. Thus, visitation by inmates families and others to the proposed facility will be based only partially on the operating policies and regulations set by facility management officials, and more significantly on the frequency and capacity of the buses and the proximity of inmates families to the correctional facility. Due to these factors and the generally lower employee and background traffic volumes on weekends, visitor traffic to the proposed correctional facility will have no significant impact on local traffic conditions. Therefore, there is no need for the mitigation measure specified in Section 5.2.1, which states that visiting hours during week-day should be scheduled to avoid peak-hour afternoon traffic during shift changes. The correctional facility will receive visitors during designated hours on both weekdays and weekends, which will be coordinated with the bus schedules. There are no present plans for evening visits. Maximum Security Facilities have visiting rooms that usually operate during business hours seven days a week.

## 2.1.8 Project Schedule and Cost

**Comment:** *It seems cost-prohibitive to purchase water from the Town of Varick, who purchases it from Waterloo. The State has a modern water treatment facility on the campus of the Willard Drug Treatment Center, and could supply the needed flow. (Leon Kelly, Mayor of Village of Ovid)*

**Response:** While the Willard Drug Treatment Center has excess capacity, there are other constraints not taken into consideration. The utilization of the Willard Drug Treatment Center supply would involve construction of approximately 5 mile of water transmission main and pumping facilities, with the associated environmental impacts of that construction. Therefore, it has been determined that it more cost-effective to extend the existing Seneca Army Depot waterline to the project site.

**Comment:** *Take a closer look at wastewater treatment. O'Brien and Gere Engineers of Syracuse is conducting a study for the SCIDA. In your statement, you indicated that SCIDA would be doing the upgrading of the present plants or at least overseeing that upgrading. I question the funding by SCIDA to complete those upgrades. There is a concern regarding local taxpayer dollars. It is also my understanding that the present lines have a high degree of inflow. (Leon Kelly, Mayor of Village of Ovid)*

*Who is going to pay to upgrade the wastewater treatment plant and sewer lines?  
(Gil Swain)*

**Response:** DOCS will pay its share of the cost for upgrading the wastewater treatment plant and sewer lines.

**Comment:** *The \$1 million extra fee to be paid by state taxpayers to construct a new 12-inch water line to a water tank in the northeast corner of the facility seems excessive. Furthermore, if the water districts in the area are still in the process of*

*planning/delineation, then how can the DOCS be sure that the water supply is guaranteed? Perhaps even more money will need to be set aside to upgrade a certain district's water supply to accommodate the 300,000 gallons per day the new prison is projected to utilize. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** The estimated \$1 million cost for the 12-inch waterline upgrade was a preliminary estimate; the bid price may be significantly lower. The Village of Waterloo has assured OGS/DOCS that its treatment facilities and water supply permit allocation have adequate excess capacity to supply the proposed facility.

**Comment:** *Will there be additional costs, not spelled out in the DEIS, to remove the asbestos piping from the water main currently traversing the site in question (the water main is apparently going to be relocated)? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** Yes, but there is no final estimate of these costs. They have not been defined at this time.

**Comment:** *It seems premature to decide whether or not it is even feasible to construct a suitable wastewater treatment facility when SCIDA has not even completed its feasibility study. Perhaps the amount of money it will require will be several million dollars not yet figured into the budget, which New York State taxpayers will again be asked to bear. Please comment. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** A final determination on the wastewater treatment system to be used will depend on the information provided in the O'Brien and Gere study.

**Comment:** *In short, the projected \$150 million for the construction is not a real number since the acknowledged off-site utility improvements are significant and cannot even be known yet (the water districts in the area are not yet delineated, and SCIDA has not yet completed its wastewater feasibility study. Please comment. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** The projected \$150 million construction cost includes the projected funding for the the assumed utility improvements. It is possible that some of the improvements will cost more than estimated, and some will cost less. For example, some monies associated with upgrading the wastewater treatment plant have been allocated, but if the feasibility study reveals that an entirely new wastewater treatment plant will needed to be constructed, then more monies will need to be encumbered.

## 2.1.9 Approvals Required

**Comment:** *At the appropriate time during project development, water supply application(s) need to be submitted to the NYSDEC relating to the allocation of drinking water to any*

*new water district or service area that is formed. The Village of Waterloo which takes their water from the north end of Seneca Lake at a drinking water filtration plant has a NYSDEC permit for an annual average amount of 2 million gallons per day (mgd) of water. A water supply application from the Village of Waterloo is needed if this 2 mgd allocation is to be exceeded. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** The Village of Waterloo has indicated that the current filtration plant is permitted to supply 2 million gallons of water per day. Representatives of the village have further indicated that the current demand is averaging 850,000 to 950,000 gallons per day. This provides ample capacity for the additional 300,000 gallons per day anticipated for the proposed facility. Furthermore the village has indicated that expansion of the water filtration plant capacity is actively being considered.

**Comment:** *At the appropriate time in project development, a map should be provided so that a determination can be made as to the need for freshwater wetland permits for construction of any new waterlines to service the correctional facility. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** All wastewater/sanitary and water line locations have been thoroughly investigated with respect to their impact on NYSDEC or U.S. Army Corps of Engineers (ACOE) jurisdictional wetlands. There are no impacts to any NYSDEC wetlands, and the impacts to the ACOE wetlands have been documented and mitigated. In the event that there is a significant change to any of the utility alignments, OGS will investigate the potential impacts. Identification/assessment of any potential impacts associated with the route for the gas line is the responsibility of New York State Gas and Electric(NYSEG). OGS/DOCS will have no role in NYSEG's routing of the gas line.

**Comment:** *As recognized in the DEIS, a storm water SPDES permit is needed. Please file a copy with this office. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** OGS is presently preparing the application for a SPDES General Permit for Stormwater Discharges from Construction Activities. It will be forwarded to the NYSDEC Bureau of Water Permits, 50 Wolf Road, Albany, NY and NYSDEC Region 8 as soon as it becomes available, and prior to the start of construction.

**Comment:** *Since the project will have negligible impact on wetlands and in fact there may be creation of new wetlands with the proposed storm water management system, it is not necessary to file for a 401 water quality certification. This department has already issued a statewide water quality certification for an activity affecting wetlands in this amount. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** No Response Required



## 2.2 Natural Resources

### 2.2.1 Geology and Soils

No comments were received relative to geology and soils.

### 2.2.2 Topography

No comments were received relative to topography.

### 2.2.3 Surface and Ground Water Resources

**Comment:** *We agree with the concept presented for managing the storm water runoff. However, we will need to review the detailed drainage analysis when it is completed to be certain the primary receiving stream, Indian Creek is not adversely affected. It crosses NYS Route 96A east of its confluence with Silver Creek. (New York State Department of Transportation (NYSDOT))*

**Response:** OGS has completed a pre- and post-construction storm water analysis for an area greater than the proposed development within the 675-acre parcel. OGS has formulated a storm water management plan based on the guidelines and within the regulations set forth by the EPA. The storm water management plan provides for construction of two storm water retention basins. The retention basins will reduce peak runoff flow from the facility and improve the storm water runoff quality over current conditions. In addition, please note that OGS is presently preparing the application for a SPDES General Permit for Storm Water Discharges from Construction Activities. This general permit will then be forwarded to the NYSDEC Bureau of Water Permits, 50 Wolf Road, Albany, NY and NYSDEC Region 8, as soon as it becomes available, and prior to the start of construction.

**Comment:** *You talk about the State paying for the sewage treatment. In Moravia, they polluted Owasco Lake for two years before they would do anything, and their attitude was: "What are you going to do about it? We're the State of New York." After being burned once, I don't trust anything DOCS says. I would get it all in writing and all the environmental impact statements and dot the I's and cross the T's. (John Fischer)*

**Response:** A number of permits/approvals will be required prior to operating the facility. A storm water permit (general permit) will be required from the NYSDEC. In addition, NYSDEC must approve the site wastewater system, and the New York State Department of Health (NYSDOH) must approve the site water system. The DEIS and this FEIS, coupled with the required plan approvals that will be obtained, provide sufficient information to document that there will be no adverse impacts to surface water or groundwater quality.

## 2.2.4 Air Resources

**Comment:** *After a review of section 2.5.1-Site Utilities against part 201 of the air regulations, these boilers meet the definition of exempt activities and are therefore exempt from the registration of Subpart 201-4 and 201-5. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

*Section 201-3.2(c)(1)-Exempt stationary or portable combustion installations are where the furnace has a maximum rated heat input capacity less than 10 million btu per hour burning fossil fuels other than coal. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** The correct number and sizes of the boilers that will be utilized at the correctional facility are as follows: four 30 MMBTU/HR hot water boilers, one 10.4 MMBTU/HR hot water boiler, and two 10.4 MMBTU/HR steam boilers. (This corrects information provided in Section 2.5.1 of the DEIS regarding BTU/hour associated with the boilers.) In addition, three 1230 KW diesel generators will be utilized for peak shaving. As per 6 NYCRR 201, none of these emission sources are exempt activities, and therefore, a state permit application will be submitted.

**Comment:** *Section 4.1.4 Air Resources identifies air emissions from generators and wood and metalworking machines and that these items and other small combustion units will be considered exempt or trivial activities under Part 201. This section indicates that the facility will exceed the thresholds for a major stationary source for sulphur dioxide emissions. Our analysis is that the small boilers which have maximum heat input between 8,000 and 20,000 btu would not be able to exceed the major source emission thresholds. Therefore, at the appropriate time in the review process, you should provide greater details on the kinds of emission sources that will be located at the facility and in particular the boilers so that the NYSDEC can support or verify that all sources appear to be exempt from permitting. Include a table of the estimated emissions on a potential to emit basis for total particulates, PM-10, Nox, CO, SO<sub>2</sub>, VOC and HAP. Provide the calculations and assumptions used to estimate these emissions. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

*When will the proposed facility be applying for the New York State Department of Environmental Conservation fuel restrictions limiting the amount of Number 2 fuel oil that can be utilized annually to maintain sulphur dioxide levels below major thresholds? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** The air emissions from the emergency generators, fuel storage tanks, and maintenance and vocational activities that are planned at the proposed correctional facility are defined as exempt or trivial activities under 6 NYCRR 201. The boilers and generators used for peak shaving are not exempt or trivial activities and will require permits. The potential to emit of these sources exceed Title V thresholds for sulfur dioxide, nitrogen oxides and carbon monoxide based on using the worst case fuel (No. 2 fuel oil) and firing 8760 hours per year. As a result, the facility will be requesting

to cap out of Title V through the use of a fuel restriction to maintain all emissions below Title V thresholds. The final air permit application requesting a cap from Title V regulations through the use of fuel restrictions is being prepared on behalf of OGS and DOCS by Clough, Harbour & Associates, LLP. It is anticipated that it will be submitted to NYSDEC during the first week of February. This application will contain all calculations and assumptions for NYSDEC's review.

**Comment:** *For your information, if the potential to emit sulphur dioxide truly exceeds the major source thresholds, then the acceptance of a cap on these emissions will mean that the facility does not need to apply for a Title V facility permit. If a state facility air permit is to be submitted, please submit a schedule for application submission. It is important that you have the permit, if needed, before facility discharge begins. For your information, if a state facility air permit is needed for the cap, there are two options. The first is that the facility may qualify for a state facility general air permit for a small combustion installations. The second is that if you will not or can not accept the general permit conditions or you do not qualify for a general permit then a regular state facility air permit application will be needed. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** Please refer to the response to the previous comment. It is understood that a state facility permit is needed prior to facility construction and discharge. OGS and DOCS choose to submit a state facility permit application in lieu of accepting the permit conditions of the general permit for small combustion installations.

**Comment:** *When you provide more information that clarifies/verifies the size of the boilers and provides the above-listed estimates, then a final determination on this permit need will be made. In order to meet your tight schedule, it is important that this information be submitted without delay. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** Information clarifying the size of the boilers, taken from the air permit application, is provided on the table on the following page. It shows all emission sources, and corrects information provided in Section 2.5.1 of the DEIS regarding BTU/hour associated with the boilers.

**Comment:** *There are acknowledged possible sources of air pollution in the area, such as a nearby heating plant which has the potential to emit in excess of part 201 major source thresholds. Clearly, this area may not be safe for the 1500 men to be housed there. Please comment. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** The fact that the heating plant which has the potential to emit in excess of part 201 major source thresholds merely indicates that permitting of emissions will be required. The facility will be requesting to cap out of Title V through the use of a fuel restriction to maintain all emissions below Title V thresholds, and therefore, will not be a major source of air pollutants in the area.

### AIR POLLUTANT EMISSION SOURCES

EMISSION UNIT	DESCRIPTION	EMISSION POINT
<b>Powerhouse</b> (0-0MAIN)	Four 30.0 MMBtu/hr Hot Water Boilers One 10.4 MMBtu/hr Hot Water Boiler Two 10.4 MMBtu/hr Steam Boilers	EP 00001-00004 EP 00005 EP 00006, 00007
<b>Generators</b> (0-0GENS)	Three 1230 KW Diesel Generators	EP 00008-00010
EXEMPT AND TRIVIAL ACTIVITIES		
ACTIVITY	EXEMPT OR TRIVIAL	CITATION
<b>Fire Pump Generator</b>	Exempt (<500 hours of operation per year)	201-3.2(c)(6)
<b>Fuel Storage Tanks:</b>  Three 20,000 gallon No. 2 Fuel Oil Tanks One 15,000 gallon Diesel Fuel Tank One 6,000 gallon Unleaded Gasoline Tank One 2,000 gallon Diesel Fuel Tank	Exempt (distillate oil tanks <300,000 barrels) Exempt (distillate oil tank <300,000 barrels) Exempt (horizontal petroleum storage tank) Exempt (horizontal petroleum storage tank)	201-3.2(c)(21) 201-3.2(c)(21) 201-3.2(c)(26) 201-3.2(c)(26)
<b>Maintenance/Vocational Activities:</b>  Grinding and Metal Work Woodworking Shop with dust collector Welding General Painting Operations Parts Cleaning Greenhouse/Compost Pile Plumbing and Heating Shop	Trivial (Maintenance and Construction Related Activities)	201-3.3(c)(45)
<b>Miscellaneous:</b>  Powerhouse Boiler Treatment	Trivial (Boiler Water Treatment Operations Chemical Use)	201-3.3(c)(1)

#### 2.2.5 Terrestrial Ecology

**Comment:** *According to the DEIS, while it is known that certain state listed endangered animal and plant species will be threatened by the proposed construction and operation of the Seneca prison (white-tailed deer, osprey, northern harrier, large-leafed aster, northern reedgrass, rough avans), admittedly, no wildlife field investigation was performed specifically for the site. Therefore, how can the DOCS know that there are not additional endangered species which could potentially be exterminated altogether by the project? The DEIS mentions that not all areas on the Depot grounds were surveyed, due to the short survey time (March-September, 1996). Why not allow sufficient time to do a careful and comprehensive survey? Rushing this*

*project and possibly permanently eradicating various plant and/or animal species seems shortsighted and selfish. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** This comment is not correct. The DEIS does not state that certain state listed endangered animal and plant species will be threatened by the proposed construction and operation of the Seneca prison. The DEIS summarizes information obtained from the EIS prepared for BRAC 95 Disposal and Reuse of Property (USACOE, 1998), and other previous studies, including Rare Species Survey, Seneca Army Depot (USFWS, 1996). This survey, while not covering every area of the Depot, did include the areas of the Depot deemed likely to support threatened, endangered, or rare species. In summarizing these previous studies, the DEIS for the proposed facility indicates that the Depot contains a unique population of white deer, and that five state-listed species were found to occur at Seneca Army Depot.

Site-specific surveys for threatened, endangered, or rare species is not required under SEQR. Unless there is a high likelihood of the presence of threatened, endangered, or rare species to be present on a given site, a comprehensive survey to identify such species is not typically conducted. It is standard practice, however, to review available information, and to contact the United States Fish and Wildlife Services (USFWS) and the NYSDEC Natural Heritage Program. As noted in the DEIS, with regard to Federally listed species, the USFWS indicated that except for the occasional transient individual, no federally listed endangered, threatened, or candidate species are known to occur in the vicinity of the Seneca Army Depot (USACOE, 1998; Poole, 1996). In correspondence provided in Appendix C of the DEIS, the NYSDEC stated that a check of the Natural Heritage Program files, specifically with regard to the proposed site, “did not identify any potential impacts to endangered threatened, or special concern wildlife species, to rare plant, animal or natural community occurrences, or to other significant habitat.”

The following paragraphs explain in more detail why there is no need for a site-specific survey of the unique population of white deer and the five state-listed species that were found to occur at the Seneca Army Depot. Each threatened, endangered, or rare species has a global and state rank, which are described on the table on the following page. The global rank reflects the rarity of the species throughout the world and the state rank reflects the rarity within New York State.

*White Deer:* The white deer population is unique, but it is not threatened or endangered. As indicated in Section 4.1.5 of the DEIS, the white deer population is intensely managed on the Depot by the NYSDEC. The correctional facility will not interfere with NYSDEC’s continued management of this resource. Although the deer will have a slightly smaller area in which to roam, this is not expected to affect the deer population. Further, this species is mobile, and will simply avoid the area affected by proposed facility activities, and will relocate to nearby areas that provide the same habitat type. As indicated in Section 2.1.4, prior to completing the six-foot enclosure around the 675-acre parcel, DOCS will work with NYSDEC to remove the white-tail deer population from that area. Therefore, there will be no significant impacts to the white deer population or NYSDEC management of the white deer resource.

*Osprey (Pantone halides)*: The Osprey is a threatened bird that lives in habitats near lakes, rivers, marshes, and the seacoast. Its global ranking is G5 and its State ranking is S4. Ospreys have been observed on Duck Pond, over three miles north of the proposed site. They typically require large areas of open water to feed on fish. No nesting locations were identified at the Seneca Army Depot. Ospreys would not be likely to utilize the habitat present at the proposed site, since it is not near large expanses of open water. Furthermore, ospreys are mobile, and could easily avoid the area affected by proposed facility activities.

DESCRIPTION OF GLOBAL AND STATE RANKS

GLOBAL RANK	DESCRIPTION
G1	Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or very few remaining acres, or miles of stream) or especially vulnerable to extinction because of some factor of its biology.
G2	Imperiled globally because of rarity (6 - 20 occurrences, or few remaining acres, or miles of stream) or very vulnerable to extinction throughout its range because of other factors.
G3	Either rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g. a physiographic region), or vulnerable to extinction throughout its range because of other factors.
G4	Apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery.
G5	Demonstrably secure globally, though it may be quite rare in parts of its range, especially at the periphery.
GH	Historically known, with the expectation that it might be rediscovered.
GX	Species believed to be extinct.
GU	Status unknown.
STATE RANK	DESCRIPTION
S1	Extremely rare; typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York.
S2	Very rare; typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York.
S3	Rare to uncommon; typically 21 to 100 occurrences, limited acreage, or miles of stream in New York. May have fewer occurrences, but with a large number of individuals in some populations.
S4	Common, apparently secure in New York State; typically 100 or more estimated occurrences. May be fewer occurrences with many large populations.
S5	Very common, demonstrably secure in New York.
SH	Historically known from New York, but not seen in the past 15 years.
SX	Apparently extirpated from New York.
SA	Accidental or casual in New York.
SE	Exotic, not native to New York.
SP	Element potentially occurs in New York but there are no occurrences reported.
SR	Reported in New York but without persuasive documentation.
SU	Status uncertain, often because of low search effort; uncertainty spans a range of 4 or 5 ranks between S1 through S5. There are three possible ranges: S1-S5, S1-S4 or S2-S5.
SZ (formerly SN)	Applies to long-distance migratory species occurring in an irregular, dispersed or transitory manner; not of conservation concern for a reason other than being exotic or accidental.



*Northern Harrier (Circus cyaneus)*: The northern harrier is a threatened raptor species that inhabits marshes and open grasslands. Its global ranking is G5 and its State ranking is S3. It has been observed in the southeastern portion of Depot in the vicinity of the Loran C station, adjacent to the proposed site. Northern harriers breed in marshes, grasslands, meadows, and cultivated fields, building their nests on the ground rather than in tree. Several raptor nest locations were identified on the Depot, with the closest one to the proposed site located approximately one mile to the north. The proposed site encompasses some open grassland areas in the vicinity of the Loran C station that may be suitable habitat for the northern harrier. However, these grassland areas are not in the portion of the site that will be affected by development, with the possible exception of the perimeter fence. Like ospreys, northern harriers are mobile, and could easily avoid the area affected by proposed facility activities. To mitigate potential impacts associated with construction of the perimeter fence in the grassland areas, this activity should not be conducted during the early part of the nesting cycle, especially from the pre-laying and egg-laying stages (mid-March to late June) up to hatching (late July) unless a survey has been conducted to verify that there are no raptor nesting sites in the vicinity of the area to be affected.

*Large-leaf Aster (Aster schreberi)*: Large-leaf aster is a flowering plant on the New York Rare Plants Status List (Watch List). The New York Rare Plants Status List contains the name, heritage rank, counties of occurrence and legal status for all plants that the Heritage Program actively inventories. The watch list contains taxa that are considered rare, uncommon or declining in numbers, but which need more information or monitoring to decide if they should be actively inventoried. The global ranking of the large-leaf aster is G4 and its State ranking is S3. This plant species was identified in only one location at the Depot, approximately 2.5 miles northwest of the proposed site. Its New York State legal status is Unprotected (defined in Environmental Conservation Law section 11-0103). Therefore, this species may be taken at any time without limit, although a license to take may be required.

*Northern Reedgrass (Calamagrostis stricta ssp inexpansa)*: Northern reedgrass is also a plant on the New York Rare Plants Status List (Active Inventory List). The active inventory list contains most plant taxa (species, subspecies and varieties) that have fewer than 100 occurrences in the state or those that are considered highly vulnerable to extirpation and have been documented by a Heritage report and/or a herbarium specimen in the last 15 years. The global ranking of northern reedgrass is G5 and its State ranking is S2. Its New York State legal status is Threatened. The botanist conducting the rare plant survey at the Depot identified the subspecies as *inexpansa* only because that was the only subspecies previously reported in Seneca County. (Notably, the New York State legal status of *Calamagrostis stricta ssp stricta*, the other potential subspecies, is Unprotected.) The surveyor noted that the species was relatively common (i.e., seen over a substantial area), in a wet area just east of Route 96A, along the west side of the Depot, approximately 1.7 miles northwest of the proposed site. This species is typically associated with wetlands, but was not identified as a species present in wetlands during the delineation of wetlands at the proposed site. Follow up conversations with the wetland delineators confirmed that it was not observed on the site. Further, since only 0.92 acres of wetlands will be disturbed, the potential impact to the species, if it is present, is minimal and has been mitigated to the extent possible.

*Rough Avens (Geum virginianum)*: Rough avens is also a plant on the New York Rare Plants Status List (Active Inventory List). This plant was identified in only one location, at the Depot, nearly a mile northwest of the proposed site. The botanist conducting the rare plant survey at the Depot on behalf of the Department of the Defense expressed surprise that this species was on the rare species list because it is relatively common, based on his observations. Its global ranking is G5 and its State ranking is S1. Its New York State legal status is Unprotected. Therefore, this species may be taken at any time without limit, although a license to take may be required.

**Comment:** *By the DOCS' admission in the DEIS, approximately 124 acres of vegetated land will be affected by the project and wildlife currently inhabiting this area will be displaced or, if not mobile, will die. How is this not a "significant adverse impact" under SEQRA? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** As indicated in Section 4.1.5 of the DEIS, the type of vegetative cover/habitat in the areas that will be disturbed is not unique, and is abundant throughout the Depot and the Seneca County area. Construction and operation of the proposed correctional facility will result in a minor loss of habitat for terrestrial wildlife, but there is ample similar habitat near the site to provide replacement habitat. The more mobile species affected by proposed facility activities (deer, squirrels, birds, etc.) will relocate to nearby areas that provide the same habitat type. The species in the area are versatile species, with similar habitats available in the project vicinity, including immediately adjacent woodlands. Some relatively non-mobile individuals within a population (e.g., earthworms) will likely die during construction activities, but the loss of these individuals will not affect the survival of the population in the vicinity of the site. Therefore, taking these factors into account, the project was not found to have a significant adverse impact upon vegetation or wildlife populations.

## 2.2.6 Aquatic Ecology

No comments were received relative to aquatic ecology.

## 2.3 Human and Cultural Resources

### 2.3.1 Transportation

**Comment:** *We do not anticipate any adverse traffic impacts to NYS Route 96 due to the proposal. The details of the construction of the access drive intersection will be developed as part of the State Highway Work Permit process. (New York State Department of Transportation)*

**Response:** No Response Necessary

**Comment:** *Routes 96 and 414, the most accessible car/bus routes are operating already close to capacity, with delays unacceptable to most drivers, according to the DEIS. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*



**Response:** This comment is incorrect. As indicated in Section 3.2.1 of the DEIS, the state highways and county roads in the vicinity of the proposed site are currently not subjected to high volumes of traffic. The regional roadway network serving the area in the vicinity of the Depot is in good condition and operating at a low level of service (LOS) (RKG Associates, 1996). In 1992, the Depot had 1,334 employees, and as of 1998, there were only 125 employees. Section 4.2.1 of the DEIS indicates that based on the significant decline in the number of Depot employees, and therefore, the number of vehicles entering and exiting the Depot, the additional vehicle trips associated with the correctional facility will have no significant impact on traffic in the vicinity of the site, as the overall number of trips will be much less than that formerly experienced during peak employment at the Depot. The proposed construction of the correctional facility will have only modest incremental impacts on traffic volumes on the nearby road network, and the volume will be less than experienced during peak operations at the Depot. This conclusion is based on the number of employees involved, the number of different shifts to which they will be assigned, the expected frequency of ride-sharing by correctional facility employees, and the amount of available roadway capacity in the area. Furthermore, during preparation of the Reuse Plan, it was determined that all of the highways in the vicinity of the Seneca Army Depot are operating at acceptable levels of service (V/C ratios less than 0.1) and have reserve capacity left to absorb additional traffic demand due to potential growth in the future (RKG Associates, Inc., 1996).

### 2.3.2 Land Use and Zoning

**Comment:** *The location is highly suitable. The depot was always in institutional use under the Army, and the use of the facility is compatible with the base, consistent with our base reuse plan, and in short, a common-sense use of and aging facility that has limited valued or attractiveness to private sector investors. We think this is a very positive development for Seneca County, and we look forward to working with DOCS and bringing this facility to fruition (Glenn Cooke, Executive Director of the SCIDA)*

**Response:** No Response Necessary

**Comment:** *In the Town of Varick, there is not unanimous support this facility. On Route 89 and East Lake Road, the value of the property and the value of our lives is closely related to the beauty and serenity that we find in that community and because it is remote from facilities like prisons. The value of my property will be critically dropped by having a prison there. I would like to have the analysis consider that in great detail, especially considering that the value of homes in Willard have dropped to essentially zero. They are unmarketable because of the Willard Drug Treatment Center. In Varick, having a prison nearby will make the intrinsic value of the property null. (Thomas Bjorkman, Gil Swain)*

*What about the decrease in property value in the area around the correctional facility? The property value around Willard went down. That is an economic impact. Why was decreased property value not addressed? (Thomas F. Grasek)*

**Response:** Following the introduction of a correctional facility, the general experience of DOCS is that property values remain stabilized and may actually increase in the area immediately adjacent to a prison. These comments do not indicate what sources were used for the assertions that the “value of homes in Willard have dropped to essentially zero,” “having a prison nearby will make the intrinsic value of the property null”, and “property values in the area around Willard” have decreased. There is no indication of the time period, or the basis of reliability for these assertions. It would be conjecture to respond to the question; however, there is some possibility that the reduction in property values that may have occurred in the Willard area may be due to a downturn in the local economy, or more specifically, the decline in demand from the loss of many jobs at the Seneca Army Depot, which has resulted in many people leaving the area. Also refer to the following comment.

**Comment:** *I would like to comment on the price of property and the property not selling in Willard. I live in Willard across the street from the razor wire, but dealing with the four-town assessor whose office is out of our building, there has been an adequate amount of sales in Willard. Let me assure you that every one of those sales have exceeded the assessed value of the housing in the area. I would say that there is probably a better market for residences, and I would have to say that the price of residences will increase. (Raymond Zajac, Supervisor, Town of Romulus)*

**Response:** No Response Necessary

### 2.3.3 Demographic Characteristics, Housing, and Employment

**Comments:** *The Seneca County Industrial Development Agency (SCIDA) believes that the prison will be a very significant employer in the area. We welcome the jobs and the positive economic impact that will be derived from the State’s investment in this facility (Glenn Cooke, Executive Director of the SCIDA)*

*I would like to take this opportunity to express my comments in regards to the newly proposed maximum security prison to be built at the Seneca Army Depot site in Romulus, NY. I write this letter on behalf of the Waterloo Village Board and myself, to state we are in full support of a prison in our county and for the local economic benefits that will hopefully come from such a facility. (The Honorable Rudolph Bertino, Mayor, Village of Waterloo)*

*The Seneca County Board of Supervisors supports this effort. It’s an economic boom. It is not the perfect economic thing that we would like to see, but it will be helpful. (Patsy Amidon, Chair of the Seneca County Board of Supervisors)*

*In response to a jail being built at the Seneca Army Depot, I’m all for it. The population is down and many employees are being let go. We need jobs. (Jean Kieffer)*

*I support this project because it will bring much economic vitality and jobs to this part of the county. I own land and property in St. Lawrence County, and similar facilities close to my home there had nothing but positive impacts on the community. I was friends with many of the guards that worked there, and they contributed as coaches and Scout leaders and other things in the local community. (Tom Jasikoff)*

*As a business owner and a property owner, I fully support the prison system. I've been hearing for years that we're going to move this and that in. Nothing has come. Local people will get jobs as corrections officer--my husband works for DOCS and I see two more here that used to work for the Willard Psychiatric Center that are working here at Willard. I can see this new prison bringing in jobs. We need growth in this county. And the reason there's so many homes for sale is because people have lost their jobs and they've moved away to get other jobs. (Pam Armitage)*

**Response:** Thank you for your support and for taking the time to comment on the proposed project. No further response necessary.

**Comment:** *No adverse socioeconomic impacts were identified. How can there be no socioeconomic impacts? (Thomas F. Grasek)*

**Response:** No adverse impacts were reported because none were identified. There will, however, be socioeconomic impacts that will be favorable and positive as related to the economic portion of the DEIS.

**Comment:** *Page 4-10 states that available evidence indicates that families of inmates generally do not relocate to the area of incarceration. What evidence? What about the ones that do? What about when they are visiting? Where will they be staying? What is the average numbers of visitors per day? (Thomas F. Grasek)*

**Response:** It is our experience that families of inmates generally do not relocate to the area of incarceration because inmates are frequently transferred from one facility to another as a result of programming and security classification changes. Visitors generally visit during the day, returning in the evening to their homes. The average number of visitors per day at a maximum security correctional facility is approximately 25. In the event a visitor decides to stay overnight, he or she would utilize local public accommodations.

**Comment:** *What about the increase in crime associated with the persons who will be visiting the inmates? What is the criminal background of these visitors? What is their health condition -- are they carriers of any disease? Are they illegal drug users? Are they drug dealers? Section 4.2.6 addresses public safety from the inmates nothing addresses public safety from the visitors? This is a rural area with a low crime rate. Even a small increase in crime will have socioeconomic impacts. Why were they not addressed? (Thomas F. Grasek)*

**Response:** In order to obtain visitation at a DOCS correctional facility, a member of the public is required to register with the Department. Beyond that, DOCS has no statutory authority to investigate prospective visitors for the subjects raised in your question. In the event a visitor should violate the State's criminal laws, he or she is subject to arrest and indictment, just as any other, and could suffer the loss of visitation rights.

There is no evidence to suggest that there is any impact on crime associated with persons who visit inmates housed in New York State correctional facilities. Visitors are usually transported to the correctional facility using private intercity bus services provided specifically for correctional facility visitors (state funded Family Visitor Program buses, or private buses sponsored by various social service agencies). The correctional facilities are well-staffed with peace officers. We have experienced no difficulties with visitors in any of our institutions.

**Comment:** *A lot of the people think that these jobs will be wonderful jobs. The initial job placement inside this prison I can't foresee being local people. I think its going to take 4 to 6 years before were going to see the corrections officers working inside this prison coming from the local area. (Bob Gilbert)*

**Response:** Historically, when a new facility is opened, DOCS draws from local people who are on the State Civil Service List or who are in existing positions with the correct job title. For security staff, the transfer opportunity is announced to all security staff prior to the facility opening. Any existing employees may put their name on a transfer list to the facility, and would be placed based on seniority of time in the position with that job title. If the security positions are not filled by seniority, new officers coming from the Academy would have an opportunity to transfer to the facility until all the posts are filled. Corrections officers are required to pass a written Civil Service exam and undergo extensive medical, psychological, and background checks. The next exam is scheduled for April 17, 1999, and applications are due by March 15, 1999.

**Comment:** *If you want to create an economic base for our community, weren't there other possibilities that could have been addressed as opposed to building a prison. (Gabrielle Gilbert)*

**Response:** DOCS mission is to provide for public protection by administering a network of correctional facilities. DOCS builds prisons, not shopping malls, manufacturing plants, or other types of facilities that might also improve the economic base of the community. The SCIDA is pursuing other opportunities for economic development in the County, and New York State will participate in this effort to the extent possible. In addition, the NYS Department of Tourism continues to promote tourism in Seneca County and throughout New York State.

**Comment:** *In regard to the prison site at the former Seneca Army Depot, I am now looking forward to retirement and relocating from the area. It was previously my intention to retire on Seneca Lake away from the Seneca Meadows Landfill. Now there is no option, but to leave the area or remain between the two. But someone else will move into the area - most likely families and friends of the prison population and it will*

*escalate from there. The sad but ugly truth is that there are a few jobs, but the greater impact on the area will be the sapping of the Seneca County welfare system. It has happened in Auburn, and Moravia is now in its footsteps. (Linda R. Milliman)*

*You are correct in that we do need some employment and use for the former Depot property, but the prison is not the answer as far as long-term usage. We are already the site of the Willard Drug Treatment Center and now right next door we are faced with a prison - another non-taxpaying enterprise with the guarantee of a few jobs for a few people and increased taxes to support our welfare system from all the people. (Linda R. Milliman)*

**Response:** The comments are acknowledged. As indicated previously in this document and in the DEIS, there will be positive economic impacts associated with this project.

#### 2.3.4 Community Services

**Comment:** *What kind of conditions are going to move into the area? The kind of work the security officers are doing is high stress. Are we going to see an increase in domestic violence, which is rampant in the community as far as the State of New York and in our nation? Are we going to have to deal with those issues? (Gabrielle Gilbert)*

**Response:** The comment is acknowledged, but the subject matter does not deal with impacts that are subject to environmental review under SEQRA.

#### 2.3.5 Infrastructure/Utilities

**Comment:** *We are pleased at the advent of natural gas to this portion of the County. Will the natural gas line to the site come from the north or the south? It is our hope that this utility will eventually reach the Village of Ovid and maybe other towns and villages in south Seneca County. (Leon Kelly, Mayor of Village of Ovid)*

**Response:** OGS/DOCS will have no role in NYSEG's routing of the gas line to the site. We do not believe the route has been selected yet. Please contact NYSEG for information regarding the route of the gas line.

**Comment:** *The ability of the nearby districts to handle the increase in water/wastewater requirements of the inmates and employees on-site does not take into account the additional residential water/wastewater needs of the 330-plus persons (employees and families) expected to relocate to the surrounding towns as a result of the new prison. Please comment. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** Given the recent decline in population in the area, it is highly unlikely that the increase of approximately 330 persons expected to relocate to the area will adversely affect

residential water/wastewater needs. Furthermore, OGS expects that the wastewater needs for anticipated population increase will be addressed by the O'Brien and Gere report. Also refer to the following comment regarding water supply.

**Comment:** *As mayor for the Village of Waterloo, I can say we stand ready to serve and meet whatever needs you may have in the area of water operations and supply. Our highly trained and well equipped water treatment and distribution system operators will be able to assure your daily hydraulic needs with reliability. Your daily usage should help keep the water costs reasonable to a large number of people whom we serve in this region, and keep it affordable for us to remain on the cutting edge of water technology and treatment, allowing us to continue exceeding both NYSDOH and EPA regulations. (The Honorable Rudolph Bertino, Mayor, Village of Waterloo)*

**Response:** No Response Necessary

### 2.3.6 Public Safety

**Comment:** *Seneca County is well protected. Our sheriff's department, State police and local village police departments do a fine job. We had murders in Seneca County long before the Shock camp came. If these people get loose, I don't feel that they are going to harm me or my family. (Pam Armitage)*

**Response:** No Response Necessary

**Comment:** *With the Depot fire department to close with the Army closing in 2001, there will be insufficient fire/ambulance protection for those on site and in the surrounding districts. What does the DOCS plan to do about this, aside from the notion of "encouraging" correctional officers to volunteer to be on the volunteer fire squad? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

*With the fire district lines as they are presently drawn, this facility will fall in the coverage district of the Village of Ovid's fire department. There is mutual response by other companies in the area. The DEIS states that the facility may make arrangements with more than one fire company. I believe that refers to mutual aid type coverage, which may not exist in other areas. The Ovid fire company will respond to any fire calls, as will the other companies in the area. At present, DOCS does not compensate local fire companies or districts for coverage on a yearly basis; perhaps a charge per response can be negotiated. This procedure is underway at the Seneca Army Depot. It is unfair to ask local taxpayers to support local fire companies with equipment and training to fight fires for a State Facility with the arrangements that now exist. The DEIS indicated that corrections officers are encouraged to join fire departments as volunteers. We have not experienced an increase in the number of volunteers come from the ranks of the Willard Drug Treatment Center corrections officers. Volunteer firefighters expend a considerable*



*amount of time and money on training and equipment (in the neighborhood of a thousand dollars just for bunker gear). I've been told that DOCS does not compensate local fire companies or districts in other locations. This may be something that needs to be addressed statewide. (Leon Kelly, Mayor of Village of Ovid)*

**Response:** Currently, fire protection for Willard Drug Treatment Center is provided from the Village of Ovid's Fire Department and also through Seneca County Mutual Aid Plan. The Willard Drug Treatment Center's Fire Response Team is also part of that Mutual Aid Plan. This team has, on occasion, provided assistance with equipment and manpower to surrounding fire departments. A similar fire protection plan will be set up for the proposed correctional facility.

According to the New York State Office of Fire Prevention and Control, fire departments must provide fire protection to DOCS facilities within their fire districts through "General Municipal Law." At most DOCS facilities, fire protection is provided by the local fire departments. Also, if there is a county mutual aid plan, other fire departments would respond in the event of a large scale fire if requested through either the local Fire Chief or County Fire Coordinator. Several DOCS facilities throughout the state are included in their county's Mutual Aid Plans.

In addition, when a fire department has responded to one of our facilities for a fire and a piece of its equipment is ruined or broken, DOCS has replaced it. For example, we have purchased hoses, smoke ejectors, and other related equipment to help maintain emergency services and as a measure of good business.

**Comment:** *The notion made clear in the DEIS that significant increases in services (police, fire, ambulance, hospital, utilities) will not be warranted with 1500 inmates and 330-plus civilians moving into the area, seems shortsighted and unrealistic. Please comment. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** Most of the medical need of the inmates will be met by the on-site medical staff at the Infirmary at the proposed correctional facility. The impact of the 1,500-inmate correctional facility on services (police, fire, ambulance, hospital, utilities) was addressed in the DEIS (Sections, 4.2.4, 4.2.5, and 4.2.6). Comments related to fire protection services were addressed previously in this document. Given the recent decline in population in the area, it is highly unlikely that the increase in population due to the approximately 330 persons expected to relocate to the area will adversely affect services (police, fire, ambulance, hospital, utilities), especially since they will be spread out over multiple towns/fire districts.

### 2.3.7 Hazardous Waste

**Comment:** *The DEIS recognizes the Solid Waste Management Units (SWMU's) located on the overall DOCS parcel. However, it is important that the final EIS identify these units on a map and include a brief description of the hazardous waste site. It is important that DOCS activities on the parcel including the installation of gas, water and sewer*

*lines which are not precisely known at this time be located so as to not constrain, restrict or impede the need for any cleanup that is determined for these SWMU's. (Robert K. Scott, Deputy Regional Permit Administrator, NYSDEC)*

**Response:** Based on recent information received from the Army, there are a total of 7 hazardous waste sites (10 SWMUs) located on the proposed site. Appendix B provides a figure identifying their locations on the 675-acre parcel, including the location within the 124-acre portion of the site that will be developed, along with a brief description of each SWMU. DOCS, in conjunction with the Army, will ensure that project activities, including the installation of gas, water and sewer lines whose locations are not precisely known at this will not constrain, restrict, or impede the need for any cleanup that is determined for these SWMUs.

**Comment:** *According to the DEIS, there are five locations on the 710-acre site where storage, release, disposal or migration of hazardous substances has occurred, and two of these sites are within the 124-acre portion in question. How can we be assured that the hazardous/strategic materials on site will be cleaned up prior to the prison opening, with no lasting effects for the population to be housed there, especially when the Depot is not slated to be closed until July of 2001, pursuant to the redevelopment plan, but the prison is schedule to be open in August of 2000? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

*What kind of legal matters will DOCS have from the people incarcerated at the facility claiming they were "contaminated" if they have a chance. (Bob Gilbert)*

**Response:** As indicated in Section 4.2.7 of the DEIS, DOCS will not acquire the portions of the proposed site that require remediation unless and until any hazardous substances or petroleum products have been remediated to the extent necessary. Verification that any contaminated areas are cleaned up is the responsibility of EPA and the Department of the Army. As provided for by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Army entered into a Federal Facility Agreement with EPA and NYSDEC to guide hazardous waste site assessment and remediation at the Seneca Army Depot (Docket Number II-CERCLA-FFA-00202). In preparing to dispose of Depot property, the Army is obligated to abide by CERCLA Section 120(h)(3) to provide, before the date of transfer, a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any such substances remaining on the property has been taken.

Because any areas of the proposed correctional facility site that are contaminated will be remediated to the extent necessary to protect human health and the environment, prisoners will have no basis for claiming or alleging that they were adversely affected. Therefore, no associated legal claims are anticipated.

**Comment:** *What is the status of contamination as far as the Environmental Protection Agency (EPA) is concerned? Are there large contracts out for soil removal that are possible*



*for other parts of the depot? Is this land free from any additional expense of going in and decontaminating it to level required by the EPA? (Glenn White)*

**Response:** It is possible that some soil removal will be required in one or more of the five SWMUs located within the proposed site. Any such required removal activity will take place before the correctional facility opens, and in accordance with EPA guidelines. As indicated in the response to the previous comment and in Section 4.2.7 of the DEIS, before the date of property transfer, the Department of the Army is obligated to provide a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any such substances remaining on the property has been taken. DOCS will not acquire the portions of the proposed site that require remediation unless and until any hazardous substances or petroleum products have been remediated to the extent necessary. DOCS will have no financial liability for remediation of any of the SWMUs on the proposed site.

**Comment:** *My understanding is that there are cleaning fluids that the depot used that are still leaching out and going towards Seneca Lake. A county supervisor indicated dilution will take care of it. I don't buy that. Dilution is a theory that should have long since been abandoned. We don't know the long-term effects of what small amounts of trichloroethylene will do to the human body. The area really spooks me when I think about the stories that have come out of the depot, about guards at the depot being sent out to check on what color the creeks are running. (Bob Gilbert)*

*According to the DEIS, groundwater under portions of the Depot is contaminated with volatile organic compounds, as is some of the soil. The DEIS mentions that there is no "known" groundwater contamination at the proposed site. Has the site been thoroughly tested for groundwater/soil contamination? Isn't it true that the groundwater within a certain contiguous geographic area would eventually run together, causing all of it to become contaminated? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** According to the Department of the Army, there are two areas of groundwater contamination on the Depot, and both areas are several miles from the proposed correctional facility site. At one of these locations, the area of contaminated groundwater (referred to as the "plume") has stabilized and is not moving. At the other location, the plume is slowly migrating in the direction of Seneca Lake, and not towards the proposed site. Groundwater flow in pervious soil and rock is in directions determined by prevailing hydraulic pressure gradients (from high pressure to low pressure). Available data indicate that existing and anticipated future gradients are such that groundwater flow between the site and plumes is unlikely.

As indicated previously, there is an agreement in place between the Department of the Army and the EPA, requiring all known hazardous waste areas and contaminated media (soil/groundwater) to be thoroughly remediated in accordance with EPA guidelines. This remediation must be accepted by EPA prior to any private entity and/or State government acquiring or developing any parcel of land at the Depot. After receiving the green light from the EPA, should any contamination be

encountered during development of the project area, the Department of the Army will have the responsibility to mitigate the problem. Any additional comments or questions regarding the nature and extent of contamination or remedial activities at the Depot should be directed to the Department of the Army or the EPA.

### 2.3.8 Agricultural Resource

No comments were received relative to agricultural resources.

### 2.3.9 Historic and Archeological Resources

**Comment:** *The DEIS discusses the fact that six distinct archeological sites within the proposed site require further investigation and may be eligible for the National Register of Historic Places. Would not this preclude destroying/building over these sites? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** As indicated in Section 4.2.9 of the DEIS, the New York State Museum is currently conducting Phase II site examinations on these sites (19th century farmstead sites) to make recommendations to the State Historic Preservation Officer (SHPO) as to their eligibility for the National Register of Historic Places. A data recovery plan will be developed for any sites determined eligible to mitigate adverse effects of the planned construction. This plan will be submitted to SHPO prior to construction for approval and determination of no significant adverse effects contingent upon completion of data recovery excavations. All data recovery efforts will be completed prior to undertaking any construction activities on these sites.

### 2.3.10 Aesthetics/Visual Environment

**Comment:** *I want to thank DOCS and applaud the efforts that you made in you site selection and the site that you picked on the Seneca Army Depot. The county has been real familiar with that property and we've worked on it a long time. I'm particularly please to see you expand you request for land from 100 acres to some 700 acres. I think we are all much more comfortable with the fact that the prison will not be in view, as the EIS indicates, and that it should be fairly well obscured. As a resident of Varick, I live less than a mile from a prison in the middle of the city, which has not been obtrusive in anyway. (Dennis Aloia, County Manager for Seneca County)*

**Response:** No Response Necessary

**Comment:** *The issue of the ballfield lighting (45' high) is not an insignificant one. Even the 20' high lighting covering the remainder of the facility will rob nearby residents of the value of their property, of their peace and tranquility, and of their quality of life. They will never be able to forget that there is a maximum security prison in their backyards. Similarly, people vacationing on the lakes and in the state park surrounding the area will be robbed of the "back-to-nature" feel they craved. This*

*intrusive lighting will ensure that this prison will destroy the economic boom the area has previously received from vacationers. Please comment. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

*Listed as an unavoidable adverse environmental impact is the visual impact associated with the ballfield lighting with a height of 45 feet. How can this be an unavoidable impact when to avoid it all you have to do is not light the ballfield. None of the local schools have lighted ballfields. WHY should inmates have one? Not providing lighting for the ballfield would also lessen the impact of the correctional facility on energy resources and avoid the costs associated with installing the lights and maintaining them. The lights for the ballfield are a waste of taxpayers money. (Thomas F. Grasek)*

*I am not for this. I don't believe in warehousing people and I don't think that a prison is a nice idea for a community or a county that has a lot of tourism including the wine tourism and the lake tourism and just the environment in itself, which is really beautiful. Razor wire just doesn't paint a pretty picture (Gabrielle Gilbert)*

**Response:** As indicated in Sections 2.0 and 4.2.10 of the DEIS, the proposed 750 Cell Maximum Security Correctional Facility will be designed in a campus-like setting, with separated, low-rise structures to accommodate inmate housing and various indoor and outdoor functions and activities. The buildings will be low structures with a maximum height of 32 feet. The perimeter lighting will be downward-directed low-intensity fixtures mounted on the 16-foot tall outer fence poles, except that lighting associated with the ball field will be on 45-foot poles. The watch tower, at 30 feet high, will be compatible with the other structures in the facility. The tallest structure will be the water tower (150 feet). The visual analysis revealed that, with a few exceptions, the existing vegetation buffers and topography combined with the significant proposed buffer surrounding the facility, provide more than adequate visual screening of the facility buildings. The razor wire associated with perimeter security is not expected to be visible to nearby residents or travelers/tourists on NYS Route 96/414 or any other location, because it will be more than 4,000 feet from the nearest public road and will be screened from view by natural buffers.

Two features associated with the facility may be visible: the water tower for the correctional facility, with a height of 150 feet, and the ballfield lighting with a height of 45 feet. However, as both the ballfield light poles and water tower will also be more than 4,000 feet from NYS Route 96/414, the impact will be relatively minor. Other water towers are currently present at the Depot, including one very close to NYS Route 96 near the main entrance to the Depot (height of approximately 157 feet). The water tower and ballfield lighting will not be visible to users of Seneca Lake or Sampson State Park, which are significantly lower in elevation, as they will be screened from view by topography and vegetation. Lighting has always been associated with activities at the Depot, and thus the potential for "night-glow" due to the ballfield lighting after dark will be similar to other night lighting at the Depot. The night glow will be mitigated by using directional or downward directed fixtures that significantly limit the upward or outward glow. The very limited visibility of the water tower and the ballfield lighting, relative to more visible features of the Depot and/or the Coast Guard Loran "C" Tower closer to NYS Route 96/414, is unlikely to have any impact on tourism, or to affect

property values, or the peace, tranquility and quality of life of nearby residents. Also refer to Section 2.3.2, which addresses impacts on property values.

**Comment:** *We do not need another correctional facility in central New York. How about saving the Correctional Department a lot of money on transportation costs and turning the tenements and vacant lots in New York City into facilities to house prisoners from that area? You want to ruin what we are establishing as a tourist area with several lakes and wineries and turn it into a prison community. It look like the only people who have the luxury of living on and enjoying the view of Seneca Lake are the ones who are incarcerated. (Linda R. Milliman)*

**Response:** The geographic locations for prison sites are selected by the State Legislature. As mentioned in response to the previous comment, the very limited visibility of the of the correctional facility is unlikely to have any impact on tourism. Due to screening by existing vegetation, the view of Seneca Lake from the proposed correctional facility will be quite limited.

### 2.3.11 Noise

**Comment:** *The paper mentioned Willard Drug Treatment Center as a good neighbor. I don't know what kind of neighbors you have in Albany, but good neighbors don't come waking people up at 5:45 in the morning and disturbing the peace on Sunday morning, Christmas Day, and Thanksgiving. The noise level is intolerable. I supported this place and the State came in here. There was nothing mentioned about a shock camp. (John Fischer)*

**Response:** The proposed facility will be located in a relatively remote locations, away from the public. Thus, noise is not a concern at the proposed facility.

### 2.3.12 Regional Development Plans

**Comment:** *How does the DOCS reconcile the fact that according to the Depot's Reuse Plan, a wildlife conservation area should be developed on the site in question? How could ballfield lighting, air pollution and noise pollution possibly coexist with a wildlife refuge? For that matter, the Montezuma National Wildlife Refuge will undoubtedly be negatively impacted by these evils which will necessarily accompany the prison operation. (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** The white deer population and other wildlife species that will use the designated wildlife conservation area have been using large areas of the Seneca Army Depot as wildlife habitat since operations at the Depot began. The "ballfield lighting, air pollution and noise pollution" that will be present with operation of the correctional facility will be no more significant, and probably much less significant, than what was present during operations at the Depot at its peak. The correctional facility will not interfere with NYSDEC's continued management of the white deer population. Although the deer will have a slightly smaller area in which to roam, this is not expected

to adversely affect the deer population. Therefore, there is no reason to believe that the correctional facility cannot coexist with an adjacent wildlife refuge. The Montezuma National Wildlife Refuge is 15 miles from the site; due to this distance between the site and the refuge, there will be no impact on the refuge from any activities at the site.

Also, please note that the Reuse Plan and Implementation Strategy for the Seneca Army Depot (RKG Associates, Inc., 1996) and the Environmental Impact Statement for BRAC 95 Disposal and Reuse of Property at the Seneca Army Depot Activity, New York (March 1998), which outline the development plan for the reuse of the Depot, were accepted by the Department of the Army, SCIDA, NYSDEC, and the general public. The proposed correctional facility, although at a different location on the Depot that initially considered, is consistent with the Reuse Plan and EIS.

**Comment:** *When will Amendment Number 2 be issued, changing the designation of the parcel PID/Prison to Conservation/Recreation and vice-versa, consistent with the Reuse Plan's goal of establishing the wildlife conservation area at the Depot? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** The Seneca County Industrial Development Authority (SCIDA) should be contacted directly regarding its plans for issuing Amendment Number 2.

**Comment:** *Is there a way to obtain a copy of the Reuse Plan for the Depot? (Alice P. Green, Ph.D., Center for Law & Justice, Inc.)*

**Response:** A copy is available for review by contacting Robert Dunn with the NYS Office of General Services, Corning Tower, Albany, New York (518/486-1530).

## 2.4 Mitigation Measures to Minimize Environmental Impacts

No comments were received relative to mitigation measures.

## 2.5 Unavoidable Adverse Environmental Impacts

One comment related to Unavoidable Adverse Environmental Impacts was discussed in Section 2.3.10, Aesthetics/Visual Environment (refer to the comment of Thomas F. Grasek). No other comments were received relative to unavoidable adverse environmental impacts.

## 2.6 Alternatives

**Comment:** *Why wasn't the Seneca Army Depot Activity warehouse complex area evaluated as an alternative site? The use of this area which is already developed, (i.e. many buildings already exist there as well as sewer lines, water lines and electrical power) would not involve the loss of any terrestrial habitat. According to your plans, all the buildings have to be bulldozed, but no wildlife live there anyway and the buildings*

*are old and I don't believe anyone is going to want to reuse them as is. I feel that this site should have been addressed as a possible site. (Thomas F. Grasek)*

**Response:** The warehouse complex area was considered, but eliminated from further consideration very early in the process. The reasons for not considering this alternative further related mainly to the high cost of demolition of the warehouses and the higher visibility of this area to nearby residences and travelers on Route 96/414.

Two comments were received in support of the location selected for the facility (refer to the comment of Glenn Cooke, Executive Director of the SCIDA, in Section 2.3.2 and to the comment of Dennis Aloia, County Manager for Seneca County, in Section 2.3.10).

## 2.7 Irreversible and Irretrievable Commitments of Resources

No comments were received relative to irreversible and irretrievable commitments of resources.

## 2.8 Growth Inducing Aspects

No comments were received relative to growth inducing aspects of the project.

## 2.9 Effects on the Use and Conservation of Energy Resources

One comment was received in support of extending natural gas service to the area (refer to Section 2.3.5). No other comments were received relative to the effects on the use and conservation of energy resources.

## 2.10 SEQRA Procedures

**Comment:** *Is there a possibility for an independent environmental study on the impact that isn't run by the state or the federal [government] that would come in and tell us what was going to occur as well? (Gabrielle Gilbert)*

**Response:** The DEIS and FEIS for the proposed project were prepared by Rust Environment & Infrastructure, an independent environmental consulting firm. Rust's work was requested by and paid for by DOCS, but the findings are based on Rust's assessment of the potential environmental impacts associated with this project.

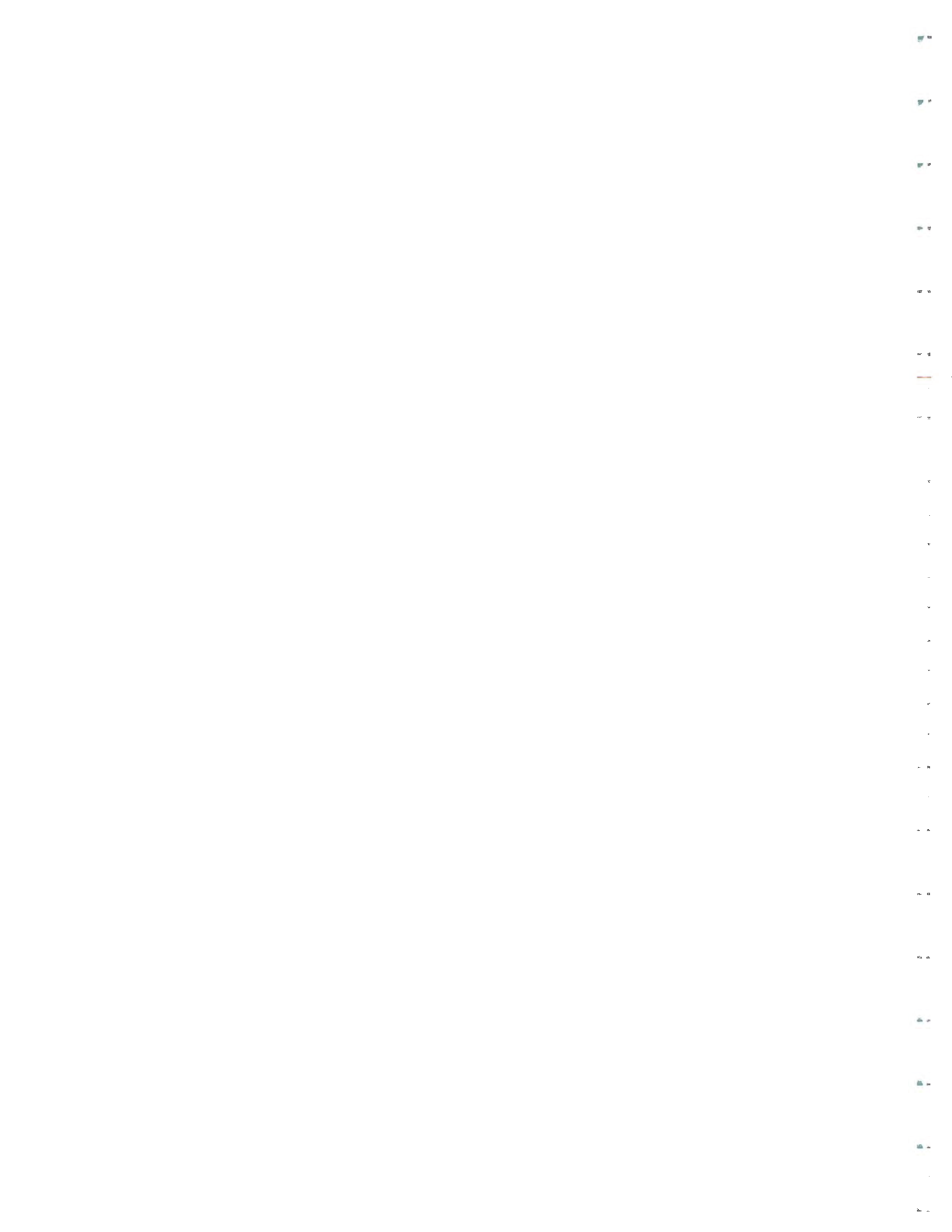
**Comment:** *A general comment was made that some rules (unidentified) would be bent in order to build the prison. (Gabrielle Gilbert)*

**Response:** No rules will be bent to build this prison. The DEIS and this FEIS have been prepared in accordance with SEQRA and its implementing regulations. The facility will be designed and constructed in accordance with applicable standards.

## **Appendix A**

### **Written Comments Received on the DEIS**







**New York State Department of Environmental Conservation  
Division of Environmental Permits, Region 8**

6274 East Avon-Lima Road, Avon, New York 14414-9519  
Phone: (716) 226-2466 FAX: (716) 226-2830



John P. Cahill  
Commissioner

January 14, 1999

Mr. Anthony J. Annucci  
Deputy Commissioner and Counsel  
New York State Department of Correctional Services  
State Campus  
Albany NY 12226

**RECEIVED**

JAN 19 1999

**RUST E&I**

Dear Mr. Annucci:

RE: Draft Environmental Impact Statement (dEIS) for  
750 Cell Maximum Security Correctional Facility  
Seneca County

The New York State Department of Environmental Conservation (NYSDEC) has reviewed the dEIS and offers the following comments.

Water Supply

At the appropriate time during project development, water supply application(s) need to be submitted to the NYSDEC relating to the allocation of drinking water to any new water district or service area that is formed. The enclosed water supply permit issued to the Seneca Lake Water District under description of authorized activity, lists the present allocation of water to the Seneca Depot and related areas. (See page 1 of permit.) The Village of Waterloo which takes their water from the north end of Seneca Lake at a drinking water filtration plant has a NYSDEC permit for an annual average amount of 2 million gallons per day (mgd) of water. A water supply application from the Village of Waterloo is needed if this 2 mgd allocation is to be exceeded.

At the appropriate time in project development, a map should be provided so that a determination can be made as to the need for freshwater wetland permits for construction of any new waterlines to service the correctional facility.

Wastewater

Additional NYSDEC comments will be provided after receipt and review of the O'Brien & Gere report relating to wastewater.

Items to be addressed include the following: the wastewater to be generated needs to be characterized. What is the design basis for wastewater strength or concentration?

Note that newer wastewater treatment plants than the one envisioned for use typically have much lower levels of inflow and infiltration (I/I) and receive a higher strength or concentration of wastewater. The design of the receiving wastewater treatment plant must also consider the usage water swings associated with a correctional facility. The report to be submitted should also address the handling of vehicle maintenance wastewater that may be generated as well as cooling water from boilers or any other sources.

The sanitary sewers which are connected to the building 715 wastewater treatment plant (WWTP) located at the north end of the present Seneca Army Depot presently bypass the treatment plant. These sanitary sewers have developed a significant I/I flow amount since the WWTP has been temporarily shut down. The I/I flow has been recorded at 0.8 mgd during wet weather conditions. A project to eliminate this I/I flow needs to be completed before the proposed youth facility at the north end of the Depot or before the new correctional facility connects to this system. For your information, the 715 WWTP facility has a valid State Pollutant Discharge Elimination System (SPDES) permit. The present effluent flow limit is 0.30 mgd.

The building 4 WWTP has significant I/I that results in SPDES permit effluent limit violations. The building 4 WWTP effluent flow limit in the SPDES permit is 0.25 mgd. Influent to this plant is received from areas both inside the Depot and areas outside the depot (Romulus/Varick). Influent flow from inside and outside the Depot are monitored separately and need to be subtracted from the reported available capacity of the treatment plant.

The third option mentioned in the dEIS is use of the Seneca County Sewer District #1 plant with a design flow of 0.7 mgd. The average flow at the facility is 0.481 mgd with a maximum flow of 0.817 with I/I. The Willard DOCS current contribution to this treatment plant is 0.271 mgd. It is our understanding that the Willard DOCS will double their flow to the system. The proposed correctional facility 0.3 mgd flow would be an additional flow. Note that the Seneca county sewer district must adopt a revised sewer use law to include an inter-municipal agreement for enforcement within particular jurisdictions.

All of the wastewater options include pumping stations and a force main miles in length to convey the wastewater to the treatment plants. For the selected option, what is the detention time for this force main? Please explain how a force main of this length will be designed to prevent the wastewater in the force main from turning septic before it reaches the treatment plant.

The potable water need is 300,000 gpd while the wastewater generated is 240,000. Please explain the difference.

#### Stormwater SPDES

As recognized in the dEIS, a stormwater SPDES permit is needed. Please file a copy with this office.

It is important that there be oversight and controls over the contractors in the construction phase to insure that soil material does not leave the site and impact downstream creeks, wetlands and Seneca Lake. Controls for fugitive dust from construction are important.

#### 401 Water Quality Certification

Since the project will have negligible impact on wetlands and in fact there may be creation of new wetlands with the proposed stormwater management system, it is not necessary to file for a 401 water quality certification. This department has already issued a statewide water quality certification for an activity affecting wetlands in this amount.

#### Emissions to Ambient Air

After a review of section 2.5.1-Site Utilities against Part 201 of the air regulations, these boilers meet the definition of exempt activities and are therefore exempt from the registration of Subpart 201-4 and 201-5.

Section 201-3.2(c)(1)-Exempt stationary or portable combustion installations are where the furnace has a maximum rated heat input capacity less than 10 million btu per hour burning fossil fuels other than coal.

Section 4.1.4 Air Resources identifies air emissions from generators and wood and metalworking machines and that these items and other small combustion units will be considered exempt or trivial activities under Part 201. This section indicates that the facility will exceed the thresholds for a major stationary source for sulphur dioxide emissions. Our analysis that the small boilers which have maximum heat input between 8,000 and 20,000 btu would not be able to exceed the major source emission thresholds.

Therefore, at the appropriate time in the review process, you should provide greater details on the kinds of emission sources that will be located at the facility and in particular the boilers so that the NYSDEC can support or verify that all sources appear to be exempt from permitting. Include a table of the estimated emissions on a potential to emit basis for total particulates, PM-10, NO<sub>x</sub>, CO, SO<sub>2</sub>, VOC, and HAP. Provide the calculations and assumptions used to estimate these emissions.

For your information, if the potential to emit sulphur dioxide truly exceeds the major source thresholds, then the acceptance of a cap on these emissions will mean that the facility does not need to apply for a Title V facility permit. If a state facility air permit is to be submitted, please submit a schedule for application submission. It is important that you have the permit, if needed, before facility discharge begins. For your information, if a state facility air permit is needed for the cap, there are two options. The first is the facility may qualify for a state facility general air permit for a small combustion installations. The second is that if you will not or can not accept the general permit conditions or you do not qualify for a general permit then a regular state facility air permit application will be needed.

When you provide more information that clarifies/verifies the size of the boiler and provides the above-listed estimates, then a final determination on this permit need will be made. In order to meet your tight schedule, it is important that this information be submitted without delay.

Solid Waste Management Units (SWMU)

The dEIS recognizes the SWMU's located on the overall DOCS parcel. However, it is important that the final EIS identify these units on a map and include a brief description of the hazardous waste site. It is important that DOCS activities on the parcel including the installation of gas, water and sewer lines which are not precisely known at this time be located so as to not constrain, restrict or impede the need for any cleanup that is determined for these SWMU's.

Construction Debris

It is important that your contract specifications include adequate controls on the contractors who may generate waste including wood, cardboard, metal, concrete and other waste construction materials. Oversight of the contractor(s) is needed in this area.

Fencing

Please verify that new fencing of the overall DOCS parcel is not proposed. New fencing of the overall parcel would impede the movement of wildlife (this comment does not pertain to the actual facility).

I am available if either you, Office of General Services or your consultant should have any question on how to address the above comments. Please provide three copies of the final document when available.

Sincerely,

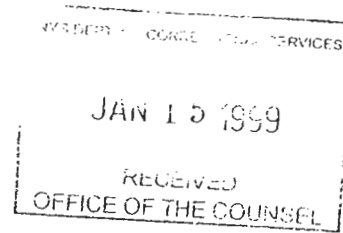


Robert K. Scott  
Deputy Regional Permit Administrator

cc: Dan Geraghty, NYSDOH-Albany  
Steve Absolom, Seneca Army Depot  
Carla Struble, EPA  
Jim Quinn, Remediation-Albany  
Dave Kiser, Division of Water-Avon  
Pat Jones, Seneca County IDA  
Robert Dunn, NYS Office of General Services  
Rust Environment & Infrastructure

CENTER FOR LAW & JUSTICE, INC.

Pine West Plaza Building 2  
Washington Avenue Extension  
Albany, New York 12205  
(518) 427-8361  
(FAX) 518-427-8362



ALICE P. GREEN, Ph.D.  
*Executive Director*

Anthony J. Annucci  
Deputy Commissioner and Counsel  
New York State Department of Correctional Services  
State Campus  
Albany, New York 12226

January 12, 1999

Dear Deputy Commissioner Annucci:

Pursuant to SEQRA regulations, The Center for Law & Justice, Inc. submits the following written comments/questions concerning the construction and operation of the proposed Seneca prison:

1. With the double cells slated to be only 105 square feet (even the ones at the new Malone prison will be 110 square feet), certain health concerns are raised. First, this size does not meet the standards set by the American Public Health Association ("APHA") of 120 square feet for double cells, nor the American Correctional Association's ("ACA") minimum standards of 25 square feet of unencumbered space per occupant, or of 80 square feet of total floor space per occupant (i.e., 160' total) when confinement in a double cell exceeds 10 hours a day. Second, such close quarters inevitably enhance the risk of transmittal of TB and other airborne diseases, as well as the chance of violent encounters (sexual and/or otherwise) between cellmates. How long will the inmates be in these double cells per day?
2. If there is no air conditioning system for the inmates, how are the celled housing unit buildings ventilated? Does this meet the required air exchange standards set by the American Society of Heating, Refrigeration and Air Conditioning Engineers ("ASHRAE"), of 25 cubic feet of outside air per minute per person to adequately dilute TB contaminants?
3. The 32 academic/vocational staff to be hired for 1500 men is approximately a 1:50 ratio. When one takes into account that these 32 staffers will be responsible not only for academics and vocational training, but for volunteer services, pre-release programs and ASAT programs, it seems like an inadequately small staff. Please comment.
4. What types of academics/vocational training will be offered to the inmates, and will these be

BOARD OF DIRECTORS

Dr. Frankie Bailey • George E. Boyce, Jr. • Collie F. Brown • Eddie Ellis • Dr. Alice P. Green • Carol Hausen • Dr. Jean M. Hynes • Rev. Henry E. Johnson • Larry Mauldin • Sybil A. McPherson, Esq.  
Imam 'Abdur-Rahim Muhammad • Celinda Okwuosa • Lynne Richarde • Peter Sanzen • Michael A. Simpson • Gordon Taylor • Charles L. Touhey • Raymond Walker • Larry White

offered other than in-cell? Please provide more details in general on this topic.

5. What does it mean in the DEIS where it says that all "available" inmates will be scheduled for programming in two modules? Which inmates are "available" ones and how often are these modules rotated? Please explain the module system.

6. In terms of programming, how is the system planning to address the needs of long-term prisoners?

7. What exactly will be available in terms of recreation for the inmates?

8. With an almost entirely white population in the Seneca area, how will the DOCS attempt to assure that there is a racially integrated staff to deal with the majority black/latino population to be incarcerated there?

9. There appears to be no meaningful means of transportation for families who will be traveling long distances (most from NYC) to see the men imprisoned there (there are no trains, no public transportation, and the nearest airport is more than one hour away). Furthermore, routes 96 and 414, the most accessible car/bus routes are operating already close to capacity, with delays unacceptable to most drivers, according to the DEIS. What does the DOCS plan to do to ameliorate these conditions and facilitate inmate visitation, especially knowing that family contact is one of the greatest single contributors to an inmate's rehabilitation?

10. If, according to the DEIS, visiting hours will be shortened to accommodate shift changes at the proposed prison, this means that family and friends will be traveling extremely long distances to see the men incarcerated there for shorter visits than at other prisons. What can the DOCS do to accommodate longer visiting hours for families (e.g., allowing evening visits)?

11. According to the DEIS, there are five locations on the 710-acre site where storage, release, disposal or migration of hazardous substances has occurred, and two of these sites are within the 124-acre portion in question. How can we be assured that the hazardous/strategic materials on site will be cleaned up prior to the prison opening, with no lasting effects for the population to be housed there, especially when the Depot is not slated to be closed until July of 2001, pursuant to the redevelopment plan, but the prison is scheduled to be open in August of 2000?

12. According to the DEIS, groundwater under portions of the Depot is contaminated with volatile organic compounds, as is some of the soil. The DEIS mentions that there is no "known" groundwater contamination at the proposed site. Has the site been thoroughly tested for groundwater/soil contamination? Isn't it true that the groundwater within a certain contiguous geographic area would eventually run together, causing all of it to become contaminated?

13. Along with the groundwater contamination and hazardous substance contamination, there are acknowledged possible sources of air pollution in the area, such as a nearby heating plant with has the potential to emit in excess of part 201 major source thresholds. Clearly, this area



may not be safe for the 1500 men to be housed there. Please comment.

14. When will the proposed facility be applying for the New York State Department of Environmental Conservation fuel restrictions limiting the amount of Number 2 fuel oil that can be utilized annually to maintain sulphur dioxide levels below major thresholds?

15. The DEIS discusses the fact that six distinct archeological sites within the proposed site require further investigation and may be eligible for the National Register of Historic Places. Would not this preclude destroying/building over these sites?

16. According to the DEIS, while it is known that certain state listed endangered animal and plant species will be threatened by the proposed construction and operation of the Seneca prison (white-tailed deer, osprey, northern harrier, large-leafed aster, northern reedgrass, rough avans), admittedly, no wildlife field investigation was performed specifically for the site. Therefore, how can the DOCS know that there are not additional endangered species which could potentially be exterminated altogether by the project? The DEIS mentions that not all areas on the Depot grounds were surveyed, due to the short survey time (March - September, 1996). Why not allow sufficient time to do a careful and comprehensive survey? Rushing this project and possibly permanently eradicating various plant and/or animal species seems shortsighted and selfish.

17. By the DOCS' admission in the DEIS, approximately 124 acres of vegetated land will be affected by the project and wildlife currently inhabiting this area will be displaced or, if not mobile, will die. How is this not a "significant adverse impact" under SEQRA?

18. The \$1 million extra fee to be paid by state taxpayers to construct a new 12-inch water line to a water tank in the northeast corner of the facility seems excessive. Furthermore, if the water districts in the area are still in the process of planning/delineation, then how can the DOCS be sure that the water supply is guaranteed? Perhaps even more money will need to be set aside to upgrade a certain district's water supply to accommodate the 300,000 gallons per day the new prison is projected to utilize.

19. Will there be additional costs, not spelled out in the DEIS, to remove the asbestos piping from the water main currently traversing the site in question (the water main is apparently going to be relocated)?

20. It seems premature to decide whether or not it is even feasible to construct a suitable wastewater treatment facility when SCIDA has not even completed its feasibility study. Perhaps the amount of money it will require will be several million dollars not yet figured into the budget, which New York State taxpayers will again be asked to bear. Please comment.

21. The ability of the nearby districts to handle the increase in water/wastewater requirements of the inmates and employees on-site does not take into account the additional residential water/wastewater needs of the 330-plus persons (employees and families) expected to relocate to

the surrounding towns as a result of the new prison. Please comment.

22. In short, the projected \$150 million for the construction is not a real number since the acknowledged off-site utility improvements are significant and cannot even be known yet (the water districts in the area are not yet delineated, and SCIDA has not yet completed its wastewater feasibility study. Please comment.

23. With the Depot fire department to close with the Army closing in 2001, there will be insufficient fire/ambulance protection for those on site and in the surrounding districts. What does the DOCS plan to do about this, aside from the notion of "encouraging" correctional officers to volunteer to be on the volunteer fire squad?

24. The notion made clear in the DEIS that significant increases in services (police, fire, ambulance, hospital, utilities) will not be warranted with 1500 inmates and 330-plus civilians moving into the area, seems shortsighted and unrealistic. Please comment.

25. The issue of the ballfield lighting (45' high) is not an insignificant one. Even the 20' high lighting covering the remainder of the facility will rob nearby residents of the value of their property, of their peace and tranquility, and of their quality of life. They will never be able to forget that there is a maximum security prison in their backyards. Similarly, people vacationing on the lakes and in the state park surrounding the area will be robbed of the "back-to-nature" feel they craved. This intrusive lighting will ensure that this prison will destroy the economic boon the area has previously received from vacationers. Please comment.

26. How does the DOCS reconcile the fact that according to the Depot's Reuse Plan, a wildlife conservation area should be developed on the site in question? How could ballfield lighting, air pollution and noise pollution possibly coexist with a wildlife refuge? For that matter, the Montezuma National Wildlife Refuge will undoubtedly be negatively impacted by these evils which will necessarily accompany the prison operation.

27. When will Amendment Number 2 be issued, changing the designation of the parcel PID/Prison to Conservation/Recreation and vice-versa, consistent with the Reuse Plan's goal of establishing the wildlife conservation area at the Depot?

28. Is there a way to obtain a copy of the Reuse Plan for the Depot?

Thank you for your time and attention to these questions and concerns.

Sincerely,



Alice P. Green, Ph.D.  
Executive Director

# Village of Waterloo

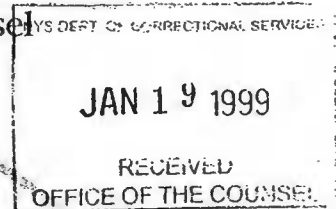
Seneca County, New York

Municipal Offices  
41 West Main Street  
Phone (315) 539-9131  
Fax (315) 539-2144

P.O. Box 188  
Waterloo, New York 13165

January 11, 1999

Anthony J. Annucci, Deputy Commissioner and Counselor  
NYS Dept. of Correctional Services  
State Campus  
Albany, N.Y. 12226



Dear Mr. Annucci,

I would like to take this opportunity to express my comments in regards to the newly proposed maximum security prison to be built at the Seneca Army Depot site in Romulus, NY. I write this letter on behalf of the Waterloo village board and myself, to state we are in full support of a prison in our county and for the local economic benefits that will hopefully come from such a facility. As mayor for the Village of Waterloo, I can say we stand ready to serve and meet whatever needs you may have in the area of water operations and supply.

I believe with our highly trained and well equipped water treatment and distribution system operators, we will be able to assure your daily hydraulic needs with reliability. Your daily usage should help keep the water costs reasonable to a large number of people whom we serve in this region, and keep it affordable for us to remain on the cutting edge of water technology and treatment, allowing us to continue exceeding both NYS DOH and EPA regulations.

Please do not hesitate to call us for any needed information or assistance, as we eagerly anticipate working with you in the area of water utilities.

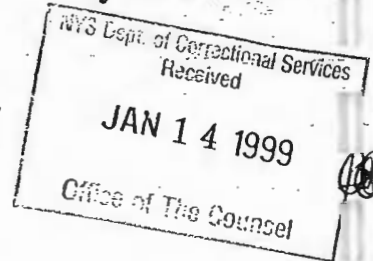
Respectfully yours,

Hon. Rudolph Bertino

Mayor, Village of Waterloo

Mr. Joseph J. Felice  
311 W North St.  
Geneva, NY 14456-1558

JAN 8, 1999



TO: Deputy Roman & Counsel  
SUBJECT: PRISON @ THE Seneca Army Depot.

DEAR SIR:

REGARDING THE UPCOMING PUBLIC DISCUSSION ON THE SUBJECT, I WILL NOT BE ABLE TO ATTEND; I DO HOWEVER, OFFER MY VIEWS HEREIN.

AS BACKGROUND, I SPENT 30 YEARS OF MY LIFE @ THE Seneca Army Depot (EXCEPTING 2 YEARS IN THE MARINE CORPS). I FEEL EVERYTHING IS POSITIVE IN CHOOSING THE DEPOT FOR A PRISON: AN IDEAL PIECE OF PROPERTY, ITS VASTNESS, THE UTILITIES THAT CURRENTLY EXIST. I NEED NOT GO FURTHER AS, BY NOW, YOU KNOW THEM AS WELL AS I.

SO PLEASE, REBUT THE "DO-GOODERS" THAT BRING UP THE SAME OLD REASONS(?) EG "WE WILL HAVE RELATIVES COMING UP FROM N.Y.C. -- AS IF ALL THE RELATIVES ARE CRIMINALS. I NEED NOT PURSUE THIS <sup>ASPECT</sup> AS YOU HAVE HEARD ALL THAT (CRAP) BEFORE.

SO PLEASE, GO FOR IT AND SATISFY THE SOCIAL AS WELL AS ECONOMICS SIDES OF THE DISCUSSION!

Sincerely

Joseph J. Felice

---

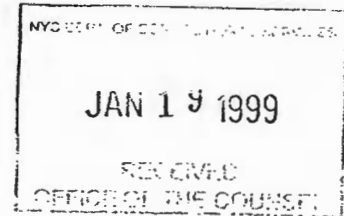
2:00 p.m. Wednesday, January 13

Hello this is Patricia Trudo, /

I am calling to let you know that I oppose the building of the new prison in Seneca because I do not believe we should be building more prisons but we should be educating youth and implementing other programs for preventing crime and helping young people find productive ways to use their lives. So I am opposed to the building of the prison in Seneca. Thank you very much. Bye.

1269 Marshall Road  
Waterloo, New York 13165  
January 8, 1999

Mr. Anthony Annucci,  
Deputy Commissioner and Counsel  
New York State Department of Correctional Services  
State Campus  
Albany, NY 12226



Dear Mr. Annucci:

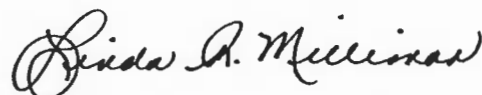
In regard to the prison site at the former Seneca Army Depot, I am now looking forward to retirement and relocating from the area. It was previously my intention to retire on Seneca Lake away from the Seneca Meadows Landfill. Now there is no option, but to leave the area or remain between the two.

But someone else will move into the area - most likely families and friends of the prison population and it will escalate from there. The sad but ugly truth is that there are a few jobs, yes, but the greater impact on the area will be the sapping of the Seneca County welfare system. It has happened in Auburn, and Moravia is now in its footsteps.

We do not need another correctional facility in central New York! How about saving the Correctional Department a lot of money on transportation costs and turning the tenements and vacant lots in New York City into facilities to house prisoners from that area. Makes much more sense to me! No, you want to ruin what we are establishing as a tourist area with several lakes and wineries and turn it into a prison community. It looks like the only people who have the luxury of living on and enjoying the view of Seneca Lake are the ones who are incarcerated!

You are correct in that we do need some employment and use for the former Depot property, but the prison is not the answer as far as long-term usage. We are already the site of the Willard Drug Treatment Center and now right next door we are faced with a prison - another non-taxpaying enterprise with the guarantee of a few jobs for a few people and increased taxes to support our welfare system from all the people.

Sincerely,



Linda R. Milliman



Thomas F. Grasek  
5628 RTE 414 South  
Romulus, N.Y.  
14541-9538

January 13, 1999

Anthony J. Annucci  
Deputy Commissioner and Counsel  
New York State Department of Correctional Services  
State Campus, Albany, New York 12226

NYS DEPT. OF CORRECTIONAL SERVICES

JAN 19 1999

RECEIVED  
OFFICE OF THE COUNSEL

Dear Mr. Annucci,

The following are my questions, comments and/or concerns based on the DEIS for the Maximum Security Correctional facility at Seneca Army Depot, Seneca County, New York. Dated December 1998.

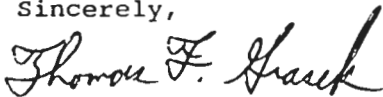
**Alternative Sites:** Why wasn't the Seneca Army Depot Activity warehouse complex area evaluated as an alternative site? The use of this area which is already developed, (i.e. many buildings already exist there as well as sewer lines, water lines and electrical power) would not involve the loss of any terrestrial habitat. According to your plans, all the buildings have to be bulldozed, but no wildlife live there anyway and the buildings are old and I don't believe anyone is going to want to reuse them as is. I feel that this site should have been addressed as a possible site.

**Unavoidable adverse Environmental Impacts:** Listed as an unavoidable adverse environmental impact is the visual impact associated with the ballfield lighting with a height of 45 feet. How can this be an unavoidable impact when to avoid it all you have to do is not light the ballfield. None of the local schools have lighted ballfields WHY should inmates have one? Not providing lighting for the ballfield would also lessen the impact of the correctional facility on energy resources and avoid the costs associated with installing the lights and maintaining them. The lights for the ballfield are a waste of taxpayers money.

**No adverse socioeconomic impacts were identified:** How can there be no socioeconomic impacts? What about the increase in crime associated with the persons who will be visiting the inmates? Page 4-10 states that available evidence indicates that families of inmates generally do not relocate to the area of incarceration. What evidence? What about the ones that do? What about when they are visiting? Where will they be staying? What is the average number of visitors per day? What is the criminal background of these visitors? What is their health condition are they carriers of any disease? Are they illegal drug users? Are they drug dealers? Section 4.2.6 addresses Public safety from the inmates nothing addresses public safety from the visitors? This is a rural area with a low crime rate even a small increase in crime will have socioeconomic impacts. Why were they not addressed? What about the decrease in property value in the area around the correctional facility? The property value around Willard went down. That is an economic impact. Why was decreased property value not addressed?

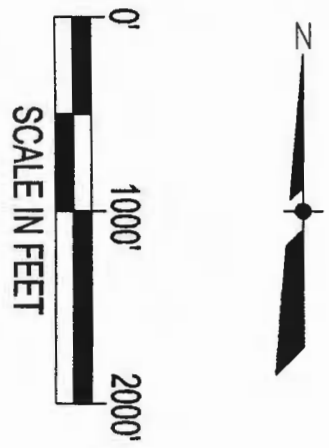
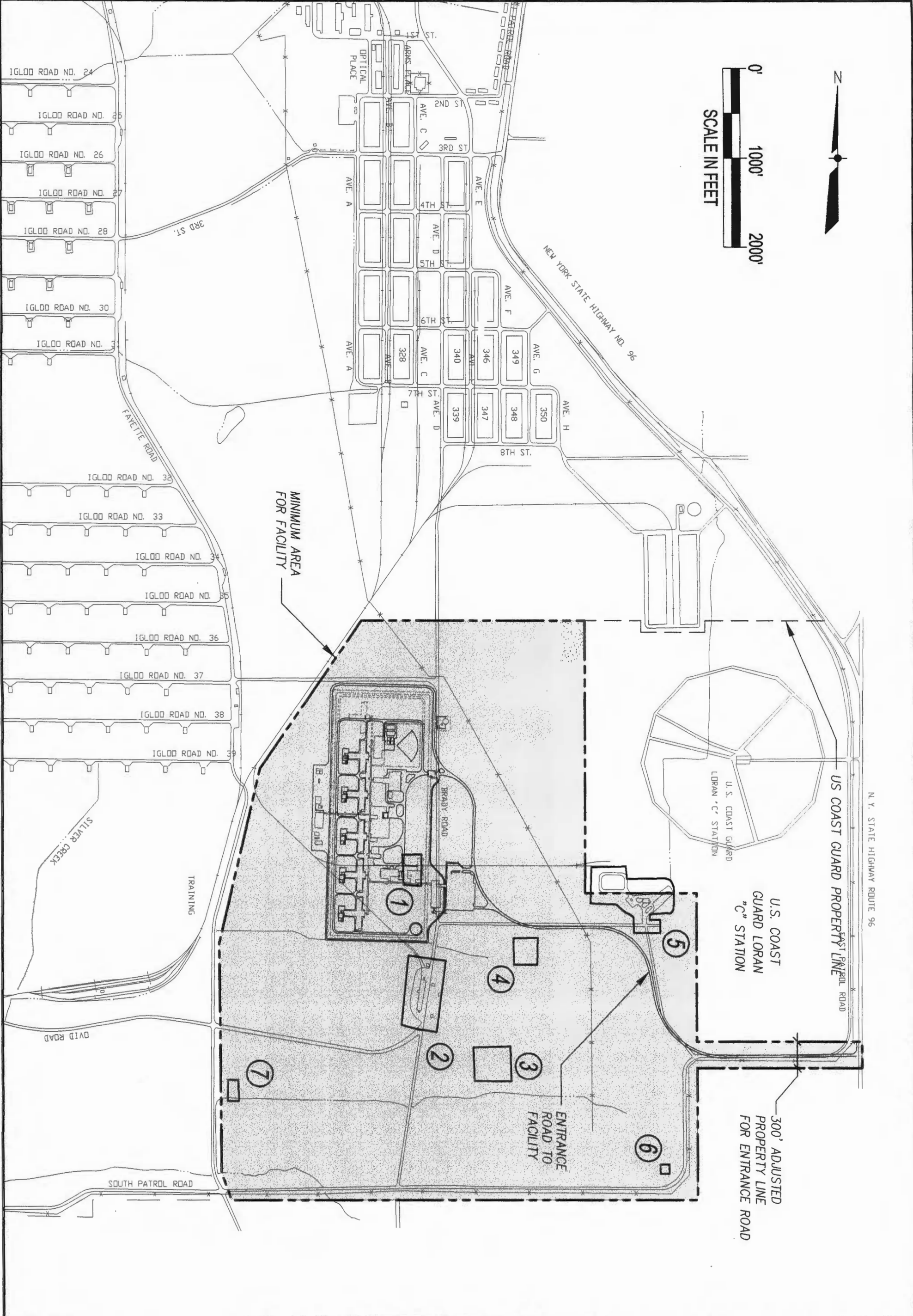
As my comments will be addressed in the Final EIS, I hereby request a copy of the Final EIS.

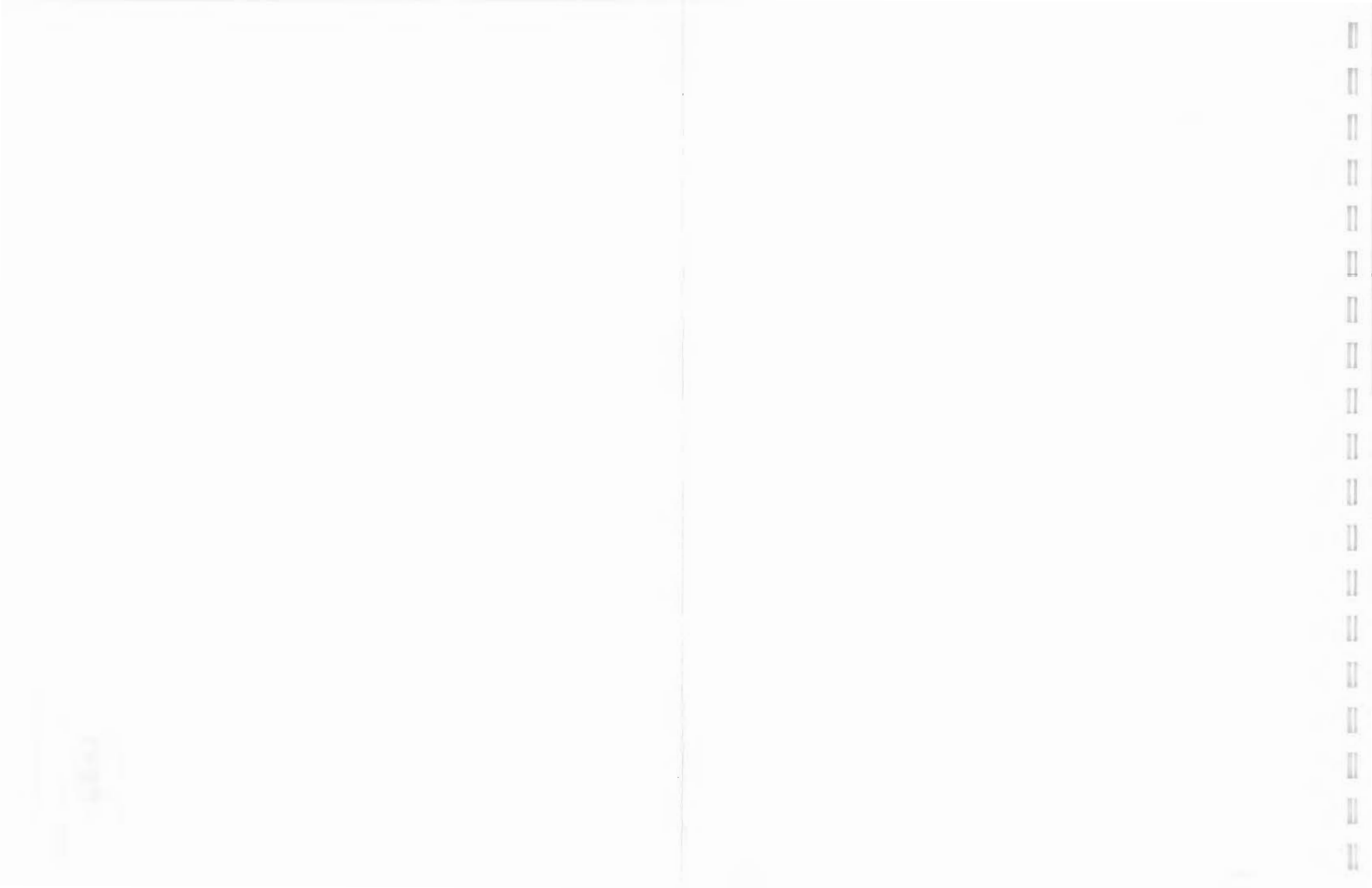
Sincerely,



Thomas F. Grasek

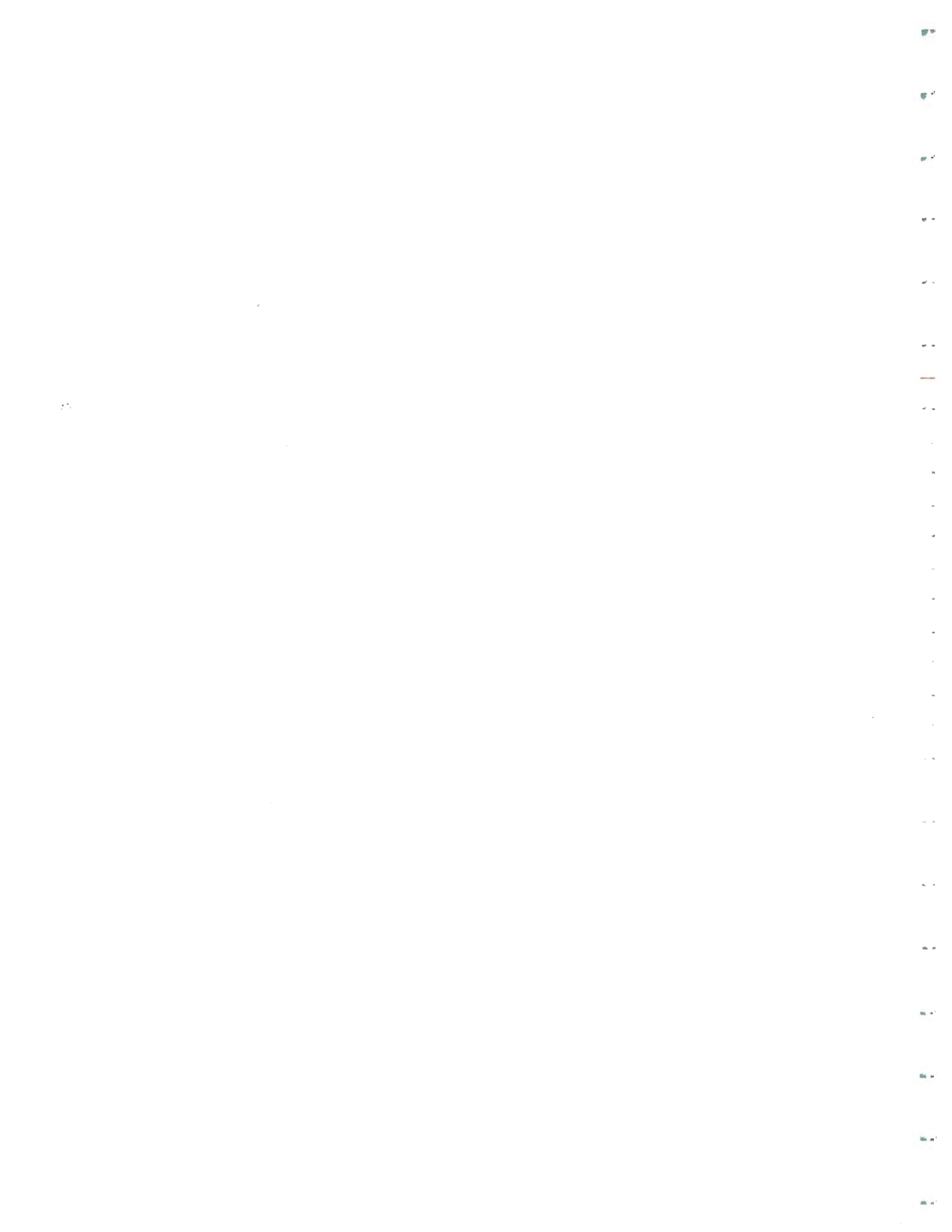
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000





## **Appendix B**

### **Additional Information on Solid Waste Management Units**





SOLID WASTE MANAGEMENT UNITS (SWMUS)  
LOCATED ON THE PROPOSED CORRECTIONAL FACILITY SITE

MAP NUMBER	SWMU NUMBER	DESCRIPTION	CURRENT STATUS*
1	SEAD 44B	Material Proof and Surveillance Test Area on Brady Road.	No action required. Army awaiting preparation of closeout document.
2	SEAD 52	Two concrete block buildings (608 and 612) formerly used for the breakdown and maintenance of ammunitions.	No action required. Army awaiting preparation of closeout document.
	SEAD 60	Number 2 oil discharge adjacent to Building 609.	Needs excavation and sampling. Could possibly be closed out under spill program Army awaiting funds to begin.
3	SEAD 44A	QA Test laboratory (material proof and surveillance test are west of Building 616.	No action required. Army awaiting preparation of closeout document. May have UXO concerns.
4	SEAD 62	Former nicotine sulfate disposal area near Buildings 606 and 612.	No action required. Army awaiting preparation of closeout document.
5	SEAD 43 SEAD 56	Near Building 606. Old Missile Propellant Disposal Area.	No action required. Army awaiting preparation of closeout document. May have UXO concerns.
	SEAD 69	Building 606. Old Missile Propellant Disposal Area.	No action required. Army awaiting preparation of closeout document.
6	SEAD 64C	Proposed landfill in the southeast corner of the Depot.	No action required. Army awaiting preparation of closeout document.
7	Brac 119Q-X	Believed to be the former location of a small arms range off Fayette Road.	No action required. Army awaiting preparation of closeout document. May have UXO concerns.

\* Based on information provided by Steve Absalom, Department of the Army. January 1999.

UXO = Unexploded Ordnance

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000



