



1430 Broadway, 10th Floor
New York, NY 10018

T 212.221.7822
TRCcompanies.com

January 12, 2023

Mariyam Zachariah
Associate Project Manager II
EOH Project Review Group
Regulatory & Engineering Programs
New York City Department of Environmental Protection
465 Columbus Avenue
Valhalla, NY 10595

RECEIVED
PLANNING DEPARTMENT
MAY 10 2023
TOWN OF YORKTOWN

**Re: Dell Avenue Solar Farm SWPPP
Dell Avenue
Yorktown, New York 10514
Tax Map# 70.11-1-16 and 70.15-1-2
DEP Log# 2010-CNC-0479-SP.1**

Dear Ms. Zachariah:

We are in receipt of the comments provided by the New York City Department of Environmental Protection (“NYCDEP”) in its letter dated September 26, 2022. The NYCDEP’s comments are associated with the Dell Avenue Solar Farm Storm Water Pollution Prevention Plan (“SWPPP”) prepared by TRC, on behalf of Sol Systems, LLC. TRC is providing the below responses to NYCDEP’s September 26, 2022 comments.

Your comments, listed to correspond with the numbering in your letter, are reproduced below followed by our responses. Please also find enclosed a revised SWPPP. A full list of the exhibits is provided immediately following the responses.

A. General

- DEP Comment 1:** A completed and signed DEP SWPPP application form must be provided.
- TRC Response 1:** A completed and signed DEP SWPPP application that was included with the initial submission has been provided in Appendix A of the SWPPP.
- DEP Comment 2:** The General Description must include a reference to the applicable section of the NYC DEP Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources (herein referred to as Watershed Regulations) regarding regulated activities that requires this SWPPP. Please note that this project meets the following thresholds: Watershed Regulations Section 18-39(b) (4) (iv)&(x).
- TRC Response 2:** Section 2.0 of the SWPPP has been revised to state that the Project meets the SWPPP preparation thresholds in Section 18-39(b) (4) (iv)&(x) of the Watershed Regulations.
- DEP Comment 3:** A list of all other permits/approvals required from DEP and other agencies, and the status of the applications must be provided. DEP SWPPP approval should be added to the list of approvals required.

- TRC Response 3:** A list of all other permits/approvals required from DEP and other agencies has been provided in Section 2.0 of the SWPPP.
- DEP Comment 4:** State Environmental Quality Review Act (SEQRA) Determination of Nonsignificance issued by the lead agency.
- TRC Response 4:** Sol Systems anticipates that this Determination will be issued by the Town, as Lead Agency, following its on-going project review and approval process.

B. SWPPP Report

- DEP Comment 1:** The total disturbances involved and the total new impervious area resulting from the project must be added to the project description part of the SWPPP for clarity. Also, tabular information by sub-watershed, indicating the acres of impervious surface created by the proposed activities must be added to the report.
- TRC Response 1:** The proposed total area of disturbance and the total new impervious area resulting from the Project have been added to Section 5.0 of the SWPPP. A table providing the impervious areas to be constructed by sub-watershed areas is provided in Section 10.4.
- DEP Comment 2:** A downstream survey of watercourses, wetlands and/or drainage system that will receive stormwater discharges from the site must be provided in the narrative. For areas where the post-development runoff volume will change you must address the potential impacts of the changes on downstream hydrology. If no impacts are anticipated, the narrative must provide adequate documentation to support the conclusion.
- TRC Response 2:** A description of downstream waterbodies that will receive stormwater discharges from the Site has been provided in Section 10.1. As described in Section 10.4 and demonstrated in runoff volume calculations, no negative impacts to the downstream hydrology are anticipated from the project.
- DEP Comment 3:** Identify any elements of the design that are not in conformance with the requirements of the General Permit GP-0-20-001, the reason for non-compliance, and information demonstrating that the alternative design is equivalent to the technical standard must be provided. If none exist, this must be stated in the report.
- TRC Response 3:** Section 2.0 has been revised to include a statement that the SWPPP elements are in conformance with the General Permit requirements.
- DEP Comment 4:** The anticipated project start and completion dates must be provided.
- TRC Response 4:** Anticipated project start and completion dates have been included in Section 8.0.
- DEP Comment 5:** A discussion of design provisions included in the stormwater management facilities that address safety and maintenance needs must be provided.

- TRC Response 5:** Section 10.3 has been revised to provide a discussion of the design provisions associated with the proposed stormwater management facilities that address safety and access for maintenance. A post-construction Operation and Maintenance Manual has been provided in Appendix H.
- DEP Comment 6:** Temporary and permanent soil stabilization plan must be explained in the report.
- TRC Response 6:** An explanation of temporary and permanent soil stabilization measures has been provided in Section 9.5 of the SWPPP.
- DEP Comment 7:** Demonstrate that and include in the report that maintenance of natural drainage systems and open channel drainage is provided to the extent practical.
- TRC Response 7:** An explanation of maintenance of natural drainage and open channel drainage is provided in Appendix H.
- DEP Comment 8:** Explain in the report that alteration of existing drainage areas and loss of recharge areas are minimized to the extent practical.
- TRC Response 8:** An explanation that alteration of existing drainage areas and loss of recharge areas have been minimized to the extent practical in Section 10.2.3.
- DEP Comment 9:** Describe on the minimum erosion and sediment control measures to be installed including a schedule that identifies timing and time frames that the practices should remain in place. Conversion of temporary erosion and sediment control facilities to permanent storm water management facilities and the techniques necessary for proper conversion [should] be added.
- TRC Response 9:** E&SC measures are described in Section 9.3, while the information on timeframes for anticipated use is provided in Section 8.0. No temporary E&SCs are planned to be converted for permanent use.
- DEP Comment 10:** A pre and post development coliform runoff quantitative analysis be provided for projects proposed in terminal reservoir basins of the Watershed Regulations.
- TRC Response 10:** The Project does not propose any wastewater management practices that would create sources of human contamination. Portable toilet units will be provided during construction. Waste from the portable toilet unit will be collected and managed by a sanitary waste management contractor. A discussion of pre and post development coliform runoff quantitative analysis has been provided in Section 10.6.
- DEP Comment 11:** Soil testing must be witnessed by DEP and the results and locations be added on the report. You may contact the undersigned to schedule soil testing onsite.
- TRC Response 11:** Per Appendix D of the NYSDEC Stormwater Management Design Manual, a geotechnical report at the Site location fulfils the initial feasibility testing requirement for infiltration testing. A geotechnical report prepared by TRC has been provided in Appendix N of the SWPPP. Findings from the geotechnical report show that an

infiltration rate greater than 0.5 inches per hour is not probable, deeming full-scale soil testing unnecessary. Additionally, TRC conducted a limited field investigation of surface and near-surface conditions to evaluate the presence of rock/bedrock outcrops, shallow groundwater, and soil conditions in the areas of the proposed post-construction stormwater control practices. The investigation results are presented in Section 10.3 and Appendix O.

C. Plans

- DEP Comment 1:** Please provide a full size pre and post development drainage maps at a reasonable scale. It should clearly identify the limits of the Tc flow paths (used to calculate the curve numbers), Tc flow lengths for each of the drainage areas/ subcatchments, and locations of stormwater discharges. Include the Natural Resources Conservation Service (NRCS) soil survey boundaries and Hydrologic Soil Groups (HSG) on these maps.
- TRC Response 1:** Pre- and post-development drainage maps are provided in Appendix I and J, respectively. The drainage maps show the drainage area boundaries, time of concentration lines, and NRCS soil boundaries with Hydrologic Soil Groups.
- DEP Comment 2:** An existing condition plan with existing land uses, types of vegetative cover, public/permanent open space, public facilities, utility lines and easements, water supply wells, sewage treatment systems shall be added to the plan set.
- TRC Response 2:** Existing conditions plan shown on Figure C-101 of the site plan set.
- DEP Comment 3:** The topographic contour lines must be labelled clearly on the plans.
- TRC Response 3:** Additional topographic contour labels have been added and text size has been increased for improved readability.
- DEP Comment 4:** Provide the address of the project site and tax map numbers on the respective plan set. Also, identify/label all the buffers on the site plan.
- TRC Response 4:** The project site address, property owner, and Tax ID Number are located on Figure G-102 – General Notes of the site plan set. Buffers are identified and labeled on the relevant figures.
- DEP Comment 5:** The boundaries of any 100-year flood plain (from United States Flood Emergency Management Area Maps) on the site must be provided along with any available 100-year flood elevations and floodway boundaries. If any, an evaluation of the post development impact stormwater runoff will have on identified floodplains or designated flood hazard areas in the community must be given in the narrative.
- TRC Response 5:** The project limit of disturbance is outside the 100-year flood plain. Flood Area Zone X, 500-yr flood, approaches the property boundary, but the property boundary is outside the limit of study. Flood Area boundaries are shown on relevant figures of the site plan set.

DEP Comment 6: Include a table with separation distance to groundwater and bedrock from the existing grade and from the bottom of all the proposed stormwater practices and sediment basins/traps if any.

TRC Response 6: **Table 5 – Existing Geologic Characteristics at Stormwater Management Practices with this information has been added to Section 10.3.**

DEP Comment 7: Plan view and cross-sectional designs of all stormwater management facilities and a description of materials to be used for construction of each of the proposed facilities.

TRC Response 7: Plan view and cross-sectional designs of the stormwater management facilities are shown on Figures C-107 to C-114 of the site plan set.

D. Stormwater Management

DEP Comment 1: Demonstrate for each watershed that the treatment volume is the greater volume of runoff generated by the 1-year 24-hour storm or water quality volume (90% storm rainfall). For comparison use the one-year storm runoff modeled in the Hydrologic analysis and the 90% storm from section 4.2 of the New York State Stormwater Management Design Manual (NYS DM) for the water quality equation.

TRC Response 1: The water quality volume (90% storm rainfall) has been added to the calculations and shown to be less than the 1-yr 24-hour storm in Appendix I and J.

DEP Comment 2: Calculations of the required runoff reduction volume (based on the 1-year, 24- hour storm in the EOH watershed) must be provided.

TRC Response 2: **Calculations of the required runoff reduction volumes using the 1-year, 24-hour storm are provided in Appendix K.**

E. Erosion and Sediment Control

DEP Comment 1: It is unclear from the ECP how much disturbance is anticipated and how many phases of construction are proposed. Based on the total disturbances proposed, all efforts must be made to satisfy the New York State Department of Environmental Conservation rule that " ... construction activity shall not disturb greater than five (5) acres of soil at any one time." DEP recommends phasing of construction and that each phase be broken down in such a way that the construction work is manageable and efficient.

TRC Response 1: The project is not currently proposing to disturb greater than five acres at any one time. The proposed total area of disturbance of 14.9 acres has been referenced in Section 5.0 of the SWPPP. Drawing C-107 has been revised to indicate the boundaries of the four proposed phases of construction, while the construction phasing and sequencing is further presented in Section 8.0 of the SWPPP.

- DEP Comment 2:** Identify any temporary measures that will be converted to permanent measures after construction and the techniques necessary for proper conversion must be added to the sequence.
- TRC Response 2:** See comment and response B.9, above.
- DEP Comment 3:** The areas where vegetation will be cleared and protected must be marked on the plan.
- TRC Response 3:** The areas where vegetation will be cleared and protected have been marked on the Construction Drawings in Appendix F.

F. Inspection & Maintenance

- DEP Comment 1:** Name, addresses and phone numbers of parties responsible for implementing the inspection and maintenance of the temporary and permanent stormwater management practices must be added to the narrative part of the report and plans.
- TRC Response 1:** The following information has been added to the title page:
Sol Systems, LLC
1101 Connecticut Ave NW, Second Floor, Washington, DC, 20036
202-349-2085
- Please note that construction and O&M contractor selections are pending.
- DEP Comment 2:** A detailed inspection and maintenance schedule for each of the temporary and permanent stormwater management practices with specific frequency, intervals and criteria must be added in a tabular format on the plans.
- TRC Response 2:** Inspection and maintenance requirements for temporary SMPs are provided in Section 12.0. Twice weekly inspections will be scheduled for each of the temporary and permanent stormwater management practices during construction. Daily inspections by the Trained Contractor, and prompt implementation of needed maintenance, are required during construction (see Section 12.2). These inspections will cease when the Project is permanently stabilized. The minimum post-construction inspection and maintenance schedule is provided in the O&M Plan (Appendix x) .
- DEP Comment 3:** Provide a draft legally binding and enforceable maintenance agreement that will be implemented to designate maintenance responsibilities of all on-site stormwater management practices.
- a. A blank, fillable list of responsible parties and their contact information can be provided to be completed by the future owner.
 - b. The agreement should reference the long-term O&M requirements. It is recommended that the O&M schedule be presented in tabular format for ease of use.

Ms. Mariyam Zachariah
January 12, 2023
Page 7 of 7

TRC Response 3: The Town of Yorktown's standard form of the requested enforceable maintenance agreement is provided as an attachment within the Operations and Maintenance Plan, Appendix H.

If you have any questions, please contact me at (212) 221-8374 or (917) 549-6192 or by email at smeersma@trccompanies.com.

Sincerely,
TRC Engineers, Inc.



Steven D. Meersma, P.E.
Principal Engineer

Enclosures: Revised SWPPP dated January 2023

cc: Erick Alves de Sa, Sol Systems, LLC
Rennie Friedman, Sol Systems, LLC
Colin Duncan, TRC