

Lysander Data Center Advisory Committee Meeting

October 16th, 2026

Noise Ordinance Progress Update

Call with Noise Consultants:

- They are adding sections to cover Infrasound, 1/3 Octave, and Low Frequency Sound as originally requested
 - They will add dBC max thresholds in addition to their original dBA+Offset
 - We debated dBC offset being 10 vs 15 db, the town will rent a meter and test which is most appropriate
 - They didn't feel a local codes office was capable of doing the more in depth 1/3 octave or infrasound evaluations, we discussed contracting that out periodically
- There was discussion about where to measure for noise violations
 - At the source property line vs the complainant's property line vs 200 feet from a dwelling.
 - We're leaning toward measuring at the highest reading - source or complainant property line.
- There was discussion about Noise limits 60/50 vs 65/55
- The consultants cannot make recommendations for penalties, enforcement, or appeal requirements. The town will fill in those areas
- The consultants are not qualified and are unwilling to make recommendations about animal noise protections



Noise Ordinance in New York (NY) - Quiet Hours, Decibel Limi — Mozilla Firefox

Noise Ordinance in New x +

www.noiseordinancebycity.com/states/new-york/

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City Noise Ordinances in New York

The following table shows noise ordinance details for 6 cities in New York. City-level rules may be stricter than the state standard. Click the city name for specific details.

City	Day Limit	Night Limit	Quiet Hours	Notes
New York City	55 dB	45 dB	10:00 PM - 7:00 AM	NYC Noise Code (Administrative Code 24-218+) is among the strictest in the US. Fines from \$875 to \$2,625. 311 noise complaints are the #1 complaint type in NYC. Construction requires after-hours permits.
Buffalo	60 dB	50 dB	11:00 PM - 7:00 AM	Buffalo City Code Chapter 293 covers noise; less strict than NYC.
Rochester	60 dB	50 dB	10:00 PM - 7:00 AM	Rochester Municipal Code Chapter 74 covers noise.
Syracuse	60 dB	50 dB	10:00 PM - 7:00 AM	Syracuse noise code covers residential and commercial zones.
Albany	60 dB	50 dB	10:00 PM - 7:00 AM	Albany follows state noise guidelines with local provisions.
Yonkers	55 dB	45 dB	10:00 PM - 7:00 AM	Yonkers follows similar standards to NYC.



Environmental Concerns

Environmental Concerns from the spreadsheet

- Environmental 2.5
 - Light Pollution 2.3
 - Heat Dissipation 2.8
 - Wildlife Impact 2.6
 - Three Rivers Impact 2.6
 - Seneca River/waterways impact 2.4
 - Will there be an environmental impact study? 2.7
 - Is there a decommissioning plan? 1.9



Background:

- Town NRBD code requires site lighting be shielded so the light source is not visible from the property line, but the town's Industrial code does not
- For a project of this size, the planning board typically requires a full SEQRA review
 - NY State DEC will/must provide feedback during this process
 - The town can also include County Health, OCWA, and WEP
 - This is the town's opportunity to require an environmental impact study
- The town routinely requires decommissioning plans and bonds for industrial and commercial projects
- The town's noise ordinance is already being rewritten per previous discussions



Town vs Others Responsibilities

- As previously noted:
 - NY State DEC is responsible for water and air quality regulations and monitoring
 - NY State DEC is responsible for protecting the Three Rivers WMA
 - DEC holds primary responsibility for protecting the Seneca River
 - OCWA manages water to the site
 - WEP manages wastewater from the site
- The town can manage noise, light pollution, runoff, and some heat discharge



Seneca River / Waterways Impact

Background:

- For a project of this size, the planning board typically requires a full SEQRA review
 - NY State DEC will/must provide feedback during this process
 - The town can also include County Health, OCWA, and WEP
 - This is the town's opportunity to require an environmental impact study
- The New York State Department of Environmental Conservation (NYSDEC) is the primary agency charged with protecting, managing, and regulating the state's natural resources and waterways
- The State Pollutant Discharge Elimination System (SPDES) makes it illegal to discharge any industrial wastewater, sewage, or polluted stormwater runoff into a river without a strict DEC permit.
- The DEC also regulates physical damage to rivers through its Protection of Waters Program, which requires permits for modifying riverbeds or banks, building docks, or clearing vegetation.
- If a tiny creek doesn't show up on a official map, the NYSDEC applies rules based on its flow. If it has a year-round (perennial) flow, it automatically adopts the environmental classification of the larger waterbody it empties into



SPDES Permits

- A **SPDES (State Pollutant Discharge Elimination System)** permit is required in New York State any time a facility, municipality, or developer intends to discharge wastewater or stormwater into surface waters (rivers, streams, lakes) or groundwaters (aquifers).
- To obtain a SPDES permit, the following information must be submitted
 - A detailed Facility or Site Plan mapping property lines, adjacent drinking water wells, discharge points, and exact wastewater treatment flow diagrams.
 - For construction or stormwater permits, you must draft a comprehensive Stormwater Pollution Prevention Plan (SWPPP) outlining how you will control erosion, stabilize disturbed soil within 7 to 14 days, and manage peak runoff rates.
 - Applications require a State Environmental Quality Review Act (SEQR) Environmental Assessment Form and a State Historic Preservation Act (SHPA) assessment to ensure the discharge site doesn't disturb cultural or historical resources.
 - Modern permits (such as the Construction General Permit) require applicants to evaluate future physical risks related to climate change (e.g., severe precipitation patterns) before receiving authorization.



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SPDES Permits

- To obtain a SPDES permit, Industrial Users must also submit
 - Facility and Operational Profile (Part I): Standard corporate information, SIC/NAICS codes, a summary of all existing or proposed outfalls (the exact spots where water leaves the facility), and an Industrial Chemical Survey.
 - Outfall and Treatment Configuration (Part II): Detailed flow diagrams mapping how process water moves through the facility, average/maximum daily flows for each outfall, and the exact design capacity of any on-site wastewater treatment systems.
 - Water Treatment Chemicals (WTCs): A clear listing of any chemical additives, biocides, or water treatment compounds used in your facility processes



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SPDES Permits

- Comprehensive Effluent Testing (Part III Tables)
 - Industrial must provide laboratory analysis data for each outfall across several specific tables:
 - Table A (Conventional Pollutants): Testing data for standard metrics like Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), flow rate, pH, and temperature.
 - Tables B & C (Priority Pollutants & Toxics): Analytical testing for heavy metals, cyanide, phenols, volatile organic compounds (VOCs), acid compounds, base-neutral compounds, and pesticides.



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SPDES Permits

- Data Center Supplemental Forms
 - The Power Generation Addendum (Form NY-2C, Supplement O)
 - It forces you to disclose total fuel capacity, estimated capacity factors, expected heat-rejection volumes, and rigorous details on any cooling water intakes or heat exchangers
 - Multi-Sector General Permit (MSGP) Addendums for Generator Stormwater
 - Requires a customized Stormwater Pollution Prevention Plan (SWPPP) that specifies specialized best management practices (BMPs) for fuel containment zones including oil-water separators in stormwater basins and concrete containment pads capable of holding 110% of the fuel's volume
- The Industrial Chemical Survey (ICS) Form
 - Dielectric fluids used in server immersion tanks.
 - Ethylene glycol/coolants used inside closed-loop piping systems.
 - Biocides and rust-inhibitors utilized within secondary heat exchangers.



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SPDES Reporting

- Data center operators are legally responsible for monitoring their outfalls and uploading the data to regulators.
- Monthly Discharge Monitoring Reports (DMRs): Monthly they must take water samples from each of their outfalls, testing for parameters like temperature, flow rate, pH, and Total Dissolved Solids (TDS). These results must be filed using through the EPA's NetDMR online portal
- Annual SPDES Reports: By February 1st of each year, they must submit a comprehensive annual report to the Regional Water Engineer summarizing the facility's total wastewater operations, treatment system maintenance, and any cumulative data from the prior calendar year.
- Annual Flow Certification: Submitted by March 28th, certifying that their daily or monthly water volume configurations still align with the maximum thresholds authorized in their initial engineering design and permit.



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SPDES Inspections

- Routine Agency Inspections (Every 1 to 3 Years): For an industrial facility like a data center, NYSDEC Regional Water Engineers or county health representatives will conduct on-site physical compliance inspections.
 - These inspections evaluate the secondary containment integrity for immersion cooling fluids, test logs, and check that your mandatory outdoor SPDES public signs are properly displayed.
 - Major industrial operations are targeted more frequently than minor ones.
- Immediate "Exceedance" Triggers (On-Demand): If a monthly NetDMR upload shows a violation, such as discharging water that is too hot or has a Total Dissolved Solids (TDS) spike, the tracking system flags it automatically. This often prompts an immediate Notice of Violation or an unannounced field inspection by a regional compliance officer.
- Emergency 24 Hour Reporting Rules: If a closed loop system leaks immersion fluid, or if an emergency generator breaks containment and spills fuel into a storm drain, they are legally required to report the incident to the DEC Regional Water Manager within 24 hours, followed by a written report within 5 days



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SEQRA Environmental Impact Study

SEQRA Environmental Impact Study Requirements

- EIS procedural steps are uniform across New York State, governed by 6 NYCRR Part 617.
- A municipality cannot bypass SEQRA, create its own alternative to an EIS, or invent completely different baseline legal steps
- However, ***each municipality decides what goes into the study*** via a process called Scoping.
 - The Lead Agency hosts a public scoping session.
 - They draft a site-specific Scope of Work.
 - This document forces the project to study specific local concerns like the Three Rivers Wildlife Management Area, noise impacts on local neighborhoods, electric grid strain, water usage, and air pollution; while potentially ignoring some issues deemed irrelevant.



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SEQRA Environmental Impact Study Requirements

- **EIS Components**

- Front Matter and Executive Summary

- Cover Sheet: Contains the project name, location, contact info for the Lead Agency, the name of the preparer, and critical deadlines for public comment.

- Executive Summary: A concise overview of the project, a summary of all significant adverse environmental impacts, a table of proposed mitigation measures, and a comparison of the project alternatives evaluated.

- Description of the Proposed Action

- Project Specifications: Detailed descriptions of the project's purpose, public need, benefits, precise geographic location, and physical design.

- Construction and Operation Phase: A step-by-step timeline of how the site will be cleared, constructed, and operated, including total utility requirements.

- Regulatory Framework: A comprehensive matrix listing all local, county, state, and federal permits, approvals, and funding agreements required to execute the project.



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SEQRA Environmental Impact Study Requirements

- **EIS Components**

- Environmental Setting (The Baseline)

- Existing Conditions: A technical description of the environment before any construction begins. This covers a wide range of categories, including local geology, soil types, drainage, aquifers, air quality, ambient noise levels, traffic patterns, historical/archaeological resources, and existing wildlife habitats.



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SEQRA Environmental Impact Study Requirements

- **EIS Components**

- Analysis of Significant Adverse Impacts (The heart of the document)

- For every resource identified in the Scoping phase, the EIS must forecast exactly if and how the project will degrade it. The analysis is broken down into specific categories:

- Short-Term Impacts: Immediate disruptions caused by construction (traffic, soil erosion, dust emissions, temporary stream disturbances).

- Long-Term Impacts: Permanent, ongoing operational effects (noise from equipment, increased utility demands, loss of wetlands, light pollution, operational air emissions).

- Cumulative Impacts: How the project's impacts combine with other past, present, and reasonably foreseeable future projects in the area (for example, evaluating how a new data center's power or water draw adds to the strain on those systems caused by the Micron project)



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SEQRA Environmental Impact Study Requirements

- **EIS Components**

- Mitigation Measures

- Impact Reduction Plans: For every significant adverse impact identified, the EIS must detail concrete, enforceable plans to minimize or avoid the damage.

- Examples: Installing structural noise barriers, adopting zero-emission energy configurations, constructing 110% secondary chemical containment pads, or placing strict conservation easements over surrounding wildlife preservation zones.

- Alternatives Analysis (The "Hard Look" Mandate)

- The developer cannot just study their preferred plan; they must evaluate a reasonable range of alternatives, including:

- The "No Action" Alternative: An analysis of what happens to the property and local environment if the project is rejected entirely

- Alternative Technology or Layouts: Evaluating alternative fuel types (e.g., fuel cells vs. diesel), closed-loop cooling configurations, or pulling the physical buildings further back from residential zones.



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SEQRA Environmental Impact Study Requirements

- **EIS Components**

- **Unavoidable, Irreversible, and Growth-Inducing Impacts**

- **Unavoidable Adverse Impacts:** Clear identification of impacts that cannot be fully mitigated if the project moves forward.
- **Irreversible Commitment of Resources:** Tracking the permanent loss of resources, such as filling a wetland, clear-cutting a forest, or consuming massive amounts of raw construction materials.
- **Growth-Inducing Impacts:** An analysis of whether the project will trigger secondary development, such as forcing the county to extend new public sewer mains, construct new electrical substations, or pave new access roads that invite further commercial sprawl.



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SEQRA Environmental Impact Study

Lead Agency

- **Lead Agency**

- The Lysander Planning Board routinely handles lead agency duties for local site plans and subdivisions
- The Lysander Town Board typically assumes lead agency status for legislative actions, zone changes, and special district formations
- Various County and State Agencies may also request to be the Lead Agency (OCIDA is Lead Agency for Micron)
- County: OCIDA, County Planning, WEP, or even County Health could request Lead Agency status
- State: NYSDEC, NYPA, or the PSC could all request Lead Agency status



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SEQRA Environmental Impact Study

Lead Agency

- **Powers of SEQRA Lead Agency**

- **Leverage Over Mitigation (SEQR Findings)** - If the project requires a full Environmental Impact Statement (EIS), the lead agency controls the Statement of Findings. This allows the lead agency to heavily influence the project by:
- **Setting Mitigation Conditions:** Minimizing noise, capping water usage, or requiring grid-interconnection infrastructure upgrades.
- **Choosing Alternatives:** Forcing the developer to consider a scaled-down version of the data center or a different layout configuration altogether.
- **While other involved agencies must issue their own separate findings, they cannot impose mitigation requirements that directly conflict with or reduce the requirements set by the lead agency.**



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SEQRA Environmental Impact Study Findings

•EIS Statement of Findings

- The Statement of Findings is the legal bridge where the *Lead Agency* looks at the completed EIS components, flips to the mitigation and alternatives sections, and officially says:

- "We have weighed these facts against social and economic needs, and we certify that this project minimizes environmental harm to the maximum extent practicable." (Positive Finding)

- Or "We have weighed these facts against social and economic needs, and we determine that this project fails to minimize environmental harm to an acceptable level." (Negative Finding)

- This statement determines whether or not the project can move forward beyond the SEQRA process

- As previously noted: All other involved agencies must present their own statement of findings, but they need to provide a substantial legal reason for any dissent to the Lead Agency's findings



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SEQRA Environmental Impact Study

Lead Agency

- **Lead Agency Disputes**

- If a County or State Agency wanted Lead Agency Status and the Town didn't want to cede the responsibility:

- Lead Agency must be decided within 30 days of receiving an application
- The parties would enter negotiations to work out an agreement
- If they cannot reach an agreement, the **Commissioner of the NYSDEC makes the determination**, which is binding

- DEC Decision Criteria:

- *Whether the environmental impacts are primarily local or regional*
- *Which agency has the broader power to investigate the impacts*
- *Which agency has the greater capacity to do a thorough review*



Image source: dreamstime.com



SEQRA Environmental Impact Study

Lead Agency

- **DEC Lead Agency Decision Criteria:**

- *Whether the environmental impacts are primarily local or regional*

- Historically, the Commissioner favors local towns if the primary impacts are strictly localized (e.g., local zoning setbacks, visual buffers, or site line shifts). However, for a 270–300 MW data center, the impacts may spill over municipal borders

- *Which agency has the broader power to investigate the impacts*

- Lysander possesses home rule authority over site plan approvals and zoning changes.

- But, the town cannot legally regulate things like state level power generation or the county's sewer treatment thresholds

- *Which agency has the greater capacity to do a thorough review*

- Under normal circumstances the Commissioner would likely side with the larger state or county agency.

- Given this committee's well documented and detailed work on these specific issues, and our demonstrated willingness to bring on consultants as necessary, the argument could be made that the town has the greater capacity to do a thorough review



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Decommissioning Plan

Decommissioning Goals:

- Financial & Structural Protection:
 - Ensure the taxpayers do not absorb the financial costs of site remediation, structural demolition, or the infrastructure retrofitting required to facilitate adaptive reuse of a defunct facility.
- Environmental & Public Safety:
 - Enforce the planning, execution, and full operator funding of environmental remediation, ensuring the safe containment and certified disposal of all hazardous industrial materials, fuels, and chemical cooling agents.
- Utility Infrastructure Capacity:
 - Guarantee that massive electrical grid allocations and water rights tied to the facility can be legally clawed back, repurposed, or re-allocated to public use or new economic developments in a timely and efficient manner.



Decommissioning Goals:

- Blight & Neighborhood Nuisance Mitigation:
 - Minimize neighborhood blight, structural vacancy, and community disruption by enforcing strict nuisance mitigation standards (covering noise, traffic, dust, and security) during structural teardowns or transitions for reuse.
- Economic Resilience & Workforce Transition:
 - Establish economic diversification and job-transition frameworks to mitigate the local impact of lost employment, ensuring displaced workers have access to retraining or placement resources.



Next Steps

Next Steps

- Continue talking about Environmental Concerns
 - What did we miss?
 - What needs clarification?



Thank You