

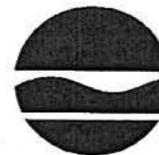
New York State Department of Environmental Conservation

Environmental Permits, Region 8

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Joe Martens
Commissioner

March 5, 2012

Via Email and US Mail

Kevin Bernstein, Esq.
Bond, Schoeneck & King, PLLC
One Lincoln Center
Syracuse, New York 13202-1355

Dear Mr. Bernstein:

Re: Notice of Incomplete Application

DEC Facility No. 8-4432-00085

Finger Lakes, LLC Underground LPG Storage Facility

Reading (T), Schuyler County

The Department of Environmental Conservation staff have completed their preliminary review of the application for a 401 Water Quality Certification for the above noted project that was received on 17 February 2012. We are unable to proceed with our review pending US Army Corps of Engineers (Corps) confirmation of the wetlands delineation provided with the application, identification of the applicable NWP(s) and confirmation of the requirement for an individual Water Quality Certification. Additionally, please provide the plan details for areas of impact; and a discussion of whether mitigation is required by the Corps for the impacts identified in the application and, if so, information on how/where the mitigation will be provided.

Please contact me at 585-226-5401 or email at dlbimber@gw.dec.state.ny.us if you have any question relating to the status of this application or the information discussed in this letter. Thank you for your time and assistance in this matter.

Sincerely,

David L. Bimber
Deputy Regional Permit Administrator
Division of Environmental Permits

ecc: S. Jones, Bureau of Habitat
L. Bracci, Regional Attorney
S. Sheeley, Regional Permit Administrator
L. Schwartz, Assistant Regional Attorney
L. Weintraub, DEC Albany
P. Briggs, DEC Albany
R. Phaneuf, DEC, Albany
S. Metivier, US ACE, Buffalo
M. Crawford, US ACE, Auburn

From: David Bimber
To: Bernstein, Kevin
Date: 3/5/2012 2:12 PM
Subject: 2012.03.05 NOICA for FL LPG WQC
Attachments: 2012.03.05 NOICA S 401WQC.pdf

Kevin:

Attached, as we discussed Thursday, is our letter regarding the WQC for Finger Lakes. Please call if you have any questions.

Please note my new contact information below. For the next month or so, I will be alternating time between the Region 8 and Region 7 offices.

Thanks

Dave

David L. Bimber
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NYS DEC, Region 7
Division of Environmental Permits
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