

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Guidance for management of environmental media and debris contaminated with listed hazardous wastes (aka "Contained-In" Determinations)			
Project Location (describe, and attach a location map):			
Statewide			
Brief Description of Proposed Action:			
See attached description of proposed action.			
Name of Applicant or Sponsor:		Telephone: 518-402-8651	
Division of Materials Management		E-Mail: Contained-InRequest@dec.ny.gov	
Address:			
625 Broadway			
City/PO:		State:	Zip Code:
Albany		NY	12233-7256
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/> <input type="checkbox"/>	<p>N/A</p> <input type="checkbox"/> <input type="checkbox"/>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/> <input type="checkbox"/>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/> <input type="checkbox"/>	
<p>13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/> <input type="checkbox"/>	

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area CEA ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attachment

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

NYS DEC Division of Materials Management

9/17/25

Name of Lead Agency

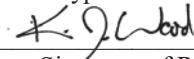
Date

Kevin Wood

Director, Bureau of Haz Waste and Radiation Management

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer



Signature of Responsible Officer in Lead Agency

Signature of Preparer if different from Responsible Officer

Short Environmental Assessment Form
Part 1 – Project Information

Brief Description of Proposed Action:

DMM-9 / Technical Guidance for “Contained-In” Determinations for Environmental Media and Debris Contaminated by Listed Hazardous Waste (Policy) explains the procedures and requirements for determining, on a case-by-case basis, when environmental media or debris or both (predominantly remediation waste) may be managed as a non-hazardous waste. This is referred to as a “contained-in” determination because the medium or debris has been determined to “contain” an inconsequential amount of one or more listed hazardous wastes. Additionally, this Policy identifies the procedures and criteria to be used to evaluate environmental media and debris (media/debris) contaminated with listed hazardous waste and provides guidelines to Department of Environmental Conservation (Department) program staff, property owners, project sponsors, and the public who may be seeking information on how to appropriately handle contaminated media/debris encountered during remedial or closure activities at a facility. This Policy also applies to any project site where the intrusive work already conducted has or will likely disturb identified or suspected contaminated media/debris.

The Department will allow contaminated media/debris to be managed as non-hazardous waste, provided the media/debris meets criteria requirements in accordance with this Policy. Handling contaminated media/debris in accordance with this Policy and a DEC-approved “Contained-In” Determination will not have a potentially significant adverse impact on the environment.

Part 3 - Determination of Significance

The Department did not identify any of the categories of impacts set out in EAF Part 2 as moderate to large. “Contained-in” determinations pursuant to this Policy and in accordance with Subtitle C of the Resource Conservation and Recovery Act (42 USC §§ 6921 – 6939(f) (RCRA-C)) provide a basis for the determination that the environmental media or debris or both (predominantly remediation waste) is no longer contaminated with listed hazardous waste. This Policy will not change current management requirements for contaminated media/debris.

Historically, the bulk of contaminated media/debris generated is remediation waste resulting from the cleanup of contaminated facilities. Due to the need for these actions and the volume of low-level residual contamination managed as part of these closures and remediation, the United States Environmental Protection Agency (EPA) has indicated that authorized states may exercise their right, on a case-by-case basis, to determine when the remediation waste “no longer contains” a listed hazardous waste.

This Policy is intended to revise and update Contained-In criteria set forth in “Contained-In Criteria for Environmental Media (HW-92-10)”, also known as Technical

and Administrative Guidance Memorandum (TAGM) 3028. TAGM 3028 was previously rescinded with the intention that it be revised and reissued.

This Policy describes the requirements for granting of a “Contained-In” Determination approval and the criteria that the contaminated media/debris needs to meet for said approval. A request for a “contained-in” determination must include a description of how the hazardous waste determination was made and how the waste generated will be managed. Waste management options are set forth in the Policy for each of the disposal options and require consistency with existing DEC regulations and applicable technical guidance and Policy documents. This Policy requires that the contaminated media/debris be sampled, in a specific manner, for any contaminants of concern and that the analytical results be provided to the Department for evaluation.

A “contained-in” determination approval allows the facility to treat and dispose of these hazardous environmental media /debris as non-hazardous, as the level of contaminants are below standards shown to adversely impact human health and the environment. The Policy does not direct any actions with respect to excavation activities; it only provides guidance on the handling of contaminated media/debris which is generated as a result of required closure or remedial activities.

Part of the Policy is purely procedural in terms of establishing a process for evaluating requests and has no environmental impact. Individual requests for “Contained-In” Determinations will be evaluated by DMM-authorized staff on criteria set out in the Policy. This may include a requirement for a management plan prior to any remedial activities.

If the request contains sufficient information to demonstrate that the environmental media and/or debris can be handled as a non-hazardous waste pursuant to this Policy, DMM-authorized staff will issue a “contained-in” determination approval letter. The approval letter will set forth the basis for approval and the prescribed disposal or treatment options, including disposal of environmental media and debris at a permitted Part 360 solid waste landfill or an out-of-state RCRA Subtitle D permitted landfill, and disposal of water at a permitted wastewater facility like a POTW.

Implementation of this guidance will result in no potentially significant adverse environmental impacts because it will ensure that contaminated media/debris is handled in a manner that is protective of the public health and environment.