

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



**Department of
Environmental
Conservation**

May 28, 2019

Alfred A. Fusco, Jr., P.E.
Fusco Engineering & Land Surveying P.C.
233 East Main Street
Middletown, NY 10940

Re: Dragon Springs Monastery
DEC Facility ID: 3-3328-00150
Town of Deerpark, Orange County
Comments on Draft Environmental Impact Statement

Dear Mr. Fusco:

The Department of Environmental Conservation has reviewed the Draft Environmental Impact Statement accepted by Town as Lead Agency on December 12, 2018; I apologize for the delay in response. In addition to the comments below, please also see the comments in the enclosed Notice of Incomplete Application for DEC application IDs 3-3328-00150/00013 (SPDES), /00019 (Dams), /00020 (Stream Disturbance), and /00021 (Water Quality Certification) regarding the application submitted to DEC for the proposed construction of a second dam. Comments are also included in the Notice on information needed for a determination on the need for an Incidental Taking Permit.

State Pollutant Discharge Elimination System (SPDES) - Sanitary

The project sponsor submitted an application in 2015/2016 for modification of their SPDES permit NY0274089 to discontinue existing Outfall 002, discharging to groundwater, and replacement of existing Outfall 003, discharging to groundwater, with a surface discharge of 100,000 gallons per day.

Please note that the DEIS erroneously states on page 24 that the existing system includes "a 6,000-gallon grease trap tank, two 2,000 gallon septic tanks and three 6,000 gallon septic tanks"; the existing system only has one 2,000-gallon septic tank.

In addition, the text states that "Wastewater collects and discharges to a subsurface absorption field for wastewater treatment and disposal." Please note that the existing system has a 18,400 gpd plant that provides wastewater treatment prior to discharge through the absorption field.

The DEIS characterizes Table III-2, "Effluent Concentration Limits and Monitoring" as depicting "DRBC and NYSDEC effluent limits". As noted in the April 10, 2018 response on SEQR Lead Agency, the application for modification of the SPDES permit to



**Department of
Environmental
Conservation**

Re: Dragon Springs Monastery
DEC Facility ID: 3-3328-00150
Town of Deerpark, Orange County
Comments on Draft Environmental Impact Statement

authorize the proposed 100,000 gpd discharge is incomplete. Although a draft permit with proposed effluent limits was developed, limits are not final until the application has been deemed complete, undergone a minimum 30-day public comment period, any substantive comments addressed, and a final permit issued.

Likewise, the Wastewater Management section describes a proposed Waste Water Treatment Plant with an engineering design report included as Appendix C. The wastewater treatment plant design will not be reviewed or approved by DEC until a revised permit with final effluent limits is issued.

Dams, Stream Disturbance, Water Quality Certification

Please see the enclosed Notice of Incomplete Application for comments on the proposed impacts to waters of the US and the memo enclosed with the Notice regarding the DEC's Dam Safety Section's engineering review. This includes comments on the potential for additional permits for the wetland mitigation at 32 Grove Street, described in the DEIS.

Mined Land Reclamation

The plans show a substantial borrow pit to be excavated to provide material for construction of the dam. The cut/fill analysis shows a surplus of cut material of approximately 18,000 cubic yards. The applicant should justify the size of the borrow pit, given the additional excess material that is projected to be produced by site grading for the statue work shop, parking garage, and music hall construction.

Threatened and Endangered Species

Please see the comments on Threatened and Endangered Species in the enclosed Notice.

If there are any questions, please feel free to contact me at (845) 256-3014 or by email at rebecca.crist@dec.ny.gov.

Respectfully,



Rebecca S. Crist
Deputy Regional Permit Administrator

Enc: Notice of Incomplete Application dated May 28, 2019

Ecc: Jonathan Lee, Dragon Springs
Town of Deerpark Planning Board
Jennifer Macleod, Orange County Department of Planning
David Kovach, Delaware River Basin Commission
Orange County Department of Health
Brian Orzel, US Army Corps of Engineers
Warren Shaw, NYSDEC Dam Safety Section, Albany

Re: Dragon Springs Monastery
DEC Facility ID: 3-3328-00150
Town of Deerpark, Orange County
Comments on Draft Environmental Impact Statement

Brian Drumm, NYSDEC Bureau of Ecosystem Health, Region 3
Lisa Masi, NYSDEC Bureau of Wildlife, Region 3
Lara Quintiliani Olivieri, NYSDEC Office of General Counsel, Region 3
Manju Cherian, NYSDEC Division of Water, Region 3
Arthur Crawford, NYSDEC Division of Water, Region 3