

Minutes

Village Board of Trustees

October 6, 2009

A Special Meeting of the Village of Horseheads Board of Trustees was held on the above date at 5:30 p.m. The purpose of the meeting was to continue with Part 3 of the SEQR Review relative to the Schlumberger Project

Present were:

Village Board and Staff:

Mayor Donald Zeigler
Trustee Ronald Swartz
Trustee Walter Herbst
Trustee George Koliwasky
Trustee Suzanne Peters

Village Attorney John Groff
Manager's Asst. Rachel Baer

Others:

Glenn Harvey, Bergmann Assoc.
Scott Jelleberg, Schlumberger
Robert Wolfsberger, Schlumberger
George Miner, STEG
Nick Paulick, Horseheads
Ken Edsall, Horseheads
Fred Thompson, Corning
David Hulse, Corning
Randy Heckman, Corning
Andy Drake, Corning
Robert Ryan, South Ave.
Frank Bohman, Pine City
Chris Wright, Millport
Mike Sincock, Pine City
Ernie Hartman, Elmira
Dave Blauvelt, Erin
Tom Harris, Elmira
Ruth Young, Horseheads
Julie Spicer, Bowman Hill Terr.
Mike Swasta, Watkins Rd.
Ray & Deloris Cass, Redwing Lane
Lorie Bedient, Tyrone

Brian Bedient, Tyrone
Don Kraft, Elmira
Sean McNeill, Endwell
Tim Cole, Barton
Eric Potter
Gregg Soltis
Scott Carlyle
Joe Congdon
Leslie Potter
Frank Potter
Bette Ek
Richard Moriarty
Susan Multer
Barb Skorczewski, W. Franklin St.
Frank Patterson, Van Etten
Paula Kaartinen, Spencer
Janet Sherman, Spencer
Jimmie Joe Carl, Chemung Co. Stormwater
Joe Danaher
Elizabeth Danaher
Lisa Gole, Horseheads
Helen Slottje, Ithaca

Atty. Groff opened the meeting. He noted that at the prior meeting on Sept. 30th we went over Part 2 of the SEQR form. Now we need to complete Part 3 covering each impact we identified.

PART 3 -- EVALUATION OF THE IMPORTANCE OF IMPACTS

Name of Action: SEQRA Determination & Site Plan Approval for an Oilfield Service Facility
Location of Action: Village of Horseheads, New York
Name of Applicant/Sponsor: Schlumberger Technology Corporation

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IMPACT ANALYSIS AND MITIGATION MEASURES

Note: All impacts that have been identified in Part 2 by the Village of Horseheads Board of Trustees have been described in this part. Numbering is consistent as outlined in Part 2.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site? – Yes

Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. (Small to Moderate Impact)

Existing pre-development site slopes are as follows:

0 – 10 percent slope:	97.84% of site
10 – 15 percent slope:	1.47% of site
>15 percent slope:	2.71% of site

Proposed post-development site slope areas:

0 – 10 percent slope:	93.22% of site
10 – 15 percent slope:	1.80% of site
>15 percent slope:	7.10% of site

The increase in slopes in excess of 15 percent is due preservation of the slopes along the north, east, and southeasterly boundary of the site; construction of the stormwater management basins; and construction of the landscaped berm along the Town athletic complex to the north plus some small internal berms.

Construction that will continue for more than 1 year or involve more than one phase or stage. (Potential Large Impact)

This project will be constructed in four over-lapping phases over an estimated 93-week continuous period. An Applicant provided phased construction schedule is attached. This is not a detailed construction management scheduling tool, but depicts the major components of each phase. Actual start date will vary from the schedule based on actual project approval and actual permitting dates. Based on the scope of construction, this is an aggressive schedule.

The construction schedule will be governed by the Village Code where applicable, including the specified working hours. The Village Code Enforcement Officer will review the contractor's work schedule to ensure that it is compliant with the Village Codes. Generally, a detailed project schedule and the working hours are established at the pre-construction meeting. Working hours will be established to minimize disturbance to the

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neighboring properties during the construction phase of the project. The Code Enforcement Officer will monitor and enforce the project schedule and working hours.

The impact of a construction schedule that will continue for more than one year will be mitigated by:

- The project construction is totally contained within the M-1 Industrial District, with access from an existing County road.
- Dust palliatives will be utilized on site during construction.
- US EPA standards for noise emissions of construction equipment will be followed.
- Expediting the construction of the project and complete the construction on schedule, or earlier.
- Establish working hours that will minimize the disturbance to neighboring properties at the pre-construction meeting.
- A detailed construction schedule including appropriate dates will be provided at the pre-construction meeting.
- The Code Enforcement Officer will strictly enforce the construction schedule and working hours and notify the applicant and Village Board of any deviations from the schedule and/or working hours and take appropriate action if needed.

However, some irreversible impacts cannot be reduced or avoided by the use of reasonable, prudent mitigation measures. Included in this category would be removal of existing vegetation in the development areas; and reduction in the amount of vacant land in areas of development. Both of these are unavoidable with any type of site development.

Construction related impacts would be temporary in nature and limited to the duration of the construction period. Given the temporary duration and controls in place, no significant adverse impacts are expected.

IMPACT ON WATER

3. Will the proposed action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL) - Yes

Construction in a designated freshwater or tidal wetland. (Potential Large Impact)

Terrestrial Environmental Specialists (TES) performed a wetland investigation of the project area. TES investigated available background information and performed a field review for wetlands and other waters of the United States on April 29, 2009.

TES utilized methods described in the Army Corps of Engineers wetland delineation manual to search for wetlands within the project area. Two plant communities, shrub upland and open fields, were located. No wetlands are located within the project area. This includes the area of "Made Land" which is defined as a hydric soil by the Chemung County Soil Survey.

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Based on background information, there are New York State Department of Environmental Conservation (NYS DEC) regulated and U.S. Fish and Wildlife Service (USFWS) mapped wetlands on the west side of the Center of Horseheads Industrial Park site. These wetlands are located approximately 1500 feet west of the Applicant's proposed development. The wetlands and the proposed development are separated by the existing large warehouse structures and pavement areas.

Refer to Appendix E of the Environmental Assessment Report for the Wetland Investigation Report prepared by TES.

The mitigated stormwater runoff from this site will be conveyed by storm sewer to the 100-foot buffer area of the wetland approximately 1500-feet west of the Applicant's proposed project site.

This project will be required to comply with the State Pollutant Discharge Elimination System (SPDES) Phase II General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001). As part of these requirements a Stormwater Pollution Prevention Plan (SWPPP) has been prepared describing erosion and sedimentation (E & S) control measures and provides quality and quantity mitigation for the increase in stormwater runoff from the site.

The increase in run-off will be mitigated by the inclusion of stormwater detention facilities. These facilities will be designed to temporarily detain increased stormwater run-off during storm events and slowly release stormwater after the storm. Within the parking areas, stormwater run-off will be collected in a series of catch basins and directed through a series of pipes to the detention facilities. The stormwater detention ponds will be sized to mitigate the Water Quality Volume (WQv), the Channel Protection Volume (CPv), the Overbank Flood (Qp), and the Extreme Storm (Qf).

As mentioned above, run-off from this area of the Industrial Park is conveyed via a storm sewer system to the wetlands on the west side of the site. In order to insure that the development of this site does not agitate downstream drainage conditions, this project will include the installation of a separate storm sewer that will convey treated runoff from the stormwater management facilities directly to the wetlands. This sewer will have sufficient capacity to carry the post development runoff from the 100 year storm.

Based on the design of the Stormwater Management Practices (SMPs), no increase in stormwater runoff will occur off site. With the implementation of the recommended detention facilities, the impact on storm drainage will be insignificant.

The Village of Horseheads is an MS-4 community and therefore Schlumberger will comply with the Phase II stormwater regulations and will incorporate Best Management Practices (BMP) to ensure that water quality will be protected. BMP's to be employed will, at a minimum, include:

- 1) Silt fencing placed around construction areas prior to grading activities;

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- 2) Diversion Channels to prevent runoff from leaving the site
- 3) Land clearing activities shall be done only in areas where earthwork will be performed and shall progress as earthwork is needed;
- 4) Permanent seeding and planting of all unpaved areas using the hydromulching grass seeding technique;
- 5) Mulching exposed areas, where specified;
- 6) Temporary seeding and planting of all unpaved areas using the hydromulching grass seeding technique within 14 days of disturbance; and
- 7) Frequent watering to minimize wind erosion during construction.

Permanent structural practices for this site shall include:

- 1) Outlet protection using stone riprap as specified;
- 2) Utilize Storm sewer collection system that will be tested for water tightness;
- 3) Automated slide gates to eliminate discharges from stormwater facilities if necessary/
- 4) Stormwater detention ponds will also serve as a temporary sediment basin;
- 5) CONTECH Stormwater Solutions Vortech stormwater treatment units

All erosion and sediment control measures will be designed in accordance with the New York State Soil Conservation Service "Guidelines for Urban Erosion and Sediment Control." The site contractor shall adhere to all erosion and sediment control measures.

It is proposed that the site work portion of this project be constructed in a single phase. This will require a five acre waiver to be granted by the Chemung County Storm Water Coalition. The granting of the five acre waiver will require that at least two site inspections every seven days, for as long as greater than five acres of soil remain disturbed. These inspections are to be performed as required by GP-0-08-001.

Refer to Appendix 21 of the SWPPP for the Stormwater Pollution Prevention Plan .

Based on the required permitting, SWPPP, temporary BMPs and permanent structural practices, the impact on the existing freshwater wetland will be mitigated to a small to moderate impact, with the only construction disturbance being the actual installation of the storm sewer within the wetland buffer, and that impact is temporary.

5. Will proposed action affect surface or groundwater quality or quantity? - Yes

Proposed action will require a discharge permit. (Potential Large Impact)

Construction activities disturbing one or more acres are required to obtain a State Pollution Discharge Elimination System (SPDES) permit, which authorizes the discharge of stormwater runoff to surface waters. Stormwater facilities have been designed to mitigate potential stormwater quality and quantity impacts associated with the additional runoff from the proposed improvements. The SPDES permit requires the proposed action to implement stormwater management measures for controlling pollutants in the stormwater

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runoff and maintaining or reducing the discharge rate of stormwater from the developed site to the discharge rate of the undeveloped site. A Stormwater Pollution Prevention Plan (SWPPP) per the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) will be prepared. The Village of Horseheads MS-4 Officer has referred the review of the system to the Chemung County Storm Water Coalition Stormwater Engineer, whose most recent design review comments (letter dated October 4, 2009) are on file with the Village's MS-4 Officer. The Applicant will also be required to follow all submittals and notifications under the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001).

A proposed stormwater management system has been designed for the project. Stormwater generated from the development will be routed through stormwater quality/quantity facility prior to being discharged. The proposed project includes the implementation of a comprehensive stormwater management plan that will address the construction and post-construction runoff condition. The plan has been designed per the NYSDEC Stormwater Design Manual and meets the requirements for the NYSDEC General Permit GP-0-08-001 for stormwater runoff from construction activities. The management plan will provide the required quantity control and water quality treatment, such that post development peak rates of discharge from the property will be at rates less than the current discharge rates. The supporting calculations and details of the design of the stormwater management plan are provided in the project's Environmental Assessment Report (EAR) and Stormwater Pollution Prevention Plan (SWPPP), both of which are on file at the Village of Horseheads.

In conclusion, the stormwater management facilities mitigate the impact of the change in flood waters by controlling and limiting the amount of stormwater that will be discharged from the developed site, and controlling the erosion on site due to the phased construction activities.

Proposed action will adversely affect groundwater. (Potential Large Impact)

Storm Drainage. Although the project will alter the existing site topography, stormwater run-off will continue to ultimately discharge to the same location. Run-off from this area of the Industrial Park is conveyed via a storm sewer system to the wetlands on the west side of the site. From there the wetlands discharge to Catherine Creek and then to Seneca Lake. The construction of buildings and paved areas is expected to increase the rate and volume of stormwater run-off.

This project will be required to comply with the State Pollutant Discharge Elimination System (SPDES) Phase II General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001). As part of these requirements a Stormwater Pollution Prevention Plan (SWPPP) has been prepared describing erosion and sedimentation (E & S) control measures and provides quality and quantity mitigation for the increase in stormwater runoff from the site.

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The increase in run-off will be mitigated by the inclusion of stormwater detention facilities. These facilities will be designed to temporarily detain increased stormwater run-off during storm events and slowly release stormwater after the storm. Within the parking areas, stormwater run-off will be collected in a series of catch basins and directed through a series of pipes to the detention facilities. The stormwater detention ponds will be sized to mitigate the Water Quality Volume (WQv), the Channel Protection Volume (CPv), the Overbank Flood (Qp), and the Extreme Storm (Qf).

As mentioned in the Stormwater Management Report, included in the SWPPP, the proposed land uses for this site are defined as stormwater hotspots in the New York State Stormwater Management Design Manual (NYS SMDM). Based on the proposed land use, the physical characteristics of the site, and pollutant removal capability, a wet pond (P-2) as defined in the NYS SMDM was selected as the stormwater management practices (SMP) to be used on site. Because this site is located within close proximity to the Elmira aquifer and the proposed uses are defined as stormwater hotspots, the selected SMP's provide a two foot separation from the aquifer elevations as required. The proposed SMP's will utilize a 12" thick clay liner to further reduce the potential for contamination of the aquifer. The clay soil will have a minimum of 50 percent passing the #200 sieve and a proposed maximum permeability of 1×10^{-5} cm/sec. Furthermore, 100 percent of the Water Quality Volume (WQV) is pretreated in the forebay as required by the NYSSMDM.

In addition to the provided water quality treatment, CONTECH Stormwater Solutions Vortech stormwater treatment units will be installed on all inlets into ponds that accept runoff from areas that contain stormwater hotspots. These hydrodynamic separators which are approved by the New York State Department of Environmental Conservation (NYS DEC) for pretreatment are designed to enhance gravitational separation of floating and settleable materials from stormwater flows.

As mentioned above, run-off from this area of the Industrial Park is conveyed via a storm sewer system to the wetlands on the west side of the site. In order to insure that the development of this site does not agitate downstream drainage conditions, this project will include the installation of a separate storm sewer that will convey treated runoff from the stormwater management facilities directly to the wetlands. This sewer will have sufficient capacity to carry the post development runoff from the 100 year storm.

Based on the design of the SMP's, no increase in stormwater runoff will occur off site. With the implementation of the recommended detention facilities, the impact on storm drainage will be insignificant.

The Village of Horseheads is an MS-4 community and therefore Schlumberger will comply with the Phase II stormwater regulations and will incorporate Best Management Practices (BMP) to ensure that water quality on site will be protected. BMP's to be employed will, at a minimum, include:

- Silt fencing placed around construction areas prior to grading activities;
- Diversion Channels to prevent runoff from leaving the site;

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- Land clearing activities shall be done only in areas where earthwork will be performed and shall progress as earthwork is needed;
- Permanent seeding and planting of all unpaved areas using the hydromulching grass seeding technique;
- Mulching exposed areas, where specified;
- Temporary seeding and planting of all unpaved areas using the hydromulching grass seeding technique within 14 days of disturbance; and
- Frequent watering to minimize wind erosion during construction.

Permanent structural practices for this site shall include:

- Outlet protection using stone riprap as specified;
- Utilize Storm sewer collection system that will be tested for water tightness;
- Stormwater detention ponds will also serve as a temporary sediment basin;
- Drainage swales;
- CONTECH Stormwater Solutions Vortech stormwater treatment units

All erosion and sediment control measures will be designed in accordance with the New York State Soil Conservation Service "Guidelines for Urban Erosion and Sediment Control." The site contractor shall adhere to all erosion and sediment control measures.

It is proposed that the site work portion of this project be constructed in a single phase. This will require a five acre waiver to be granted by the County Soil and Water Conservation District. The granting of the five acre waiver will require that at least two site inspections every seven days, for as long as greater than five acres of soil remain disturbed. These inspections are to be performed as required by GP-0-08-001.

The construction of the buildings will be phased. For the initial phase the entire bulk storage facility will be constructed along with the maintenance facility and vehicle wash facility. The remainder of the building construction is expected to follow in the near future. The phasing map is included in Appendix M of the Environmental Assessment Report.

Refer to Appendix 21 of the SWPPP for the Stormwater Pollution Prevention Plan

Sanitary Sewer. The Schlumberger property is located within the Chemung County Sewer District #1. Based on preliminary calculations this project will generate approximately 800 gallons per day. Attached in appendix L of the Environmental Assessment Report is the "will serve" letter from the Sewer District which indicates that adequate sanitary sewer capacity exists to support this project. Please note that when the service request was originally submitted it was anticipated that sewer usage would be approximately 40,000 gallons per day. As stated above the building design has progressed and the anticipated usage has been revised to 800 gallons and has been reflected on the Environmental Assessment Form (EAF).

The US Environmental Protection Agency was contacted as required to determine if a waiver is necessary under the Environmentally Sensitive Area Grant. Upon review by the

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EPA it was determined that this project is not under the purview of the Environmentally Sensitive Area (ESA) Grant Condition Waiver Program since the site does not contain wetlands or floodplains. Please refer to the Environmental Assessment Report Appendix O for a copy of the submittal and correspondence from the US EPA stating that it is not required.

Groundwater Monitoring. At the onset of construction, the Applicant proposes to install a network of three permanent groundwater monitoring wells. These monitoring wells are to be established, gauged and sampled prior to implementation of site operations and to be included in a program of regular gauging and sampling. The network is to allow for monitoring groundwater conditions in the overburden regime, the first water bearing unit in unconsolidated sediments at the subject property. Additional monitoring wells may be installed as necessary. The details of the drilling procedures, monitoring well construction, monitoring well installation, decontamination procedures, sampling and monitoring, monitoring well development, monitoring and sampling frequency, and reporting are contained in Appendix N of the Environmental Assessment Report. Briefly, laboratory analysis shall include volatile organic compounds, target compound list expanded to include the NYSDEC STARS list of petroleum compounds; petroleum-based semi-volatile organic compounds; total petroleum hydrocarbons; analysis for metals, the target analyte list including RCRA listed heavy metals; pH; and analysis for additional compounds may be required based upon operations at the proposed facility.

The Applicant proposes to perform an initial round of sampling prior to the onset of site operations. (*Note: The continuing site plan review process will require that the initial sampling be performed prior to the onset of site construction.*) During the first year of sampling, the samples shall be taken quarterly for evaluation of the seasonal impact of the variations in groundwater elevation. Once a "baseline" is established, the sampling frequency shall be reduced to bi-annual sampling. Reporting will be distributed, at a minimum, the Applicant and Chemung County Stormwater Coalition simultaneously from the testing laboratory. Again, this will be reviewed during the site plan review development.

Mitigation. The stormwater management facility mitigates both the impact of the change in flood waters by controlling and limiting the amount of stormwater that will be discharged from the developed site; controlling the erosion on site due to the phased construction activities; the quality of storm water discharged from the site; and, the storm sewer collection and conveyance piping and structures will be built and tested to sanitary sewer standards for both infiltration and exfiltration. The sanitary sewer system will convey wastewater to the Chemung County Sewer District system and wastewater treatment plant, and a sanitary sewer sampling station will be constructed on site. Groundwater monitoring wells will be installed and a program of sampling, analysis, and reporting initiated prior to construction. Therefore, a stringent program for protecting the groundwater will be in place, and the potential for a large impact mitigated.

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Construction or operation causing any contamination of a water supply system. (Potential Large Impact)

The Applicant will connect to and purchase potable water from the Village of Horseheads municipal water system. Connections to the municipal system will be made at the property line. The connection points will require the installation of a master water meter and a reduced pressure zone (RPZ) unit in an above grade insulated and heated "hot box". This installation will be designed by the Applicant's engineer. Under the guidelines of a cross-connection control program a backflow preventer is required whenever a direct or in-direct cross-connection in a public or private water system exists. The reduced pressure principle valve is designed for high hazard installation where back-pressure and back-siphonage could occur. The design of both the installation and the RPZ valve for all such installations in the State of New York are designed by a NYS licensed professional engineer and submitted to the New York State Health Department for review and approval.

Construction of the installation will require shutting down the Village of Horseheads water main at the design location and constructing the installation, as approved by the NYSDOH, under the supervision of a NYS licensed professional engineer. Post installation requirements will include flushing, disinfection, pressure testing, and certification of the completed works to the NYSDOH by the aforementioned professional engineer prior to placing the unit in operation and supplying water to the Applicant. This is a common procedure in the municipal water works industry and the exercise of both NYSDOH regulations, approved construction procedures, and professional oversight during connection, mitigates the potential for causing any contamination of the water supply system.

Proposed action will require the storage of petroleum or chemical products greater than 1,100 gallons. (Potential Large Impact)

Diesel fuel will be stored in two 12,000-gallon double-wall steel fuel storage tanks within a 27,839-gallon containment system at the on-site fueling station. The tanks, containment system, and fueling stations are on concrete and under a canopy.

A summary of chemicals that will be stored at the Applicant's Horseheads facility and the Material Safety Data Sheets (MSDS) for them are included in Appendix K of the Environmental Assessment Report.

The Applicant has advised that the chemicals will be loaded in one of two ways. In the first method, the totes the chemicals are stored in will be loaded, inside the bulk plant which provides the regulated containment, on to a flat bed by fork lift and taken to location to be used. When the chemicals are brought back, the totes will be unloaded and placed back into storage in the bulk plant ready to be placed on another flatbed for the next job. The second method would involve placing chemicals into a transport, inside the bulk plant, and transported to location to be used. After the job the transport will be brought back to the bulk plant storage facility to be loaded for the next job. Building construction and

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containment will be reviewed as part of the building permit process outlined in the Village Code.

All chemical storage and handling of regulated materials must be in accordance with 6 NYCRR Parts 612-614 (Petroleum Bulk Storage) and 6 NYCRR Parts 595-599 (Chemical Bulk Storage) as required by the NYSDEC.

The Schlumberger Spill Prevention Control and Countermeasure Plan and RCRA Contingency Plan are contained in Appendix K of the Environmental Assessment Report. The Village of Horseheads Fire Department and Chemung County Emergency Management Team have been made aware of the proposed petroleum and chemicals to be stored on site, and have coordinated emergency activities. Further, they will schedule regular training drills with the Applicant.

The manufacture, packaging, handling, transportation, storage, and use of regulated materials are controlled by existing regulations, licensure, and inventory control. The on-site chemical storage building will be subject to the Building Code of New York State and permitting review in conformance with the Village Code. Therefore, the impact of the storage of chemical products will be mitigated by storage in a building with a spill containment provision that will prevent any spilled material from leaving the storage building. The diesel fuel will be stored in and dispensed from two permitted double-wall tanks in a containment of greater volume than the two tanks.

6. Will proposed action alter drainage flow or patterns, or surface water runoff? - Yes

Proposed action may cause substantial erosion. (Potential Large Impact)

Construction activities disturbing one or more acres are required to obtain a State Pollution Discharge Elimination System (SPDES) permit, which authorizes the discharge of stormwater runoff to surface waters. Stormwater facilities have been designed to mitigate potential stormwater quality and quantity impacts associated with the additional runoff from the proposed improvements. The SPDES permit requires the proposed action to implement stormwater management measures for controlling pollutants in the stormwater runoff and maintaining or reducing the discharge rate of stormwater from the developed site to the discharge rate of the undeveloped site. A Stormwater Pollution Prevention Plan (SWPPP) per the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) has been prepared and submitted to the Village. The Village of Horseheads MS-4 Officer has referred the review of the system to the Chemung County Storm Water Coalition Stormwater Engineer. The Applicant will also be required to follow all submittals and notifications under the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001).

A proposed stormwater management system has been designed for the project. Stormwater generated from the development will be routed through stormwater quality/quantity facility prior to being discharged. The proposed project includes the

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implementation of a comprehensive stormwater management plan that will address the construction and post-construction runoff condition. The plan has been designed per the NYSDEC Stormwater Design Manual and meets the requirements for the NYSDEC General Permit GP-0-08-001 for stormwater runoff from construction activities. The management plan will provide the required quantity control and water quality treatment, such that post development peak rates of discharge from the property will be at rates less than the current discharge rates. The supporting calculations and details of the design of the stormwater management plan are provided in the project's Environmental Assessment Report (EAR) and Stormwater Pollution Prevention Plan (SWPPP), both of which are on file at the Village of Horseheads.

In conclusion, the stormwater management facility mitigates the impact of the change in flood waters by controlling and limiting the amount of stormwater that will be discharged from the developed site, and controlling the erosion on site due to the phased construction activities.

IMPACT ON AIR

7. Will proposed action affect air quality? - Yes

Proposed action will allow an increase in the density of industrial development within existing industrial area. (Small to Moderate Impact)

The existing property is vacant. Therefore this proposed action will increase the density of industrial development within this existing industrial area. This property is located within the M-1 Industrial District and, as presented, complies with Article XII M-1 Industrial District of the Code of the Village of Horseheads. This is in keeping with the Village's Draft Comprehensive Plan for development. The impact is therefore considered a potentially small to moderate impact.

Other impacts. (Small to Moderate Impact)

The United States Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (NYSDEC) measure and record emissions which are or could be harmful to people. The main sources of harmful emissions are grouped into four categories:

- Point sources, which include facilities like factories and electric power plants.
- Mobile sources include cars and trucks, lawn mowers, airplanes and anything else that moves and emits pollution into the air.
- Biogenic sources include trees and vegetation, gas seeps, and microbial activity.

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- Area sources consist of smaller stationary sources such as dry cleaners and degreasing operations.

No fixed sources of point emissions are anticipated as part of the proposed development. The proposed buildings within the development will be cooled by electrically powered systems. Heating will be supplied by natural gas, which is a clean burning fuel.

The mobile air pollution sources include all types of vehicles traveling to and from the proposed development. Vehicles emit hydrocarbons, nitrogen oxides, carbon monoxides and particulates. Vehicular emissions are influenced predominately by operating speed, idling mode and operating time. Vehicular emissions are also influenced by the age of the vehicle and condition of the vehicle and condition of the vehicle emission control system. Due to the increasingly stringent emission control standards, total vehicular emissions are anticipated to decrease until such time as all automobiles are emission control-equipped.

The effect of automobiles on air quality was assessed using NYSDEC publication Air Guide-23, "Indirect Sources of Air Contamination," dated June 29, 1989. This publication contains a three level process for evaluating air quality impacts. If the criteria set forth in the first level (Level I) are violated, then a second level (Level II) is required. If the criteria set forth in the second level are violated, then a third level is required. Each air quality evaluation level is more detailed and sophisticated than the previous level. The results of the air quality evaluation demonstrate if the proposed development may cause violation of State or Federal AAQS.

The Air Guide-23 Level I analysis guidelines state that all major intersections located within a distance of up to one mile from the project and influenced by at least 50 peak-hour vehicles of site-generated traffic should be considered for analysis, and that Level I analysis on Air Guide-23 requires no further air quality evaluation if overall levels of service (LOS) at major intersections within one mile of the proposed development are C or better. As stated in the Traffic Impact Study, the overall levels of service (LOS) for all intersections analyzed for the Schlumberger development that are currently operating at a LOS C or better will continue to operate at those levels after this project is fully operational. Therefore the impact on air is insignificant and no further analysis is required.

As requested by the Village Engineer, an additional Microscale Air Quality Analysis was completed for this development. The purpose of the report was to determine if the idling fleet vehicles may potentially impact the air quality in the vicinity of the facility. The study served to determine if violations of the US National Ambient Air Quality Standards (NAAQS) set by the US Environmental Protection Agency (EPA) for outdoor air quality levels are likely as a result of this project.

As stated in the report, emissions from the proposed facility would be equal to the existing ambient concentrations at the 9 sensitive receptors adjacent to the proposed facility. A sensitivity test was evaluated to determine what distance from the idling truck would yield an increase in CO emission levels. For this model, receptor points were placed at varying distances from the idling truck locations. No increase in CO emissions was realized until

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the receptor was 240 feet east of the staging area, at which point a 0.1 ppm increase was predicted. At this location, the receptor is located immediately adjacent to the 5 idling trucks north bulk plan warehouse. This 0.1 ppm increase in 1-hour CO emissions would result in a 2.3 ppm CO emission concentration, and would not exceed the NAAQS set by the EPA. Refer to appendix I of the EAR for the Microscale Air Quality Analysis.

The proposed Bulk Plant/Chemical Warehouse will include a cement silo storage area. This area will store dry cement and fly ash. Only mixing of the cement and fly ash will occur on site - - no other mixing will take place on site. The dry mix is transported and mixed with the water on site. The cement and fly ash silos will include a dust collection system. The vacuum system is a Metroplex Model CF 400-101 and the pressure system is a Metroplex Model CF 400-R-135. Both systems use a filter (FO 400-100) that is replaced as part of a scheduled maintenance program. As stated in an email from NYS DEC included in appendix D of the Environmental Assessment Report, these types of operations are exempt from permitting under 6NYCRR 201-3.2(c)(27) and (37).

IMPACT ON PLANTS AND ANIMALS

8. Will proposed action affect any threatened or endangered species? - Yes

Application of pesticide or herbicide more than twice a year, other than for agricultural purposes. (Small to Moderate Impact)

Upon review, these applications for landscaping purposes are not to be applied more than twice per year and therefore would not have an environmental impact requiring mitigation.

9. Will proposed action substantially affect non-threatened or non-endangered species? - Yes

Proposed action would substantially interfere with any resident or migratory fish, shellfish or wildlife species. (Small to Moderate Impact)

As documented in the wetland assessment field investigation performed by TES (Appendix E), shrub upland and open field were the two cover types found on site. Shrub uplands are located primarily in the northeast corner of the site. They consist of gray-stem dogwood, honeysuckle, black cherry, quaking aspen, eastern cottonwood and box elder.

The open field areas consist of large grasslands with sheep fescue being the predominant grass type. It was noted that much of this area appeared to have been previously used for industrial purposes.

TES conducted a breeding bird investigation on April 29, May 13, and May 22, 2009 within the project area (Appendix F). This was performed in response to NYS DEC's inquiry regarding the existence of northern harrier and upland sandpiper, which are "threatened

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species." The NYS DEC was also concerned about the existence of grasshopper sparrows and horned larks which are "special concern species."

TES did not find any northern harriers or upland sandpipers nesting on site. On April 29, 2009 horned larks were recorded on site. On May 13, 2009 a recently fledged juvenile horned lark was found in the north-central portion of the site. No horned lark nests were noted during the May 13, 2009 field visit. TES recorded 15 singing male grasshopper sparrows on site. It is TES's opinion that two of the locations of the grasshopper sparrows were disrupted during the removal of the existing timber piles.

The grasshopper sparrow and the horned lark are special concern species in New York State. Special concern species do not have the legal protection of endangered or threatened species. In order to protect the first clutch of grasshopper sparrows it was recommended by TES that construction activities do not occur in the immediate vicinity of the located sparrows until after June 15th. Development of the site will eliminate the breeding habitat for the grasshopper sparrow and the horned lark. Proposed mitigation measures will be to provide habitat for grasshopper sparrows and horned larks on the northern portion of the site which will remain undeveloped (approximately 26 acres).

Schlumberger plans to develop 61.06 acres of the 88.53 acre parcel. The balance of the site will remain undeveloped. The site plan will leave a significant amount of land open for resident and transient wildlife populations on the northern portion of the site. The proposed development will provide landscaping compatible with the natural environment to replace a portion of what will be lost.

This loss of habitat, while maintaining approximately 26 acres in natural state, is a small to moderate impact, and therefore considered to be not significant.

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will proposed action impact any site or structure of historic, pre-historic or paleontological importance? - Yes

Proposed action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of Historic Places? (Small to Moderate Impact)

A Phase IA archaeological survey of the Schlumberger property was conducted by SUNY Binghamton-Public Archaeology Facility. The purpose of the Phase 1A archaeological survey is to identify the presence or absence of previously identified archaeological resources within the project area, as well as the sensitivity for the project area to contain previously unidentified archaeological resources. The scope of the work performed by SUNY Binghamton included (1) assessment of the environmental setting and indications of prior disturbance; (2) compilation and interpretation of background information including site files research, map research, and documentary sources; and (3) a report of findings

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with recommendations.

The Phase 1A archaeological survey found that the eastern portion of the project site is comprised of approximately 33 acres of brush and the western portion is comprised of 55 acres of cut gravelly field. Based on the result of shovel test pits (STPs), approximately 24 of the 33 acres of the eastern portion, contains intact soil horizons. The western portion of the site (55 acres) did not appear to contain any intact soil horizons that could contain cultural materials from prior to the mid 20th century.

The majority of the project area, 61 of the 88 acres, appears to have been impacted during the mid to late 20th century. For this reason, no further archaeological testing is required in this area. The remaining section of the eastern portion of the project area, located adjacent to Ridge Road, appears to contain potentially intact soil horizons and is sensitive for both prehistoric and historic resources. Therefore, it was recommended that a Phase 1B survey take place in the remaining 27 acres. However, as shown on the site plan, only 12 acres out of the 27 will be disturbed by this project. Therefore, the Phase 1b study area was limited to these 12 acres.

A phase 1B survey, as recommended by SUNY Binghamton-Public Archaeology Facility, was completed on June 24, 2009. Within the project area associated with the Phase 1B archaeological testing there was only one map documented structure located adjacent to the project area. The 1853 and 1904 maps identify a property attributed to D. Edwards and O. Goodyear, which was a residence, probably a farmstead, dating from the mid 19th to mid 20th centuries. As recommended in the Phase 1B report, impacts to the site should be avoided. As such an avoidance plan has been prepared and submitted to The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for approval. As stated in their letter dated September 2nd, 2009, the avoidance plan has been approved.

Avoidance is being accomplished by the installation of a wooden split rail fence around the area to be protected. As shown on the detailed site plan provided. Refer to Appendix G of the Environmental Assessment Report for the above mentioned letter from OPRHP, the Phase 1 and Phase 1-B Archaeological Surveys. This is considered a small to moderate impact and therefore, due to the mitigation to be provided by the Applicant, considered not significant.

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems? - Yes

Alteration of present patterns of movement of people and/or goods. (Small to Moderate Impact)

As stated in the Traffic Impact Study (TIS) that was prepared for this project, the proposed facility will contain approximately 400,000 square feet of building space at the project

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completion in 2010. Site traffic will enter and exit the site via E Street / 5th Street to Old Ithaca Road.

The following intersections were evaluated to understand the traffic impacts generated by the project. They are:

- NYS Route 14 and Wygant Road
- NYS Route 14, Westinghouse Road, and North Main Street
- North main Street and 6th Street
- Main Street, Franklin Street, Ithaca Street (Hanover Square)
- Ithaca Street and 5th Street/E Street
- Old Ithaca Road and NYS Route 13

As required under SEQRA, the worst case peak hour traffic generation must be evaluated. The proposed development is expected to generate 79 passenger vehicle primary trips entering during the AM peak hours, and 23 trucks (fleet vehicles) entering during the PM peak hour.

This facility will provide full service to Schlumberger's fleet vehicles which are approximately the size of an 18-wheeler.

Based on the results of the traffic study, the proposed development does not result in any negative traffic impacts to the transportation system. Therefore there is no mitigation measures required. Refer to Appendix D for the Traffic Impact Study.

As required the Traffic Impact Study was submitted to the NYS DOT for review. Included in appendix D of the Environmental Assessment Report a letter from Gary Funk, PE, Regional Traffic Engineer, stating that the TIS is acceptable. By email correspondence on September 15, 2009, the Chemung County Director of Public Works, Andrew P. Avery, P.E., advised that he is okay with the proposed facility based on the projected traffic volumes. The roads that are immediately impacted by traffic from and to this facility are owned by Chemung County and New York State.

Although the traffic impact study provided meets the requirements of SEQRA and the NYSDOT guidelines for Traffic Impact studies, we offer the following additional description of the anticipated traffic operations during non peak hour times from this district office facility. The quantity of trucks will vary depending on the size of the job and a majority of the time will be less than the maximum of 23 vehicles. Typically a crew and corresponding vehicle convoy will consist of 2 to 10 vehicles that will deploy and travel from drill to site to drill site throughout the course of a week and do not return unless vehicle repairs or a shift change is needed. Two to three crews could be deployed during the course of a typical day.

Schlumberger vehicles travel in a convoy as a safety precaution for Schlumberger fleets leaving one location and all ending up at the next location. Properly implemented convoys reduce the number of driving incidents, reduce severity of driving incidents and ensure

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assistance is readily available in the case of need. It provides better communication and organization. It creates hazard awareness due to the fact that more complete trip planning is required. It provides better speed control because the slowest vehicle will lead via vehicle spacing control. Drivers are instructed not to hinder the normal traffic flow on the convoy routes. Trucks will leave the site as close to a convoy as possible by utilizing naturally occurring gaps in the traffic. If the convoy becomes separated, they will regroup on an approved truck route while traveling to the job site. Drivers are instructed that while in a convoy formation, they are to provide adequate room for other vehicles to move safely in and out of the convoy, so that things such as driveways and highway ramps.

Before convoys leave the facility a Convoy Leader will be assigned whose task is to:

1. Ensure vehicle inspections are performed and obtain and review road hazard assessments
2. Inspect drivers for qualifications, experience and fatigue issues
3. Conduct a pre-trip meeting and complete the Convoy Form
4. Communicate with Dispatcher and Client
5. Determine ETA, road conditions, equipment requirements, scheduling conflicts, etc.

For the convoy to leave the facility, they can make a left out of the site and proceed north to NYS Route 13 to NYS Route 17/I-86. This is a designated truck route and 100 percent of the fleet trucks are expected to take this route. Drivers will be instructed not to travel through the Village.

Refer to appendix D of the Environmental Assessment Report for a narrative description of Schlumberger's Services on a well-by-well basis and a memo providing additional information on the trip generation created by the site.

Materials such as sand and cement will be brought to the facility in bulk via one or two trucks a day. It is possible that those materials will be brought directly to remote job sites, depending on the sites location to the Horseheads facility. Trucks utilized in the Bulk transport of materials to this facility would be in addition to the existing fleet trucks however, deliveries would be made during non peak times.

As an alternative, negotiations with Norfolk Southern are on-going and there is a potential that this facility could have the bulk materials (sand, cement, and fly ash only) transported via rail instead of trucking. If so it is expected that 20 rail car deliveries throughout a given week will occur. If this becomes a reality the Village will require added or updated safety precautions and devices throughout the Village.

(Note: At this time only the train transport of bulk sand, cement, and fly ash is a consideration. The transport of other regulated materials will require additional site review. If bulk regulated materials are hauled on site by train, then the transfer from the railroad car to either a receiving vehicle or container would have to occur over a containment area, which has not been proposed on the current submission.)

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IMPACT ON PUBLIC HEALTH

18. Will proposed action affect public health and safety? - Yes

Proposed action may cause a risk of explosion or release of hazardous substances i.e. oil, pesticides, chemicals, radiation, etc.) In the event of accident or upset conditions, or there may be a chronic low level discharge or emission. (Potential Large Impact)

Impact of Chemical Use, Storage and Delivery. The on-site activities will require the storage, use and delivery of explosive and radioactive materials, and various chemicals. The Applicant must comply with all local, state and federal requirements for the storage and transportation of all materials and chemicals. All storage facilities on site will have a spill containment provision that will prevent any spilled material from leaving the storage building. Refer to Environmental Assessment Report Appendix K for the Material and Safety Data Sheets (MSDS) as well as a summary sheet providing quantities and storage container material. For additional information regarding the storage and spill containment refer to Appendix O for responses to Village of Horseheads Engineer design review comments.

Because the Applicant must comply with all local, state and federal requirements for the storage and transportation of all materials and chemicals, and all storage facilities on site will have a spill containment provision that will prevent any spilled material from leaving the storage building, the impact is considered mitigated.

Handling and Storage Procedures for Explosives. The different types of explosive materials are stored separately so that if there is a safety issue with one magazine they will not be mixed. All these explosives will burn, not explode, if a fire were to happen in one magazine.

There are three types of explosives:

- 1) Blasting Caps - Primary explosive - these are shunted to prevent an accidental misfire due to voltage created by radio wave power sources and have safety resistors built in to also prevent accidental misfires
- 2) Primer Cord - Secondary explosive
- 3) Shaped Charges - Secondary explosives that put holes in the well casing

All three of these are stored separately in their own powder magazine. Blasting caps can only be initiated by attaching to an electrical power source and applying power to both wired connections. Primacord can only be fully initiated by attaching blasting cap correctly to a square severed end, crimping and applying the correct initiation of the blasting cap discussed above. Shaped Charges can only be fully initiated by correctly attaching it to a primacord and then follow the procedure above with the blasting cap.

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The facility is fenced in with 6' high chain link and 3 strands of barbed wire. To get into the major part of the facility a special assigned magnetic card is needed to get through the card access lock. The Perforation Equipment Facility has an additional chain link fence with barbed wire surrounding it with an additional card access lock which only personal that have a Level 4 Clearance can get through. Level 4 Clearance personnel are specially trained to handle explosives and the security required to work with/store and transport explosives. Also at the Clearance 4 gate and inside the Perforation Equipment building there are video cameras operating 24/7.

In the Perforation Equipment Building the assembly of the equipment is started by inserting the primacord in a specifically designed pipe like tool then the shaped charges are slid along the primacord into the piece of pipe. The number of shaped charges that go into the pipe is specific for each job. The shaped charges are inserted in a pattern that spirals about the inside of the pipe. At this point there is no way that an accidental or purposeful explosion can take place since the blasting cap has not been attached. The perforation pipe is then protected on both ends with a cover and set in and locked to a specifically designed vehicle to be transported to the well site.

The blasting caps that will be utilized at the well site are removed from their own powder magazine and placed in a mobile magazine which is fixed and locked to a special vehicle for transport to the well site.

Schlumberger transport vehicles are to be designed for the safe and legal transport of this equipment to the well site and are placarded as per DOT regulations, are drivers are specially trained, certified and licensed to transport this equipment and are also regulated by the DOT.

For additional information regarding the safety precautions (required blast radius, magazine storage rating) refer to appendix O for responses to comments presented by the Village of Horseheads Engineer.

The Applicant must follow all BATF, NYS DOL-Division of Safety and Health, and NYS DOT Rules and Guidelines, whichever one is more stringent. The exterior magazines are bunkered as well following all BATF guidelines for distance and storage. This is dependent on the weight of explosive material stored. The bunker is rated for 2500 lbs. of explosive, however the on-site maximum stored will be up to 500 lbs. as a practical matter due to the packaging of the explosive materials container. Therefore, the regulatory and licensure requirements ensure mitigation of this potential impact.

Handling and Storage Procedures for Radioactive Materials. The radioactive sources are stored in specially designed and locked shields that are approved by DOT and NRC for transport in all 50 states. While at the facility, shields will be stored in double-locked storage pits in a separately fenced area, or secured to the truck while at the well site unit they are used.

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Please refer to Appendix K, NYS DOH Radioactive Materials License. Schlumberger is permitted to possess Cesium 137, sealed sources. The total possession limit is 50 curies with no single source exceeding 50 millicuries.

The Applicant is required to follow Title 10 and 49 of the Code of Federal Regulations for the storage and transport of radioactive material. In addition, they will comply with all Nuclear Regulatory Commission (NRC) and NYS DOL – Division of Safety and Health, and NYS DOT rules and guidelines for the handling and storage of radioactive materials. Licensure is regulated by the NYS DOH. Therefore, the regulatory and licensure requirements ensure mitigation of this potential impact.

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will proposed action affect the character of the existing community? - Yes

Development will create a demand for additional community services (e.g. schools, police, and fire, etc.) (Small to Moderate Impact)

This property is zoned M-1. The Village of Horseheads zoned this property for development to generate new jobs and support the growth of the Village. The Schlumberger development project could potentially increase the demand for housing and additional business, such as retail services to support the activities of the development. The anticipated new jobs and a potential to increase the population will improve quality of life which creates a positive impact.

The Applicant anticipates that approximately 400 jobs will be generated by this development, with approximately 75% hired locally. The 100 jobs that the Applicant will transfer their existing personnel to fill will require additional services. Of the remaining 300 jobs, it is assumed that most will be filled locally although some will be filled by people moving into the area. It is assumed that the locally filled jobs will create minimal demand for additional community services.

The cost of any additional community services will be offset by the taxes realized from these 400 new jobs. This is considered a small to moderate impact, mitigated by the benefit of the new job growth, and therefore not determined to be significant.

Proposed action will set an important precedent for future projects. (Small to Moderate Impact)

Within the M-1 Industrial District, this facility will be the most recent addition in a number of years. The Applicant's proposed construction, landscaping, and environmental protection measures will raise the future level of site performance within this District and The Center at Horseheads. The location, intended use, and public input have raised the public's level of participation in and knowledge of the SEQRA process. With the anticipated natural gas exploration in this geographic area, the environmental awareness and concerns will be

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more readily addressed. These are perceived as good impacts.

Proposed action will create or eliminate employment. (Potential Large Impact)

The Applicant anticipates that approximately 400 jobs will be created by this development, with 100 filled by current Schlumberger employees transferring to this area, and approximately 75% hired locally. The scope of new employment will generate an estimated economic multiplier effect of 3 to 3-1/2 times the wages paid. This creation of new jobs is a potential large impact on the local economy, but is considered a good impact due to the current area unemployment and decrease in Village population over the past several decades.

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? - Yes

One community public information meeting and two public hearings were held by the Village of Horseheads. The minutes of the public hearings are on file with the Village of Horseheads.

The public comment period ended at 12 p.m. on September 21, 2009. Forty-two individuals from within the region wrote of their concerns in one-hundred fifty-four comments, as follows:

SUBJECT	NO. OF COMMENTS
Toxic materials	24
Air and noise	15
Economic	49
Water Quality/Aquifer	32
Transportation	34

Trustee Swartz - having heard all this, I would like to propose a resolution that the Village of Horseheads, as Lead Agency, has determined that the proposed action will not have a significant environmental impact and that a draft EIS will not be prepared.

Atty. Groff read proposed amendment to resolution....

WHEREAS, this Board, as Lead Agency in a SEQR review of an oilfield service facility proposed by Schlumberger has reviewed and considered a Full Environmental Assessment Form ("FEAF") submitted by the applicant, supporting materials filed by its engineers Bergmann Assoc., written and oral concerns and comments from the public and interested parties, the input elicited from public hearings, as well as the reports, analysis, comments and reviews of federal, state and local involved or effected agencies, and the reports of Ron Sherman of MRB Group, consulting engineering for the Village of Horseheads, and

WHEREAS, this Board reviewed and considered Parts 1 and 2 of the FEAF determining, after the requisite hard look, that the proposed action will have environmental impacts, and

WHEREAS, the Board has examined the environmental impacts, including but not limited to potentially large impacts, and

WHEREAS, this Board has collectively collaborated upon completion of Part 3 of the FEAF and having given due consideration to the mitigation measures designed into the project over an approximately eight-month design/development period and finds that the adverse environmental impacts of the action have been mitigated by project changes.

NOW THEREFORE BE IT RESOLVED, that the FEAF narrative reviewed at this meeting of October 6, 2009 be adopted by this Board as Part 3 of the FEAF.

Trustee Swartz made the motion to amend, Trustee Koliwasky seconded the amendment.

Roll Call Vote on amendment:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

Roll Call Vote on entire resolution as amended:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

As there was nothing further to come before the Board, the meeting was adjourned at 7:00 p.m.
/rmb