

June 29, 2026

Ms. Ellen Hart
Deputy Regional Permit Administrator
NYS Department of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Putt Corners Road
New Paltz, New York 12561

via email Ellen.Hart@dec.ny.gov

Subject Sheldrake Karmel Rd Properties, LLC
 Existing Burden Report
 NYSDEC Permit Application ID 3-4828-00433/00001
 STERLING File #2025-30

Dear Ms. Hart,

On behalf of Sheldrake Karmel Rd Properties, LLC, Sterling Environmental Engineering, P.C. (STERLING) submits this Existing Burden Report in response to the July 29, 2025 Notice of Incomplete Application (NOIA) issued by the New York State Department of Environmental Conservation (NYSDEC) for the subject application. The proposed onsite wastewater treatment system (OWTS) is located within the boundaries of a Potential Environmental Justice Area (PEJA) and Disadvantaged Community (DAC). Pursuant to Environmental Conservation Law §70-0118, the NYSDEC has determined that an Existing Burden Report is required under the Environmental Justice Siting Law (EJSL) to incorporate environmental justice into the consideration of the State Pollutant Discharge Elimination System (SPDES) application for the proposed OWTS to support a new housing development (hereinafter the “project”). This Existing Burden Report has been prepared with reference to the NYSDEC Policy DEP 24-1 “Permitting and Disadvantaged Communities Under the Climate Leadership and Community Protection Act” to identify whether there will be any disproportionate, adverse environmental effects from the proposed project on any existing disproportionate burden to the DAC. In addition to the Existing Burden Report, a Disproportionate Burden Analysis has been performed in accordance with Section 7(3) of the Climate Leadership and Community Protection Act (CLCPA) to ensure that the project prioritizes the reduction of greenhouse gases (GHG) and co-pollutants and does not disproportionately burden the DAC.

Existing Burden Report

The EJSL requires NYSDEC to consider as part of the permitting process whether an action may cause a “de minimis” or a “significant increase” to an existing disproportionate pollution burden on a DAC. An Existing Burden Report is used to establish existing pollution burdens and whether the existing burden is disproportionate. In accordance with NYSDEC guidance, an Existing Burden Report must include an assessment of the following:

1. Relevant baseline data on existing burdens, including from relevant criteria used to designate the particular DAC.
2. The environmental or public health stressors already borne by the DAC as a result of existing conditions located in or affecting the DAC.
3. The potential or projected contribution of the proposed action to existing pollution burdens in the community.

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The area is designated as a DAC based on indicators that are grouped under headings of “Health Impacts & Burdens,” “Housing, Mobility, Communications,” “Income,” “Race/Ethnicity,” “Land Use & Historic Discrimination,” “Potential Climate Change Risk,” and “Potential Pollution Exposure.” The indicator percentile scores are part of a formula used by the CJWG for the purpose of identifying DACs on a statewide basis. The indicator percentile scores show how a given indicator ranks compared to the entire state, including DACs, non-DACs, and New York City. For example, an indicator percentile score of 10% indicates that the specific indicator for the specific DAC exceeds 10% of the statewide census tracts and is less than 90% of the statewide census tracts. It is important to note that indicator percentiles alone may not be representative of conditions across an entire census tract. Similarly, indicators with high percentile scores do not necessarily mean that the census tract qualifies as a DAC due to the high scoring indicators alone.

Baseline Data on Existing Burdens

The specific DAC indicators for the project Census Tract 36105950800 are summarized in the following Table 1 from the DAC Interactive Mapper.

Table 1 – DAC Indicators and Percentile Rank Compared to Statewide Census Tracts

Population Characteristics & Vulnerability			Environmental Burden & Climate Change Risk		
Health Impacts & Burdens	Asthma Emergency Department Visits	43	Land Use & Historic Discrimination	Active Landfills	0
	COPD Emergency Department Visits	54		Housing Vacancy Rate	99
	Heart Attack (MI) Hospitalization	58		Industrial / Manufacturing / Mining Land Use	52
	Low Birthweight	24		Major Oil Storage Facilities	0
	Percent of Adults Age 65+	38		Municipal Waste Combustors	0
	Percent with Disabilities	97		Power Generation Facilities	0
	Percent Without Health Insurance	50		Regulated Management Plan (Chemical) Sites	13
	Premature Deaths	86		Remediation Sites	57
				Scrap Metal Processors	0
Housing, Mobility & Communications	Energy Poverty / Cost Burden	98	Potential Climate Change Risk	Agricultural Land Use	56
	Homes Built Before 1960	13		Coastal Flooding and Storm Risk	0
	Housing Cost Burden (Rental Cost)	48		Driving Time to Urgent/Critical Care	98
	Manufactured Homes	92		Extreme Heat Projections (>90 Deg Days)	52
	Percent Renter-Occupied Homes	33		Inland Flooding Risk Areas	41
	Percent Without Internet	56		Low Vegetative Land Cover	11
Income	Percent <100% of Federal Poverty	73	Potential Pollution Exposure	Benzene Concentration (Modeled)	9
	Percent <80% Area Median Income	59		Particulate Matter (PM2.5)	16
	Percent Single-Parent Households	77		Traffic: Diesel Trucks	11
	Percent w/o Bachelors Degree	59		Traffic: Number of Vehicles	9
	Unemployment Rate	86		Wastewater Discharge	28
Race / Ethnicity					
	Limited English Proficiency	32			
	Percent Asian	18			
	Percent Black or African American	47			
	Percent Latino/a or Hispanic	70			
	Percent Native American or Indigenous	70			

Existing Stressors & Potential Project Impact

NYSDEC Program Policy DEP 24-1 defines “Disproportionate Burden” as “a burden within an affected disadvantaged community that is, or would be, significantly greater than that same burden in comparable non-disadvantaged communities, as a result of the proposed action.” The project location census tract is bordered directly to the north (Census Tract 36105950100) and east (Census Tract 36111954700) by census tracts that are not designated as DACs.

The environmental burden DAC indicators are summarized in the following Table 2 from the DAC Interactive Mapper for the project Census Tract, which is designated as a DAC, and the directly adjacent Census Tracts, which are not designated as DACs.

Table 2 – Environmental Burden DAC Indicators and Percentile Rank Compared to Non-DACs

Environmental Burden & Climate Change Risk		Census Tract 36105950800 DAC	Census Tract 36105950100 Non-DAC	Census Tract 36111954700 Non-DAC
Land Use & Historic Discrimination	Active Landfills	0	0	0
	Housing Vacancy Rate	99	97	98
	Industrial / Manufacturing / Mining Land Use	52	0	33
	Major Oil Storage Facilities	0	0	0
	Municipal Waste Combustors	0	0	0
	Power Generation Facilities	0	0	0
	Regulated Management Plan (Chemical) Sites	13	5	6
	Remediation Sites	57	57	0
	Scrap Metal Processors	0	0	0
Potential Climate Change Risk	Agricultural Land Use	56	45	42
	Coastal Flooding and Storm Risk	0	0	0
	Driving Time to Urgent/Critical Care	98	98	98
	Extreme Heat Projections (>90 Deg Days)	52	53	63
	Inland Flooding Risk Areas	41	46	39
	Low Vegetative Land Cover	11	6	3
Potential Pollution Exposure	Benzene Concentration (Modeled)	9	2	8
	Particulate Matter (PM2.5)	16	12	18
	Traffic: Diesel Trucks	11	1	8
	Traffic: Number of Vehicles	9	0	9
	Wastewater Discharge	28	16	0

As shown in Table 2, the following DAC indicator in the project area DAC is significantly greater than the comparable adjacent non-DAC areas:

1. Industrial / Manufacturing / Mining Land Use

The higher percentile for the Industrial / Manufacturing / Mining Land Use criteria is due to the increased number of sand and gravel mines in the project census tract compared to the adjacent non-DAC census tracts. The 2023 Technical Documentation on the Disadvantaged Communities Criteria indicates that the Industrial / Manufacturing / Mining Land Use DAC indicator was based on land use categories from parcel tax records. The technical documentation notes that not all industrial areas represent exposures, risks, or

threats. The project will not create an industrial, manufacturing, or mining land use; therefore the project has no impact on this DAC indicator.

The Environmental Burden DAC indicators with the highest percentile scores are “Housing Vacancy Rates” at 99% and “Driving Time to Urgent/Critical Care” at 98%, which are also the highest indicators in the adjacent non-DACs. As described further below, these indicators are not considered a disproportionate burden on the DAC where the project is located:

- **Housing Vacancy Rate:** This indicator is a measure of how many vacant housing units there are as a percentage of total housing units in a census tract. A higher housing vacancy rate may be associated with migration away from the community, which may indicate threats of climate risk, population displacement, and community disinvestment. However, seasonal housing is included in housing vacancy rates, which means that vacation homes, such as those in the project census tract and surrounding area, may be counted toward this indicator. As indicated in Table 2, the Housing Vacancy Rate indicator is elevated in both the project DAC and adjacent non-DACs. The indicator is not considered a disproportionate burden on the DAC, and the project is unlikely to adversely impact the indicator.
- **Drive Time to Hospitals or Urgent/Critical Care:** This indicator is based on the average travel time and distance within a census tract to the three nearest healthcare facilities. As indicated in Table 2, the drive time indicator is elevated in both the project DAC and adjacent non-DACs. The indicator is not considered a disproportionate burden on the DAC, and the project will not increase drive times and is unlikely to adversely impact the indicator.

The DAC indicator most relevant to the proposed project is “Wastewater Discharge”, which is based on the proximity to stream reaches that receive discharges of toxic pollutants with potential human health effects. The primary data source for this DAC indicator is the United States Environmental Protection Agency (USEPA) Toxic Release Inventory (TRI) Risk Screening Environmental Indicators (RSEI) for the 2017 data year. The DAC indicator percentile for Wastewater Discharge is relatively low at 28% and not considered a disproportionate burden on the DAC when compared to the indicator percentile of the adjacent non-DAC at 16%. A current review of the RSEI dashboard identifies no water releases for Sullivan County through the most recent 2019 reporting year. This is not surprising given the lack of industrial facilities in the County. A review of the NYSDEC InfoLocator identifies only one Multi-Sector General Permit for an industrial facility within the project census tract associated with a sand and gravel mine and not located within the 0.5-mile study area.

The 2023 Technical Documentation on the Disadvantaged Communities Criteria identifies a key limitation with the Wastewater Discharge indicator is that a wastewater discharge does not directly correspond to population exposures because individuals would need to come into contact with contaminated water either by dermal exposure through swimming, inhalation of volatilized pollutants, drinking contaminated water, or by eating contaminated fish. These types of exposures are most often associated with industrial discharges containing toxic chemicals, which the project will not have. The project will generate domestic wastewater that will be treated to intermittent stream effluent limits that do not account for dilution and result in very clean effluent discharge.

Review of the NYSDEC InfoLocator indicates that there are two existing SPDES facilities within the DAC: 1) SPDES No. NY0280836 for “The Orchards” housing development; and 2) SPDES No. NY0024538 for the Loch Sheldrake Wastewater Treatment Plant (WWTP). The Orchards is located east of the project site and is permitted to discharge 54,000 gpd of treated sanitary wastewater to Coney Brook. The Loch

Sheldrake WWTP is located south of the project site and is permitted to discharge 1,000,000 gpd of treated sanitary wastewater to Evans Lake.

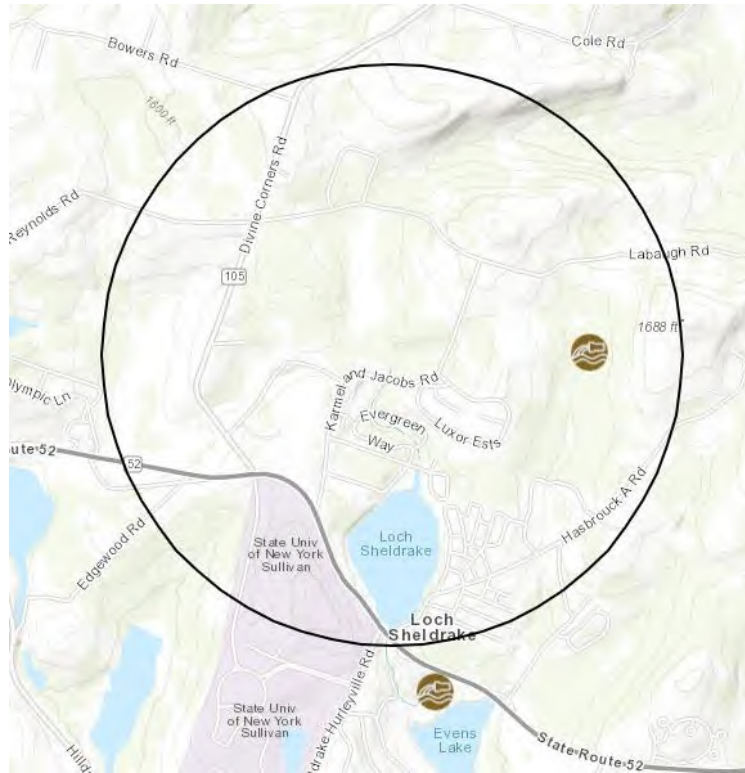


Figure 2 – Nearby SPDES Facilities from NYSDEC InfoLocator Map with 1.0-Mile Radius from Project Location

The proposed project will be more similar to The Orchards in size and is significantly smaller than the Loch Sheldrake WWTP. The project is subject to review by the Delaware River Basin Commission (DRBC) and received preliminary effluent limits dated April 4, 2025 that cite the following requirements contained in the DRBC Water Quality Regulations (WQR) Section 3.10.4.F regarding intermittent streams:

1. Discharges to intermittent streams may be permitted by the Commission only if the applicant can demonstrate that there is no reasonable economical alternative, the project is environmentally acceptable, and would not violate the stream quality objectives set forth in Section 3.10.3.B.1.a.
2. Discharges to intermittent streams shall be adequately treated to protect stream uses, public health and groundwater quality, and prevent nuisance conditions.

In accordance with WQR Section 3.10.3.B.1.a, the discharge “shall be substantially free from unsightly or malodorous nuisances due to floating solids, sludge deposits, debris, oil, scum, substances in concentrations or combinations which are toxic or harmful to human, animal, plant, or aquatic life, or that produce color, taste, odor of the water, or taint fish or shellfish flesh.” By correspondence dated October 10, 2025, the DRBC confirmed that a surface discharge of treated domestic wastewater meeting the effluent limits complies with the WQR.

Therefore, the Wastewater Discharge indicator is not considered a disproportionate burden on the DAC, and the project is unlikely to adversely impact the indicator.

The proposed project has potential to generate new traffic that are also mobile emissions sources. As indicated in Table 1 and Table 2, the DAC indicators related to traffic are low in the project DAC and adjacent non-DAC. These data indicate that vehicle traffic is not a significant environmental burden on the DAC and surrounding area. A Traffic Impact Study was prepared for the project, dated August 17, 2023, with an update memo dated May 1, 2026. As stated in the update memo, peak hour traffic generation was estimated based on the data provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual (Land Use Code 240 – Mobile Home Park). The resulting peak hour trips are as follows:

- Friday PM (Summertime): 24 trips entering and 14 trips exiting.
- Sunday PM (Summertime): 24 trips entering and 21 trips exiting.

Note that peak traffic conditions were estimated for peak travel days of Friday and Sunday during PM hours in the months of July and August when the development is expected to be at full occupancy. Single peak hour trip generation at a rate less than 100 vehicles is not considered impactful according to the New York State Department of Transportation (NYSDOT). The trips estimated for the development are well below that threshold at 45 total trips during the Sunday peak hour in the summertime. The traffic impact study concluded that the project would be a low traffic generator at peak trip generation rates with minimal impacts to Karmel & Jacobs Road and other roadways and intersections in the surrounding Loch Sheldrake area.

At full occupancy, the development is estimated to generate up to approximately 430 vehicle trips per day. This figure would be limited to approximately 16 to 20 days on Fridays and Sundays in July and August. September through June trip generation rates are expected to be negligible due to reduced occupancy in the development.

Construction vehicle traffic is expected to be minimal during the construction phase since the manufactured homes are delivered to the project site at approximately 95% completion. Only a small construction crew is needed for final setup once delivered. Therefore, construction vehicles associated with building trades and supplies will be minimal compared to a conventional “stick built” development.

According to the NYSDOT Traffic Data Viewer, minor collector roadways and major arterials surrounding the project area have average annual daily traffic (AADT) counts of approximately 1,110 vehicles per day (Hasbrouck Road) to 5,685 vehicles per day (State Route 52). The 430 vehicle trips per day generated by the proposed development will be dispersed around the roadway network and consist of primarily of passenger vehicles associated with the development residents. Review of the 2025 USEPA Emission Factors for Greenhouse Gas Inventories indicates that mobile emissions for gasoline vehicles have decreased since the 1970s approximately 97% for methane (CH₄) and approximately 93% for nitrous oxide (N₂O). Continued improvements in fuel efficiency and increased use of electric vehicles is expected to continue to reduce emissions from passenger vehicles. Specifically, New York’s Advanced Clean Cars II regulation sets targets for light-duty vehicle sales to be zero-emission vehicles (ZEV) starting at 35% of vehicle sales in 2026 and leading to 100% by 2035. Therefore, the vehicles associated with the proposed development are not a significant mobile emission source.

Disproportionate Burden Analysis

CLCPA Section 7(3) requires that a proposed action does not disproportionately burden disadvantaged communities and prioritizes the reduction of greenhouse gases (GHG) and co-pollutant emissions in DACs. GHGs include gaseous constituents provided in 6 NYCRR 496.5. DEP 24-1 defines “co-pollutants” as “hazardous air pollutants produced by greenhouse gas emissions sources, including those contaminants

defined as regulated air pollutants in 6 NYCRR 200.1(bu) and other air pollutants as identified by the Department on a case-by-case basis that are known to produce adverse human health effects.” The project does not involve an air emissions source requiring the modeling of air impacts, and NYSDEC has not identified any case-specific co-pollutants specific to this project.

As indicated in the attached Disproportionate Burden Analysis Worksheet, there are no DAC indicators related to air quality that are relevant to the project. Therefore, the project is not considered to be a significant source of greenhouse gases or co-pollutants that could cause a disproportionate burden on the DAC.

Although not a DAC indicator, wastewater treatment plants have the potential to generate odors that are often considered a “nuisance.” The OWTS will be designed and operated to prevent fugitive odors. The project will address odors through proper operation of the OWTS by a licensed operator who will perform maintenance and testing on a daily basis. The proposed OWTS is small in size and will be located in a wooded area and away from population centers. Therefore, the project is not considered to be a significant source of odors that could adversely impact the local community

Enhanced Public Participation

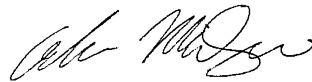
As required by NYSDEC Program Policy, DEP 24-1, a Public Participation Plan has been submitted to NYSDEC to conduct enhanced public participation for this proposed modification. Community outreach, including a public informational meeting, will be completed and documented in a summary report to NYSDEC under separate cover.

Conclusion

This analysis demonstrates that the project will not result in any increase to a disproportionate burden on the DAC where the project is located. Further, the project is not a significant source of greenhouse gases, co-pollutants, or odors that could cause a disproportionate burden on the DAC.

Please contact me should you have any questions.

Very truly yours,
STERLING ENVIRONMENTAL ENGINEERING, P.C.



Andrew M. Millspaugh, P.E.
President

andrew.millspaugh@sterlingenvironmental.com

Email

cc: Shlomo Katz, Sheldrake Karmel Rd Properties LLC (email)
Joseph Katz, Sheldrake Karmel Rd Properties LLC (email)

**CLCPA SECTION 7(3) DISPROPORTIONATE BURDEN ANALYSIS
WORKSHEET**

CLCPA Section 7(3) Disproportionate Burden Analysis Worksheet

DEC Application No. (if known): <u>3</u> - <u>4828</u> - <u>00433</u> / <u>00001</u>			
Name of Applicant: <u>Sheldrake Karmel Rd Properties, LLC</u>			
Email: <u>ycpkatz@gmail.com</u>		Phone: <u>732-719-7200</u>	
Mailing Address:	Street: <u>PO Box 1333</u>		
	City: <u>Jackson</u>	State: <u>NJ</u>	Zip: <u>08527</u>
Project Location: <u>Karmel & Jacobs Road</u>			
	Street: <u>Tax Parcel 12.-1-7</u>		
	City: <u>Fallsburg</u>	State: <u>NY</u>	Zip: <u>12759</u>
Project Description: Onsite wastewater treatment system with surface discharge from an 86-unit residential development to an intermittent stream that flows into the Class B Tributaries of Sheldrake Stream (Water Index Number D-1-38-P 51).			

This worksheet lists disadvantaged community (DAC) indicators that are potentially related to air quality or air-related health effects. The full lists of DAC indicators are contained in Tables 2 and 3 of the New York State Climate Justice Working Group Draft Disadvantaged Communities Criteria and List Technical Documentation (March 9, 2022) and the disadvantaged community criteria maps. The worksheet should be used to identify DAC indicators that are relevant to the potential greenhouse gas (GHG) and co-pollutant impacts of a specific action.

Using Table 1 of this worksheet, applicants should enter the percentile values for each DAC indicator from the disadvantaged communities criteria map and then identify the DAC indicators that are relevant to the specific project. Where a relevant DAC indicator is identified, a qualitative response whether the action will have a positive or negative impact on the pollution burdens or health vulnerabilities associated with the indicator should also be provided. The response should be based on the action without measures that may reduce or eliminate GHG and co-pollutants (i.e., “design measures”).

The impacts of the action on the environmental burdens and health vulnerabilities identified by the relevant DAC indicators must be discussed in the disproportionate burden analysis provided with the permit application. The analysis must also identify and discuss any proposed measures to reduce or eliminate GHG and co-pollutant impacts from the proposed action.

See Table 1 on page 2.

Table 1. CLCPA Section 7(3) Disproportionate Burden Analysis Worksheet

DAC Indicator	%tile ¹	Relevant?		Impact?	
Potential Pollution Exposures					
Traffic: number of vehicles	9	☐ Yes	☒ No	☐ Positive	☐ Negative
Traffic: diesel trucks	11	☐ Yes	☒ No	☐ Positive	☐ Negative
Particulate matter (PM 2.5)	16	☐ Yes	☒ No	☐ Positive	☐ Negative
Benzene concentration	9	☐ Yes	☒ No	☐ Positive	☐ Negative
Land Use and Facilities Associated with Historical Discrimination or Disinvestment ²					
Proximity to remediation sites	57	☐ Yes	☒ No	☐ Positive	☐ Negative
Proximity to regulated management plan sites	13	☐ Yes	☒ No	☐ Positive	☐ Negative
Proximity to major oil storage facilities	0	☐ Yes	☒ No	☐ Positive	☐ Negative
Proximity to power generation facilities	0	☐ Yes	☒ No	☐ Positive	☐ Negative
Proximity to active landfills	0	☐ Yes	☒ No	☐ Positive	☐ Negative
Proximity to municipal waste combustors	0	☐ Yes	☒ No	☐ Positive	☐ Negative
Proximity to scrap metal processors	0	☐ Yes	☒ No	☐ Positive	☐ Negative
Industrial/manufacturing/mining land use	52	☐ Yes	☒ No	☐ Positive	☐ Negative
Health Outcome Sensitivities					
Asthma emergency department visits	43	☐ Yes	☒ No	☐ Positive	☐ Negative
COPD emergency department visits	54	☐ Yes	☒ No	☐ Positive	☐ Negative
Heart attack (MI) hospitalization	58	☐ Yes	☒ No	☐ Positive	☐ Negative
Premature deaths	86	☐ Yes	☒ No	☐ Positive	☐ Negative
Low birthweight	24	☐ Yes	☒ No	☐ Positive	☐ Negative
Percent without health insurance	50	☐ Yes	☒ No	☐ Positive	☐ Negative
Percent with disabilities	97	☐ Yes	☒ No	☐ Positive	☐ Negative
Percent adults age 65+	38	☐ Yes	☒ No	☐ Positive	☐ Negative

¹ Enter the indicator percentile value obtained from the disadvantaged community criteria map for the disadvantaged community the project is located in or may affect. The disadvantaged communities criteria maps are located on-line at: <https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>

² If the proposed action involves a land use listed in this section and has the potential to emit GHG or co-pollutants that affect or are likely to affect a disadvantaged community, the DAC indicator is relevant.