



1786 Kings Highway • Chester, NY 10918

To Whom It May Concern:

The Chester Conservation Advisory Council (CAC) submits these comments regarding the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) Notice of Activity in a 100-Year Floodplain for the proposed purchase, occupation, and rehabilitation of the warehouse at 29 Elizabeth Drive, Chester, New York.

Our concerns reflect our understanding of the interests of local residents, the surrounding business community, emergency responders, and the truck drivers who rely on the industrial park's road network. After reviewing the public notice, regional flood-risk data, New York State climate projections, and our knowledge of local infrastructure conditions, we conclude that ICE's analysis is incomplete, outdated, and inconsistent with federal floodplain management standards, public-health requirements, and local infrastructure limitations.

### **1. The Site Is Located in the Highest-Risk Flood Zones**

The parcel includes significant acreage within both the regulatory floodway and the 100-year floodplain, which are the most sensitive and restrictive of the floodplain designations recognized by FEMA. Siting a secure federal facility with likely detention-related functions in a floodway raises substantial concerns regarding:

- Impacts on surrounding businesses and industrial-park logistics
- Life safety
- Emergency access and evacuation
- Roadway flooding and truck-traffic hazards
- Operational continuity

**ICE's notice does not address these risks.**



## **2. Reliance on Outdated 2009 Flood Maps Is Inadequate**

The Hudson Valley is experiencing rapidly increasing flood frequency and severity due to climate-driven changes in precipitation. ICE's reliance on a 2009 FEMA FIRM panel does not reflect:

- Intensifying heavy rainfall documented across Orange County and specifically in Chester, NY
- Increased flash-flood frequency (ex. July 2023—floods made many Chester roads dangerous and placed some properties underwater for a few days)
- Updated hydrology
- Compound flooding events
- Future-conditions flood risk

Modern federal best practice requires climate-informed analysis, not static comparisons to outdated BFEs.

## **3. Federal Standards Require Climate-Informed Flood-Risk Evaluation**

Executive Order 13690 and the Federal Flood Risk Management Standard (FFRMS) require agencies to evaluate flood risk using:

- A Climate-Informed Science Approach (CISA)
- A Freeboard Value Approach
- A 0.2-percent-annual-chance (500-year) approach

ICE's notice does not apply any of these methods, despite the site's location in a regulatory floodway.

## **4. The Village of Chester Has Exceeded Its Sewer Capacity**

Publicly available municipal records and regional reporting indicate that the Village of Chester's wastewater treatment system is operating at or above its permitted capacity, resulting in:

- Moratoria or restrictions on new sewer connections
- Delays or denials of development proposals
- Increased scrutiny from state regulators
- Infrastructure strain during storm events



A federal facility with 24/7 staffing and potential detention-related occupancy by people with varying health needs and age-related conditions would introduce significant new wastewater loads, including:

- Human waste and potential infectious/medical biohazards (blood, mucosa, etc)
- Laundry and sanitation flows
- Food-service wastewater
- Cleaning and disinfection effluent

**ICE's notice does not acknowledge or analyze the sewer-capacity limitations of the host municipality.**

**This omission is material:** federal site location decisions must consider local infrastructure constraints, especially where the host community is already over capacity. The proposed facility would place substantial new demands on the Village of Chester's public ground water system and lake water access. The Village's permit from DEC limits the amount of water that can be withdrawn from Walton Lake and groundwater wells. At present, the Village's water infrastructure possesses insufficient reserve capacity to accommodate the increased consumption associated with continuous, high-occupancy federal operations in addition to needs of other tax-paying residential commitments. This uncertainty warrants a thorough evaluation of both current and projected water system capabilities.

In addition, the conversion of a commercial warehouse to a federal detention-related facility raises significant concerns regarding the local property tax base. Such a facility may be exempt from property taxation, and the mechanisms for assessing charges for water and sewer services remain ambiguous. Given that the primary benefits of commercial development to the Village and Town typically include tax ratables and employment opportunities, a change in use that diminishes these advantages could have adverse effects on the local economy. A comprehensive analysis of fiscal impacts, including potential reductions in tax revenue and water-use load shifts which could increase utility cost burdens on taxpayers – commercial and residential -- is essential before proceeding with site approval.

## **5. Potable Water and Public-Health Requirements Are Not Addressed**

Facilities that detain, house, or process people must comply with stringent federal and state standards for:

- Potable water quality
- Sanitation and hygiene



- Handwashing and bathing facilities
- Food preparation and dishwashing
- Medical and isolation areas
- Emergency water supply and storage

These requirements are governed by:

- Federal detention standards
- New York State sanitary codes
- Safe Drinking Water Act requirements
- Public-water-system capacity rules
- Plumbing and occupancy-load standards

A warehouse previously used for commercial storage is not designed to meet these requirements. Converting it into a facility with human occupancy—potentially including vulnerable individuals—requires:

- Adequate potable-water supply
- Adequate water pressure and flow
- Redundant water-quality safeguards
- Sufficient restroom and hygiene infrastructure
- Medical-area plumbing and sanitation
- Emergency backup water systems

ICE's notice does not address any of these requirements.

## **6. Human-Consumption Water Use Is Not Comparable to Commercial/Industrial Use**

Commercial warehouses typically use water for:

- Bathrooms for staff
- Limited cleaning
- Occasional equipment washing

Human-consumption water use at a federal facility is fundamentally different and significantly higher, including:



- Drinking water
- Food preparation
- Showers and hygiene
- Laundry
- Medical uses
- Sanitation for detainees and staff
- Continuous 24/7 occupancy

These uses require:

- Higher water volumes
- Higher water quality
- Redundant systems
- Compliance with public-health regulations

ICE's notice incorrectly treats the facility as if it were a low-use commercial warehouse, rather than a high-occupancy, high-sanitation federal facility.

## **7. Access, Egress, and Truck-Driver Safety Must Be Analyzed**

The industrial park surrounding 29 Elizabeth Drive is heavily used by:

- Freight carriers
- Local manufacturers
- Warehouse operators
- Long-haul truck drivers

Flooding in this area already affects:

- Roadway travel
- Truck turning radii
- Braking distances
- Sightlines
- Emergency-vehicle routing



A federal facility requiring secure access and perimeter control will intensify traffic loads and increase the consequences of road closures. ICE has not analyzed:

- Flood depths on access roads
- Velocity and transportation hazards affecting trucks
- Emergency-response routing- potential changes
- Evacuation feasibility
- Impacts on commercial drivers

This is a significant omission.

### 8. Alternatives Analysis Is Insufficient

EO 11988 requires a robust demonstration that no practicable alternative exists outside the floodplain. ICE's notice provides no details on:

- Number of sites evaluated
- Screening criteria
- Reasons for rejecting non-floodplain locations
- Comparative flood-risk profiles
- Infrastructure capacity at alternative locations

Without this information, the alternatives analysis is incomplete.

### 9. Requests for Additional Analysis

The CAC respectfully requests that ICE:

1. Conduct a **comprehensive analysis of fiscal impacts**, including potential reductions in tax revenue due to loss of private ownership and related local tax obligations
2. **Conduct climate-informed flood modeling** consistent with FFRMS.
3. Perform **2D hydraulic modeling** of access roads and truck-traffic routes.
4. Provide a **transparent alternatives analysis**.
5. Evaluate **sewer-capacity constraints** and wastewater-treatment impacts.
6. Analyze **potable-water supply, pressure, and quality requirements** for a detention-related facility within the constraints of the village's water supply.



7. Assess public-health and sanitation requirements for human occupancy.
8. Engage directly with local officials, emergency services, businesses, and truck-driver representatives.
9. Release all technical analyses for public review before issuing a final decision.

### **Conclusion**

Based on the information provided, the CAC does not believe ICE has met the requirements of EO 11988, modern federal flood-risk standards, public-health regulations, or local infrastructure constraints. The site's location within a regulatory floodway, combined with sewer-capacity exceedance, potable-water requirements, and industrial-park traffic realities, warrants a substantial expansion of ICE's analysis. We urge DHS/ICE to supplement its evaluation, engage with local stakeholders, and reconsider the suitability of this site before proceeding.

Sincerely,  
Chester Conservation Advisory Council

Cc:

Town Supervisor Brandon Holdridge, Town of Chester  
Deputy Mayor Tom Becker, Town of Chester  
Mayor John T. Bell, Village of Chester  
Deputy Mayor Elizabeth A. Reilly, Village of Chester  
Orange County Executive Steve Neuhaus  
Congressman Pat Ryan  
State Senator James Skoufis  
Assemblyman Brian Maher



## **TECHNICAL APPENDIX (Citations Only)**

### **I. Federal Executive Orders and Floodplain Standards**

#### **A. Executive Order 11988 – Floodplain Management**

1.) National Archives text: <https://www.archives.gov/federalregister/codification/executive-order/11988.html>

2.) EPA summary: <https://www.epa.gov/cwa-404/floodplain-managementexecutive-order-11988>

3.) DOE- historical copy:

<https://www.energy.gov/nepa/downloads/historical-eo-11988-floodplainmanagement-1977>

#### **B. Executive Order 13690 – Federal Flood Risk Management Standard (FFRMS)**

1.) FEMA FFRMS Overview: <https://www.fema.gov/floodplainmanagement/federal-flood-risk-management-standard>

2.) FEMA FFRMS Fact Sheet:

[https://www.fema.gov/sites/default/files/documents/fema\\_ffrms\\_fact\\_sheet.pdf](https://www.fema.gov/sites/default/files/documents/fema_ffrms_fact_sheet.pdf)

3.) HUD FFRMS Guidance:

<https://www.hudexchange.info/programs/environmental-review/federal-flood-riskmanagement-standard/>

### **II. FEMA Floodplain, Floodway, and Mapping Resources**

#### **A. FEMA Map Service Center (FIRMs)**

1.) <https://msc.fema.gov/portal/home>

#### **B. FEMA Floodway Guidance**

1.) <https://www.fema.gov/floodplain-management/floodway>

### **III. New York State Climate and Hydrologic Data**

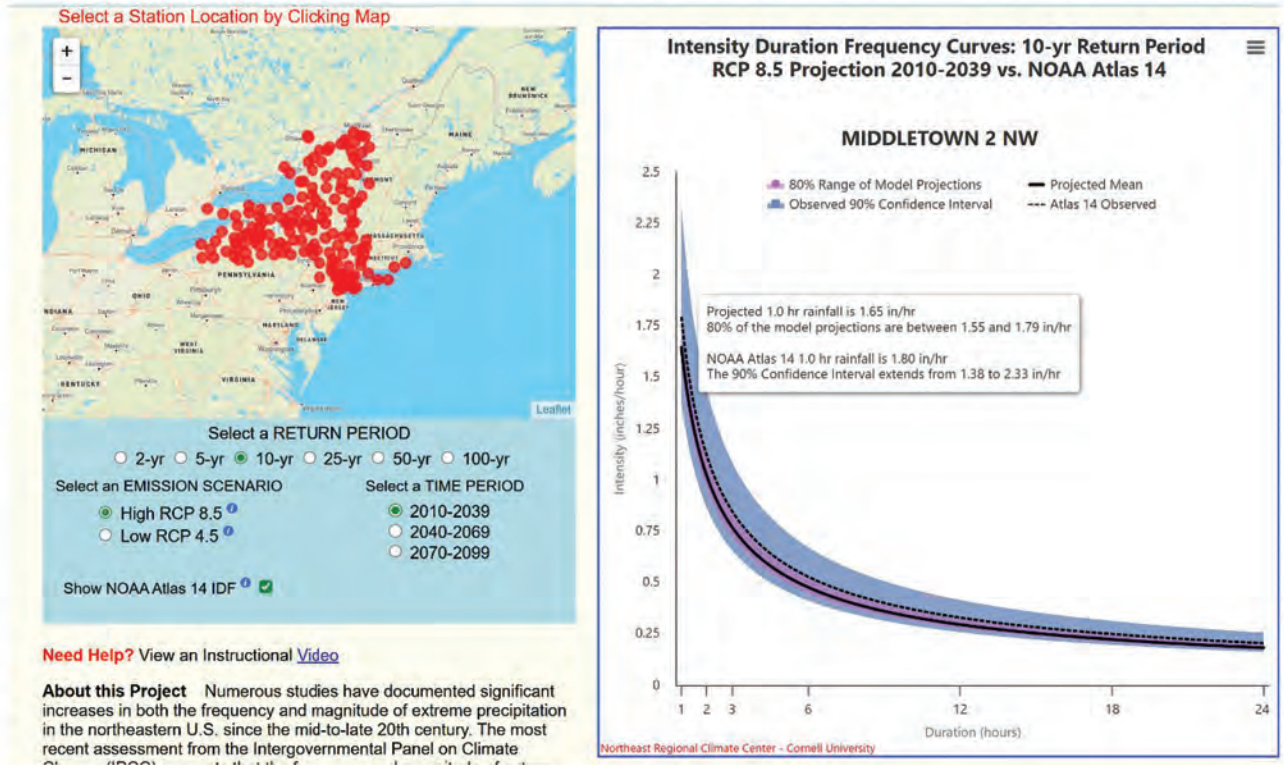
#### **A. New York State Climate Impacts Assessment (2023)**

1.) NYSERDA NYS Climate Impacts Assessment homepage:  
<https://nysclimateimpacts.org/>



3.) <https://ny-idf-projections.nrcc.cornell.edu/>

Red dot density makes it impossible to find Chester station. Middletown station is the nearest identifiable resource.



#### 4.) Extreme Precipitation Modeling Program:

<https://www.nyscrda.ny.gov/All-Programs/Extreme-Precipitation-Modeling>  
(nyscrda.ny.gov in Bing)

#### 5.) Updated NYS IDF Curves (Cornell/NYSERDA):

<https://www.nysidfcures.org/>

### IV. Regional Flood Risk and Resilience

#### A. Hudson Valley Flood Resilience Network

##### 1.) Regional flood-risk overview:

<https://www.hvfloodresiliencenetwork.org/hudson-valley-flood-risk>

### V. Wastewater, Sewer Capacity, and SPDES Requirements

#### A. NYSDEC SPDES Permit Program

1.) <https://dec.ny.gov/environmental-protection/water/water-pollutioncontrol/state-pollutant-discharge-elimination-system-spdes> (dec.ny.gov in Bing)

#### B. NYSDEC Wastewater Treatment Standards



1.) <https://dec.ny.gov/environmental-protection/water/wastewatertreatment>  
(dec.ny.gov in Bing)

C. Village of Chester Sewer-Capacity Documentation

1.) <https://villageofchesterny.gov/Resources/Document-Center>

## **VI. Potable Water, Public Health, and Sanitation Requirements**

### **A. Safe Drinking Water Act (SDWA)**

1.) EPA SDWA Overview: <https://www.epa.gov/sdwa>

2.) EPA National Primary Drinking Water Regulations:

<https://www.epa.gov/ground-water-and-drinking-water/national-primary-drinking-water-regulations> (epa.gov in Bing)

### **B. New York State Sanitary Code – Part 5 (Drinking Water)**

1.) <https://regs.health.ny.gov/volume-1a-title-10/content/part-5-drinking-water-supplies> (regs.health.ny.gov in Bing)

### **C. New York State Uniform Fire Prevention & Building Code**

1.) (Building Standards & Codes) <https://dos.ny.gov/building-standardsand-codes> (dos.ny.gov in Bing)

### **D. Federal Detention Facility Standards (Water, Sanitation, Hygiene)**

1.) ICE Performance-Based National Detention Standards (PBNDS):  
<https://www.ice.gov/detention-standards/pbnds> (ice.gov in Bing)

## **VII. Emergency Access, Roadway Safety, and Transportation Guidance**

### **A. FHWA Flooded Roadway Safety Guidance**

1.) [https://safety.fhwa.dot.gov/local\\_rural/training/fhwasa12002/](https://safety.fhwa.dot.gov/local_rural/training/fhwasa12002/)  
(safety.fhwa.dot.gov in Bing)

### **B.) FEMA Floodproofing & Emergency Access Guidance**

1.) [https://www.fema.gov/sites/default/files/2020-07/fema\\_p-936\\_floodproofing.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_p-936_floodproofing.pdf) (fema.gov in Bing)

## **VIII. Federal Climate-Resilience and Interagency Guidance**

### **A. FEMA Climate-Resilience Guidance**

1.) <https://www.fema.gov/emergency-managers/risk-management/climateresilience>  
(fema.gov in Bing)

## B. Federal Interagency Floodplain Management Task Force

1.) <https://www.fema.gov/floodplain-management/interagency-task-force>  
(fema.gov in Bing)

## **IX. Additional Federal and State Authorities (general reference- no links)**

These authorities are frequently cited in floodplain, infrastructure, and public health reviews:

- National Environmental Policy Act (NEPA)
- Clean Water Act (CWA)
- Safe Drinking Water Act (SDWA)
- New York Environmental Conservation Law (ECL)
- New York Public Health Law (PHL)
- New York State Environmental Quality Review Act (SEQRA)

