

# Saratoga County, Saratoga Biochar Solutions LLC

## Notice of Complete Application, Notice of Public Comment Period, Notice of Legislative Public Comment Hearing

### Applicant:

Saratoga Biochar Solutions LLC  
26 F Congress St # 346  
Saratoga Springs, NY 12866

### Facility:

Saratoga Biochar Solutions LLC  
55 Farnan Rd  
Moreau, NY 12803

### Application ID:

DEC ID# 5-4144-00187/00001

### Permit(s) Applied for:

Air State Facility Permit (6NYCRR Part 201-5); and  
Solid Waste Management Facility Permit (6 NYCRR Part 360)

### Project is Located:

55 Farnan Rd, Moreau, NY 12803 (Saratoga County)

### Project Description:

The applicant proposes to construct and operate a new industrial facility to manufacture a carbon fertilizer product from biosolids and wood waste feedstock. The facility is designed to be constructed in three phases with each phase consisting of a process line capable of processing up to 10 wet tons per hour of biosolids and up to 1.5 tons per hour of wood waste. This application is for the construction and operation of Phase 1 (one process line). The process line consists of a biosolids dryer, pyrolysis reactor, thermal oxidizer, and air pollution control devices. This application involves two NYS DEC permits: an Air State Facility (ASF) permit for air emissions from one process line and a Solid Waste Management Facility (SWMF) permit to accept and process biosolids and wood waste. The proposal also requires a Beneficial Use Determination (BUD) for the fertilizer product. The project is required to obtain coverage under a construction stormwater general permit prior to construction.

Pursuant to the requirements of Section 7(2) and Section 7(3) of the Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA or Climate Act), the Department has requested and received information regarding the Facility's purported consistency with the CLCPA.

While the Department is making a draft ASF and SWMF permit and BUD terms available for public review and comment, the Department has not made a tentative or final determination to issue any final permit for the Facility. Prior to issuing any final permit for the Facility, the Department would need to, among other things, ensure that its action is either consistent with the requirements of the Climate Act or otherwise sufficiently mitigated or justified. The

Department has yet to make such a determination regarding the Facility's consistency with the Climate Act.

**Legislative Public Comment Hearing:**

Pursuant to 6 NYCRR 621.8 (Uniform Procedures), two (2) legislative public comment hearings for the receipt of unsworn public comments on the Air State Facility and Solid Waste Management permit applications will be held. One public comment hearing will be held in-person and the other will be held virtually. Dates, times and instructions for these public comment hearings are as follows:

The virtual legislative public comment hearing will be conducted electronically through the Webex Events platform. It will be held before Administrative Law Judge Molly McBride on:

**Date:** Wednesday, February 7, 2024

**Time:** 6:00 PM

**Registration Link:**

<https://meetny.webex.com/weblink/register/r7ae0bc199e5b9b728a1a34890af4f5ce>

**To Join by Phone Only:** Call 518-549-0500 and enter access code 161 695 8229 and password 43274641.

The in-person legislative public comment hearing will be held before Administrative Law Judge Molly McBride on:

**Date:** Thursday, February 8, 2024

**Time:** 6:00 PM

**Location:** South Glens Falls High School, 42 Merritt Rd, South Glens Falls, NY 12803

All interested persons, organizations, corporations, or government agencies are invited to attend either hearing and provide comments on the permit applications. You do NOT need to speak at both hearings. Written comments submitted to NYS DEC during this comment period and oral comments given at any of the legislative public comment hearings are considered part of the official record. The in-person hearing location is fully accessible to persons with mobility impairment.

Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests should be received by January 29, 2024, but NYS DEC will make every effort to fulfill requests received closer to the hearing date. Requests can be directed to the NYS DEC Division of Communication, Education, and Engagement, either by mail (address: NYS DEC, 625 Broadway, Albany, New York 12233-4500), by telephone (518-402-8044) or by e-mail ([language@dec.ny.gov](mailto:language@dec.ny.gov)).

Persons wishing to comment on the permit application will have the opportunity to make a statement at the public comment hearing webinar or the in person public comment hearing. Any person wishing to provide a public statement at the virtual hearing on February 7, 2024 must register in advance of the hearing no later than 4:00 PM the previous day. Any person may listen to the hearing by phone without pre-registration. Instructions to participate in the virtual public comment hearing session are shown above. Persons who wish to receive the instructions by mail or telephone may contact the NYS DEC Office of Hearings and Mediation Services by telephone at (518) 402-9003 or by email to [ohms@dec.ny.gov](mailto:ohms@dec.ny.gov). Please provide your first and last name, address, and telephone number and reference the Saratoga Biochar public comment hearing.

Lengthy statements should be in writing and summarized for oral presentation. Reasonable time limits will be set for each speaker to afford everyone an opportunity to be heard. Equal weight will be given to both oral and written statements. Written comments submitted to NYS DEC during this comment period and oral comments given at any of the legislative public comment hearings are considered part of the official record.

Following the hearing, NYS DEC will determine whether substantive or significant issues have been raised, as defined in 6 NYCRR Part 621 Uniform Procedures, and whether an adjudicatory public hearing should be scheduled before an administrative law judge. In order to raise substantive and significant issues, written comments expressing objections or opposition to the pending applications must explain the basis of that opposition and identify the specific grounds which could lead NYS DEC to deny the pending applications or impose significant permit conditions.

### **Availability of Application Documents:**

Electronic copies of application documents and draft permits are available at:

<https://saratogabiochar.com/environmental-permit-documents/>

Hard copies and/or electronic copies of application documents are available for inspection at the following locations during normal business hours:

- Moreau Town Hall, located at 351 Reynolds Road, Moreau, NY 12801.
  - Crandall Public Library, 251 Glen Street, Glens Falls, NY 12801.
  - Hudson Falls Free Library, 220 Main Street, Hudson Falls, NY 12839.
  - NYS DEC Region 5 Office, 232 Golf Course Road, Warrensburg, NY 12885.
- Documents are available Monday-Friday, 9:00am-4:00pm. Please contact Erin Burns at 518-897-1234 to view the documents.

### **State Environmental Quality Review (SEQR) Determination:**

The Project is subject to SEQR and is an Unlisted action. A SEQR Lead Agency was established.

SEQR Lead Agency: Town of Moreau Planning Board

SEQR Lead Agency Determination: Negative Declaration

The Town of Moreau Planning Board, as SEQR lead agency, issued a negative declaration for this facility on March 7, 2022.

### **State Historic Preservation Act (SHPA) Determination:**

A cultural resources survey has been completed and cultural resources were identified. Based on information in the survey report, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined that the proposed activity will have no adverse impact on registered or eligible archeological sites or historic structures. No further review in accordance with SHPA is required.

### **Coastal Management:**

This project is not located in a Coastal Management area and is not subject to the Waterfront Revitalization and Coastal Resources Act.

### **DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)**

It has been determined that the proposed action is subject to CP-29. A Public Participation Plan (PPP) pursuant to CP-29 is on file.

There are two nearby disadvantaged and environmental justice communities in Glens Falls and Hudson Falls area; therefore, DEC required the applicant to prepare and implement a PPP. By

early 2023, the applicant held one virtual and two hybrid public information meetings for those communities and has fully complied with its PPP obligations.

**Opportunity for Public Comment:**

Individuals and parties may mail written comments to the Contact Person listed below or may submit comments electronically to [comments.SaratogaBiochar2021@dec.ny.gov](mailto:comments.SaratogaBiochar2021@dec.ny.gov)

The comment period is 45 calendar days, or 7 days after the public hearing date, whichever is later. All comments submitted by mail must be postmarked by Monday, March 4, 2024. All electronically submitted comments must be received by 5:00 PM on the comments due date above. Equal weight is given to written and oral comments.

**Contact:**

Erin Burns

Regional Permit Administrator

NYS DEC Region 5

1115 State Route 86, PO Box 296

Ray Brook, NY 12977-0296

[comments.SaratogaBiochar2021@dec.ny.gov](mailto:comments.SaratogaBiochar2021@dec.ny.gov)