

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
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**Department of
Environmental
Conservation**

March 5, 2019

Chris Brand
PO Box 305
Milton, NY 12547

RE: SEQR LEAD AGENCY DESIGNATION
Milton Turnpike Solar Farm
Town of Marlborough, Ulster County

CHID: 8102

Dear Mr. Brand:

This is in response to your notice mailed February 25, 2019 on behalf of the Town of Marlborough Planning Board requesting SEQR Lead Agency Status for the above noted project. From the information provided, it is apparent that the project is a Type 1 action in which the Town of Marlborough Planning Board has coordinated the review of the potential environmental impacts.

Based upon our review of the circulated documents, this office has identified the following environmental concerns:

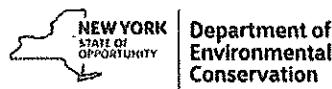
PROTECTION OF WATERS

There are no waterbodies that appear on our regulatory maps at the project site you identified. Therefore, a Protection of Waters permit is not required based upon the plan provided.

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.

FRESHWATER WETLANDS

Your project/site is near or in Freshwater Wetland PQ-17, Class 2. This wetland is potentially larger than displayed on the current regulatory map. Be aware that 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 Josh Fisher, Bureau of Ecosystem Health at Joshua.fisher@dec.ny.gov.



-OVER PLEASE-

STATE-LISTED SPECIES

According to Department records, no state-listed species have been recorded within or near the project site. However, please note a project sponsor may not commence site preparation, including tree clearing, until the provisions of SEQR are complied with and all necessary permits issued for the proposed project.

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.

SPDES STORMWATER (CONSTRUCTION)

If project activities will disturb over 1 acre of land, the project sponsor must obtain coverage under the current SPDES General Permit (GP-0-15-002) for Stormwater Discharge from Construction Activities, and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. As the Town of Marlborough is an MS4 community (Municipal Separate Storm Sewer System), the Town is responsible for review and acceptance of the SWPPP. [The MS-4 Acceptance Form must be submitted to the Department.] Authorization for coverage under the SPDES General Permit is not granted until the Department issues any other necessary DEC permits.

In addition to transmitting the above comments, this letter also serves to convey that we have no objection to the Town of Marlborough Planning Board assuming lead agency status for this project. As such, it will be the responsibility of the Town of Marlborough Planning Board to determine the significance of the action (i.e. positive/negative declaration).

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Michael Grosso
Division of Environmental Permits
Region 3, Telephone No. 845/256-3165

cc: Marlborough Solar, LLC
J. Fisher, R3 Ecosystem Health