

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Regional Director, Region 7

615 Erie Boulevard West, Syracuse, NY 13204-2400

P: (315) 426-7403 | F: (315) 426-7408

[www.dec.ny.gov](http://www.dec.ny.gov)

March 8, 2021

[REDACTED]  
Burnet Road, Clay, NY

SENT VIA EMAIL TO: [REDACTED]

Dear [REDACTED]

Thank you for your email to Commissioner Seggos. My name is Matthew Marko, I am the Director for Region 7 of the New York State Department of Environmental Conservation (DEC), which includes Onondaga County. The Commissioner asked that I respond to your concerns regarding the proposed White Pine Commerce Park.

As part of the requirements of the State Environmental Quality Review Act (SEQRA), DEC received notice from Onondaga County Industrial Development Agency (OCIDA) of their intent to assume Lead Agency status for the Proposed Expansion of the White Pine Commerce Park on December 10, 2020 (the notice is dated December 9, 2020). This notice was sent to numerous involved and interested agencies as part of a Coordinated Review process. Included in this notice is a Full Environmental Assessment Form prepared for the proposed project. Also included was notice of intent to prepare a Draft Supplemental Generic Environmental Impact Statement. Information on the SEQRA process can be found on our website (<https://www.dec.ny.gov/permits/357.html>).

In response to SEQRA coordination, DEC outlined some of its initial concerns as they relate to natural resource impacts, and some general permitting requirements. I have attached this letter for your information. At this time DEC has not reviewed a site plan for the proposed project, so our comments are somewhat general in nature, and additional comments may be necessary once additional details on the plan are presented.

We appreciate you taking the time to write and share your concerns. If you have further questions, I encourage you to speak with the Environmental Analyst covering Onondaga County, Trendon Choe ([trendon.choe@dec.ny.gov](mailto:trendon.choe@dec.ny.gov), 315-426-7445).

Sincerely,



Matthew J. Marko  
Director

CC: Trendon Choe, Environmental Permits  
Tiffany Toukatly, Bureau of Ecosystem Health  
Tom Bell, Division of Wildlife



Department of  
Environmental  
Conservation

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 7  
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Onondaga County Industrial Development Agency  
333 West Washington St., Suite 130  
Syracuse, NY 13202  
[economicdevelopment@ongov.net](mailto:economicdevelopment@ongov.net)

March 5, 2021

**RE: White Pine Commerce Park, Response to SEQRA Lead Agency Coordination  
5171 Route 31, Town of Clay, Onondaga County**

Dear Mr. Petrovich:

The New York State Department of Environmental Conservation (DEC) received the submitted information for the above referenced project on January 8, 2021. This information was received by the Department on January 8, 2021. According to the provided materials, OCIDA, as the project sponsor, proposes to expand its existing 450 acres business park to approximately 1,253 acres to support a mix of industrial and/or commercial businesses. DEC has no objections to OCIDA continuing as lead agency and offers the following to be considered in addition to the impacts that were identified in the 2013 Final Generic Environmental Impact Statement.

## **PROTECTION OF WATERS**

Eight tributaries of Oneida River and Youngs Creek (NYS Water Index#: ONT-66-11-14-4-1A, ONT-66-11-14-2-1, ONT-66-11-14-1C, ONT-66-11-14-2, ONT-66-11-14-1B, ONT-66-11-14, ONT-66-11-14-4, ONT-66-11-14-4-1), all Class C streams, are located within close proximity to the identified project location. These natural resources should be preserved to the best extent possible. An Article 15, Protection of Waters, is required for excavating or placing fill in navigable waters of the state, below the mean high water level, including adjacent and contiguous marshes and wetlands. In New York State, applicants for a Federal license or permit for activities that may result in a discharge into waters of the United States are required to apply for and obtain a Water Quality Certification (WQC) from DEC indicating that the proposed activity will comply with New York State water quality standards. A WQC from DEC is most commonly required when a project also requires a permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act for the placement of fill in waters of the United States. Therefore, any of these impacts should be considered in your environmental review and incorporated into the design. Upon application to DEC, the project sponsor must provide a full delineation of all streams, and should include, but not limited to; stream width at Ordinary High Water Level (OHWL), colored photographs, a determination of its' navigability, any proposed tree cutting along the stream corridor, and any fill or ground disturbance within 50 feet from OHWL.

The project sponsor will be responsible for ensuring that any work shall not pollute any stream or waterbody, as it pertains to New York State's water quality standards program, which includes federal (U.S. EPA) oversight. Care shall be taken to stabilize any disturbed areas promptly after any 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 within two Regulated Freshwater Wetlands; BRE-11, a Class III wetland, and BRE-14, a Class II Wetland. Under the Freshwater Wetlands Act, DEC regulates activities in freshwater wetlands and in their 100 foot adjacent areas. DEC regulates such activities to prevent impairment of wetland benefits and functions. Therefore, DEC recommends that any impacts to both the Freshwater

Wetland and/or 100 foot adjacent area be considered in your environmental review, and strict avoidance incorporated into your design. In addition, a full delineation, and wetland report should be completed. Once completed, please contact our Bureau of Ecosystem Health, to have the delineation verified, at (607) 753-3095, ext. 206.

Please also contact your town officials and the United States Army Corps of Engineers Auburn Field Office, at (315) 255-8090, for anything they might require.

### **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) for the following State-listed species: Sedge Wren (*Cistothorus platensis*), Threatened, and Indiana Bat (*Myotis sodalis*), Endangered. Please be aware, pursuant to Article 11, Title 5, Section 535 of the Environmental Conservation Law, Threatened and Endangered Species, an "Incidental Take" Permit may be required from the DEC for any project if it is determined that a take of a threatened or endangered species will occur. Regarding the Sedge Wren, DEC will require that a grassland breeding bird survey be conducted. DEC will review the results of this survey in order to determine the need for an incidental take permit. Regarding the Indiana Bat, to avoid adverse impacts, any project plans for construction activities on these parcels must specify that cutting of any and all known roost trees be avoided, and clearing of other trees must occur from October 31 through March 31. For more information on avoiding impacts to state-listed species referenced above, please contact Tom Bell with DEC's Region 7 Division of Wildlife at (607) 753-3095, ext. 243.

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.

### **CULTURAL RESOURCES**

We have reviewed 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. These records indicate that the project is not located within an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Applicants proposing complex, multi-residential, commercial or industrial projects are strongly encouraged to schedule a pre-application conference. This meeting with DEC allows the applicant to clarify project objectives and obtain DEC's recommendations. Such feedback can improve the project environmentally and shorten the application procedure. 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. Applications may be downloaded from our website at <https://www.dec.ny.gov/permits/6222.html>.

### **State Pollutant Discharge Elimination System (SPDES)**

If the project will disturb greater than one acre of soil, a SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-0-20-001 (Stormwater Permit) will be required. The project is located within the Town of Clay, which is a regulated Municipal Separate Storm Sewer System (MS4) community. Therefore, the Stormwater Pollution Prevention Plan (SWPPP) must be reviewed and accepted by the MS4 prior to obtaining stormwater permit coverage. In addition to the MS4 review, DEC

retains its authority to complete a SWPPP review of the project. Please notify DEC when the SWPPP for this project has been completed and is available for review.

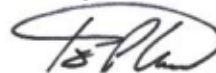
The proposed commerce park will most likely be serviced by the Oak Orchard Wastewater Treatment plant (WWTP). Depending on the estimated organic loads the facility (s) will produce, a pretreatment system should be considered. Many industrial developments typically have higher levels of total suspended solids and/or metals, and existing conditions at the treatment plant may not accommodate these increases. In addition to pretreatment, an upgrade to the WWTP should be considered to handle not only the increase in organic loads, but the increase in hydraulic loading.

Proposed new outfalls were mentioned in the FEAF. Once available, DEC will need to review any new outfalls, as any discharges of wastewater will require a SPDES permit, and proper justification as to why the discharges cannot be sent to the Oak Orchard WWTP.

With regards to any proposed sewer extensions, DEC strongly recommends being a co-reviewer along with Onondaga County Department of Health for any and all approvals for the installation of the force mains. Lastly, the groundwater elevation has been noted as 3 feet, and thus any dewatering action should be reviewed by DEC.

**These determinations are typically good for one year, therefore as plans progress please contact DEC to ensure your compliance with Environmental Conservation Law (ECL).** Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Trender Choe  
Division of Environmental Permits, Region 7  
Telephone No. (315) 426-7445

Cc: Matthew Marko – R7 Director  
T. Vigneault, V. Ellis, M. Kazmierski – R7 DOW  
T. Bell – R7 Wildlife  
T. Toukatly – R7 BEH  
E. Tracy – R7 RPA  
Town Supervisor