

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

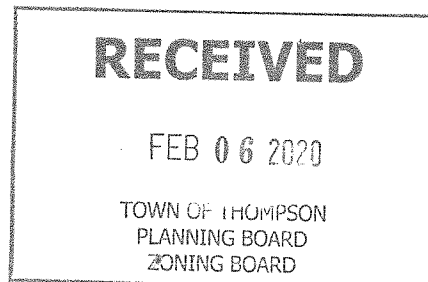
Division of Environmental Permits, Region 3
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www.dec.ny.gov



Department of
Environmental
Conservation

February 4, 2020

Lou Kiefer, Chairman
Town of Thompson Planning Board
308 State Route 17B
Thompson, New York 12701



RE: BBIS Auto Auction – 308 State Route 17B
Town of Thompson, Sullivan County
CH# 8628
SEQR Lead Agency Designation

Dear Chairman Kiefer:

The New York State Department of Environmental Conservation (Department or DEC) has reviewed the State Environmental Quality Review (SEQR) Notice of Intent to Serve as Lead Agency submitted by the Town of Thompson Planning Board for the above-referenced project. According to the submitted information, the project consists of the commercial development of the site to facilitate the storage and auction of up to 11,000 vehicles. The applicant proposes to construct a 11,250-square foot (SF) commercial building to be used as an office and vehicle processing building where vehicles will be photographed, numbered, and inventoried for future sale. Additionally, a designated loading/unloading area is proposed, as well as a display area for vehicles currently being auctioned. A parking area comprised of approximately 11,000 spaces is included in the proposal.

The DEC has no objection to the Town of Thompson Planning Board serving as lead agency for this project. Based upon our review of your inquiry received by this office on January 21, 2020, the Department offers the following comments:

PROTECTION OF WATERS

The following stream is located within or near the site you indicated:

Name	Class	DEC Water Index Number	Status
<u>Tributary of Kinne Brook</u>	<u>B</u>	<u>D-10-2-0-3-P121</u>	<u>Protected</u>

A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected."

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



Department of
Environmental
Conservation

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

Your project site is near or in Freshwater Wetland MO-49, Class 2. 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 Michael Fraatz, Bureau of Ecosystem Health, at (845) 256-3057 or at Michael.fraatz@dec.ny.gov.

WATER QUALITY CERTIFICATION

The project site appears to contain federally-regulated wetland areas. If the United States Army Corps of Engineers (ACOE) requires a permit for work completed in or impacting a federal wetland, you will need a Section 401 Water Quality Certification from the Department. Please contact the ACOE at (917) 790-8411 for a determination.

STATE-LISTED SPECIES

The DEC has reviewed the State's Natural Heritage records. No records of sensitive resources were identified by this review.

The absence of data does not necessarily mean that rare or state-listed species, natural communities, or other 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.

STATE POLLUTION DISCHARGE ELIMINATION SYSTEM (SPDES)

Since project activities 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 develop a Stormwater Pollution Prevention Plan (SWPPP) that conforms to requirements of the General Permit.

According to the submitted Full Environmental Assessment Form (EAF), the proposed project will generate approximately 308 gallons per day (gpd) of sanitary wastewater. The discharge location is not indicated in the supplied documents. Please note, sewage effluent discharges of 1,000 gpd or greater to groundwater or surface waters are regulated under Article 17, Titles 7 and 8 of the Environmental Conservation Law (ECL) and require a SPDES permit. For additional information on SPDES permits, please visit the DEC website at <http://www.dec.ny.gov/permits/6054.html>.

WATER WITHDRAWAL

According to the EAF, the proposed project will generate a demand for water of approximately 308 gpd that will be provided by a new water supply well. Please note that an Article 15 Water Withdrawal permit may be required to undertake activities pursuant to 6 NYCRR Part 601.6, such as the construction, operation and maintenance of a water

withdrawal system with the capacity to withdraw 100,000 gallons or more per day regardless of the actual demand on the system (6 NYCRR Part 601.6c). For additional information on Water Withdrawal permits, see the DEC website at <https://www.dec.ny.gov/lands/55509.html>.

FEMA FLOODPLAIN

The project site is located within a Federal Emergency Management Agency (FEMA) Floodplain. The municipality will determine if any additional jurisdictions are applicable to the proposal.

MINED LAND RECLAMATION

The EAF indicates that the proposed project will include the excavation of approximately 150,000 cubic yards. Please note that mining is defined in the DEC Mined Land Reclamation regulations as "excavation from which a mineral is to be produced for sale or exchange, or for commercial, industrial, or municipal use." A Mined Land Reclamation permit is required for the mining of 1,000 tons or 750 cubic yards of minerals within 12 successive calendar months.

The excavation or grading of an area that is part of an approved construction plan is generally exempt from the Mined Land Reclamation permitting requirements, provided that the following criteria are met:

1. All necessary Local, State, and Federal approvals shall have been obtained for the project;
2. The proposed excavation and/or grading work is to be conducted solely in aid of on-site construction and is deemed necessary to prepare the site for approved construction;
3. The excavation takes place within the construction project area and is an integral part of the construction project activities. The construction project area is defined as the area of excavation essential to the successful completion of the construction project;
4. Objective evidence is provided which leads the Department to reasonably conclude that the construction project is not speculative, will occur at the site of excavation and grading; and will occur concurrently, or soon after the excavation and grading is completed. Objective evidence includes, but is not limited to: copies of all relevant building permits, grading plans and all necessary approvals from the local planning and zoning boards; and
5. Construction activities should commence within 6 months and be completed within 2 years of excavation.

It appears that the proposed excavation is an integral part of the construction project. If the applicant deviates from this proposal and mines stone without construction commencing, a Mined Land Reclamation permit may be required.

AIR RESOURCES

If the project activities include the installation of a stationary or portable combustion system that exceeds one of the following thresholds, then an air facility registration may be required:

- A maximum rated heat input capacity less than 10 million British Thermal Units (Btu) per hour burning fuels other than coal or wood; or
- A maximum rated heat input capacity of less than 1 million Btu/hr burning coal or wood.

For more information, please contact the DEC Division of Air Resources at (845) 256-3185.

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 the project sponsor should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year. More information about DEC permits may be found on 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 contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Christina Pacella
Division of Environmental Permits
Region 3, Telephone No. (845) 256-2250

cc: Michael Fraatz, NYSDEC Bureau of Ecosystem Health
Aparna Roy, NYSDEC Division of Water
Brian Orzel, ACOE
Series 11, a separate series of BBIS Investment 767, LLC, Applicant
Ross Winglovitz, P.E., Project Contact