

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 7
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6 August 2012

Kevin Bernstein, Esq.
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One Lincoln Center
Syracuse, New York 13202-1355

Dear Mr. Bernstein:

Re: DEC Facility No. 8-4432-00085
SWPPP Review
Finger Lakes, LLC Underground LPG Storage Facility
Town of Reading, Schuyler County

Technical Staff have had an opportunity to review Revision 3 dated 30 May 2012 to the Stormwater Pollution Prevention Plan (SWPPP) and we have the following comments and require additional information to complete our review.

Overall Eligibility for General Permit Coverage Concerns

1. The Revised SWPPP 3 provided by JESS Engineering does not contain documentation pertaining to historic preservation issues. Without this information, the site is not eligible for general permit coverage. In addition, since the layout of the site has changed (due to new brine pond locations and possibly a borrow pit mentioned in a project meeting but not included in the SWPPP), these areas may need additional review by OPRHP to determine if additional survey work is needed to satisfy the permit eligibility criteria in Part I D 8 of the permit.
2. The NOI provided in Revision 3 of the SWPPP indicates that there are about 2 acres of steep slope areas on the project site that will be disturbed. Since this site is directly tributary to Seneca Lake, a Class AA(T) water in this vicinity, the site is not eligible for general permit coverage if these soil areas are to be disturbed. Please see Part I D 6 of the construction general permit. If this area must be disturbed then the entire site may only be constructed under the authority of a site specific SPDES permit. This eligibility requirement was contained in the 2008 general construction permit as well as the current permit. Should a site specific permit be needed, a Part IIC SPDES application with the prepared SWPPP must be submitted to the Department. If these areas are not needed please provide a revised NOI reflecting that detail. Also, the NOI must be revised to reflect the area that will be disturbed as a result of the modification of the project.
3. The site was issued an authorization letter on September 10, 2009 based on an NOI submitted on or about 24 August 2009. Based on the NOI, the site was issued a standard five day authorization number as noted above. However, the Department does not review SWPPP's associated with these NOI's when the project sponsor indicates that they are in compliance with and eligible for permit coverage. Review now shows that, due to the issues above, the site is not currently eligible for permit coverage. This status continues until

documentation demonstrates that these items have been resolved. Of course, construction is not authorized until SEQRA has been satisfied and any other required UPA permits have been issued (as per Part II B 2 a and b of the permit). A final decision on the applicability of the MSGP will be forthcoming. If this project is determined to be eligible for construction GP coverage, the SWPPP should reference GP-0-10-001 rather than GP-0-8-001.

Review Comments on the SWPPP

4. More information is needed pertaining to stormwater management at the East and West Brine Pond areas including the following:
 - a. Material specifications, dimensions, installation details and operations and maintenance requirements for erosion and sediment control practices, including the location and sizing calculations for any temporary sediment basins.
 - b. Provide details for any temporary diversion swales.
 - c. It does not appear that all runoff from the brine pond slopes has the opportunity to enter a diversion swale and the conveyances from sediment traps to stilling basins is not obvious; more detail in the construction drawings is needed for these issues.
 - d. Provide details for the timing of placement of erosion control blankets on the brine pond embankments.
 - e. A detail stating at what point in construction the temporary sediment traps can be removed is needed.
 - f. Sediment traps are to be located so that they can be installed prior to grading or filling in the drainage area they are to protect. A construction sequence specific to the brine ponds is necessary to ensure that this is possible.
 - g. Sizing calculations for the temporary sediment traps are needed.
 - h. Sediment trap (ST-V) details from the NYS Standards and Specifications for Erosion and Sediment Control (August 2005) shall be incorporated into the construction drawings/details where necessary.
5. It appears that construction of the East and West Brine Ponds requires the addition of very steep slopes to be placed in areas where steep slopes already exist. From the construction drawings, it does not appear that any permanent stormwater management practices are planned to address the alteration of hydrology from pre to post development conditions. Please provide a justification for this or drawings/details of any permanent stormwater controls/management practices. Also please see comments 7 and 8 in our letter of 23 July 2012.
6. The location of the railroad runaround track described in the SWPPP does not appear to be included in overall project maps or soil reports. The construction activities to be completed at this area need to be included in the construction sequencing schedule and incorporated into overall project location maps. Construction schedule/phasing for the entire project must be much more detailed and descriptive. This includes installation of erosion and sediment controls (ESC), post construction controls, and milestones for gas storage facility construction.
7. More details/descriptions for the instances where sections of pipelines will cross streams aerially are needed.

8. The swales adjacent to the new railroad siding convey stormwater to a forebay, then to a pond, and then outlet to an existing swale. It is not apparent where this existing swale outlets. Please provide more information about this existing swale.
9. The design drawings provided are not stamped/signed by a P.E. All final acceptable plans must be stamped/signed by an engineer licensed to practice in New York.
10. The SWPPP mentions temporary crossings over waterways, but no details are provided. Please provide details of temporary stream crossings planned to be used.
11. Please include in the SWPPP, correspondence with the US Army Corps of Engineers relating to the three federal wetlands and impacted streams on site and authorization received for coverage under a Nationwide Permit.
12. Please provide more information on any water bar spacing, slope breakers, placement of cleared material, water bar discharge locations/practices, etc. planned to be used on pipeline rights-of-way.
13. Inspection forms and information in the SWPPP do not conform to the requirements of the current permit. Please update as needed to show compliance with Part IV of the current permit.
14. A copy of the current general permit should be included in the SWPPP.

On an overall basis, the SWPPP is lacking in sufficient detail to insure that stormwater will be properly managed during construction and to minimize the chance of causing a water quality violation in Seneca Lake, a Class AA(T) Finger Lake and drinking water source. It is for this reason that on August 1, 2012, we requested that your people do a presentation on the storm water plan during the meeting scheduled for tomorrow. Right now, staff finds that there is not enough detail to show what is being proposed, and how, what, where, and when the storm water BMPs will be constructed, in relationship to the other work.

In addition to the above comments the plan does not demonstrate compliance with many of the requirements of Part III.B.1 and 2 of the construction general permit. This includes but is not limited to items b, d, e, f, g, h, i, j, and k. Permit requirements found in Part III B.2 that must more fully addressed include: a, b, c, e, and g. Maintenance plans in particular must be robust and be prepared so that plant personnel understand the work that must be done and when on the stormwater systems. This is needed again to protect the water quality of Seneca Lake.

The final acceptable SWPPP must include all documentation required and be a stand-alone useable document. The plan must be maintained on site during construction as required by Part II.C.2 of the permit.

The statement at the end of Section 1.2 of the SWPPP needs to be clarified. What is meant by "this facility does not need a full Stormwater Plan?" A full construction stormwater plan is needed for this construction project.

It is our understanding that additional information regarding the US Salt SPDES permit will be provided during our 7 August 2012 teleconference and we will follow up with any questions or

Mr. Kevin Bernstein
Comments Regarding Facility SWPPP

6 August 2012

comments after that discussion.

Please contact me at 315-426-7440 or email at dlbimber@gw.dec.state.ny.us if you have any questions relating to the status of this application or the information discussed in this letter. Your engineering staff can also contact Dixon Rollins, Regional Water Engineer, at 585-266-5468. Thank you for your time and assistance in this matter.

Sincerely,



David L. Bimber
Regional Permit Administrator
Division of Environmental Permits

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