

FACT SHEET for INDIVIDUAL SPDES PERMIT  
Crossroads Ventures, LLC – Belleayre Resort at Catskill Park  
Dated: December 2, 2015

**Introduction**

The New York State Department of Environmental Conservation (NYSDEC) has prepared an individual State Pollutant Discharge Elimination System (SPDES) permit for Crossroads Ventures, LLC – Belleayre Resort at Catskill Park, in response to a SPDES permit application package that was submitted to the Department in March 2011.

The content of the final SPDES permit is unique in that it reflects proposed design details and mitigation measures for the Modified Belleayre Resort project that in part resulted from the 2004 DEC Issues Conference and the subsequent negotiated September 5, 2007 Agreement in Principle<sup>1</sup> (AIP). The AIP was signed by the majority of parties to the Department permit hearings and related proceedings conducted in 2004-2006. It was the understanding of the AIP signatories that, where appropriate, several provisions would be incorporated into the final approvals of the Department, if and when issued, upon the conclusion of the SEQRA process. In a letter dated April 5, 2013, the applicant provided a list of mitigation conditions to meet its environmental commitments in the AIP, including conditions to address stormwater, stream disturbance and wetlands, construction blasting, and traffic-related matters. In the Commissioner’s Decision and Ruling, dated July 10, 2015, the Commissioner directed “that, as part of the completion of the SEQRA process, Department staff is also to include the other conditions referenced in the April 5, 2013 letter in the SEQRA findings statement and, as appropriate, into any Department permits or other approvals.”

The final SPDES permit is prepared pursuant to 6 NYCRR Part 750-1.7(e). The SPDES permit number and associated DEC application numbers are as follows:

**Facility:** Crossroads Ventures, LLC – Belleayre Resort at Catskill Park  
**SPDES Permit Number:** NY- 027 0679  
**DEC Number:** 0-9999-00096/000012

**Proposed Activity, Type of Discharge and Potential Receiving Waters**

The Modified Project consists of two development areas; Wildacres Resort (Wildacres) and Highmount Spa Resort (Highmount). Wildacres is planned to be a 3.5-4 star, 4-season resort with a focus on different types of outdoor recreation including golf, skiing, tennis, hiking, etc. Highmount is planned to be a 5-star, 4-season resort focused on spa and wellness center facilities and providing ski-in/ski-out access to Belleayre Mountain Ski Center (BMSC) trails.

Wildacres Resort (Wildacres) is located on approximately 254 acres on the eastern side of the Project site with access from County Route 49A south of the Alpine Osteria and near the upper driveway to BMSC as well as access from Gunnison/Kraft Road. The Wildacres Resort is made

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<sup>1</sup> The Agreement in Principle is Appendix 1 to SDEIS Part B.

up of two large contiguous areas, defined as Wildacres East, (also called the Front-9 Village), and Wildacres West, (also called the West Village).

The SPDES permit will authorize the discharge of stormwater from construction activity to the waters of New York State subject to certain exclusions.

The receiving waters that have the potential to receive stormwater discharges from the project site are: Todd Mountain Brook, Emory Brook, an unnamed tributary to Emory Brook, and Crystal Spring Brook.

### **Need for Individual SPDES Permit**

An individual SPDES permit was prepared because the proposed activity is ineligible for coverage under the *SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-15-002, formerly GP-0-10-001)*. Part I.F.6. of GP-0-15-002 rules projects ineligible for coverage if they propose to disturb one or more acres with no existing impervious cover on land where the Soil Slope Phase is identified as E or F on the USDA Soil Survey for that county and the site is located in a Class AA-Special watershed. The proposed project trips this ineligibility criterion. The individual SPDES permit incorporates all of the requirements of GP-0-15-002.

### **Stormwater Pollution Prevention Plan (SWPPP)**

The NYSDEC reviewed the SWPPP for conformance with the technical standards outlined in the *New York Standards and Specifications for Erosion and Sediment Controls (August, 2005 revision)* and *New York State Stormwater Management Design Manual (2010 version)*. The final permit requires that the provisions of the SWPPP be implemented from the commencement of construction activity until all areas of disturbance have achieved final stabilization.

The Stormwater Pollution Prevention Plan (SWPPP) that was submitted with the SPDES application included the following documents:

- Stormwater Management Design Report for The Modified Belleayre Resort at Catskill Park prepared by The LA Group and dated March 2012, revised February 2014;
- Individual Stormwater Pollution Prevention Plan for the Phase 1(A) of the Modified Belleayre Resort at Catskill Park” prepared by The LA Group and dated March 2011, revised March 2012 and March 2013; and
- Construction/Grading/Drainage Plans prepared by the LA Group and dated March 2011, revised March 2012

In addition, on November 17, 2014, the Watershed Inspector General reached agreement with the applicant for revisions to the SWPPP (WIG Agreement). Those revisions are deemed part of the final SWPPP.

### **EPA Final Effluent Limitations**

The U.S. Environmental Protection Agency (EPA) promulgated new effluent limitation guidelines (ELGs) for construction and development on December 1, 2009. EPA’s narrative effluent

limitations are based on the requirement that effluent reduction be attained by applying the best practicable control technology currently available (BPT). All SPDES permits issued on or after February 1, 2010 must incorporate these requirements (see Part I.B. of the SPDES permit for the ELGs).

### **Construction Phasing**

The final SPDES permit requires the applicant to use the "Individual Stormwater Pollution Prevention Plan for the Phase 1(A) of the Modified Belleayre Resort at Catskill Park" prepared by The LA Group and dated March 2011, revised March 2012 and March 2013 as the model when preparing the SWPPP for future phases of construction.

Construction of future phases of the Modified Belleayre Resort at Catskill Park project shall not commence until the NYSDEC has approved the SWPPP for that phase.

Construction of future phases of the project cannot commence until all earth disturbing activities in the current phase are complete and a non-erosive cover has been established on all disturbed areas by the application of temporary or permanent stabilization measures. The permittee shall have the qualified inspector perform a site inspection and prepare a written statement certifying that this condition has been achieved.

