

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Permits, Region 3  
21 South Putt Corners Road, New Paltz, NY 12561-1620  
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www.dec.ny.gov



**Department of  
Environmental  
Conservation**

August 27, 2018

Victoria Desidero, Administrative Assistant  
Town of Southeast Planning Board  
1 Main Street  
Brewster, NY 10509

Re: Northeast Interstate Logistics Center  
Town of Southeast, Putnam County  
CH# 7706  
**SEQR DEIS and Jurisdictional Comments**

Dear Ms. Desidero,

The Department of Environmental Conservation (DEC or Department) has reviewed the Town of Southeast Planning Board's State Environmental Quality Review Act (SEQR) Positive Declaration, Notice of Completion of Draft Environmental Impact Statement (DEIS), and Notice of SEQR, Subdivision, and Wetland Permit Public Hearings materials for the above-referenced project. The proposal involves construction of the Northeast Interstate Logistics Center, a complex of four buildings totaling over 1.1 million square feet of floor area with parking, traffic improvements, utilities, and accessory improvements at a 328-acre site located at NYS Route 312 and Pugsley Road in the Town of Southeast, Putnam County. The project area also directly borders the Town of Patterson. The Department has no objection to the Town of Southeast Planning Board serving as Lead Agency for this project.

As noted in the DEIS, this site was previously reviewed and approved as Campus at Fields Corner development. DEC issued to Putnam Seabury Partners, L.P. an individual State Pollutant Discharge Elimination System (SPDES) permit for sanitary sewage discharge and a Water Supply permit for three wells on-site. Reference is made below to these permits.

Based upon our review of the Positive Declaration and DEIS received by DEC June 20, 2018, we offer the following comments:

**STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) - SANITARY**

The proposed project would utilize subsurface disposal systems (SSDS) for sanitary sewage disposal. One SSDS would be proposed for each of the four buildings, with estimated design flows of 17,000 gallons per day per tank. Sewage effluent discharges of 1,000 gallons per day or greater to groundwater are regulated under Article 17 of the Environmental Conservation Law and a SPDES permit would be required for these disposal systems.



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Please note that any other potential discharges associated with the project which require coverage under a SPDES permit (such as that described in the below Water Withdrawal section, regarding possible water withdrawal-related industrial discharges) and that, pursuant to 6 NYCRR Section 750-1.6(f), a permit for a system serving more than one separately owned property can only be issued to a government agency, municipality, or sewage works corporation formed pursuant to Article 10 of the Transportation Corporations Law.

The project area, as noted in the DEIS, is the location of the former development proposal of the "Campus at Field Corners." A SPDES permit (SPDES ID# NY0259314, DEC ID# 3-3730-00155/00003) was issued to Putnam Seabury Partners LP for this former proposal, and is currently active until December 31, 2020. Since Campus at Field Corners will not be constructed, and the newly proposed logistics center requires its own SPDES permits, this permit should be discontinued. By copy of this letter, Putnam Seabury Partners LP is advised to submit a letter requesting discontinuance of the SPDES permit NY0259314. This letter should be sent to the Regional Permit Administrator, 21 South Putt Corners Road, New Paltz NY 12561. Please note that if this permit is not discontinued by December 31, SPDES permit fees will continue to be assessed for the following calendar year.

For more information and instructions on how to apply for a SPDES permit, the project sponsor can visit the DEC website at <http://www.dec.ny.gov/permits/6054.html>.

### **WATER WITHDRAWAL**

The DEIS indicates that existing wells would be utilized to supply the logistics center with potable water. The potable water demand for the proposed project is estimated to be 78,000 gallons per day. Please note, water withdrawal systems *with the pump capacity to withdraw* 100,000 gallons per day or more of water are regulated under 6 NYCRR Part 601. The Groundwater section states that the total demonstrated yield of the wells, which is typically less than the pump capacity, is 288 gallons per minute or 414,720 gallons per day, and therefore a Water Withdrawal permit from DEC is required. For more information, the project sponsor can visit the DEC website at <http://www.dec.ny.gov/lands/55509.html>.

Please note that the Utilities section states that the applicant will be requesting that DEC rescind the Water Supply permit issued to the former project sponsor. The former Water Supply permit, now a Water Withdrawal Public permit, expired in 2015. So no action would be required as it is no longer an active permit.

The plan sheet C302, UTILITIES PLAN B, shows a proposed water treatment building, but there does not appear to be any discussion of it in the Utilities section of the DEIS. Please note that if chlorine treatment is proposed, the site will likely need a Hazardous Material Bulk Storage registration for the storage tank. In addition, any filter backwash contaminated with chlorine could be considered an industrial pollutant. If discharged, either directly or through one of the proposed sanitary systems, an industrial SPDES

permit may be required. The EIS must identify the means of treatment and address these additional potential environmental impacts, if applicable.

### **FRESHWATER WETLANDS**

Portions of the overall project site are near or within Freshwater Wetland LC-18 (Class I). A Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100-foot adjacent area, and based on the materials provided, a Freshwater Wetlands permit will be required for the proposed project.

The DEIS notes that the proposed project would permanently impact 0.05 acres of DEC wetland LC-18, as well as 2.44 acres of its 100-foot adjacent area. Appendix D-2 recognizes that the previous wetland delineation for this site, validated by DEC staff in 2007, is now expired. Thus, these impact area calculations are based on a wetland boundary which has not been validated by DEC Habitat staff. If the wetland boundary must be revised as part of the validation process, the impact areas would have to be recalculated.

Please note that as depicted in the DEIS, these wetland and wetland adjacent area disturbances would be incompatible with the wetland and its functions, and may not be capable of meeting permit issuance standards. Measures to avoid and/or further minimize these disturbances must be considered. Class I wetlands are afforded the highest protection and most activities that cannot avoid a loss in wetland benefits would not meet permit issuance standards. DEC recommends that all disturbances be eliminated that are not associated with the use or modification of existing features, such as the Barrett Road crossing or the lines to the existing well. Encroachment to allow new construction, such as buildings or associated stormwater treatment, will be more difficult to justify as unavoidable.

For more information or questions about the wetland boundary validation process, please contact Kelly Mckean of the Region 3 Bureau of Habitat at [Kelly.mckean@dec.ny.gov](mailto:Kelly.mckean@dec.ny.gov) or 845-256-3087.

### **STATE-LISTED SPECIES**

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near record(s) of the following state-listed species:

<b>Name</b>	<b>Status</b>
<u>Northern long-eared bat (<i>Myotis septentrionalis</i>)</u>	<u>Threatened</u>

A permit is required for the incidental taking of any species listed as "endangered" or "threatened", which can include removal of habitat.

The DEIS notes that to avoid impacts to this species, tree cutting would be avoided during the period of June 1 through July 31. However, please note, tree removal associated with this project should occur within a time of the year work window of November 1 through March 31 to avoid direct adverse impacts to Northern-long eared bat. If tree clearing cannot be completed within this acceptable time of year restriction, further review will be

required. For more information, guidance is available on the Department website at <http://www.dec.ny.gov/animals/106090.html>.

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

### **AIR RESOURCES**

The Utilities section states that the buildings will be heated by natural gas. If the project includes installation of boilers with total capacity greater than ten million British Thermal Units per hour or addition of boilers such that the total exceeds that threshold, then an air facility registration or permit may be required.

### **PROTECTION OF WATERS**

The following stream(s)/pond(s)/waterbody(ies) is(are) located within or near the site you indicated:

<b>Name</b>	<b>Class</b>	<b>DEC Water Index Number</b>	<b>Status</b>
Tribs of Middle Branch Reservoir and subtribs	C	H-31-P44-23-P59-6-P62-3	Non-protected

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." A permit is not required to disturb the bed or banks of "non-protected" streams.

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 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.

### **WATER QUALITY CERTIFICATION**

If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. Coverage under the blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit. A copy of the current blanket for the 2017 Nationwide Permits is available on the DEC website at: [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/wqcnwp2017.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/wqcnwp2017.pdf).

### **SPDES – STORMWATER DISCHARGE FROM CONSTRUCTION ACTIVITY**

As the overall project will disturb over 5000 square feet or more of land within the NYC Department of Environmental Protection Watershed, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-15-002), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits.

The site is within a Municipal Separate Storm Sewer System (MS4) community, so the SWPPP must be reviewed and accepted by the municipality, and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.

### **CULTURAL RESOURCES**

As the DEIS recognizes, the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation indicates that the project is located within an area considered to be sensitive with regard to archaeological resources. The determination of the project's potential effect on architectural and/or historic resources from the State Historic Preservation Office (SHPO) will be required to be submitted as part of the DEC permit process. For more information, please visit the SHPO website at <http://www.nysparks.com/shpo/>.

### **NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYCDEP)**

The project site is located within the NYCDEP watershed. Please contact NYCDEP directly about any jurisdiction they may have.

### **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 you 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 unless you are otherwise notified. More information about DEC permits may be found at our website, [www.dec.ny.gov](http://www.dec.ny.gov), under "Regulatory" then "Permits and Licenses." Application forms may be downloaded at <http://www.dec.ny.gov/permits/6081.html>.

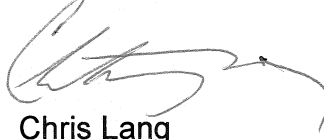
Applications for all DEC permits required for the project must be submitted simultaneously or the applicant must satisfy the Department that there is reason to not do so. Please note that this will be a major action pursuant to Uniform Procedures and a minimum 30-day public comment period will be required once the DEC applications are deemed complete.

Re: Northeast Interstate Logistics Center  
CH #7706  
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Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Chris Lang  
Division of Environmental Permits  
Region 3, Telephone No. (845) 256-3096

cc: Bruce Oberfest, Putnam Seabury Partners, LP

ecc: Joseph Sarchino, RLA, JMC  
Kelly Mckean, DEC Bureau of Habitat  
DEC R3 Bureau of Wildlife  
Putnam County Dept. of Health  
Brian Orzel, US Army Corps of Engineers  
Maria Tupper-Goebel, NYC DEP  
Aparna Roy, NYSDEC Division of Water  
George Sweikert, NYSDEC Division of Air Resources  
Town of Southeast  
Town of Patterson