

Coordinated Review of Lead Agency Status Responses

**Hamlet of Shokan
Wastewater Management Program**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



**Department of
Environmental
Conservation**

March 17, 2022

VIA EMAIL

James Sofranko
Town of Olive Supervisor
olivesupervisor@gmail.com

Re: Hamlet of Shokan Wastewater Management Program
Town of Olive, Ulster County
DEC ID: 3-5140-00216/00001
SEQR Response and Comments on Jurisdiction

Dear James,

The Department of Environmental Conservation (DEC or Department) received the Town of Olive's State Environmental Quality Review Act (SEQR) Lead Agency Coordination for the Hamlet of Shokan Wastewater Management Program on February 17, 2022. The proposal involves installation of a wastewater collection system and treatment plant in the Hamlet of Shokan, including 92,000 linear feet of gravity/force mains, multiple pumping stations, associated appurtenances, and a new wastewater treatment building with discharge to Butternut Creek. The estimated average flow is 243,000 gallons per day. The Department has no objection to the Town of Olive serving as lead agency for this project. Based on our review of the submitted Full Environmental Assessment Form (EAF) part 1 and attachments, we offer the following comments:

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) WASTEWATER

The proposed action requires a SPDES permit from the Department, for discharge of wastewater to Butternut Creek. DEC Division of Water staff have provided preliminary effluent limits for the proposal. For more information and how to apply for this permit, please visit <https://www.dec.ny.gov/permits/6054.html>. For technical questions, please contact Aparna Roy (aparna.roy@dec.ny.gov).

SPDES STORMWATER

If an overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-20-001), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits.



PROTECTION OF WATERS STREAM DISTURBANCE

There are numerous protected streams [classifications A(T), A(TS), and B(T)] located within the hamlet area. Detailed locations and methods for all collection line installation and other facilities were not provided in the materials; however, please note that a Protection of Waters Stream Disturbance permit is required to physically disturb the bed or banks (possibly up to 50 feet from stream) of any protected streams.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

FRESHWATER WETLANDS

Detailed locations for all collection lines and other facilities were not provided in the materials; however, please note that Freshwater Wetlands AS-19, AS-17, AS-2 (all Class II), and AS-20 (Class I) are located within the identified project area. Be aware that a Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100-foot adjacent area. To have the boundary delineated, please contact Brian Drumm of the Bureau of Ecosystem Health at brian.drumm@dec.ny.gov.

WATER QUALITY CERTIFICATION

If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act for any work, then a Section 401 Water Quality Certification (WQC) will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under a DEC Blanket Water Quality Certification. Coverage under a blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit. Copies of the current blankets for Nationwide Permits are available on the DEC website at: <https://www.dec.ny.gov/permits/6546.html>.

Previously, US EPA rules, effective September 11, 2020, concerning WQCs required a pre-filing meeting request to be sent to DEC at least 30 days prior to applying. The US District Court for the Northern District of California issued an order on October 21, 2021, vacating and remanding EPA's 2020 Clean Water Act Section 401 Certification Rule (No. 3:20-cv-04636-WHA). As a result, the submission of pre-filing meeting requests are no longer required.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near record(s) of the following state-listed species:

Name	Status
<u>Bald eagle (<i>Haliaeetus leucocephalus</i>)</u>	<u>Threatened</u>

A permit is required for the incidental taking of any species listed as "endangered" or "threatened", which can include removal of habitat.

For guidance on how to avoid potential impacts associated with the proposed project and whether an incidental take permit would be required, you will need to provide as much of the following information as possible to the Region 3 Wildlife Program at Wildlife.R3@dec.ny.gov.

- Project location information: site location map which shows the nature of work in all identified project areas.
- Photographs: include any photos of the proposed project location or habitats (forest cover, wetlands, etc.).
- Project Description: narrative including project details, activities, and scope and scale of the project across the overall project area.

Please note, additional information such as project plans, timelines/schedules, habitat assessments, and/or details on avoidance measures may be requested for a final determination or guidance.

The absence of data does not necessarily mean that other rare or state-listed species, natural communities or significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

FEMA FLOODPLAIN

Portions of the project area may be located within a Federal Emergency Management Agency (FEMA) floodplain. The project sponsor should contact local floodplain administrator to determine if any additional jurisdictions are applicable to the proposal.

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYCDEP)

The project site is located within the NYCDEP watershed. Please contact NYCDEP directly about any jurisdiction they may have.

CULTURAL RESOURCES

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that certain portions of the project area are located within areas considered to be sensitive with regard to archaeological resources.

For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

OTHER

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding

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the need for permits will remain effective for a maximum of one year unless you are otherwise notified. More information about DEC permits may be found at our website, www.dec.ny.gov, under "Regulatory" then "Permits and Licenses." Application forms may be downloaded at <http://www.dec.ny.gov/permits/6081.html>.

Please feel free to contact me at christopher.lang@dec.ny.gov if you have questions regarding the above information. Thank you.

Sincerely,

Chris Lang

Chris Lang
Division of Environmental Permits

Digitally signed by
Chris Lang
Date: 2022.03.18
13:43:22 -04'00'

ecc: Aparna Roy, DEC Division of Water
Doug Upright, DEC Division of Water
DEC Region 3 Bureau of Wildlife
Brian Drumm, DEC Bureau of Ecosystem Health
Maria Tupper-Goebel, NYC DEP
Joe Damrath, NYC DEP
Jodie Serowski, Lamont Engineers



March 9, 2022

Mr. James Sofranko, Supervisor
Town of Olive
P.O. Box 96
West Shokan, New York 12494

Rohit T. Aggarwala
Commissioner

Re: **Hamlet of Shokan Wastewater Management Plan
Town of Olive; Ulster County, NY
Ashokan Reservoir Drainage Basin
DEP Log #: 2022-AS-0083-SQ.1**

Paul V. Rush, P.E.
Deputy Commissioner

Dear Mr. Sofranko:

465 Columbus Avenue
Valhalla, NY 10595

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Olive Town Board's (Board) Notice of Intent to act as Lead Agency and full Environmental Assessment Form (EAF) for the above-referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

Tel. (845) 340-7800
Fax (845) 334-7175
prush@dep.nyc.gov

The proposed site is located in the Ashokan Reservoir drainage basin of New York City's Water Supply, and the proposed action includes the construction of a new municipal wastewater collection and treatment system in the Hamlet of Shokan to consist of force mains, gravity sewers, pump stations, and a 14,000 square foot wastewater treatment plant (WWTP). The project also includes conversion of the Boiceville WWTP to a pump station, forming the Shokan Sewer District, as well as amending the Town of Olive Sewer Use Law. The projected flow is 243,000 gallons per day (gpd).

DEP's status as an involved agency stems from its review and approval authority for a new WWTP pursuant to Section 18-36(a) and for a Stormwater Pollution Prevention Plan (SWPPP) pursuant to Section 18-39(b) of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations). DEP also maintains review and approval authority for the sewer collection system pursuant to Section 18-37 of the Watershed Regulations as well as the

Based upon review of the circulated documents, DEP respectfully submits the following comments for the Board's consideration:

1. A DEP Land Use Permit (LUP) is also required for this project. The project sponsor may contact Matt Castro, Supervisor Land Use Permits, at (914) 749-5350 to request an application and discuss the requirements of the application process.

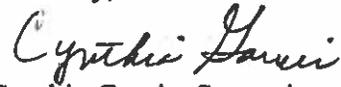
2. Part B of the EAF under Government Approval should list DEP's regulatory jurisdiction with regard to a SWPPP, sewer collection system, and WWTP. The project sponsor is urged to contact NYSDEC to assess the need for state permit approvals, if any.
3. Since the project also includes conversion of the Olive Woods WWTP to a pump station, with wastewater treated at the new Shokan plant, the EAF should be revised to include this project component in order to accurately reflect the full scope of the activity.
4. Part D.2.d.v of the EAF incorrectly lists the proposed WWTP surface discharge outfall as Butternut Creek Class B(T). Note that per the Environmental Resource Mapper it is believed the stream classification is A(T).
5. With regard to Part E.2.h.iv of the EAF, each of the identified regulated wetland and waterbodies should also be shown on the design drawings.
6. The applicant's engineer is strongly encouraged to schedule a pre-application meeting with DEP to review the regulatory requirements for the WWTP, SWPPP and sewer applications. The applicant's engineer may contact Nate Hendrickson at (845) 771-1131.
5. Notably, per Section 18-36(a)(7) of the Watershed Regulations, WWTPs with surface discharges into the watershed shall be capable of achieving 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts and 99.99 percent removal and/or inactivation of enteric viruses.
6. Also, per Section 18-36(a)(8) of the Watershed Regulations, WWTPs with surface discharges within the watershed shall provide phosphorus removal using the best treatment technology so that the wastewater treatment plant is designed to be operated and maintained to meet the following requirement: Total Phosphorus Limit of 0.5 mg/L for 243,000 gpd.
7. The project plans must show the locations of all proposed wastewater improvements including the municipal sewer system connection and upgrades at the Boiceville WWTP.
6. The plans must show all proposed drainage improvements and temporary construction phase stormwater controls.
7. The plans shall indicate how the construction activities will be phased to limit the maximum disturbance to five acres or less at any given time

to mitigate potential soil erosion, sedimentation and surface water impacts.

8. All watercourse crossings should be detailed on the plans and described in the engineering report.

Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia, Supervisor
SEQRA Coordination Section

X: A. Puccio, UCHD
J. Petronella, NYSDEC
J. Serowski, P.E., Lamont Engineering

ESTABLISHMENT OF LEAD AGENCY

PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

Proposed Lead Agency: Town of Olive, located in Ulster County

Proposed Action/Project: Hamlet of Shokan Wastewater Management Program

Project Sponsor: Town of Olive

On behalf of NYS DOT RESIDENCY 8-7 KINGSTON (agency name), I acknowledge receipt of the Town of Olive's notice of intent to be lead agency with respect to the project noted above, issued pursuant to the State Environmental Quality Review Act. I hereby:

1. endorse the Town of Olive acting as lead agency
OR
 do not endorse the Town of Olive acting as lead agency and desire _____ serve as lead agency instead
OR
 take no position on who acts as lead agency
2. provide comments on the proposed project (as an attachment)
OR
 have no comments on the proposed project

Agency Name
(please print)

NYS DOT

Signature

 PERMITS RES. 8-7

Date

2/23/22

Please return this form by **March 22, 2022**, to:

Jodie Serowski, P.E.
Project Manager
Lamont Engineers
P.O. Box 610
197 Elm Street
Cobleskill, New York 12043
jserowski@lamontengineers.com

ESTABLISHMENT OF LEAD AGENCY

PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

Proposed Lead Agency: Town of Olive, located in Ulster County
Proposed Action/Project: Hamlet of Shokan Wastewater Management Program
Project Sponsor: Town of Olive

On behalf of Town of Olive Planning Board (agency name), I acknowledge receipt of the Town of Olive's notice of intent to be lead agency with respect to the project noted above, issued pursuant to the State Environmental Quality Review Act. I hereby:

1. endorse the Town of Olive acting as lead agency
OR
 do not endorse the Town of Olive acting as lead agency and desire _____ serve as lead agency instead
OR
 take no position on who acts as lead agency
2. provide comments on the proposed project (as an attachment)
OR
 have no comments on the proposed project

Agency Name (please print) Town of Olive Planning Board
Signature J. Dill Chairman
Date 3/1/2022

Please return this form by March 22, 2022, to:

Jodie Serowski, P.E.
Project Manager
Lamont Engineers
P.O. Box 610
197 Elm Street
Cobleskill, New York 12043
jserowski@lamontengineers.com