

## Mark Day

---

**From:** James Eldred <jjeldred@gw.dec.state.ny.us>  
**Sent:** Thursday, June 06, 2013 1:17 PM  
**To:** Mark Day  
**Cc:** Lisa Masi  
**Subject:** Summit Woods & Montage Combined WWTP discharge & Bog Turtle Habitat  
**Attachments:** summit woods and montage sites\_wwtp discharge\_stream flow and montage bog turtle habitat area.pdf

Hi Mark:

As we discussed on the phone recently, I am working to compile the application materials for Summit Woods to move forward with the public comment period. The only project change from earlier review, for which we were only waiting on the SHPO determination (now finalized), is the combined sanitary waste water discharge from Summit Woods & Montage.

During my review of the combined discharge and tying up the completeness items, I noticed that the proposed sanitary WWTP discharge location (combined Summit Woods & Montage) is not too far upstream of bog turtle habitat area EW-B identified on the Montage site. See attached project figures showing the proposed Summit Woods discharge location, receiving stream/flow direction and Montage bog turtle habitat areas. *Please confirm discharge location.* The figure is from the SDEIS but the updated discharge location you provided for the 'new' draft SPDES permit may be slightly different.

As you know, a condition of the USACE permit issued for Summit Woods, in accordance with USFWS review, requires the sanitary waste water discharge be downstream of the bog turtle habitat identified on the Summit Woods site, which it is. I would think then, this same criteria applies to the bog turtle habitat on the Montage site and if that can not be accomplished then additional evaluation of the impact this discharge would have on the habitat area/bog turtle should be provided.

You mentioned an additional Phase II bog turtle survey was done or on-going for the Montage site and you were coordinating that effort with USACE/USFWS. Will that consider this scenario from the combined discharge?

Regardless of the federal review, the department requires a flow analysis to determine the effect the combined discharge (154,960 gpd) would have in raising water levels (stream/wetland) and the potential impact from increased nutrients, etc. I believe some of this information was covered either within the Montage SDEIS or other documentation but not in direct relation to habitat area EW-B (identified in the bog turtle survey as being the better of the two sites identified on the Montage parcel) or including the combined discharge flows. It may be that there is a defined stream channel in this area at the discharge point and most of the flow will be confined to the stream corridor which appears to flow northerly and possibly around area EW-B. You would need to review and evaluate the site conditions and provide your response accordingly. In addition to increased flow, should also discuss how the discharge/nutrient loading could impact, or not, the habitat areas.

As an alternative, can the WWTP and or discharge location be placed elsewhere (Montage site near NYS RTE 52?) downstream of all bog turtle habitat areas? If the current proposed Summit Woods WWTP location is used, can the discharge be piped to the stream corridor at a location just downstream of habitat Area EW-B? Still need to keep in mind that bog turtle habitat area EW-A is further north/downstream on the Montage site within the wetland complex. I know the department encouraged a combined discharge so not trying to complicate issues but need to make sure we have the documentation required for Threatened/Endangered species review.

Other follow up:

A draft water supply Water Supply (now water Withdrawal, see <http://www.dec.ny.gov/permits/6036.html>), permit was developed for the Summit Woods Facility that would authorize the taking of up to 118 gallons per minute (170,600 gpd) from Well Nos. 1, 3 and 4 having a maximum tested capacity of 63, 65 and 88 gpm respectively. Is this still accurate or

have there been changes to the proposed taking/wells, etc.? I understand that the water withdrawal permit for Summit Woods will be pursued independent of the Montage development but potentially would be combined in the future and the permit then modified as applicable.

Also, can you provide me with a complete set of the most current plan sheets and an electronic copy (pdf) on CD if available? I have sheet 1 of 18 you sent in January but that is all I could find. Please also update me on the SEQR status for both Summit Woods (waiting on Findings?) & Montage projects (FSEIS & Findings?). While we may be able to proceed to the public comment period shortly for Summit Woods, the lead agency (Town of East Fishkill) findings for both Summit Woods and Montage developments would be required before the department could make its findings and final permit decisions for Summit Woods.

I may need further clarification of things as I work to get the applications for this development ready for the public comment period but wanted to get this request for the bog turtle review to you sooner so you can start to address the issue. Please let me know if you have questions. Thank you.

Jim