

**U.S. Army Corps of Engineers
Baltimore District**

CENAB-EN-HN

2080

LOWW.56

**Remedial Design for Interim Removal Actions
Operable Units 1 and 2
Former Lake Ontario Ordnance Works
Lewiston and Porter
Niagara County, New York**

**Draft Permit Application Report and
Environmental Compliance Checklist
Component Two (Somerset Property)**

60% Design Submittal

Contract Number DACA31-96-D-0006
Delivery Order 0002

September 1997

Prepared for:

U.S. ARMY CORPS OF ENGINEERS
Baltimore District
10 South Howard Street
Baltimore, Maryland 21201

97P-2359

Prepared by:



Roy F. Weston, Inc.
1 Weston Way
West Chester, PA 19380-1499

**60% REMEDIAL DESIGN FOR INTERIM REMOVAL ACTIONS
OPERABLE UNITS 1 AND 2
FORMER LAKE ONTARIO ORDNANCE WORKS
LEWISTON AND PORTER
NIAGARA COUNTY, NEW YORK**

**DRAFT PERMIT APPLICATION REPORT AND
ENVIRONMENTAL COMPLIANCE CHECKLIST
COMPONENT 2 – SOMERSET PROPERTY**

Prepared for

**U.S. ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT
10 South Howard Street
Baltimore, Maryland 21201**

September 1997

Prepared by

**ROY F. WESTON, INC.
1 Weston Way
West Chester, PA 19380-1499**

DRAFT PERMIT APPLICATION REPORT

DRAFT PERMIT APPLICATION REPORT

This Draft Permit Application Report provides application forms, procedures, and supporting data for identified permit applications for Component 2 of the removal actions, Operable Units 1 and 2 at the former Lake Ontario Ordnance Works (LOOW).

There are no anticipated permit applications required for Component 2. Attachment 1 provides the information necessary for preparing an Erosion and Sedimentation Control Plan for any land disturbance activities that will be performed, a permit for which is not necessary.

**ATTACHMENT 1—INFORMATION NECESSARY FOR PREPARING
AN EROSION AND SEDIMENTATION CONTROL PLAN**



B. MILLER

Originator

PHONE CONVERSATION RECORD

Conversation with:

Name NIAGRA COUNTY SOIL & WATER

Company CONSERVATION OFFICE

Address _____

Phone _____

Subject _____

Date 6, 23, 97

Time 11:00 AM PM

Originator Placed Call

Originator Received Call

W.O. NO. _____

Notes:

LEARNED THAT NO ADDITIONAL PERMITS OR DOCUMENTATION IS REQUIRED BY NIAGRA COUNTY PROVIDED THAT THE STATE GUIDELINES ARE MET. PARTICULARLY, THE MAXIMUM OF 5 ACRES OF DISTURBED LAND AT ANY TIME.

ATTACHED ARE THE STATE GUIDELINES FOR E/S CONTROL ALONG WITH A SAMPLE WORKSHEET OF ITEMS TO BE ADDRESSED.

File _____

Tickle File _____ / _____ / _____

Follow-Up By: _____

Copy/Route To: _____

Follow-Up-Action: _____

Originator's Initials _____

Appendix A
NYS DEC Erosion and Sediment Control Guidelines for New Development

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233



Thomas C. Jorling
Commissioner

o NIAGRA COUNTY SOIL & WATER CONSERVATION OFFICE
(716) 434-4949

April 1991

MEMORANDUM

TO: Regional Water Engineers, Bureau Directors, Section Chiefs
FROM: Salvatore Pagano - Director, Division of Water
SUBJECT: Division of Water Technical and Operational Guidance Series (5.1.10)

**EROSION AND SEDIMENT CONTROL GUIDELINES
FOR NEW DEVELOPMENT
(Originator: Philip M. DeGaetano)**

I. PURPOSE

To provide soil erosion and sediment control guidelines to regional water staff involved in the review of land development projects. These guidelines are to be used in conjunction with the Stormwater Management Guidelines (TOGS 5.1.8) in reviewing proposed development projects.

II. DISCUSSION

Sediment in runoff from construction sites can have a significant effect on the quality of downstream waters. It is of such concern that it has been highlighted as a source category to be addressed by the EPA regulations on stormwater management. It is also identified as a significant source category in the State Nonpoint Source Assessment Report.

The potential effects of increased sediment are varied:

"Sediment may destroy fish habitat through blanketing of fish spawning and feeding areas and elimination of certain food organisms, directly impact fish through gill abrasion and fin rot, and reduce sunlight penetration, thereby impairing photosynthesis of aquatic plants. Suspended sediment decreases recreational values, reduces fishery habitat, adds to the mechanical wear of water supply pumps and distribution systems, and adds to treatment costs for water supplies. Nutrients and toxic substances attached to sediment particles are transported to waterbodies and may

enter aquatic food chains, cause fish toxicity problems, contribute to algal blooms, impair recreational uses, and degrade the water as a drinking water source.*

The following guidelines are designed for consideration by both government officials and project sponsors in the preparation and review of erosion and sediment control plans for a land development project. If implemented properly, the guidelines herein will assist in achieving the following water and natural resource management objectives.

- ◆ reduce the erosion potential from a development or construction project;
- ◆ decrease nonpoint source pollution and water quality degradation;
- ◆ maintain stream channels for their biological functions, as well as for drainage, through reduced sediment deposition.

The U.S. Environmental Protection Agency has recently adopted stormwater management regulations which will be implemented through the National Pollutant Discharge Elimination System (NPDES). Consequently, the N.Y. State Pollutant Discharge Elimination System (SPDES) program may be used in this state to implement the new federal regulations. The regulations contain provisions which require control of erosion from certain land development projects. However, the federal stormwater management program is not fully operational at this time.

Until the stormwater permit system is operational, it would be appropriate to use the authority of the State Environmental Quality Review Act (SEQRA) to apply the erosion and sediment control guidelines which make up this TOGS for all land development projects and construction activities when it is determined that soil erosion and sedimentation is a relevant area of environmental concern or when it is determined that soil erosion and sedimentation, if not controlled, may have a significant effect on the environment. Upon such determination, an erosion and sediment control plan should be prepared. The following are examples of projects where soil erosion and sedimentation are common relevant areas of environmental concern.

1. land clearing or land grading projects involving five or more acres;
2. residential development consisting of five or more dwelling units, unless each dwelling unit is on a lot of two or more acres;
3. industrial and/or commercial projects which result in an impervious surface of one or more acres;
4. site preparation on slopes which exceed 1½ ft. of vertical rise to 10 ft. of horizontal distance (or site preparation in areas of severe erosion potential where such areas have been mapped);
5. site preparation within 100 ft. of a wetland;
6. site preparation within 100 ft. of any watercourse;
7. excavating or filling which exceeds a total of 100 cu. yds. of material within any parcel or any contiguous parcels.

¹ Nonpoint Source Management Program. January, 1990.

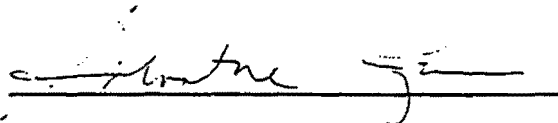
Pursuant to the consistency requirements of the New York State Nonpoint Source Management Program as authorized under Section 319 of the Federal Clean Water Act of 1987, and pursuant to Presidential Executive Order 12372 requiring intergovernmental review of federal programs, the erosion and sediment control guidelines herein should be applied to all eligible federal agencies which either undertake development projects in the State or assist development projects through funding.

III. GUIDANCE

It is the policy of the Division of Water that an erosion and sediment control plan be prepared for all projects for which soil erosion and sedimentation has been identified as a relevant area of environmental concern, or, for which if it is not controlled, it may have a significant effect on the environment. The plan should be prepared and submitted as part of the SEQR process.

The attached guidelines were developed to aid persons in preparing and reviewing erosion and sediment control plans. They provide guidance on sound management practices, but are not fixed and inflexible rules to be applied in reviewing erosion control plans without considering the particular facts and circumstances of a particular project.

It should be noted that some communities may have duly adopted erosion control requirements, and that they should be consulted and complied with. In the absence of such requirements, Regional Water staff are encouraged to consult the management practices described in this guidance where appropriate to encourage their use by county and local agencies and by developers and consultants involved in preparing and reviewing development plans and proposed projects. To the fullest extent practicable, Regional Water staff should seek the assistance of County Soil and Water Conservation District staff during the review of erosion and sediment control plans.



Salvatore Pagano
Director, Division of Water

Attachment

cc: Dr. Banks
Mr. Campbell
Ms. Chrimes
Mr. Bruening
Regional Engineers for Envir. Quality

**EROSION AND SEDIMENT CONTROL GUIDELINES
FOR NEW DEVELOPMENT**

- A. Existing vegetation on a project site should be retained and protected as much as possible to minimize soil loss on a project site and to minimize erosion control costs.

- B. Sediment control practices/measures, where necessary, should be designed to protect the natural character of rivers, streams, lakes, coastal waters or other waterbodies on-site and minimize erosion and sedimentation off-site from the start of land disturbance activities to establishment of permanent stabilization.
 - 1. The off-site impacts of erosion and sedimentation related to land clearing, grading and construction activities should not be any greater during and following land disturbance activities than under pre-development conditions.

 - 2. Pursuant to Part 700 et seq. of Title 6, Chapter X of NYCRR:
 - a. toxic and other deleterious substances shall not be discharged in amounts that will adversely affect the taste, color or odor thereof, or impair the waters of the state for their best (classified) usages,

 - b. suspended, colloidal and settleable solids shall not be discharged in amounts that causes substantial visible contrast to natural conditions, or causes deposition or impairs the waters for their best (classified) usages.

This means that stream reaches on-site and downstream of construction areas should not have substantial visible contrast relative to color, taste, odor, turbidity and sediment deposition from the reaches upstream of the construction area. Impacts such as these which result from construction or developmental activities are a violation of Part 700 water quality standards and may be subject to enforcement actions.

- C. Erosion and sediment control measures should be constructed in accordance with an erosion and sediment control plan. The plan should:
 - 1. describe the temporary and permanent structural and vegetative measures that will be used to control erosion and sedimentation for each stage of the project from land clearing to the finished stage.

 - 2. provide a map showing the location of erosion and sediment control measures.

 - 3. provide dimensional details of proposed erosion and sediment control facilities as well as calculations used in the siting and sizing sediment basins. (Guidance for performing calculations can be obtained in the reference cited in Section E.8.)

 - 4. identify temporary erosion and sediment control facilities which will be converted to permanent stormwater management facilities.

 - 5. provide an implementation schedule for staging temporary and permanent erosion and sediment control facilities.

6. provide a maintenance schedule for soil erosion and sediment control facilities and describe maintenance activities to be performed.
- D. Erosion and sediment control measures should be constructed prior to beginning any other land disturbances. The devices should not be removed until the disturbed land areas are stabilized.
- E. Specify guidance.
1. Exposure Restrictions: No more than 5 acres of unprotected soil should be exposed at any one time. Previous earthwork should be stabilized in accord with approved design standards and specifications referenced in Section E.8 before additional area is exposed. (Site factors including topography, soil erosion potential, proximity to wetlands and water courses may require limiting the amount of raw earth that can be exposed at any one time to less than 5 acres.)
 2. Grading: Perimeter grading should blend with adjoining properties.
 3. Vegetative Protection: Where protection of trees and/or other vegetation is required, the location of the site to be protected should be shown on the erosion control plan. The method of protecting vegetation during construction should conform to the design criteria referenced in Section E.8.
 4. Drainage control.
 - a. Surface runoff that is relatively clean and sediment free should be diverted or otherwise prevented from flowing through areas of construction activity on the project site. This will greatly reduce sediment loading in surface runoff.
 - b. A fill associated with an approved temporary sediment control structure or permanent stormwater management structure, should not be created which causes water to pond off-site on adjacent property, without first having obtained ownership or permanent easement for such use from the owner of the off-site or adjacent property.
 - c. Natural drainage channels should not be altered or relocated without the proper approvals. Pursuant to Article 15 of the Environmental Conservation Law, a protected stream and the bed and banks thereof should not be altered or relocated without the approval of the Department of Environmental Conservation.²
 - d. Runoff from any land disturbing activity should not be discharged or have the potential to be discharged off-site or into storm drains or into water courses unless such discharge is directed through a properly designed, installed and maintained structure, such as a sediment trap, to retain sediment on-site. Accumulated sediment should be removed when 60% of the storage capacity of the sediment retention structure is filled with sediment.
 - e. For finished grading, adequate gradients should be provided so as to prevent water from standing on the surface of lawns for more than 24 hours after the end of a rainfall, except in a swale flow area which may drain as long as 48 hours after the end of rainfall.

² A natural drainage channel refers to a swale, water course in a gully, or a protected or unprotected stream. Natural drainage channels should not be altered or relocated on adjacent properties without first having obtained ownership or a permanent easement for the altered or relocated drainage channel from the owner of the off-site or adjacent property.

- f. Permanent swales or other points of concentrated water flow should be stabilized with sod, rip-rap, paving, or covered with a approved erosion control matting as provided for in the design criteria referenced in Section E.8.
 - g. Surface flows over cut and fill slopes should be controlled as provided for in the design criteria for vegetating waterways referenced in Section E.8.
5. Timing.
- a. Except as noted below, all sites should be seeded and stabilized with erosion control materials, such as straw mulch, jute mesh, or excelsior within 15 days of final grading. If construction has been suspended, or sections completed, areas should be seeded immediately and stabilized with erosion control materials. Maintenance should be performed as necessary to ensure continued stabilization.
 - i. For active construction areas such as borrow or stockpile areas, roadway improvements, and areas within 50 ft. of a building under construction, a perimeter sediment control system consisting, for example, of silt fencing or hay bales, should be installed and maintained to contain soil.
 - ii. On cut side of roads, ditches should be stabilized immediately with rock rip-rap or other non-erodible liners, or where appropriate, vegetative measures such as sod. When seeding is approved, an anchor mulch should be used and soil should be limed and fertilized in accord with recommendations referenced in Section E.8.
 - iii. Permanent seeding should optimally be undertaken in the spring from March 21 through May 20, and in late summer and early fall from August 25 to October 15. During the peak summer months and in the fall after October 15 when seeding is found to be impracticable, an appropriate mulch should be applied. Permanent seeding may be undertaken during summer if plans provide for adequate watering of the seedbed.
 - iv. All slopes steeper than 3:1 (h:v), as well as basin or trap embankments, and perimeter dikes should, upon completion, be immediately stabilized with sod, seed and anchored straw mulch, or other approved stabilization measures. Areas outside of the perimeter sediment control system should not be disturbed. Maintenance should be performed as necessary to ensure continued stabilization.
 - b. Temporary sediment trapping devices should be removed within thirty (30) calendar days following establishment of permanent stabilization in all contributory drainage areas. Stormwater management structures used temporarily for sediment control should be converted to the permanent configuration within this time period as well.
6. Stream protection.
- a. The bed and banks of all on-site and off-site streams that may be impacted by land clearing, grading, and construction activities should be protected to prevent stream, river, lake or coastal sedimentation, streambank erosion, stream enlargement and degradation or loss of

fisheries habitat. Measures for protecting the bed and/or banks of a stream may include, for example, gabion baskets, rip-rap, log cribbing, and vegetative measures.³

- b. Where temporary work roads or haul roads cross stream channels, adequate waterway openings must be constructed using spans, culverts, washed rock backfill or other acceptable, clean methods that will ensure that road construction and use do not result in turbidity and sediment downstream. All stream crossing activities and appurtenances shall be in compliance with a permit issued pursuant to Article 15 of the Environmental Conservation Law, where applicable, and should be carried out in conformance with guidelines in DEC'S Stream Corridor Management manual.⁴

7. Maintenance.

- a. An erosion control plan for a project site should identify maintenance requirements for erosion and sediment control practices utilized, and it should provide a maintenance schedule. All erosion and sediment control measures should be inspected periodically and maintained in conformance with the schedule so as to ensure they remain in effective operating condition until such times as they are removed.
- b. All points of construction ingress and egress should be protected to prevent the deposition of materials onto traversed public thoroughfare(s) either by installing and maintaining a stabilized construction entrance, or by washing all vehicle wheels in a safe disposal area. All materials deposited onto public thoroughfare(s) should be removed immediately. Proper precautions should be taken to ensure that materials deposited onto public thoroughfares are removed so that they do not enter catch basins, storm sewers, or combined sewers.
- c. Accumulated sediment should be removed when 60% of the storage capacity of the retention structure is filled with sediment.

8. Design specifications.

Designs, standards and specifications for controlling erosion and sedimentation are found in the following publication and should be identified and shown in the erosion control plan:

Empire State Chapter, Soil & Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control, Syracuse, March 1988.

³ Whenever possible, vegetative streambank stabilization practices are recommended over structural practices such as rip-rap and gabion linings which may unnecessarily alter the existing stream ecosystem.

⁴ New York State Department of Environmental Conservation, "Stream Corridor Management: A Basic Reference Manual," Albany, 1986.

APPENDIX F



Nassau County Soil and Water Conservation District
1425 Old Country Road, Building J - Plainview, NY 11803 - Phone (516) 454-0900

EROSION AND SEDIMENT CONTROL PLAN REVIEW CHECKLIST

LEGEND FOR REVIEW CHECKLIST

AS = ALTERNATIVES SUGGESTED

A = ADEQUATE

INC = INCOMPLETE

R = REQUESTED, NOT SUBMITTED

NA = NOT APPLICABLE

NC = NOT CHECKED

PROJECT NAME: _____ SITE LOCATION: _____

APPLICANT'S NAME & ADDRESS: _____

THE DISTRICT HAS REVIEWED THE SUBJECT PROPOSAL AND SUGGESTS THE FOLLOWING ITEMS BE REVISED TO PROVIDE THE PROPER SOIL EROSION, SEDIMENT, AND STORMWATER CONTROLS CONSISTENT WITH THE SUBJECT TOPOGRAPHY. TECHNICAL REVIEW SUPPLIED BY THE SOIL CONSERVATION SERVICE

PLANS - GENERAL

- _____ 1. Scope of plan clearly delineated and noted in title block
- _____ 2. Vicinity map with scale and north arrow.
- _____ 3. Legend, scales, north arrow for plan view.
- _____ 4. Existing and proposed topography shown, contours labeled and spot elevations at critical areas.
- _____ 5. Typical designs on plan review drawings shown for necessary diversion berms, interceptor drains and outlets, level spreaders, storm drain inlet protectors, grassed waterways, etc.
- _____ 6. Limit of 100 year floodplain delineated on plan.
- _____ 7. Existing and proposed improvements and utilities.
- _____ 8. The total disturbed area delineated on site plan:
 - _____ a. Indicate the total acreage to be paved, roofed, sodded, seeded, etc.
 - _____ b. Delineate all areas to be stabilized vegetatively by seeding, sodding, or ground covers.
 - _____ c. Greenbelt areas are clearly delineated.
- _____ 9. Standard General Notes.
- _____ 10. Scale.
- _____ 11. Sequence of operations.
- _____ 12. Stock pile area designated or referenced.
- _____ 13. Property boundaries indicated, and easements as needed.
- _____ 14. Street profiles.
- _____ 15. Composite drainage area map for plans requiring more than one sheet, with sediment control measures shown in their approximate locations.

SOILS INFORMATION

- ___ 16. Detailed soils Map attached or overlaid on plan map with interpretations.
- ___ 17. Deep soil pit logs attached and exact location shown on plan map for all proposed dry and diffusion wells, and septic systems.

EROSION AND SEDIMENT CONTROL PLAN REVIEW CHECKLIST - Page 2

SOIL EROSION AND SEDIMENT CONTROL

- ___ 18. Permanent Dikes (perimeter, diversion, interceptor)
- ___ a. Practice meets purpose and design criteria.
 - ___ b. Positive drainage is maintained, and contributing drainage area shown
 - ___ c. Outlet to sediment trapping device or onto stable outlet
 - ___ d. Points of vehicular crossings shown and stabilized (mountable berm).
 - ___ e. Standard detail and construction specifications
- ___ 19. Temporary Swales (interceptor, perimeter).
- ___ a. Practice meets purpose and design criteria.
 - ___ b. Contributing drainage area shown.
 - ___ c. Channel grade exceeding ___ % slope properly stabilized.
 - ___ d. Adequate outlet or discharge condition.
 - ___ e. Provisions for traffic crossing shown on plan.
 - ___ f. Standard detail and construction specifications
- ___ 20. Traps (Rip-rap, earth, pipe, and storm inlet).
- ___ a. Practice meets purpose and design criteria
 - ___ b. Contributing drainage area delineated on plan.
 - ___ c. Trap sized by largest drainage area (existing or developed) to trap.
 - ___ d. Type and size of outlet structure.
 - ___ e. Outlet conditions.
 - ___ f. Plan view of trap and storage area (drawn to scale with bottom dimensioned
 - ___ g. Volume calculations.
 - ___ h. Bottom, crest and clean-out (at 50% trap efficiency) elevations.
 - ___ i. Standard detail and construction specifications
- ___ 21. Straw Bale Dike and Silt Fence
- ___ a. Meets purpose and design criteria
 - ___ b. Controlled slope less than 100 feet
 - ___ c. Drainage area less than 1 acre per 100 feet of dike or fence. (for sheet erosion only)
 - ___ d. Standard detail and construction specifications
- ___ 22. Grade Stabilization Structure (flume, pipe, slope drain, etc.)
- ___ a. Meets purpose and design criteria
 - ___ b. Pipe drain size noted
 - ___ c. Contributing drainage area shown
 - ___ d. Standard detail and construction specifications
- ___ 23. Permanent Structural Practices or Sediment Control Measures Exceeding the Design Criteria of the Standard detail.
- ___ a. Practice meets purpose and design
 - ___ b. Drainage area map
 - ___ c. Runoff calculations
 - ___ d. Calculations for size, velocity, and Q
 - ___ e. Standard detail with dimensions and construction specifications
- ___ 24. Provisions for protecting cut and fill slopes from surface runoff

___ 25. Site Grading

- ___ a. Maximum created slope of 2 foot horiz. to 1 foot vert.
- ___ b. Slopes requiring regular maintenance will be no steeper than 3 foot deep.
- ___ c. Details of cut and fill slopes shown

EROSION AND SEDIMENT CONTROL PLAN REVIEW CHECKLIST - Page 3

___ 26. Seeding Specification and Notes

- ___ a. Seedbed Preparation
- ___ b. Permanent seeding (mix and rate) - includes method of application.
- ___ c. Temporary seeding (mix and rates) - includes method of application
- ___ d. Mulching (includes anchoring method)
- ___ e. Sod (type and installation)
- ___ f. Fertilizer (amount and type)
- ___ g. Lime (amount and type)
- ___ h. Seeding dates (temporary and Permanent - to cover entire year).

___ 27. Storm inlets adequately protected (detail required)

___ 28. Stabilized construction entrances shown on plan (detail required)

___ 29. Provisions for sediment and erosion control of areas disturbed for storm drain and utility construction.

___ 30. Storm Drainage

- ___ a. Drainage area map and computations
- ___ b. Plan and profile indicating pipe size, type, slope, Q, structures, and inlet (type), top and invert elevations
- ___ c. Proposed outlet protection dimensions and computations.
- ___ d. Constructed outfall ditch or swale cross-section and flow computations for depth and velocity
- ___ e. Profile of outfall sufficient to show natural gradient of accepting channel or conduit.
- ___ f. Outlet protection of 0% slope for minimum required distance

___ 31. Riprap and Gabions

- ___ a. Median stone size and minimum depth of treated section shown on plan.
- ___ b. Riprap placed upon approved filter cloth
- ___ c. Cross-section detail of treated areas

___ 32. Permit notification from other agencies

___ 33. Storm Water Management referred to: _____ Date: _____

Nassau County DPW _____

Town of _____

City of _____

Village _____

___ 34. Sediment Basin or Recharge Basin

- ___ a. Seedbed preparation, seeding rate and method of application, and mulch details included.

ADDITIONAL COMMENTS

Plans reviewed by: _____ Date Reviewed: _____

ENVIRONMENTAL COMPLIANCE CHECKLIST

REGULATORY COMPLIANCE CHECKLIST — COMPONENT 2
60% REMEDIAL DESIGN FOR INTERIM REMOVAL ACTIONS, OPERABLE UNITS 1 AND 2
FORMER LAKE ONTARIO ORDNANCE WORKS

(BASED ON CENAB-EN SOP 340-5 DATED 12/19/93)

Note: Need to conduct site-specific wetlands survey since information previously obtained shows locations of major wetlands in the region, obtained from New York State Department of Environmental Conservation (NYSDEC) maps.

Regulation/Action	Required in Pre-design	Required in Design	Required in Construction	Action Taken By	Date Action Completed	Comments
National Environmental Policy Act (NEPA)	✓					Should follow this for removal actions.
▪ Signed Finding of No Significant Impact (FONSI)	✓					Negative Declaration should address this; need to verify no wetlands, but it is possible that wetlands will be affected.
▪ FONSI Published						
▪ Environmental Assessment (EA)	✓					A short environmental assessment "checklist" form may be required; negative declaration to be submitted first.
▪ Environmental Impact Statement (EIS)						Not applicable.
▪ Categorical Exclusion						
▪ Record of Decision						
Apply/Obtain Erosion and Sedimentation Control Plan/Permit		✓				No additional permits/documentation required by Niagara County, provided State requirements are met; need to submit E&S plan to Niagara County for review and approval.

REGULATORY COMPLIANCE CHECKLIST — COMPONENT 2 (Continued)

Regulation/Action	Required in Pre-design	Required in Design	Required in Construction	Action Taken By	Date Action Completed	Comments
Apply/Obtain Stormwater Management Plan/Permit						Not applicable as long as NY State E&S and stormwater guidelines are followed.
Submit NPDES for Construction Activities		✓	✓			SPDES for stormwater discharge during construction not required (but need to comply with NY Stormwater Guidelines); need to verify this with NYSDEC. SPDES permit may be required if Contractor disposes of treated or untreated water on the ground. This must be coordinated with SPDES permit requirements of property owner. CWM has specific discharge requirements as listed in the Technical Specifications.
Investigate FIPS/FIMR Requirements for Design and Construction		✓				To be determined by CENAB.
▪ Make FIPs/FIRMR Determination		✓				To be determined by CENAB.
▪ Prepare Appropriate FIFMR Documentation						To be determined by CENAB.
▪ Prepare and Process Agency Procurement Request (APR) for Delegation of Procurement Authority (DPA)						To be determined by CENAB.
▪ Obtain Approved DPA Prior to CBD (Design) and Prior to Advert (Const)						To be determined by CENAB.
Request Local Building/Construction Permit		✓			9/12/ 97, 9/16/97, and 9/17/97	Not applicable as verified by Lewiston and Porter.

2

REGULATORY COMPLIANCE CHECKLIST — COMPONENT 2 (Continued)

Regulation/Action	Required in Pre-design	Required in Design	Required in Construction	Action Taken By	Date Action Completed	Comments
Wetlands Delineation	✓					Need to conduct site-specific wetlands survey (information previously obtained was locations of major wetlands in the region from NYSDEC maps) since Area B and other site areas potentially have wetlands.
Apply/Obtain Section 404 (CWA) Requirements		✓				Not anticipated since there are currently no plans under Component 2 to excavate soil. Depends on results of site-specific wetlands survey and any unanticipated scope changes. Covered under EPA National Permit 38, which requires notification and NYSDEC/COE joint permit needed if wetlands to be disturbed.
<ul style="list-style-type: none"> ▪ Water Quality Cert, Section 401 (CWA) 		✓				Not anticipated to be applicable; use joint permit application if required and see above.
<ul style="list-style-type: none"> ▪ COE Section 10 Permit 						Not applicable.
Request Necessary Real Estate Easements						Not applicable.
Investigate Floodplain Verification	✓					Complete.
Pursue National Historic Preservation Act (NHPA)	✓		✓			Areas to be remediated not known to be historically significant (need to verify with ACRES and NYS). Need to obtain NY State procedures for the possibility of encountering during construction.
<ul style="list-style-type: none"> ▪ Phase I Inves and Cons with SHPO 						Not applicable.
<ul style="list-style-type: none"> ▪ Phase II Inves and Cons with SHPO 						Not applicable.
<ul style="list-style-type: none"> ▪ Design Phase III (MIT) 						Not applicable.

REGULATORY COMPLIANCE CHECKLIST — COMPONENT 2 (Continued)

Regulation/Action	Required in Pre-design	Required in Design	Required in Construction	Action Taken By	Date Action Completed	Comments
Determine Whether Project Shown on Master Plan						LOOW not on a Master Plan; not applicable.
Develop Reforestation Plan						Not applicable.
Obtain Air Quality Permits						Not applicable.
Investigate State/Local Water and Sewage Permits		✓				Not applicable except for complying with CWM's SPDES permit if water is to be discharged into their ditch system; discharge limits are listed in technical specifications.
Prepare Draft DD Form 1354		✓				Cost Engineering Branch of CENAB to prepare.
Obtain Excavation Permit			✓			Contractor to obtain from CENAB after notice to proceed.
DOT Requirements		✓				
▪ Investigate Transportation/Disposal Route in Design		✓				Need to review NYDOT requirements.
▪ Highway Occupancy Permits						
Safety Review (OSHA Regulations)		✓				To be done by Construction Division of CENAB and Installation.
Obtain Building Occupancy Permit						Not applicable.
Request Utility On-Site Delineation		✓	✓			Contractor to verify location of utilities and coordinate survey with property owner and local utilities companies.
Request DD Form 337		✓				To be done by CENAB.
Investigate Insect Infestation						Not applicable.

4

REGULATORY COMPLIANCE CHECKLIST — COMPONENT 2 (Continued)

Regulation/Action	Required in Pre-design	Required in Design	Required in Construction	Action Taken By	Date Action Completed	Comments
Site Categorization						Complete.
▪ Preliminary Assessment Screening	✓					Complete; accomplished through existing ACRES and WESTON reports (PRDI).
▪ Characterize HTRW Contamination	✓					Complete; accomplished through existing ACRES and WESTON reports (PRDI).
Investigate Unexploded Ordnance (UXO)			✓			Not applicable for UXO. Contractor to prepare explosives operations plan for remedial activities of TNT pipeline.
Obtain Asbestos Survey		✓				Mod pending to perform as part of design; some asbestos information is already available.
Investigate PCB Presence		✓				PCBs identified in PRDI.
Investigate Lead Paint Presence						Not applicable.
Investigate Radon Presence						Not applicable.
▪ Verify During Design						
Obtain RCRA Permit						
▪ 90 Day RCRA Storage						Not applicable assuming waste will be on-site less than 90 days.
Manifesting Training			✓			To be done by the Contractor.