

Statement of Findings
AMD Development at Luther Forest
Technology Campus

Saratoga County, New York

Adopted August 25, 2008



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Adopted By:

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TABLE OF CONTENTS

1.0 INTRODUCTION.....	3
2.0 CERTIFICATION	4
3.0 SUMMARY OF THE PROPOSED ACTION	4
4.0 FACTS AND CONCLUSIONS	7
4.1 Transportation.....	7
4.2 Water	9
4.3 Sewer.....	9
4.4 Electric Power	10
4.5 Natural Gas	10
4.6 Telecommunications.....	11
4.7 Water Resources.....	11
4.8 Wetlands.....	12
4.9 Health and Safety	12
4.9 Petroleum and Chemical Bulk Storage and Management	15
4.10 Geology	16
4.11 Fish, Wildlife, Vegetation, Rare, Threatened and Endangered Species and Critical Environmental Areas	16
4.12 Historic and Archeological Resources.....	16
4.13 Land Use and Zoning.....	16
4.14 Noise.....	16
4.15 Air Resources.....	17

4.16 Socio-economic and Growth Inducing Impacts.....	18
4.17 Recreation	19
4.18 Open Space.....	19
4.19 Educational Facilities	19
4.20 Visual Impacts	19
4.21 Emergency Services.....	19
4.22 Construction Impacts.....	20
4.23 Architectural Guidelines and LEED Certification.....	23
4.24 Alternatives	24
4.26 Unavoidable Adverse Impacts.....	24
4.27 Cumulative Impacts	24

1.0 INTRODUCTION

- 1) The proposed action for which this Findings Statement has been prepared is the modification of the Planned Development District #46 (PDD) legislation for the Luther Forest Technology Campus (LFTC). Two separate PDDs have been established in the Towns of Malta and Stillwater for the LFTC project site, which establishes nanotechnology manufacturing, inclusive of but not limited to semiconductor manufacturing as an allowed use. LFTC is presently owned by the Luther Forest Technology Campus Economic Development Corporation (LFTCEDC). The proposed modifications to the PDD legislation assessed herein apply only to the Town of Malta.
- 2) The proposed modifications to the PDD legislation are requested by Advanced Micro Devices, Inc. (AMD) to facilitate the development of a semi-conductor manufacturing facility. AMD has an option with the LFTCEDC to purchase a minimum of 200 acres within Development Area 1 of the LFTC.
- 3) Although AMD has requested modifications to the Town of Malta PDD legislation, such modifications, as well as these Findings, shall apply to any entity seeking to construct and/or operate a semi-conductor facility in Development Area 1 of the LFTC.
- 4) The original Town of Malta PDD legislation creating the LFTC was subject to a Draft Generic Environmental Impact Statement (GEIS) adopted on January 16, 2003, a Final Generic Environmental Impact Statement adopted on October 16, 2003, and a Findings Statement adopted on May 18, 2004. Collectively, these documents, including their appendices and exhibits, constitute “the Prior SEQRA Record.”
- 5) Pursuant to the State Environmental Quality Review Act (SEQRA), the Malta Town Board, as Lead Agency, prepared a Draft Supplemental Environmental Impact Statement (DSEIS) adopted on March 31, 2008 and a Final Supplemental Environmental Impact Statement (FSEIS) dated August 4, 2008 to evaluate the potential environmental impacts of the proposed PDD modifications. Collectively, these documents, including their appendices and exhibits, constitute “the SEIS.”
- 6) The proposed action involves the amendment of the LFTC PDD legislation. AMD proposed a number of changes to the legislation which were presented in the Draft SEIS dated March 31, 2008. The changes proposed by AMD were analyzed by an ad hoc Task Force and a Community Response Board, the latter of which was appointed by the Town Board. The Task Force consisted of members of the Town Board and Planning Board, the Town Attorney and Planning Board Attorney, Town staff and the Town’s consulting planner/engineer. The changes were also independently analyzed by the Town Planning Board. Both the Task Force and the Planning Board reported to the Town Board making recommendations as to changes that should be accepted, modified or rejected. The Town Board held a series of workshops at which it discussed the proposed changes to the

legislation. The changes agreed to by the Town Board are presented in the Final SEIS dated August 4, 2008.

- 7) The following procedural steps were followed.
 - a) The Town Board accepted the Draft Supplemental Environmental Impact Statement (DSEIS) as complete on March 31, 2008. The DSEIS included an Industry Requirements Report (“the IRR”) dated February 25, 2008 which set forth the metrics and parameters used to analyze the environmental impacts from the AMD project.
 - b) The Town Board held a public hearing on the SDEIS on May 5, 2008 and accepted public comments until May 19, 2008.
 - c) The Town Board adopted a Final Supplemental Environmental Impact Statement (FSEIS) on August 4, 2008. The FSEIS contained a revised IRR dated July 29, 2008.
 - d) The Town Board issued this Findings Statement on August 25, 2008. .

2.0 CERTIFICATION

The Town of Malta Town Board, as lead Agency, is issuing this Statement of Findings pursuant to 6NYCRR Part 617.11 of SEQRA. The Town Board hereby finds:

- 1) The requirements of 6NYCRR 617 have been met.
- 2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impact to the maximum extent practicable.
- 3) Adverse environmental impacts can be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.
- 4) The SEIS is comprehensive and contains the facts and conclusions relied upon to support the Town Board’s Statement of Findings and indicates the social, economic and other factors which form the basis of its Findings.

3.0 SUMMARY OF THE PROPOSED ACTION

- 1) The proposed action is the construction of up to three semiconductor manufacturing facilities (“Fab” or “Fabs”) by AMD on approximately 230 acres in Development Area 1 of the LFTC. The first phase of development is known as Fab 4X. Two subsequent phases of development are proposed. Each phase would involve the design and construction of one main wafer fabrication clean room facility as well as associated manufacturing space, administrative office space and other support space. The SEIS and these Findings address the environmental

impacts associated with all three phases of development, although there are only plans for the construction and development of Fab 4X at this time.

- 2) Upon adoption of amendments to the PDD, AMD intends to seek site plan approval from the Malta and Stillwater Planning Boards as well as all necessary building permits for construction of Fab 4X. It is anticipated that AMD will apply for necessary approvals for Fabs 2 and 3 at unspecified future dates. Consistent with the existing Statement of Findings for LFTC, AMD will enter into a development agreement to provide substantial and tangible benefits to the Town of Malta. LFTCEDC will be applying for subdivision approval of the lands AMD proposes to purchase in the Towns of Malta and Stillwater.
- 3) Fab 4X is comprised of four major building elements: (1) wafer fabrication building; (2) support buildings, including a “spine” and Bump-Test Facility (BTF); (3) administrative office building; (4) central utility building (CUB) along with service yards and small support buildings. The SEIS contains a detailed description of each building element as well as a site and elevation plans.
- 4) The major difference between the project proposed by AMD and the project analyzed in the GEIS is that AMD is proposing the construction of three Fabs instead of the four Fabs contemplated in the GEIS. In addition, the AMD Fabs are somewhat larger than those analyzed in the GEIS (890,000 versus 800,000 square foot footprint per Fab). The AMD Fabs will employ fewer people than the Fabs analyzed in the GEIS and have somewhat different emission and resource use metrics.
- 5) Many of the impacts analyzed in the GEIS for the LFTC were based on an analysis of generic emission and resource use metrics from nanotechnology facilities. The analysis was prepared by Abbie Gregg, Inc. Consultants and is known as the Abbie Gregg Report (AGR). The SEIS contained an analysis of the specific emission and resource use metrics from the proposed AMD facilities known as the AMD Industry Requirements Report (IRR). The IRR is the basis for much of the impact analysis in the SEIS. In general, the proposed AMD facilities will operate within the thresholds established by the GEIS. Where they will not operate within the thresholds established by the GEIS, the SEIS contains additional analysis of such impacts.

Permits and approvals for the proposed AMD action are as follows.

Local and State Agencies

Agency	Permit/Approval
Town of Malta (Town Board)	PDD Amendment
NYS Department of Environmental Conservation (NYDEC)	Air emissions permit. Construction stormwater permit (coverage under the State General Permit) Change of use of inactive hazardous waste site
Town of Malta Planning Board	Recommendation of PDD approval Soil disturbance approval

	Temporary construction approval Site plan approval Subdivision approval
Town of Malta Building and Planning Department	Building permit
Town of Stillwater Planning Board	Site plan approval Subdivision approval
Saratoga County Sewer District #1	Permit to connect to sewer system Commitment to reserve capacity Permit to discharge wastewater to sewer system
Saratoga County Planning Board	GML 239-m review Advisory recommendation on PDD Amendment
Empire State Development Corporation	Funding
Saratoga County Water Authority (SCWA)	Water connection

Other Federal Reviewing Agencies (non-SEQRA)¹

Agency	Permit/Approval
US Environmental Protection Agency	Change of use of Federal Superfund site
Federal Aviation Administration	Determination of No Hazard to Navigation

4.0 FACTS AND CONCLUSIONS

4.1 Transportation

- 1) Construction of Fab 4X is proposed within a two-year time period. Up to 1,900 construction workers may be on site in a 24-hour period, which is more than analyzed in the Prior SEQRA Record. The actual number will depend on the level of nighttime construction permitted by the Building and Planning Department. Pursuant to the PDD legislation, AMD has identified that it will request to conduct 24-hour construction during the time the building foundation is being poured, which is a necessary element of a project of this size. The following mitigation measures are required for construction traffic.

¹ Although federal agencies (and some State agencies, such as SHPO, which does not formally ‘approve’ a project, but whose review is nevertheless needed for other State and federal permits to be issued) are not officially required to participate in the SEQRA review process or rely solely on the State EISs to make their decisions, it is customary and good practice to address the project technical issues in the State EIS so that the document is inclusive and comprehensive with respect to all environmental permitting issues, even though the federal review may also come after State-level review.

- a) A construction road with direct access off of NYS Rt. 9/67 will be available for use by November 1, 2008.
 - b) A temporary concrete batch plant and a pre-cast plant will be erected on-site during construction.
 - c) All other construction traffic mitigation measures identified by the Prior SEQRA Record will remain in place.
- 2) Once operational each Fab will generate less traffic than analyzed in the Prior SEQRA Record because there will be fewer employees. In addition, a fourth Fab as analyzed in the Prior SEQRA Record is no longer proposed.
 - 3) The SEIS contained an assessment of 2007 traffic volumes in locations across the study area in order to make a comparison with the No-Build traffic volume estimates presented in the Prior SEQRA Record. This assessment concluded that 2007 traffic volumes are less than the projected No-Build traffic volumes and that there are no significant pattern changes in traffic use in the area of LFTC. This supports the applicability of the traffic mitigation measures and thresholds presented in the Prior SEQRA Record.
 - 4) The external trip generation rates for Fab 4X are within the traffic impact thresholds established in the Prior SEQRA Record for the first semi-conductor manufacturer within Development Area 1 of LFTC. The traffic mitigation measures for Fab 4X as identified in the Prior SEQRA Record shall remain in place.
 - 5) The estimated trip generation rates for Fabs 2 and 3 of the AMD project are within the traffic impact thresholds established in the Prior SEQRA. The traffic mitigation measures and thresholds for AMD Fabs 2 and 3 as presented in the Prior SEQRA Record shall remain in effect. The fourth phase of traffic mitigation measures identified in the Prior SEQRA Record is no longer in effect since a fourth Fab is no longer proposed.
 - 6) AMD proposes to amend the PDD to specify that the 2 million square feet of development referred to in Section 167 A-52 W. (1)[c] is applicable to the ancillary development in LFTC and not AMD's planned semiconductor manufacturing within Development Area 1. The Town Board Finds that there will be no adverse impact from this amendment and that it was not intended to be applicable to Development Area 1 at the time the original PDD was drafted.
 - 7) The facts and conclusions of the Prior SEQRA Record for LFTC remain valid. Additional traffic studies will be required to monitor trip generation and the timing of the proposed transportation improvements, and to ensure that mitigation measures identified remain valid over time. At a minimum, updated traffic analyses will be completed during the site plan review process for each of the three (3) phases of semiconductor manufacturing facilities. It is anticipated that for Fab 4X this effort will be minimal in light of the analysis herein which shows the background growth levels are less than originally estimated.

4.2 Water

- 1) The estimated water demand from Fab 4X is 3.1 million gallons per day (MGD), which is higher than the 2.1 MGD estimated in the Prior SEQRA Record.
- 2) The estimated water demand from all three AMD Fabs combined is 9.3 MGD, which is higher than the 6.3 MGD estimated in the Prior SEQRA Record.
- 3) Consistent with the Prior SEQRA Record, LFTC is specifically identified as a project service area for the Saratoga County Water Authority (SCWA). The SCWA has existing capacity to service Fab 4X and the SCWA's water treatment plant has been designed for phased expansion to accommodate future demand, including demand from LFTC.
- 4) The SCWA has indicated its ability to provide water to Fab 4X by providing a "letter of service." The connection point into the SCWA system is at/near the 5 million gallon water tank located on the Cold Springs Road Connector Road.
- 5) Future phases of AMDs development beyond Fab 4X (i. e. Fabs 2 and 3) will necessitate certain improvements to the SCWA system consistent with the planned expansions. The timing of such expansions will need to be coordinated with SCWA to ensure that the County water system will be able to meet AMD's demand. This is consistent with the Prior SEQRA Record for LFTC. Furthermore, AMD will need to obtain an additional Letter of Service commitment from SCWA to service Fabs 2 and 3.
- 6) In addition to utilizing the SCWA system, AMD plans to have a secondary water system available for Fab 4X. The secondary system will either be supplied by the LFTCEDC or will be an on-site storage tank.
- 7) The fire protection system for Fab 4X includes a water storage tank as shown on the preliminary site plans. The design of any such water storage system would be in compliance with the existing PDD legislation for LFTC. The preliminary design calls for an above ground (i.e., ground storage standpipe and not elevated storage) fire water storage tank having a capacity of 500,000 gallons. The approximate dimensions of the above ground storage tank are 60 feet in diameter, and 25 feet in height.

4.3 Sewer

- 1) The estimated wastewater generation rate for Fab 4X at full build out will be on average approximately 3.0 MGD, with an expected peak flow rate of 3.1 MGD, which is higher than the 0.8-1.1 MGD average and 2.5 MGD peak discharge rates estimated in the Prior SEQRA Record.
- 2) The estimated wastewater generation from all three AMD Fabs combined is 9.0 MGD with an estimated peak flow rate of 9.3 MGD, which is higher than the 2.4 – 3.3 MGD average and 7.5 MGD peak flow rate estimated in the Prior SEQRA Record.

- 3) Consistent with the Prior SEQRA Record for LFTC, sewer service will be provided by Saratoga County Sewer District No. 1 (SCSD #1). A combination of gravity and force mains will be used to convey sanitary sewer to the proposed trunk sewer on Cold Springs Road in the Town of Stillwater. A pre-packaged pump station will be constructed for the Fab 4X facility. On-site wastewater will be collected in a gravity sewer system that discharges to the pump station. A waste water back-up tank will be installed and used for emergency collection of overflow. Waste water will be pumped through a force main to the Saratoga County trunk sewer main.
- 4) It is anticipated that future AMD Fabs 2 and 3 would require a separate pump station for each Fab or lands would be set aside to allow a single pump station to be expanded as additional Fabs come on line. In either case, multiple force mains would be required to accommodate initial and expanded flows.
- 5) SCSD #1 has reserved a capacity of 3.0 MGD for Fab 4X. AMD has requested an increase in the reserve capacity to 3.1 MGD.
- 6) SCSD #1 is planning to expand its wastewater treatment plant to accommodate the future demands of Saratoga County, including future phases of development at LFTC. AMD will need to obtain a letter of commitment from SCSD #1 to service Fabs 2 and 3.
- 7) The wastewater characteristics from Fab 4X differ somewhat from those analyzed in the Prior SEQRA Record. However, the SEIS demonstrates that with the appropriate pre-treatment, wastewater will meet the standards of SCSD #1.
- 8) Prior to operation of Fab 4X, AMD will apply for and must obtain an operating permit from SCSD #1. SCSD #1 actively regulates industrial users under the provisions of its Rules and Regulations (Sewer Use Ordinance) and administers an approved industrial pretreatment program (IPP) as the USEPA designated Control Authority. AMD will be required to work closely with SCSD #1 to design its specific wastewater pretreatment systems to meet all applicable federal, State and local wastewater treatment requirements.

4.4 Electric Power

The thresholds for temporary and permanent electric power are within the parameters of the Prior SEQRA Record.

4.5 Natural Gas

- 1) The estimated natural gas usage for Fab 4X is an average of 104,000 cubic feet per hour at full build-out with a peak usage of 160,000 cubic feet per hour. This is higher than the Prior SEQRA Record estimate of 66,666 cubic feet per hour with a peak usage of 120,000 cubic feet per hour.

- 2) The estimated natural gas usage at full build out is estimated at an average of 312,000 cubic feet per hour with a peak usage of 480,000 cubic feet per hour. This is higher than the Prior SEQRA Record estimate of 200,000 to 360,000 cubic feet per hour at full build-out.
- 3) In 2007 National Grid completed a feasibility study for the Malta region, inclusive of LFTC, which demonstrated its ability to deliver up to 653,000 cubic feet per hour into the Malta region in three phases of improvements to the existing system.
- 4) Consistent with the Prior SEQRA Record, natural gas will be provided by National Grid. AMD has obtained a “letter of service” from National Grid for Fab 4X.
- 5) An additional commitment to provide natural gas service from National Grid will be required to service Fabs 2 and 3.
- 6) All of the natural gas improvements for the AMD project were analyzed in the Prior SEQRA Record and no new or additional impacts are anticipated.

4.6 Telecommunications

The thresholds for telecommunications infrastructure are consistent with the Prior SEQRA Record.

4.7 Water Resources

- 1) Impacts to water resources are consistent with the Prior SEQRA Record.
- 2) The AMD proposed action at LFTC is located within an MS4 community. Any discharge of stormwater will require a Stormwater Permit from the New York State Department of Environmental Conservation (NYSDEC) and will need to meet the United States Environmental Protection Agency (USEPA) Phase 2 requirements for water quality treatment and control. All roadways and parking lots are planned to have closed drainage systems. Stormwater management will be achieved through the use of open ponds, infiltration basins, and subsurface galleries, as well as vegetated swales and filter strips where appropriate.
- 3) In order to mitigate the potential impacts to water resources, prior to the commencement of construction activities, a Stormwater Pollution Prevention Plan (SWPPP), including the necessary erosion and sedimentation control plans will be submitted for review and approval by NYSDEC and the Town of Malta. The SWPPP report and plans will conform to the latest edition of the NYSDEC Stormwater Management Design Manual and the Town of Malta Stormwater Local Law (Malta Town Law Chapter 136) and Illicit Connections and Discharges (Malta Town Law Chapter 137). A waiver will be needed to disturb more than five (5) acres at one time.
- 4) Based on preliminary engineering design information available for Fab 4X, Fab 4X appears to qualify for a SPDES “no exposure certification” associated with the NYSDEC General

Stormwater Permit Associated with Industrial Activity. Engineering controls and management systems will be in place during operation of Fab 4X to effectively preclude exposure of specified materials or activities exposed to direct precipitation, except as allowed under 40 CFR 122.26(g)(2).

- 5) Prior to receiving a soil disturbance approval, the applicant must submit and have approved a SWPPP.

4.8 Wetlands

No new or additional impacts to wetlands, other than those identified in the Prior SEQRA Record, have been identified as a result of the AMD project.

4.9 Health and Safety

- 1) The following measures are intended to protect the health, welfare and safety of the residents of the Town of Malta.
 - a) Air Pollution Control: Capital Equipment Selection and Operational Assurance
 - i) The first phase of development will be below Title V thresholds (i.e., not a Major Source of air pollutants) and will qualify for a NYSDEC State Facility Permit. Nonetheless, AMD will specify, install, and maintain emission control technology equivalent to Best Available Control Technology (BACT), as described in the Industry Requirements Report.
 - ii) This equipment will be operated under a Compliance Assurance Monitoring Plan that will meet the substantive requirements of 40 CFR Part 64 in order to demonstrate and confirm continuous compliance with permit limits. This plan will be shared with NYSDEC and Town representatives.
 - iii) Neither BACT nor a Compliance Assurance Monitoring Plan are normally required components of a NYSDEC State Facility Permit, and as such these actions are beyond the requirements of State and Federal law.
 - b) Environmental Management System, Reporting, and Compliance Assurance
 - i) AMD will operate Fab 4X under its Global Environmental, Health, and Safety Standards. These Standards prescribe a comprehensive management system that (1) ensures compliance with all applicable local, state, and federal laws, regulations, and other requirements, including AMD-specific requirements; and (2) ensures that operations implement and continuously improve and reassess measures that go beyond compliance and are deemed best practices that are suitable and appropriate for AMD's complex operations. Internal inspections, maintenance, and monitoring, as well as external reporting are necessarily part of this management system.

- c) Environmental Management Plans, Reports, Permit Applications, and Notifications:
- i) In the normal course of operations under its environmental management system, AMD will prepare and produce a range of environmental plans, reports, and notifications required by Local, Federal and State laws. AMD will provide to the Town copies of all such plans, reports, and notifications at the same time that they are provided to any other governmental entity.
 - ii) A table of regulatory reporting requirements is included in Appendix A. Note that the table has been prepared prospectively in the initial design phase of the facility. Triggers for specific reporting requirements may be affected by design parameters that remain to be finalized.
 - iii) AMD will also provide the Town with copies of environmental permit applications at the time they are provided to the governmental agency.
 - iv) Providing such information will be subject to and conditioned upon the availability of provisions at the Town to protect any confidential business information that may be present. AMD does not anticipate that confidential information will be routinely present in such filings. However, it is essential that if such information is required under law to be provided to a governmental agency under the terms of confidentiality provisions, that the Town of Malta commits to providing equivalent protections.
 - v) In addition, AMD will make available a range of voluntary reports, including the annual AMD *Global Climate Protection Plan*, the *Corporate Responsibility Report*, and the *AMD TRI Report*. These reports provide environmental, health, and safety and social responsibility information metrics in plain English and subject to relevant accounting standards. AMD will continue to assess the value of these reports and opportunities for improvement, format change, or substitution.
- d) Management Program Certification.
- i) AMD will implement an environmental, health and safety management program consistent with the Industry Requirements Report and will attain ISO 14001 certification for the facility as soon as practicable.
- e) Environmental Compliance Audits.
- i) As an integral part of its management system, AMD will continue to conduct its Environmental, Health and Safety Regulatory Compliance Auditing Program, which has been provided to the Town. These audits are conducted by third party compliance auditing and subject matter experts on a three year cycle that ensures compliance and contributes to the overall objective of continuous improvement.

- ii) AMD, the Town, and NYSDEC have discussed at length the policy objectives of third party compliance auditing. The AMD program has been carefully designed and implemented for over a decade as a confidential, internal program, designed to ensure compliance and drive continuous improvement. In an effort to address the competing and important interests of transparency to the Town and citizens of Malta and important confidentiality needs, AMD will provide the Town the following information:
 - (1) Progress reports and validation of the conduct of its compliance auditing program.
 - (2) Demonstration of the credentials, credibility and expertise of the third party compliance auditors.
 - (3) Description of the compliance status determined through the audit.
 - (4) Description of the status of any necessary corrective actions, including root cause analysis and actions taken beyond minimal compliance restoration.
 - (5) Description of any identified continuous improvement opportunities and progress.
 - (6) AMD will provide this information to the Town's representatives in the forum of the Town's choice on a quarterly basis. AMD intends to address such information as well during the periodic public meetings that it will convene.
- f) Other Compliance Reporting.
 - i) In the normal course of compliance with Local, State, and Federal law, AMD anticipates that any significant compliance matter that may arise will be reported to the authorities.
 - ii) AMD is required to publicly report violations of the requirements in its air permit as specifically addressed in the NYSDEC permit. Similarly for wastewater discharges, AMD is required to publicly report violations of its wastewater discharge permit as specifically addressed in the SCSD permit. Releases of hazardous substances to the environment are subject to strict reporting requirements in New York. For petroleum products, any release of more than 5 gallons must be reported to the NYSDEC within two hours. Releases of chemicals in excess of the applicable reportable quantity must also be reported to NYSDEC within two hours. All information relating to such a release is public information. AMD's SWPPP is planned to be prepared as required by the NYSPDES General Permit for discharge of storm water associated with construction activity. AMD, its contractors and inspectors are required to report violations of the SWPPP, and these reports will be kept on site and made available to the Town and to NYSDEC inspectors.
- g) New York Environmental Leaders Program

- i) AMD will apply for and participate in the New York Environmental Leaders (NYEL) program, as currently defined by NYSDEC. Although AMD's acceptance into this program is at the discretion of NYSDEC, AMD and NYSDEC have the intention and expectation that AMD's demonstrated approach to environmental management positions it well for acceptance. This will provide a 3 year commitment to NYSDEC on efforts to go beyond current regulatory compliance requirements in target performance areas selected from the program menu. Among other provisions the NYEL program includes a NYSDEC auditing provision. It also includes a commitment to interact with the community and update them on facility performance and issues of mutual interest. The Town's summary of the NYEL program requirements is included as Attachment B.
- h) General Reporting and Access to Information
 - i) AMD will conduct periodic public meetings with the Community and Town representatives. NYSDEC will be invited to participate in such meetings at the request of the Town. Such meetings would afford an opportunity to provide clear updates and discussion regarding all of the information identified and provided above, as well as the opportunity for open discussion of any issues of interest or concern.
- i) Continuity
 - i) These provisions will be maintained by AMD and any successors in interest at LFTC. In the event that the performance of any of these specific measures becomes impossible – for example, due to the discontinuation of the NYEL program (something that appears highly unlikely and is not contemplated at this time) – then the Town and AMD (or its successor in interest) must determine appropriate, equivalent substantive measures to address any resulting gaps. Those measures must be reflected in a written agreement.

4.9 Petroleum and Chemical Bulk Storage and Management

- 1) The estimated fuel oil usage for Fab 4X is 2,280 gallons per hour while the estimated fuel oil demand for all three Fabs is estimated at 6,840 gallons per hour. The estimated fuel oil storage for Fab 1 is 54,720 gallons while the estimated fuel storage for all three Fabs is 164,160 gallons. These quantities are in excess of the de minimus 200 gallons per year estimate in the GEIS.
- 2) All fuel oil storage and dispensing shall be carried out in strict compliance with NYSDEC's Petroleum Bulk Storage Facility regulations and the United States Environmental Protection Agency's (USEPA) requirements, which include the development of a site specific Spill Prevention, Control and Countermeasures Control (SPCC) Plan.
- 3) The quantity and types of chemicals being stored and used is not significantly different than analyzed in the Prior SEQRA Record. The mitigation measures identified in the Prior

SEQRA Record shall continue to apply, including compliance with the NYSDEC's Chemical Bulk Storage Regulations.

- 4) The mitigation measures identified in the Prior SEQRA Record with respect to waste handling and disposal shall continue to apply.

4.10 Geology

No new or additional impacts to geological resources, other than those identified in the Prior SEQRA Record, have been identified as a result of the AMD project.

4.11 Fish, Wildlife, Vegetation, Rare, Threatened and Endangered Species and Critical Environmental Areas

No new or additional impacts to fish, wildlife, vegetation, rare, threatened and endangered species and Critical Environmental Areas, other than those identified in the Prior SEQRA Record, have been identified as a result of the AMD project.

4.12 Historic and Archeological Resources

No new or additional impacts to historic and archaeological resources, other than those identified in the Prior SEQRA Record, have been identified as a result of the AMD project.

4.13 Land Use and Zoning

- 1) The proposed amendments to the PDD legislation collectively represent changes to the Town's zoning laws and are collectively analyzed as part of this SEIS process.
- 2) No new or additional impacts to other land uses, other than those identified in the Prior SEQRA Record, have been identified as a result of the AMD project.

4.14 Noise

- 1) A construction noise monitoring plan has been developed which specifies octave band measurement criteria to supplement the A-weighted criteria established in the existing PDD legislation. The noise monitoring plan establishes specific equipment and monitoring requirements to measure and document potential noise impacts at the real property lines of residences based on both dBa exceedance criteria and octave band frequencies, for both daytime and nighttime periods. The noise mitigation plan shall apply to all phases of development.
- 2) If an exceedance of any of the thresholds should take place during construction, the first step will be to confirm that a threshold is being exceeded by repeating the noise monitoring within 24 hours of the initial exceedance. Upon formation that a specific threshold is being

exceeded, it will be required to determine the source or sources of the exceedance. Upon determining the source or sources, it will be required to either:

- a) Modify the source or sources of construction activities such that noise levels are below the thresholds, as verified by measurement.
 - b) Implement noise mitigation measures such that noise levels are below the thresholds, as verified by measurement.
 - c) Discontinue such construction activities causing the exceedance.
- 3) The following Best Management Practices (BMPs) will be used to control noise sources during construction to acceptable levels and durations.
- a) All construction equipment will have operational noise reducing mufflers that reduce sound on machinery.
 - b) Banging of tailgates by heavy equipment will be prohibited and enforced by supervisory personnel.
 - c) Community information programs, including complaint/response mechanisms, will be implemented and monitored during all phases of on-site construction.
 - d) Building construction near residential areas (i.e., closer than 1,000 feet) will be phased, to the maximum extent practicable, such that site grading and exterior walls are erected first in the direction of the residential area, and subsequently away from the residential area.
 - e) If night-time construction is approved by the Building and Planning Department, backup audible alarms (i.e., beepers) for heavy equipment will be replaced with strobe lights or other OSHA- and/or MSHA-approved devices, and noise monitoring will be performed.
 - f) Construction haul roads will be limited to primary and arterial roadways and development areas as specified in the SEIS.
 - g) AMD plans to use a temporary electric power source for construction site lighting; however in some situations the use of portable generators will be necessary to facilitate the ease and safety of work. If generators are used, they will be muffled and depending on their size they should be in sound proof enclosures.

4.15 Air Resources

- 1) The SEIS contained the results of detailed air dispersion modeling from all three Fabs based on their anticipated emissions, which differ somewhat from the estimates presented in the Prior SEQRA Record. The air dispersion modeling demonstrates that all emissions and

ground level concentrations of pollutants will be within applicable regulatory standards (i.e., Air Guide 1), consistent with the Prior SEQRA Record.

- 2) Fab 4X will qualify for a State Facility Permit, and air emissions will be subject to the limitations of a NYSDEC permit. This is consistent with the Prior SEQRA Record.
- 3) Future phases of AMD development will require an assessment of facility-wide emissions in comparison with the Title V Major Source permit thresholds. Until such time as the facility is a major source of air pollution (based on the facility-wide potential to emit), the requirements of the Title V and New Source Review regulations would not apply. If the facility becomes a major source of air pollution, it would then be required to comply with these federal regulations. Based on the estimated air emission rates provided in Table 4.6, the second Fab would trigger the need for a Title V permit. The Title V permit would mandate a CAM plan as a compliance monitoring measure, as discussed above, and require a higher level of agency monitoring and reporting. This anticipated, sequential increase in air permitting requirement is consistent with the Prior SEQRA Record.
- 4) AMD shall install emission control equipment at all Fabs comparable to Best Available Control Technology (BACT).
- 5) AMD shall develop a Compliance Assurance Monitoring (CAM) plan as a compliance monitoring measure. The purpose of the CAM plan is to maintain control devices at levels that assure compliance. The CAM plan will establish indicator parameter ranges to detect and correct control device performance problems efficiently.
- 6) Impacts from dust emissions during construction shall be mitigated by the dust control program outlined in the SEIS.

4.16 Socio-economic and Growth Inducing Impacts

- 1) Fab 4X is estimated to be approximately 10% larger than the estimated size of the first Fab analyzed in the Prior SEQRA Record. Therefore, tax revenues to the relevant school and government taxing jurisdictions are estimated to be approximately 10% higher assuming a direct relationship between assessed value and project size. Note that the estimate of assessed value is subject to change as the facility design is completed and the Town of Malta completes an actual assessment, taking into consideration the unique nature of a semiconductor facility.
- 2) Similarly, tax revenues from Fabs 2 and 3 are likely to be higher than estimated in the Prior SEQRA Record, under the assumptions identified above.
- 3) The overall tax revenues from the AMD project at full build-out are estimated to be lower overall than calculated in the Prior SEQRA Record because the ultimate project “build out” will be less than previously estimated in the Prior SEQRA Record. Nevertheless, the tax

impacts of the project are anticipated to be overwhelmingly positive as the facility will generate far more in taxes than it uses in school or government services.

- 4) Fab 4X is estimated to employ 1,465 persons, which is less than the 1,800 – 2,500 person employment estimate for Fab 1 presented in the Prior SEQRA Record. Therefore, based on standard economic impact models, there is estimated to be proportionally fewer indirect jobs, secondary development and ancillary development from both Fab4X and the project at build-out. Nevertheless, job creation and associated secondary impacts remain a positive impact of the project.

4.17 Recreation

No new or additional impacts to recreation resources, other than those identified in the Prior SEQRA Record, have been identified as a result of the AMD project.

4.18 Open Space

No new or additional impacts to open space resource other than those identified in the Prior SEQRA Record, have been identified as a result of the AMD project.

4.19 Educational Facilities

No new or additional impacts to educational facilities, other than those identified in the Prior SEQRA Record, have been identified as a result of the AMD project.

4.20 Visual Impacts

No new or additional impacts to visual resources, other than those identified in the Prior SEQRA Record, have been identified as a result of the AMD project.

4.21 Emergency Services

- 1) The section of the PDD legislation concerning protection against terrorism and other hazards has been amended to more fully define “hazards as other disasters and emergencies in order to set it apart from other types of environmental hazards.” No impacts are anticipated from this amendment.
- 2) Additionally, the proposed PDD amendment recites Federal regulations pertaining to national security and industry responsiveness. The proposed amendments specify that there will be fire, emergency and hazardous materials response plans and teams in place for each facility which will then coordinate with the emergency response resources of the Towns of Malta and Stillwater, Saratoga County and New York State to ensure adequate fire, emergency and hazardous response capacity and capability. No adverse impacts are anticipated from this amendment.

- 3) Emergency response personnel in Malta have identified that the highest that emergency response equipment in the Town can reach is 75 feet. The highest building elevation on Fab 4X is 110 feet. (Note that the top of roof is 85 feet in elevation, the remaining 25 feet consists of stacks). The Town Board finds that this issue was previously addressed in the Prior SEQRA Record which found that the project will generate substantial fire tax revenues to the Town's fire companies. Specifically, annual tax revenues from Fab 4X are estimated at \$449,000/year, based on 2008 tax rates. Annual fire tax revenues from all three Fabs combined would be in excess of \$1.2 million based on 2008 tax rates. The Town Board Finds that the fire companies will receive substantial additional tax revenues from the project with which to meet their equipment needs. Moreover, Malta Fire Companies have entered into mutual aid agreements with surrounding fire departments, including the Saratoga Springs Fire Department and the Ballston Spa Fire Department, which have equipment capable of reaching the roof of the Fabs.
- 4) The vast majority of facility incidents will be fully addressed by AMD's internal Emergency Response Team (ERT), and not require any assistance from local emergency responders.
- 5) Before and during construction, AMD plans to coordinate with emergency responders and the Towns of Malta and Stillwater on a regular basis. AMD's objective during this outreach communication with the Towns and emergency services is to keep vested parties informed of the construction schedule, traffic plans for special shipments, potential construction hazards, and other relevant construction plans.
- 6) AMD shall collaborate with and provide relevant training and technical knowledge to the local responders so that site specific and chemical specific knowledge is conveyed to the responders.
- 7) AMD and the Town of Malta shall work cooperatively with local fire companies to discuss their ideas on recruitment and retention of volunteers.
- 8) AMD shall collaborate with local emergency responders on the development of community notification and evacuation plans as may be determined through risk analysis. Specific formal communication with local emergency responders shall include the following:
 - a) Initial notification of storage of chemicals over regulatory thresholds,
 - b) Annual NYSDEC Tier II report containing information on chemicals stored over regulatory thresholds, and
 - c) Contingency plans and emergency approvals

4.22 Construction Impacts

- 1) AMD's construction schedule for each Fab is expected to take place over an approximate 24 month period and involve a variety of construction work tasks associated with site work and

buildings. The number of construction workers will range from approximately 120 during the first three (3) months of construction to a maximum of approximately 1,900 workers from 4 to 24 months.

- 2) Construction work is planned to occur 6 days a week, Monday through Saturday. The normal shift duration is 10 hours, generally between the hours of 7:00 a.m. to 6:00 p.m. Any hours of construction beyond these require a permit from the Town of Malta Building and Planning Department.
- 3) Critical construction milestones within the planned construction period include: Data Center Ready for Equipment (RFE) at 15 months, Office Ready for Occupancy (RFO) at 16 months, and Fab RFE at 17 months. The actual timing of construction milestones may vary depending upon a number of issues (e.g., weather factors, design, etc.).
- 4) Construction staging areas for Fab 4X will be established in remote locations relative to the existing Luther Forest residential area. The buffer areas between Fab 4X and the Luther Forest residential area will be preserved.
- 5) AMD proposed in the SDEIS that it be allowed to engage in 24-hour construction. AMD subsequently withdrew that request. The language of the existing PDD legislation thus remains in place, which allows an applicant to seek a permit to engage in 24-hour construction for certain activities. At a minimum, AMD has indicated it intends to ask for permission to engage in 24-hour construction for continuous concrete pours, which is a necessary construction element for a project of this size.
- 6) Mitigation measures for 24-hour construction, if permitted, related to noise are discussed in Finding 4.14 above. Mitigation measures for 24-hour construction, if permitted, related to lighting are found in Finding 4.22 j above.
- 7) A dust control program will be incorporated into the overall construction plan for each Fab. The following Best Management Practices (BMPs) will be used to mitigate on-site dust during both daytime and nighttime construction:
 - a) Minimize, to the extent practicable, the amount of clearing on the site at any one time. (Note: Due to the size of the development, greater than 5 acres at any one time will need to be cleared). A waiver from NYSDEC's stormwater requirements will be required to do so.
 - b) Provide water truck to periodically wet unimproved areas.
 - c) Utilize and maintain stabilized construction entrances to help prevent the tracking of soil from the site, including a truck wheel washing station prior to entry onto public roads.
 - d) Apply temporary seed to soil stockpiles and cleared areas not being worked.

- e) Preserve and enhance the natural vegetated buffer that exists around the proposed AMD development area.
 - f) Periodically review and maintain the construction work areas and construction roads.
- 8) To lessen the impact of construction traffic on local roads, the Town of Malta is working cooperatively with NYSDOT to construct and operate the LFTC site roads leading into Development Area 1 from NYS Route 9/67, prior to the initiation of construction activities associated with Fab 4X. At the present time, it is estimated that a construction road into LFTC with direct access off of either NYS Route 67 (Main Access) or NYS Route 9/67 (Stonebreak Access) will be available for construction use by November 1, 2008. For construction activities that could take place prior to November 1, 2008, and consistent with the prior SEQRA record for LFTC, existing access points into the LFTC project site will be utilized until an alternative site access is established. The planning and construction of the LFTC site roads by the Town of Malta will enable State Roads to be used as the principal construction access and egress for Fab 4X construction.
- 9) Construction shift scheduling will be planned to not coincide with the peak hours of adjacent streets (7 to 8 a.m. and 4:30 to 5:30 p.m.). In addition, transportation demand management (TDM) will be integrated into the shift planning. At a minimum, construction worker shifts will have staggered schedules, and construction workers will be encouraged to ride share and use shuttle buses.
- 10) AMD has committed to explore with its general contractor ways in which construction employees may combine trips to the site, such as providing incentives for car pooling.
- 11) During nighttime construction, as may be approved by the Town, there will be the potential for reflective glare within the construction area that may be observed around the perimeter of the Fab 4X construction area. While it is anticipated that the existing vegetative buffer will provide mitigation for off-site light reflection, some level of light intrusion outside of the construction area is unavoidable. Construction light staging will be planned to minimize the amount of off-site intrusion and focus the outside illumination to actual construction areas.
- 12) Following initial site clearing and site work operations (i.e. – when concrete work starts), an Emergency Response Team (ERT) of “first responders” will be on site consisting of trained safety and emergency response professionals. During construction operations, an on-site First Aid Center will be staffed during major shift work with a nurse or nurse practitioner to provide first aid and/or emergency aid if needed. The site will contain first response materials and safety aides (automatic electronic defibrillators (AEDs), stretchers, backboards, immobilization equipment, extraction equipment, air monitoring equipment, etc.) to manage the risks associated with jobs of this nature. With regard to off-site assistance and preparedness, the ERT will meet with and brief the local first response units (police, fire and ambulance) to inform them of the types of work, risks and potential response issues that might develop on the site. Finally, there will be on-going planning with the local hospitals to determine best locations for categorized incidents. The ERT will work with the care facility

to ensure they understand the risks on the site and the types of situations that may rise from an incident. This will be an on-going effort with first responders and primary care facilities to ensure that the off-site resources understand and are prepared for a possible emergency response.

- 13) If fuel oil is stored aboveground onsite during construction in excess of 1,320 gallons, a Spill Prevention Countermeasures and Control (SPCC) plan will be required during construction per 40 CFR 112.
- 14) Vibration from construction is not anticipated to adversely impact nearby residences because of their distance from the construction site and because of the nature of site soils.
- 15) AMD has requested to amend the PDD to allow clearing and grubbing before site plan approval. The Town Board Finds that impacts from early clearing and grubbing can be mitigated by submission and approval of a SWPPP.
- 16) AMD has requested to amend the PDD to allow pre-construction facilities such as construction offices, worker parking, fencing, site roads, batch plant and pre-cast area to be erected and in place in order to allow timely commencement of construction on the site. The Town Board Finds that impacts from pre-construction phasing can be mitigated by submission and approval of a SWPPP.
- 17) AMD has requested that it be permitted to subdivide the parcel it wishes to purchase from LFTC in Development Area 1 prior to final site plan approval.
- 18) AMD has requested that bonds or letters of credit be required as per the Town Code of the Town of Malta in amounts acceptable to the Engineers and Town Attorney, and as customarily coordinated by the Building and Planning Department.

4.23 Architectural Guidelines and LEED Certification

- 1) AMD has requested that the PDD be amended so that any conflicts between the Town's architectural requirements and "Green Building Standards" be resolved in favor of the "Green Building Standards." The Town Board Finds that no adverse environmental impacts will result from such resolution.
- 2) AMD is committed to green building and design in light of the positive impacts for both the environment and energy use. While AMD intends to pursue LEED design principles and aspire to the highest level of LEED certification practicable, the U.S. Green Building Council has yet to develop and implement specific green building guidance for semiconductor manufacturing facilities.

4.24 Alternatives

- 1) The No-Action alternative under which the PDD is not amended would likely result in the withdrawal of AMD from the project. The Town would then not realize its goal, which it has carefully planned for many years, of attracting a semi-conductor manufacturing facility at LFTC. The Town Board has therefore worked diligently to craft PDD amendments which are responsive to the needs of AMD while being equally protective of health, welfare and safety as the existing PDD legislation.
- 2) Alternative facility designs are feasible. However, since the proposed design does not result in any greater impacts than the generic Fabs analyzed in the Prior SEQRA Record, there is no reason for the Town Board to favor one design over another.

4.26 Unavoidable Adverse Impacts

No new adverse environmental impacts were identified in the SEIS that were not originally identified in the Prior SEQRA Record. The scale and magnitude of some impacts, such as construction traffic, has changed. However, in each case where the scale or magnitude of an impact has changed, appropriate mitigation measures have been developed.

4.27 Cumulative Impacts

The cumulative and growth inducing impacts of the proposed action, including socio-economic factors, were comprehensively summarized in the Prior SEQRA Record. These are baseline SEQRA conditions which are unchanged by the proposed AMD action.

APPENDIX A

AMD Reporting Requirements

AMD REPORTING REQUIREMENTS

Program	Citation	Requirement
Air	40 CFR 82 Subpart F 82.162; 156(f)(2); 156(i)	CFCs/HCFCs: Personnel must have certification for purchasing or removal activities (through a one time training course). If any facility personnel will be removing CFCs/HCFCs from equipment then a one time notification of the recycling equipment to EPA is required. Prior to the disposal of small appliances a verification statement that the materials have been recovered prior to disposal must be supplied to the disposal company. If leaking equipment with >50 lbs refrigerant cannot be repaired in 30 days EPA notification required
Air Permit (Assumes below thresholds for Title V permit, NSR and NSPS not triggered)	6 NYCRR §201 et seq.	Reporting requirements will be detailed in the permit.
Chemical Bulk Storage	6 NYCRR § 598.1(k)	Spill Prevention Report prepared by a PE and reviewed annually which includes: Copy of the registration and application Management approval Facility & tank information Release information Compliance review Tank records Financial responsibility evidence Spill response plan Kept on-site for review by NYSDEC if requested.
Chemical Bulk Storage	6 NYCRR §596.2	Notifications required to the regional NYSDEC office on forms when any additions, closures or substantial modifications at least three days prior for modifications and 30 days prior for new tanks.
Chemicals of Interest	6 CFR §27	If chemicals stored are on Appendix A above thresholds Department of Homeland Security website Top Screen must be completed with chemical, storage and facility information within 60 days of possession of the chemical. DHS will assign a ranking of risk to the facility (Tier I to Tier IV) and based upon the ranking notify the facility of requirements to prepare and submit a (i) security vulnerability assessment and/or (ii) site security plan.
Emergency Planning & Community Right	40 CFR §370.1	Send MSDS or list with chemical information for chemicals over thresholds to the local emergency

Program	Citation	Requirement
to Know (EPCRA)		response committee (LERC), state emergency response commission (SERC) and fire department initially and within 3 months of introducing a new chemical.
EPCRA	40 CFR §370.25	Annual Tier II report due March 1 to LERC, SERC, fire department. Form contains information on chemicals stored over thresholds, their risks, amounts and locations and a site layout.
EPCRA	40 CFR §372	Toxic release inventory report due 7/1 to EPA and NYSDEC if usage exceeds thresholds. Report contains information on the chemicals, processes, amount used, and accounts for disposal via air emissions, on and off site disposal.
Hazardous Waste (assumes facility is LQG)	6 NYCRR § 372.2(a)(3)	EPA hazardous waste generator notification to obtain generator identification number using Form 8700-12 (one time notification).
Hazardous Waste (assumes facility is LQG)	6 NYCRR §372.2(a)	NYSDEC must be notified of the local and general description of the activity generating hazardous waste and the type of hazardous wastes to be handled.
Hazardous Waste (assumes facility is LQG)	6 NYCRR § 372.2(c)(2)	Annual hazardous waste report due 3/1 on NYSDEC forms containing the following information: Facility information Hazardous waste transporter information Hazardous waste shipment and disposal information Waste minimization information and results Regulatory fee information forms also included
Hazardous Waste (assumes facility is LQG)	ECL § 27-0908	Hazardous Waste Reduction Plan must be submitted to central and regional NYSDEC offices by July 1 st for the previous year with updates or status reports on alternate years. Plan includes: Identification of type and amount of hazardous wastes over 5 tons (and all acute wastes) Process information and production index for each waste stream Return on investment number Identification of waste reduction measures and schedule for implementation Waste reduction policy
Hazardous Waste (assumes facility is LQG)	6 NYCRR §371.1(g)	One time notification (“C7 notification”) to NYSDEC regarding on or off-site recycling, recovery or reuse of certain materials (e.g. electronic equipment, silvery recovery equipment usage) to exempt materials from regulation
Hazardous Waste (assumes facility is	6 NYCRR 373-2.4	Contingency plan and emergency procedures required with revisions as needed including:

Program	Citation	Requirement
LQG)		<p>Actions to be taken for emergencies or releases Arrangements with local police, fire, hospitals, contractors and emergency response teams Emergency coordinator information Emergency equipment listing and information Evacuation plan. Plan may be incorporated into the facility SPCC Plan required for oil tanks or other emergency plans Plan must be submitted to all police, fire, hospitals, state and local emergency response teams that may provide emergency services.</p>
Hazardous Waste (assumes facility is LQG)	6 NYCRR § 372.2(c)(3)	Exception reports must be filed in 45 days with NYSDEC (and any receiving state) in the event that a manifest is not returned from a TSDf following waste disposal from the facility (an investigation must be commenced by the facility within 35 days of the shipment).
Hazardous Waste	ECL §27-0923	Quarterly TP-550 taxation forms and fees submitted to the NYS Department of Taxation and Finance based on hazardous waste disposed of during past quarter.
Hazardous Materials	42 CFR §172.800	Federal Department of Transportation security plan related to hazardous materials offered for shipment (e.g. wastes or materials requiring placarding that are shipped or received by the facility triggers the requirement). A plan must identify security threats and measures including personnel security, access restrictions and other security measures.
Pesticides	6 NYCRR § 325.25; 325.7	If pesticides or algaecides (e.g. cooling tower algaecides) are to be applied by on-site personnel, pesticide application certification is required & records kept on NYSDEC forms.
Petroleum Bulk Storage	40 CFR §112	Spill Prevention, Control & Countermeasures Plan
Petroleum Bulk Storage	6 NYCRR 612.2	Notification required to NYSDEC at least 30 days prior to any changes, modifications, additions, closures using state forms.
Petroleum Bulk Storage	6 NYCRR 613.5	If tank testing is required (e.g. following a leak) a copy of the tank testing report must be submitted to NYSDEC within 30 days.
Petroleum Bulk Storage	6 NYCRR 614.7(e); 614.13(e)	Notification to local code official required 24 hours before additions, closures, modifications.
Radioactive units or equipment	6 NYCRR §380	Requires permit, discharge minimization plan, annual reports by March 31 st for previous year, incident reporting.

Program	Citation	Requirement
SPDES Stormwater Construction ²³	6 NYCRR 750	Stormwater Pollution Prevention Plan required prior to submittal of notice of intent for coverage under the general permit. Requirements include: Project information and maps Soil description Construction phasing plan Erosion and sediment control practices and details Spill stabilization plan Drawings Inspection schedule Pollution prevention measures Post construction stormwater management practices
Solid Waste	6 NYCRR §360-1.15	Beneficial Use Determination submittals to NYSDEC are required for solid wastes that may beneficially used in manufacturing or as a substitute for a commercial product. The submittal includes information related to the proposed use, the waste, potential market or contract, EHS information, a solid waste control plan, storage information, procedures to prevent run-on and run-off, and best management practices.
Wastewater	Rules &	Permit will contain reporting requirements.

² If required, a separate industrial stormwater general permit coverage may be required for facility operations following construction. Discharges to surface waters or ground waters would require an individual SPDES permit.

Program	Citation	Requirement
	Regulations of Saratoga County Sewer District #1	
Wastewater	6 NYCRR § 655.3	Industrial waste treatment facility certification may be requested for tax incentive purposes using NYSDEC forms.
Other: release reporting	Multiple	Various state, federal & local requirements for reporting releases or permit exceedances contained in permits and various regulations with strict timeframes.
OSHA	Multiple programs and plans required	Examples: 1910.1030 Bloodborne pathogens 1910.146 Confined space 1910.147 Lockout/tagout 1910.120 HAZWOPER comprehensive site workplan 1910 Subpart E Emergency Action Plan and Fire Prevention Plan

APPENDIX B

NYEL Program Summary

Town of Malta's Summary of NYSDEC Commissioner's Policy CP-40 New York Environmental Leaders (NYEL)

In December 2006 the NYSDEC Commissioner issued Policy CP-40, the New York Environmental Leaders Policy.

The policy is modeled after the USEPA's National Environmental Performance Track (NEPT) which may be thought of as an equivalent Federal policy.

Its purpose is to provide incentives to organizations that demonstrate superior environmental performance, specifically those that demonstrate the use of pollution prevention practices, beyond compliance performance or sustainable business practices.

There is a two-tier membership system. Tier 1 is open to organizations with mature environmental management systems (EMS) in place, while Tier 2 is an entry level tier. It is assumed that AMD would be a Tier 1 organization so the subsequent discussion focuses only on the requirements for this tier. Membership in Tier 1 is for three years at a time and is renewable. Tier 1 has a State only and a State/National option in which the State and Federal programs are combined.

Membership is currently open only to participants in the USEPA's NYPT program. Open enrollment in the program will be from 9/1 to 10/31 each year beginning in 2008.

Membership is at the sole discretion of NYSDEC and is limited to those applicants meeting the program's requirements. The policy is implemented by NYSDEC's Pollution Prevention Unit.

To enter the program an applicant completes a formal agreement which: States what it hopes to accomplish.

Presents a record of compliance.

Documents a history of performance improvement.

Documents a public outreach program.

Applicants who have records of non-compliance or other significant issues will not be accepted in the program.

Applicants must have a functional EMS system in place that meets one of the following objectives.

Third party certification to the ISO 14001 standard.

Satisfies the requirements of the NEPT and has been independently audited.

Satisfies a standard adopted by a trade association or other group that NYSDEC determines to be satisfactory.

Has been deemed satisfactory after an on-site visit by NYSDEC or a peer acceptable to NYSDEC.

Applicants must document a history of performance improvements and commit to future improvements according to acceptable indicators agreed to between the NYSDEC and the applicant. NYSDEC has issued guidance on the types of performance indicators and metrics considered acceptable.

Applicants must prepare an annual report, available to the public. Public outreach is intended to promote a two way exchange between the member and the affected community. The annual report must report:

Progress in reaching commitments.

Violations discovered by the NYSDEC or by the member and disclosed to NYSDEC and corrective actions taken.

Summary of internal compliance audits including any violations which have not been fully resolved.

Summary of EMS audits conducted including any findings and corrective actions taken.

Summary of public outreach activities.

A certification.

NYSDEC will make at least one site visit, in addition to normal regulatory compliance visits, per three year membership period.

NYSDEC commits to develop incentives in addition to the following:

Recognition.

Use of the NYEL logo.

NYEL members will be an exclusive category in NYSDEC's Environmental Excellence Awards program.

A single point of contact will be provided at NYSDEC.

NYSDEC will coordinate the scheduling and scope of routine inspections.