

Jessica Skinner, P.E.
Jason Skinner, P.E.

2121 County Route 10
Alpine, NY 14805



(585)314-8517
(585)469-0438

jskinner@empireaccess.net
jws@empireaccess.net

David L. Bimber
Regional Permit Administrator
Division of Environmental Permits
615 Erie Boulevard West
Syracuse, NY 13204-2400

RECEIVED
AUG 27 2012
DEP-REGION 8

August 20, 2012

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

Dear Mr. Bimber,

We appreciate your technical staff review and comment on our Stormwater Pollution Prevention Plan (SWPPP), Rev. 3, dated May 2012. We have reviewed your comments and have made changes or enhancements to the Stormwater system as appropriate. Enclosed you will find all revised calculations as well as a complete revised set of the drawings.

In response to your comments dated August 6, 2012 we offer the following (the Department's comment is restated for your convenience with our response in bold italics):

1. The revised SWPPP 3 provided by JESS Engineering does not contain documentation pertaining to the 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.

A complete copy of all correspondence with OPRHP has been provided separately to Staff and will be included as Attachment 1 to this letter. The correspondence and the maps attached to the correspondence to OPRHP shows that when OPRHP made its No Impact determination, it considered the entirety of the properties to be included in this project.

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 SPEDES

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 to the project.

The stormwater and erosion and sediment control narratives have been revised to reflect the changes to installation on the steep slope area; these narratives are included as Attachment 2. A draft revised NOI is included as Attachment 11. Upon acceptance of the revised SWPPP by the Department, the NOI will be signed and formally submitted with all drawings in the SWPPP stamped by a P.E. The revised NOI reflects modifications to the steep slope number in addition to modification to the disturbed area, reflecting the run around track, new brine pond locations, and the reduced plant area. A drawing showing the acreage (less than 1 acre) in excess of 25% slopes is included with this letter in Attachment 5.

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 UAP 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.

Based on the responses to items 1 and 2 above and the documentation included in Revision 4 to the SWPPP, the Project is eligible for coverage under the Stormwater General Permit.

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.

As discussed with Staff, the overall Erosion & Sediment Control Plan has been separated into a "Initial" and a "Permanent" Erosion & Sediment Control Plan. The plans show the location for the temporary and permanent erosion and sediment control practices. Where practicable, the sizing calculations are shown on the plans. We have, in addition, provided separate calculations for other Erosion & Sediment Control practices; these have been included in Attachment 3 to this letter. Operation and Maintenance requirements have been further clarified and are included in Attachment 4. All of the other information requested in this item is contained on the drawings included as Attachment 5.

- b. Provide details for any temporary diversion swales.

Details showing the dimensions and locations of all temporary swales have been shown on the erosion and sediment control drawings. These drawings are included as Attachment 5 to this letter.

- 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.

The design has been altered and the pond size has been reduced to allow for the construction of a temporary swale on the north, south and east sides of both ponds which direct all runoff from the outside of the berm to one of three sediment traps. To enhance the erosion and sediment control plan, permanent basins have been designed for use throughout construction. In addition, to further provide clarity regarding what practices will be in place during construction and after construction, two separate drawings have been created showing the temporary and permanent practices. All modified drawings are included in Attachment 5 to this letter.

- d. Provide details for the timing of placement of erosion control blankets on the brine pond embankments.

To clarify the timing of installation of erosion control blankets and other Management Practices we have included a revised construction sequence as Attachment 6 to this letter. The construction sequence is broken into separate segments covering different aspects of construction of the Project on the sites affected.

- e. A detail stating at what point in construction the temporary sediment traps can be removed is needed.

This item has been included in the revised construction sequence.

- f. Sediment traps are to be located so that they can be installed prior to grading of 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.

This item has been included in the revised construction sequence.

- g. Sizing calculations for the temporary sediment traps are needed

See the response to Comment 4.a.

- 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.

As discussed with Staff, this was, and continues to be, provided on the Erosion and Sediment Control details plan.

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.

Please refer to the maps in Attachment 3 which shows the pre-developed and post developed conditions drainage maps. For both the West and East brine ponds there is a significant reduction in watershed area and consequently flow at the design discharge locations.

6. The location of the railroad runaround track described in the SWPPP does not appear to be included in the 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.

All overview maps have been enlarged and expanded to include the runaround track area. This portion of the Project has been included as a subset of the enhanced construction sequence. The construction sequence has been broken into separate segments covering different sub projects on the site. The revised overview maps are included with this letter as Attachment 7.

7. More details/descriptions for the instances where sections of pipelines will cross streams aerially are needed.

This detail has been included in the drawing section of the SWPPP and is also included as a separate sheet (sheet 32 of 50) in the Army Corps authorization that has been included as Attachment 8 to this letter.

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 swale.

As discussed with Staff, this swale dissipates into the adjacent wetland. A note to this effect has been added to the design drawings and is included in the resubmitted drawings, included as Attachment 5 to this letter.

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.

All final drawings will be signed and stamped.

10. The SWPPP mentions temporary crossings over waterways, but no details are provided. Please provide details of temporary stream crossings planned to be used.

We are proposing to utilize a timber mat bridge to cross existing waterways. The detail can be found on page 8 of the main SWPPP drawings, included in Attachment 5.

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.

The Army Corps authorization is included as Attachment 8 to this letter and will be included with Revision 4 to the SWPPP.

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.

Water bar spacing is included on page 10 of the main SWPPP design drawings. As requested by Staff, details on the outlet stabilization have been added to this drawing. In addition, information has been added regarding cleared materials and windrowing of this material on the cleared right-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.

All inspection forms and information have been updated to comply with the current permit. All of the updated inspection forms have been included in Attachment 9 to this letter. The General Inspection form will be utilized for routine inspections. This will be enhanced by utilizing the SWPPP Design Manual, Appendix F, inspection forms for all permanent structures.

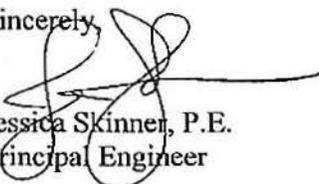
14. A copy of the current general permit should be included in the SWPPP.

A copy of the current general permit has been included in addition to GP-0-8-001.

Also mentioned by staff was the utilization of NRCS Standards in the SWPPP instead of the NYS DEC Standards and Specifications. The DEC Standards and Specifications for all applicable practices have been added to the SWPPP and are included with this letter as **Attachment 10**.

The enclosed attachments have all been included as amendments to Revision 3 of the SWPPP. Following the August 30th meeting and staff agreement with the attachments a Revision 4 of the SWPPP will be released for publication.

Sincerely,



Jessica Skinner, P.E.
Principal Engineer

Fax:(607)594-6726
Cell:(585) 314-8517/469-0438

***Finger Lakes LPG Storage, PLLC
DEC Response Attachments***

August 2012

QES
Engineering, PLLC

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Alpine, NY 14805

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