

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGION 3**

In the Matter of the Application of

T-REX HYDE PARK OWNER LLC (BELLEFIELD WASTEWATER TREATMENT FACILITY)

to modify State Pollutant Discharge Elimination System (SPDES) permit #NY0281140, originally issued on July 1, 2018, to authorize expansion of facility by three MBR trains and increase in permitted pre-treated flow volume from 21,500 to 308,400 gallons per day (GPD)

Municipality: Town of Hyde Park: Dutchess County

Project Name: Bellefield WWTP (Wastewater SPDES)

Location of WWTP: Tax Parcel 6163-01-000897 (WWTF Site), East side of Route 9, south of St. Andrew's Road (County Route 40-A).

Associated Tax parcels: 6163-01-010622 (Inn at Bellefield Site)
6163-01-131849 (remaining lands of Bellefield property)

**PROPOSED PUBLIC PARTICIPATION PLAN:
COMMISSIONER POLICY CP-29**
Census Block 15000 US 360 2707 0412

Dated: May 10, 2022

Submitted by:

T-Rex Hyde Park Owner, LLC
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INTRODUCTION:

This document is the Applicant's proposed Public Participation Plan, in accordance with DEC Commissioner's Policy CP-29.

The Applicant T-Rex Hyde Park Owner, LLC ("the Applicant") owns an approximately 340-acre parcel (hereafter, "the Bellefield property"), located on the east side of NYS Route 9, near the southern border of the Town of Hyde Park, Dutchess County, New York.

The Applicant is seeking an individual wastewater SPDES permit to authorize treated discharge flows of 308,400 gallons of treated wastewater per day. This individual wastewater SPDES permit is within the class of permits subject to DEC Commissioner's Policy CP-29.

Potential Environmental Justice Areas are U.S. Census block groups meeting certain demographic characteristics. Census Block 15000 US 360 2707 0412 is located on property with frontage on the west side of NYS Route 9, opposite the Bellefield property, though separated by the 4-lane wide Route 9 corridor. This Census Block has been identified on the DEC GIS mapping as a potential Environmental Justice Area (PEJA), because more than 26.28% of census responders in the Block identified themselves as members of a minority population.

Accordingly, the application meets the jurisdictional requirements of Commissioner's Policy CP-29.

PROJECT SUMMARY:

BACKGROUND:

T-Rex Hyde Park Owner, LLC owns an approximately 340-acre site ("the Bellefield property") located on the east side of Route 9, near the southern border of the Town of Hyde Park, Dutchess County. The Bellefield property is located on the east side of NYS Route 9, with over a mile of frontage on Route 9, extending from St. Andrew's Road (aka County Route 40-A) on the north, to West Dorsey Lane on the south.

The Bellefield property is not served by municipal sewer service, so T-Rex has established a sewer works corporation to provide wastewater treatment for the property. On July 1, 2018, New York State Department of Environmental Conservation ("NYSDEC") Region 3 issued a Wastewater State Pollution Discharge Elimination System ("SPDES") permit #NY0281140, authorizing wastewater flows of 21,500 gallons per day to serve the Inn at Bellefield Hotel, the first building to be developed on the Bellefield Property. The approved Wastewater Treatment Facility ("WWTF") location is in the northwest quadrant of the Bellefield property, on the south side of the Maritje Kill, a Class B stream. The SPDES permit required treatment to meet the water quality discharge limits for a Class B stream. In 2019, a separate parcel was created for the WWTF (Filed subdivision map No 12627, filed March 14, 2019).

This document contains an Appendix with important Documents relating to the PPP. FIGURE 1 in the Appendix shows the location of the Bellefield Property on the east side of Route 9 and shows the location of the proposed WWTF in the northwest quadrant of the Bellefield Property.

PROPOSED EXPANSION OF WWTF AND INCREASING FLOWS:

T-Rex Hyde Park Owner LLC is now planning for the expansion of the on-site WWTP to its total planned size to meet the needs of the full development of the Bellefield property. Doing so requires an amendment to the existing NYSDEC SPDES permit, to authorize an increase of permitted flows from the site to 308,400 gallons per day. An application for this increase has been filed with NYSDEC Region 3. Wastewater will continue to be treated at the WWTF prior to discharge to the Maritje Kill, and it is expected that any SPDES permit will continue to require tertiary treatment meeting discharge limits for a Class B stream.

The WWTF is a modular system. The first module, already constructed, will serve the Inn at Bellefield with an average daily wastewater flow of 21,500 gallons per day (gpd). As the remainder of the Bellefield property is developed, WWTP components (treatment trains) will be added to accommodate the expected flows associated with future phases of development. Four (4) phases are planned:

- Phase 1 – Existing Headworks and Improvements previously approved
- Phase 2 – 1st Treatment Train (MBR building #1 + aeration tanks #1 & #2)
- Phase 3 – 2nd Treatment Train (MBR building #2 + aeration tanks #3 & #4)
- Phase 4 – 3rd Treatment Train (MBR building #3 + aeration tanks #5 & #6)

All future development on the Bellefield property will have to be preceded by review and issuance of Final Development Plan approval by the Town of Hyde Park Planning Board. It is anticipated that the WWTF buildout period would take 10 to 15 years.

FIGURE 2 in the Appendix shows the proposed phasing of the construction of the WWTF.

SEQR CONTEXT:

This is a project where the NYSDEC is an Involved Agency, and not the Lead Agency, which limits the applicability of Policy CP-29. The following history of the SEQR Review of the Bellefield Project is provided for context of the present application.

The Development of the Bellefield Property (formerly known as St. Andrew's Property) has been a goal of the Town of Hyde Park for more than 20 years. The Bellefield property was identified in the Town Comprehensive Plan of 2005, and the town-wide zoning that followed, as a site for unique development within the "Bellefield Planned Development District." Thereafter, the Bellefield property received Concept Plan approval by the Town Board in 2007, and again in 2021, for development of a mixed-use project containing residential, commercial, and community uses.

The 2007 concept plan approval was preceded by an Environmental Impact Statement, with the Town Board serving as Lead Agency. The Town Board adopted a SEQR Findings Statement on August 29, 2007. On the same date, the Town Board approved a Concept Plan depicting the general configuration of land uses for the site.

On July 17, 2017, the Hyde Park Town Board, as Lead Agency, adopted amended SEQR Findings relating to sewer. Thereafter, after circulating for redesignation of Lead Agency, which notice was circulated to the NYSDEC on September 6, 2017, the Planning Board was designated as Lead Agency for all purposes for further review of the Bellefield property development, which Lead Agency Status was confirmed on October 18, 2017.

In January 2018, the Hyde Park Planning Board, after adopting a Negative Declaration and determining that no Supplemental Environmental Impact Statement was required, granted Final Development Plan approval for Sub-phase 1-A of the Bellefield project, the Inn at Bellefield, a five-story hotel, which is now under construction near the corner of Route 9 and West Dorsey Lane.

In March 2021, the Applicant filed an application with the Town Planning Board to authorize the construction of the WWTF for the project, to be built in phases as the development progressed. On April 7, 2021, the Town Planning Board provided courtesy notice of this application to NYSDEC Region 3. On June 2, 2021, the Hyde Park Planning Board reaffirmed its previous Negative Declaration of January 3, 2018, and determined that a Supplemental Draft Environmental Impact Statement was not required, granted approval of the Site Plan and the Subdivision/Lot Line realignment to enlarge the size of the WWTF parcel, but also clearly provided that “approval of this Amended Site Plan for the full buildout of the WWTF does not implicitly approve any future phases of the Project or any potential amendments to the Concept Plan.”

During the second half of 2021, the Town of Hyde Park considered a modified concept plan for Bellefield. On June 28, 2021, a pre-application conference was held at the Town Hall by the Town Board and Planning Board, after which the Town Board consented that the Planning Board serve as Lead Agency for the review. Thereafter, on September 1, 2021, the Planning Board circulated Notice of its assertion of Lead Agency status for the review of the amended concept plan. The NYSDEC was included in the circulation. The Town of Hyde Park Planning Board’s status as Lead agency was confirmed without objection. On December 8, 2021, the Planning Board adopted Amended SEQR Findings Statement. On December 20, 2021, the Town Board of Hyde Park approved an amended Concept Plan for Bellefield property, and endorsed the Planning Board’s SEQR Findings.

ENVIRONMENTAL JUSTICE—CP-29

Environmental Justice (EJ) is the fair and meaningful treatment of all people, regardless of race, income, national origin or color, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental Justice allows for disproportionately impacted residents to access the tools to address environmental concerns across all of NYSDECs operations.

A Potential EJ area is defined as a minority or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

NYSDEC Commissioner’s Policy 29, “Environmental Justice and Permitting” provides guidance to incorporate EJ concerns into the NYSDEC environmental permit review process and the NYSDEC application of SEQRA, distinguishing between actions where DEC is the lead agency from those where DEC is not the lead agency.

The sections below address the requirements of CP-29, describe the Applicant’s interaction with OEJ and Office of Environmental Permits staff, and set forth the Applicant’s proposed Public Participation Plan:

DEC GUIDANCE TO PERMIT APPLICANTS:

CP-29 provides for DEC Guidance to permit applicants following the preliminary screen. The Applicant has consulted with the Division of Environmental Permits and the Office of Environmental Justice. Substantial ground-truthing of the Census Block was completed, in order to refine the information concerning the nature of the property within the Census Block; the character of the community within the Census Block as relates to Environmental Justice; the nature of the land uses within the census block; best practices on communication between the applicant and members of the communities within the Census Block; and the populated and/or open space character of the various properties within the census block.

The sole residential community within the Census Block is the community of the student body attending the Culinary Institute of America (CIA) 2-year or 4-year educational programs. The CIA website contains detailed information relating to the demographics of the school, and the CIA’s groundbreaking efforts since the time of the school’s founding to enhance diversity and inclusion within the CIA and the overall food and hospitality industries served by its graduates. The residential community is the on-campus student body, a transient population who remain on campus only during their educational program of 2-years or 4-years. As college students, the community is familiar with computers and online resources.

Because the CIA is a college campus, the Applicant will seek assistance from the CIA Vice-President and Chief of Staff and Information Technology to post the proposed Flyers on campus. Appendix FIGURE 3 illustrates the proposed Flyer/Fact Sheet for posting.

Based upon the unique circumstances applying to this Census Block, DEC has required a modified Public Participation Plan as described in the sections below. The modified PPP will include an active invitation to the CIA students to review information in both on-line and physical document files (repositories) relating to the Project, and to have opportunities to submit questions and comments to Bellefield's President, Larry Boudreau, for response by e-mail, postal mail, or telephone. Larry Boudreau will also be available for in person meeting with interested parties as necessary. Public meetings are not being required as part of the Applicant's Plan. Details on the Applicant's proposed Plan are provided in the following section.

APPLICANT'S WRITTEN PUBLIC PARTICIPATION PLAN:

Pursuant to CP-29, Section D, the Applicant hereby submits its proposed written public participation plan.

THE 4 STANDARDS IN SECTION D (1):

1. Identify stakeholders in the potential environmental justice area.

Proposed Plan:

Based on consultation with the Office of Environmental Permits, it has been determined that the community identified in the Census Block is the residents, primarily the student body, on the Culinary Institute of American Campus. Appendix Figure 1 shows the location of the WWTP in relation to the developed CIA residential and classroom campus, which is primarily west and south of the proposed WWTF location.

2. Distribute and post written information on the proposed action and permit review process (using languages other than English if necessary).

Proposed Plan:

The Flyer in Appendix Figure 3 seeks comments from interested students and staff within the Census Block. The Flyer contains links to the on-line document repository (www.bellefieldwwtfdocs.com), and also provides street addresses of two physical locations where paper copies of the files may be reviewed. (see details about materials in the repository under item 4 below.)

The Flyer also provides contact information for 24/7 submission of questions and comments, including a 24/7 email address (lboudreau@trexcapitalgroup.com), two telephone numbers [(o) 212-401-4075, (c) 404-357-9789, and a mailing address (15 West Dorsey Lane, Hyde Park, NY 12538, to be used by students/staff to submit questions and comments on the proposed WWTF project.

There is no indication of any need to post flyers in any language other than English. All classes at the CIA appear to be conducted in English and the CIA website does not indicate any clubs or organizations associated with non-English languages.

Bellefield is requesting assistance from the CIA Administration to post the Flyers at 3

locations on the CIA campus that are readily accessible to students. The actual locations of the posting will be added to the PPP as soon as the posting is complete.

3. Keep the public informed throughout the permit review process.

Proposed Plan:

Because of the unique nature of this PEJA, DEC has agreed that the conduct of scheduled public meetings are not required and are not the best way to obtain input and comments from this community. The Flyers, the computer link to the on-line repository, and the 24/7 email address (lboudreau@trexcapitalgroup.com) for questions and comments, will actively seek comments. Telephone contact information and mailing address are also provided.

Larry Boudreau, Bellefield's President, will respond to all email comments or questions within 48 hours of receipt (comments received on Friday will be answered by Monday at noon). Mr. Boudreau will also be available for in person discussions with commenters as may be necessary. As noted in the provisions below relating to Sections D.2 and D.3, the substance of the comments and responses will be added to the repositories periodically and will also be summarized in the Applicant's final report to the DEC.

4. Establish easily accessible document repositories with pertinent project information.

Proposed Plan:

The Applicant is establishing one online document repository (e-repository) and two physical document repositories that will contain the following documents:

- Existing SPDES Permit
- Copies of the wastewater SPDES Permit Modification Application
- Wastewater Treatment Facility, Town Site Plan Drawing Set,
- Dutchess County Department of Health Design Set
- Engineering Report in support of modified SPDES permit
- Copy of the posted Flyer, and the locations where the Flyers have been posted

The repositories will be updated periodically (at least once every two weeks) to include a summary of the questions/comments submitted pursuant to the PPP, and a summary of the applicant's responses.

The e-repository can be accessed via this link: www.bellefieldwwtfdocs.com

The Physical Repositories:

Two physical repositories (document files) will be provided, which shall contain the same documents as the e-repository. A file containing these documents (please ask for "Bellefield WWTF Documents file") will be available for examination and review at the following two locations, but not for removal from the premises:

1. Town Hall, Planning Board office (Cynthia Witman), 4383 Albany Post

Road, Hyde Park, NY 12538. Phone: 845-229-5111

Hours: 8:30 am – 4:00 pm Monday to Friday

2. Hyde Park Free Library, main desk, 2 Main Street, Hyde Park (www.hydeparkfreelibrary.org).

Phone: 845-229-7791

Library hours are:

Monday:	9 am -8 pm
Tuesday:	9 am-8 pm
Wednesday:	11 am -5 pm
Thursday:	11 am -8 pm
Friday:	11 am-6 pm
Saturday:	9 am -4 pm

D (2). The filing of the Preliminary Report.

Proposed Plan:

The applicant will file a preliminary report 2 weeks after DEC approval of the PPP, summarizing all progress to date in implementing the plan, all substantive concerns raised to date; all resolved and outstanding issues, and a summary of the components of the plan yet to be implemented and an expected time-line for plan completion.

D (3). The filing of the Final Report certifying compliance with the PPP:

Proposed Plan:

Upon completion of the public participation plan, the applicant will submit written certification to DEC Region 3 with a copy to the OEJ that it has complied with the Plan. The certification shall include the submission of a Final Report, which may consist of an addendum to the Preliminary Report, detailing activity which occurred subsequent to the submission of the Preliminary Report.

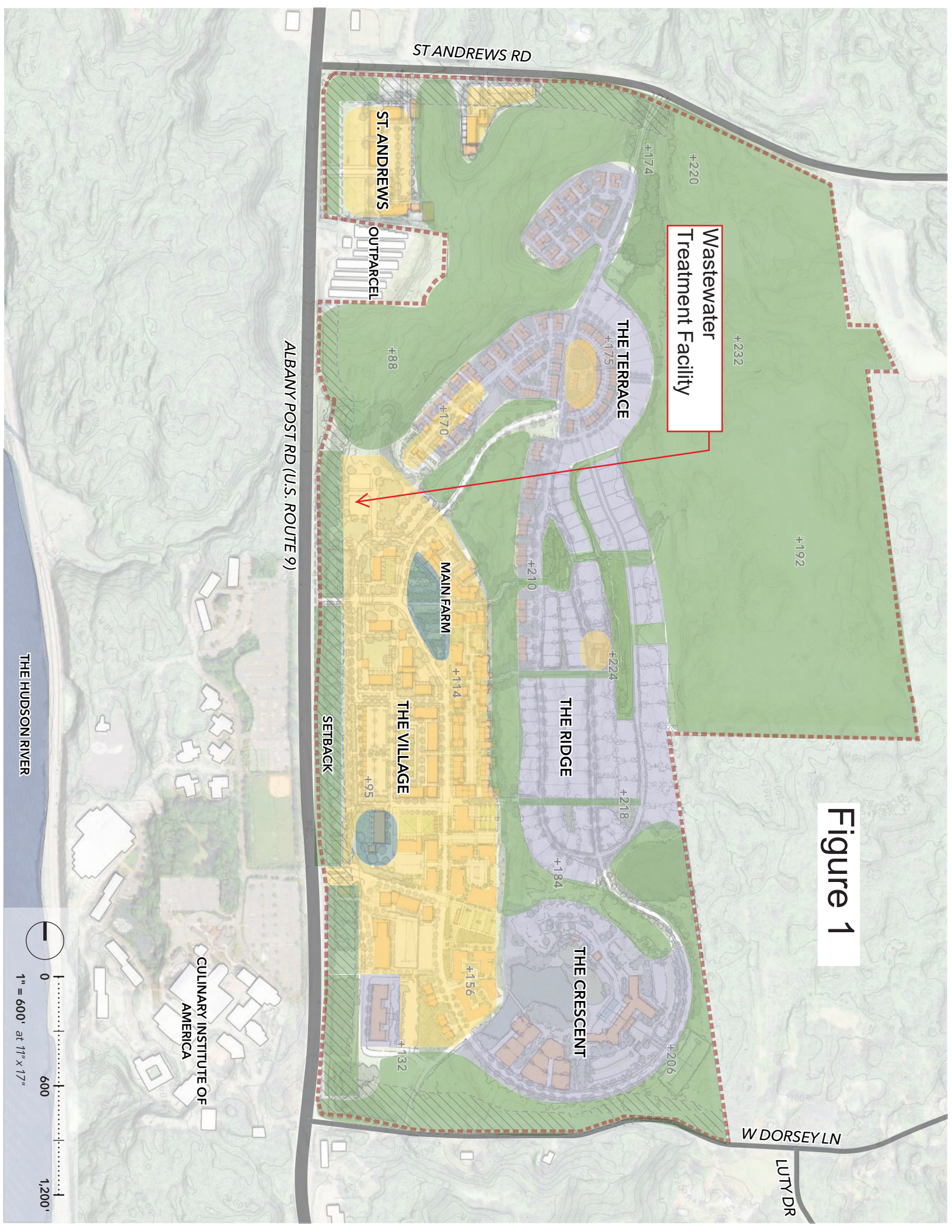
CONCLUSION

We respectfully request approval of the proposed Public Participation Plan. Please feel free to contact Larry Boudreau lboudreau@trexcapitalgroup.com or Jennifer Van Tuyl jvantuyl@cuddyfeder.com to discuss.

The Appendix follows.

APPENDIX

FIGURE 1 – LOCATION MAP



Wastewater Treatment Facility

Figure 1

ST ANDREWS RD

ST. ANDREWS
OUTPARCEL

ALBANY POST RD (U.S. ROUTE 9)

SETBACK

MAIN FARM

THE VILLAGE

THE RIDGE

THE CRESCENT

CULINARY INSTITUTE OF
AMERICA

THE HUDSON RIVER

W DORSEY LN

LUTY DR

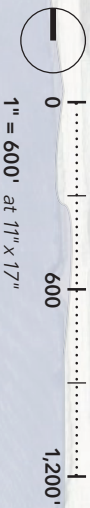


FIGURE 2 – WWTF PHASING PLAN

FIGURE 3 – FLYER/FACT SHEET FOR POSTING

FACT SHEET AND INVITATION TO PARTICIPATE

What is happening? T-Rex Hyde Park Owner, LLC, the owner of the 340 acre property known as “Bellefield,” T-Rex Hyde Park Owner, LLC, has applied to the New York State Department of Environmental Conservation (NYSDEC) to amend its existing State Wastewater SPDES permit to serve the development planned on its property over the next 10 to 15 years. **Application ID# 3-1332-00292; SPDES number NY0281140.**

Where is the proposed facility located in relation to the CIA campus? The location of the proposed expanded treatment facility is on the east side of Route 9, south of St. Andrews Road and south of Guardian self storage, north and east (across highway) from the northernmost CIA student housing buildings.

What action would the permit allow? The proposed expansion would enlarge the existing wastewater treatment facility (WWTF) with 3 MBR treatment trains, most of which will be underground, and would increase the permitted treatment capacity from 21,500 gallons per day to 308,400 gallons per day.

Why is the permit sought? The permit will allow the owner to coordinate wastewater facility expansion with other work on the property. It will avoid repeated disturbances of a series of smaller expansions of the facility. The facility would be expanded in three phases, constructed over a period of years.

How does a wastewater treatment facility affect the nearby community? Generally, wastewater treatment facilities use better technology and treatment standards, and provide better monitoring safeguards than septic systems, but some wastewater facilities, depending on many factors, can be associated with potential effects on water quality, or odors, or unsightly visual effects. T-Rex proposes to include measures that reduce or eliminate these potential effects, including tertiary treatment/pre-treating wastewater to Class B Stream standards, design measures that control odors, and planned landscape screening. Most of the proposed facility is located underground. Construction in the 3 proposed phases will reduce impacts of repeated site disturbances for smaller expansions.

Why is this Flyer being posted?: The flyer is posted under NYSDEC Commissioner’s Policy 29: Environmental Justice and Permitting to provide public information about the application and to provide a process for response to comments, questions, and concerns.

How to get more information: Information about the proposed expansion will be stored in the following document files (repositories) and available for your review:

- On-line: www.bellefieldwwtfdocs.com
- In-person: Paper copies for review (please request “Bellefield WWTF Documents file”) available at:
 - Hyde Park Free Library main desk, 2 Main Street, Hyde Park NY 12538 (hours available on line or call 845-229-7791).
 - Town Hall, 4383 Albany Post Road, Hyde Park, NY 12538, Planning Board Office, Cynthia Witman 8:30am - 4:30pm Monday to Friday (845-229-5111 ext 2)

How to comment, ask questions, and discuss concerns:

- **E-MAIL:** Mail the owner’s representative Larry Boudreau at this dedicated 24/7 email address: lboudreau@trexcapitalgroup.com
- **PHONE:** Call Larry Boudreau (o) **212-401-4075, (c) 404-357-9789.**
- **MAIL:** Mail Larry Boudreau, President, Bellefield, 15 West Dorsey Lane, Hyde Park, NY, 12538.

Your comments/questions/concerns, and owner’s responses will be summarized and posted in the Document Files (Repositories) and sent by owner to the DEC Division of Environmental Permits.

Who is responsible for reviewing the permit application? The New York State Department of Environmental Conservation (NYSDEC), Division of Environmental Permits, Region 3, 21 South Putt Corners Road, New Paltz, NY 12561, is responsible for reviewing and issuing the required permits. Telephone: 845-256-3000.