

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

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Transmitted electronically to: [thr56@frontier.com](mailto:thr56@frontier.com)

Monday, June 21, 2021

Timothy Reilly, Chair  
Town of Glen, Planning Board  
7 Erie Street  
Fultonville, NY 12072

## Re: Lead Agency Coordination Response Pilot Trave Center

164 Riverside Drive, Fultonville, NY 12072  
Town of Glen, Montgomery County

Dear Mr. Reilly:

This letter responds to your correspondence of May 20, 2021, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (“DEC” or “Department”) has the following interest in this project:

**Name of Action:** Pilot Travel Center  
**DEC Contact: Person:** Kate Kornak  
**SEQR Classification:**  Type I  Unlisted  Type II

**DEC Position:** Based on the information provided:

- DEC has no objection to your agency assuming lead agency status for this action.
- DEC wishes to assume lead agency status for this action.
- DEC needs additional information in order to respond (see comments).
- DEC cannot be lead agency because it has no jurisdiction in this action.

### **Possible DEC Permitting Requirements**

A review of NYS protected resources near or within the project site was performed using existing GIS data (see enclosed NYS Resources Map). Please note that jurisdictional maps are meant



to provide approximate sizes and locations of resources. Actual field conditions may vary from those depicted on the maps. The following provides a summary of potential State permitting requirements for the project based on the results of the protected resources review and project information submitted with your correspondence.

**Article 15 Protection of Waters Permit** – The stream 876-12, FIN: H-240, a Class B protected stream, is located near the project area, as well as, stream 876-11, FIN: H-240 a Class C stream and the Erie Canal – Mohawk River. Disturbance to the bed or banks of this stream requires an Article 15 Protection of Waters Permit for Stream Disturbance.

**Article 24 Freshwater Wetlands Permit** – Freshwater Wetland TH-9, a 36 AC, Class 2 wetland is located near the project area, as well as, TH-10, as 238.5 AC, Class 2 wetland. On the other side of the Mohawk River lies Freshwater Wetland TH-30, a 12.5 AC, Class 2 wetland. An Article 24 Freshwater Wetlands Permit is required for any physical disturbance within the boundaries of the wetland or within the regulated 100-foot adjacent area. (Please note that the jurisdictional maps are meant to provide approximate sizes and locations of resources. Actual field conditions may vary from those depicted on the maps.)

### **Section 401 Water Quality Certification**

If this project will impact federally regulated wetlands or waterbodies, which require a Section 404 Permit (Individual or Nationwide Permit) from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification (WQC) may be required from the Department.

Please note that new WQC procedures have recently been implemented in response to US EPA changes to the federal WQC Rule. New procedures include submission of a Pre-filing Meeting Request (PMR) at least 30 days prior to filing the WQC application and submission of a WQC supplemental form (WQC1 Supplement) to the Joint Application Form for all WQC applications.

More information about new DEC procedures can be found at <https://www.dec.ny.gov/permits/6546.html> and US EPA's WQC Rule changes at <https://www.epa.gov/cwa-401/final-rule-clean-water-act-section-401-certification-rule>

### **Article 15, Title 15 - Public Water Supply Permit**

If this project will require the installation of a new water supply system, the extension of a water district or an increase in take, a Water Withdrawal Permit or permit modification may be required.

Based on the information provided, it appears that the project may require a water supply permit extension from the Town of Glen. Applications for water supply permit extension should include an updated water district map showing the new extension area. This permit may be modified to reflect new extensions, and the modified permit will reflect approved sources and uses within the District.

### ***Sanitary Sewer***

Please note that under 6 NYCRR Part 750-2.10, any sanitary sewer extensions required as part of this project must be reviewed and approved by the Department before construction and connection to the system. Sewer extensions are defined under 6 NYCRR Part 750-1. Engineering reports and plans for a proposed sewer extension can be submitted directly to the Regional Water Engineer, Derek Thorsland (derek.thorsland@dec.ny.gov).

***State Pollutant Discharge Elimination System (SPDES) Wastewater Permit*** – A SPDES permit is required for any facility which has a surface discharge or discharges more than 1,000 gallons per day of sewage-wastewater into ground waters of the state.

### ***SPDES General Permit for Stormwater Discharges from Construction Activity***

If this project will disturb one acre of land or more, the applicant must comply with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities.

Additional information about the SPDES Construction Stormwater Program can be found at <http://www.dec.ny.gov/chemical/43133.html>.

### ***Cultural Resources***

The project appears to be located within an area of potential historical or archeological significance. If approvals/permits are ultimately needed from this Department, we may need to consult with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) in order to better evaluate this project's impact on these resources.

To initiate consultation with OPRHP, please visit their project submission website at <https://cris.parks.ny.gov/>. You may wish to inform the applicant/project sponsor of this potential requirement.

Please note that construction activities that have the potential to affect historic and/or archeological resources are not be eligible for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) unless the screening and consultation process has been completed and the required documentation demonstrating that potential impacts have been avoided or mitigated is obtained according to the Letter of Resolution (LOR) between the Department and OPRHP.

The LOR can be found at [http://www.dec.ny.gov/docs/water\\_pdf/gp015002loroprhp.pdf](http://www.dec.ny.gov/docs/water_pdf/gp015002loroprhp.pdf).

***Other Items of Note:***

- SBL: 36.-3-9 is an Agricultural District 3 located adjacent to the project site northeasterly.
- State Highway 5S (Revolutionary Trail) is a Scenic By-Way located across the Mohawk River, as well as, State Highway 113 (Erie Canal Trail) located southernly.
- Petroleum Bulk Storage Facility is located adjacent to the project site northeasterly. If this facility will have a fueling station, a Petroleum Bulk Storage permit may be required from this Department.
- State Remediation site 429003 (White Mop Wringer) is located adjacent to the project site easterly. If excavation in this area is proposed, approvals from the Department will be required.
- Project site is located in a 100-year/500-year floodplain.

The Department suggests this information be shared with the property owner/applicant.

Please feel free to contact me by telephone at (518) 357-2459 or by e-mail at [kate.kornak@dec.ny.gov](mailto:kate.kornak@dec.ny.gov) if you have any questions.

Sincerely,

*Kate Kornak*

Kate Kornak  
Regional Permit Administrator

Encl.: NYS Resources Map

ecc: Jack Rymer, Pilot Travel Centers LLC, [Jack.Rymer@pilottravelcenters.com](mailto:Jack.Rymer@pilottravelcenters.com)

