

# **Appendix F**

## **Environmental Information**

# **SEQRA Assessment**

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

**Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

**Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

**Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

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**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

**Identify the Portions of EAF completed for this project:**

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

Poughkeepsie Highland Railroad Bridge Over the Hudson River

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Name of Action

NYS Office of Parks, Recreation, and Historic Preservation

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Name of Lead Agency

---

Print or Type Name of Responsible Officer in Lead Agency

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Title of Responsible Officer

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Signature of Responsible Officer in Lead Agency

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Signature of Preparer (If different from responsible officer)

## PART 1--PROJECT INFORMATION

### Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action

Location of Action (include Street Address, Municipality and County)

Name of Applicant/Sponsor

Address

City / PO

State

Zip Code

Business Telephone

Name of Owner (if different)

Address

City / PO

State

Zip Code

Business Telephone

Description of Action:

**Please Complete Each Question--Indicate N.A. if not applicable**

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:      Urban              Industrial              Commercial              Residential (suburban)              Rural (non-farm)  
                                  Forest              Agriculture              Other

2. Total acreage of project area:              acres.      See Supplemental Information

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	acres	acres
Forested	acres	acres
Agricultural (Includes orchards, cropland, pasture, etc.)	acres	acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	acres	acres
Water Surface Area	acres	acres
Unvegetated (Rock, earth or fill)	acres	acres
Roads, buildings and other paved surfaces	acres	acres
Other (Indicate type)	acres	acres

3. What is predominant soil type(s) on project site?              Section IV.B.3.a

- a. Soil drainage:              Well drained              % of site              Moderately well drained              % of site.  
                                  Poorly drained              % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System?              acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?              Yes              No

- a. What is depth to bedrock              (in feet)      Reference: USDA Natural Resource Conservation Service (NRCS)

5. Approximate percentage of proposed project site with slopes:

0-10%      %      10- 15%      %      15% or greater      %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?              Yes              No      See attached Design Report, Section IV.B.3.i

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?              Yes              No

8. What is the depth of the water table?              (in feet)      Source: USDA NRCS

9. Is site located over a primary, principal, or sole source aquifer?              Yes              No

See attached Design Report, Section IV.B.3.b

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?              Yes              No

Fishing in the Hudson River.

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

15. Streams within or contiguous to project area:

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

b. Size (in acres):

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: months, (including demolition)

7. If multi-phased: N.A.

a. Total number of phases anticipated (number)

b. Anticipated date of commencement phase 1: month year, (including demolition)

c. Approximate completion date of final phase: month year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction ; after project is complete

10. Number of jobs eliminated by this project .

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount

b. Name of water body into which effluent will be discharged

13. Is subsurface liquid waste disposal involved? Yes No Type

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No See attached Design Report, Section IV.B.3.f

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? tons \*See Supplemental Information

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name ; location

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste?      Yes      No

a. If yes, what is the anticipated rate of disposal?      tons/month.

b. If yes, what is the anticipated site life?      years.

18. Will project use herbicides or pesticides?      Yes      No

19. Will project routinely produce odors (more than one hour per day)?      Yes      No

20. Will project produce operating noise exceeding the local ambient noise levels?      Yes      No

21. Will project result in an increase in energy use?      Yes      No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity      gallons/minute.

23. Total anticipated water usage per day      gallons/day.

24. Does project involve Local, State or Federal funding?      Yes      No

If yes, explain:



**25. Approvals Required:**

Type

Submittal Date

City, Town, Village Board                      Yes              No

City, Town, Village Planning Board              Yes              No

City, Town Zoning Board                      Yes              No

City, County Health Department              Yes              No

Other Local Agencies                      Yes              No

Other Regional Agencies                      Yes              No

State Agencies                      Yes              No

Federal Agencies                      Yes              No

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?      Yes              No

If Yes, indicate decision required:

Zoning amendment

Zoning variance

New/revision of master plan

Subdivision

Site plan

Special use permit

Resource management plan

Other



2. What is the zoning classification(s) of the site?

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

4. What is the proposed zoning of the site?

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?                      Yes                      No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?                      Yes                      No

9. If the proposed action is the subdivision of land, how many lots are proposed?

a. What is the minimum lot size proposed?

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

See Supplemental Information.

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic.  Yes  No

See Supplemental Information

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Walkway Over the Hudson / State Parks (OPRHP) Date Nov 12, 2007

Signature Thom B. Lyon

Title Dir Resource Mgmt

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

**General Information** (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

**Instructions** (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?
- |    |     |                              |
|----|-----|------------------------------|
| NO | YES | See Supplemental Information |
|----|-----|------------------------------|

**Examples** that would apply to column 2

	Yes	No
C Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	Yes	No
C Construction on land where the depth to the water table is less than 3 feet.	Yes	No
C Construction of paved parking area for 1,000 or more vehicles.	Yes	No
C Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	Yes	No
C Construction that will continue for more than 1 year or involve more than one phase or stage.	Yes	No
C Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	Yes	No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

- |   |   |  |     |    |
|---|---|--|-----|----|
| C | Construction or expansion of a sanitary landfill. |  | Yes | No |
| C | Construction in a designated floodway.            |  | Yes | No |
| C | Other impacts:                                    |  | Yes | No |

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

- |   |                      |  |     |    |
|---|----------------------|--|-----|----|
| C | Specific land forms: |  | Yes | No |
|---|----------------------|--|-----|----|

**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES See Section IV.B.3.c and IV.B.3.d of the Final Design Report

**Examples** that would apply to column 2

- |   |  |  |     |    |
|---|--|--|-----|----|
| C | Developable area of site contains a protected water body.                          |  | Yes | No |
| C | Dredging more than 100 cubic yards of material from channel of a protected stream. |  | Yes | No |
| C | Extension of utility distribution facilities through a protected water body.       |  | Yes | No |
| C | Construction in a designated freshwater or tidal wetland.                          |  | Yes | No |
| C | Other impacts:   |  | Yes | No |

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES See Section IV.B.3.c and IV.B.3.e of the Final Design Report

**Examples** that would apply to column 2

- |   |  |  |     |    |
|---|--|--|-----|----|
| C | A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. |  | Yes | No |
| C | Construction of a body of water that exceeds 10 acres of surface area.   |  | Yes | No |
| C | Other impacts:   |  | Yes | No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?  
 NO YES See Supplemental Information

**Examples** that would apply to column 2

C	Proposed Action will require a discharge permit.	Yes	No
C	Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	Yes	No
C	Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	Yes	No
C	Construction or operation causing any contamination of a water supply system.	Yes	No
C	Proposed Action will adversely affect groundwater.	Yes	No
C	Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	Yes	No
C	Proposed Action would use water in excess of 20,000 gallons per day.	Yes	No
C	Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	Yes	No
C	Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	Yes	No
C	Proposed Action will allow residential uses in areas without water and/or sewer services.	Yes	No
C	Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	Yes	No
C	Other impacts:	Yes	No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?  
 NO YES See Section IV.B.3.c and IV.B.3.f of the Final Design Report

**Examples** that would apply to column 2

- |  |     |    |
|--|-----|----|
| C Proposed Action would change flood water flows                   | Yes | No |
| C Proposed Action may cause substantial erosion.                   | Yes | No |
| C Proposed Action is incompatible with existing drainage patterns. | Yes | No |
| C Proposed Action will allow development in a designated floodway. | Yes | No |
| C Other impacts:   | Yes | No |

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?  
 NO YES See Section IV.B.3.m of the Final Design Report

**Examples** that would apply to column 2

- |   |     |    |
|---|-----|----|
| C Proposed Action will induce 1,000 or more vehicle trips in any given hour.  | Yes | No |
| C Proposed Action will result in the incineration of more than 1 ton of refuse per hour.  | Yes | No |
| C Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | Yes | No |
| C Proposed Action will allow an increase in the amount of land committed to industrial use.                                       | Yes | No |
| C Proposed Action will allow an increase in the density of industrial development within existing industrial areas.               | Yes | No |
| C Other impacts:  | Yes | No |

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?  
 NO YES See Section IV.B.3.a of the Final Design Report

**Examples** that would apply to column 2

- |   |     |    |
|---|-----|----|
| C Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | Yes | No |
|---|-----|----|



1	2	3	
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	

- |   |   |  |     |    |
|---|---|--|-----|----|
| C | Removal of any portion of a critical or significant wildlife habitat.                               |  | Yes | No |
| C | Application of pesticide or herbicide more than twice a year, other than for agricultural purposes. |  | Yes | No |
| C | Other impacts:  |  | Yes | No |

9. Will Proposed Action substantially affect non-threatened or non-endangered species?  
 NO YES See Section IV.B.3.a of the Final Design Report

**Examples** that would apply to column 2

- |   |  |  |     |    |
|---|--|--|-----|----|
| C | Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.                          |  | Yes | No |
| C | Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. |  | Yes | No |
| C | Other impacts:   |  | Yes | No |

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?  
 NO YES See Section IV.B.3.p of the Final Design Report

**Examples** that would apply to column 2

- |   |  |  |     |    |
|---|--|--|-----|----|
| C | The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)                                 |  | Yes | No |
| C | Construction activity would excavate or compact the soil profile of agricultural land.   |  | Yes | No |
| C | The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. |  | Yes | No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change	
			Yes	No
C The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).			Yes	No
C Other impacts:			Yes	No

### IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
- NO YES See Section IV.B.3.q of the Final Design Report

**Examples** that would apply to column 2

C Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.			Yes	No
C Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.			Yes	No
C Project components that will result in the elimination or significant screening of scenic views known to be important to the area.			Yes	No
C Other impacts:			Yes	No

### IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
- NO YES See Supplemental Information

**Examples** that would apply to column 2

C Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.			Yes	No
C Any impact to an archaeological site or fossil bed located within the project site.			Yes	No
C Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.			Yes	No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

C Other impacts:		Yes	No
------------------	--	-----	----

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO                      YES                      See Section IV.B.3.j of the Final Design Report

**Examples** that would apply to column 2

- |   |  |     |    |
|---|--|-----|----|
| C The permanent foreclosure of a future recreational opportunity. |  | Yes | No |
| C A major reduction of an open space important to the community.  |  | Yes | No |
| C Other impacts:  |  | Yes | No |

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO                      YES

List the environmental characteristics that caused the designation of the CEA.

**Examples** that would apply to column 2

- |   |  |     |    |
|---|--|-----|----|
| C Proposed Action to locate within the CEA?                                   |  | Yes | No |
| C Proposed Action will result in a reduction in the quantity of the resource? |  | Yes | No |
| C Proposed Action will result in a reduction in the quality of the resource?  |  | Yes | No |
| C Proposed Action will impact the use, function or enjoyment of the resource? |  | Yes | No |
| C Other impacts:  |  | Yes | No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?

NO                      YES

See Section IV.B.1.d of the Final Design Report

**Examples** that would apply to column 2

- |  |     |    |
|--|-----|----|
| C Alteration of present patterns of movement of people and/or goods. | Yes | No |
| C Proposed Action will result in major traffic problems.             | Yes | No |
| C Other impacts:   | Yes | No |

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO                      YES

See Section IV.B.3.o of the Final Design Report

**Examples** that would apply to column 2

- |   |     |    |
|---|-----|----|
| C Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.   | Yes | No |
| C Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | Yes | No |
| C Other impacts:  | Yes | No |

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO                      YES

See Section IV.B.3.n of the Final Design Report

**Examples** that would apply to column 2

- |  |     |    |
|--|-----|----|
| C Blasting within 1,500 feet of a hospital, school or other sensitive facility.  | Yes | No |
| C Odors will occur routinely (more than one hour per day).   | Yes | No |
| C Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | Yes | No |
| C Proposed Action will remove natural barriers that would act as a noise screen.   | Yes | No |
| C Other impacts:   | Yes | No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

**IMPACT ON PUBLIC HEALTH**

18. Will Proposed Action affect public health and safety?	NO	YES	See Supplemental Information		
C	Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.			Yes	No
C	Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)			Yes	No
C	Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.			Yes	No
C	Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.			Yes	No
C	Other impacts:			Yes	No

**IMPACT ON GROWTH AND CHARACTER  
OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?	NO	YES	See Supplemental Information		
	<b>Examples</b> that would apply to column 2				
C	The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.			Yes	No
C	The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.			Yes	No
C	Proposed Action will conflict with officially adopted plans or goals.			Yes	No
C	Proposed Action will cause a change in the density of land use.			Yes	No
C	Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.			Yes	No
C	Development will create a demand for additional community services (e.g. schools, police and fire, etc.)			Yes	No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change	
			Yes	No
C Proposed Action will set an important precedent for future projects.			Yes	No
C Proposed Action will create or eliminate employment.			Yes	No
C Other impacts:			Yes	No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO

YES

See Chapter V of the Final Design Report

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**

## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

**Instructions** (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

*State Environmental Quality Review*

**FULL ENVIRONMENTAL ASSESSMENT FORM**

**WALKWAY OVER THE HUDSON**

**POUGHKEEPSIE HIGHLAND RAILROAD BRIDGE  
OVER THE  
HUDSON RIVER**

**SUPPLEMENTAL INFORMATION**



**Cross-References**  
**SEQRA Full Environmental Assessment Form with Design Report**

EAF		Topic	Design Report
Page	Item No.		Section(s)
<b>PART 1 – PROJECT INFORMATION</b>			
2		Description of Action	II.A & II.B III.C
<b>A. SITE DESCRIPTION</b>			
3	1	Physical Setting	II.C
3	3	Soil Types	IV.B.3.a
3	6	National Register of Historic Places	IV.B.3.i
3	9	Aquifers/Groundwater	IV.B.3.b
4	11	Threatened or Endangered Species	IV.B.3.a(1)
4	14	Scenic Views	II.C.1.u & IV.B.3.q
4	15	Streams	IV.B.3.c
4	16	Wetland Areas	IV.B.3.e
5	17	Existing Utilities	II.C.1.s
5	18	Agricultural Districts	IV.B.3.p
5	20	Solid or Hazardous Waste	IV.B.3.k IV.B.3.l
<b>B. PROJECT DESCRIPTION</b>			
6	6	Construction Period	III.D.2
6	11	Utility Relocation	III.C.2.k
6	15	Flood Plain	IV.B.3.f
7	21	Energy Use	IV.B.3.o
8	25	Approvals/Permits	IV.B.3.r
<b>PART 2 – PROJECT IMPACTS AND THEIR MAGNITUDE</b>			
<b>Impact On Water</b>			
12	3	Protected waters	IV.B.3.c & IV.B.3.d
12	4	Non-protected existing or new body of water	IV.B.3.c & IV.B.3.e
13	5	Surface or groundwater quality or quantity	IV.B.3.b & IV.B.3.c
14	6	Drainage flow or patterns or surface water	IV.B.3.c & IV.B.3.f
<b>Impact On Air</b>			
14	7	Air Quality	IV.B.3.m
<b>Impact On Plants and Animals</b>			
14	8	Threatened or endangered species	IV.B.3.a
15	9	Non-threatened or endangered spp	IV.B.3.a
<b>Impact On Agricultural Land Resources</b>			
15	10	Agricultural land resources	IV.B.3.p
<b>Impact On Aesthetic Resources</b>			
16	11	Aesthetic Resources	IV.B.3.q

**Poughkeepsie Highland Railroad Bridge over the Hudson River  
City of Poughkeepsie, Dutchess County & Town of Lloyd, Ulster County**

EAF		Topic	Design Report
Page	Item No.		Section(s)
<b>Impact On Historic and Archaeological Resources</b>			
16	12	Site of historic, prehistoric or paleontological importance	IV.B.3.i
<b>Impact On Open Space and Recreation</b>			
17	13	Open space or recreational opportunities	IV.B.3.j
<b>Impact On Transportation</b>			
18	15	Existing transportation systems	IV.B.1.d
<b>Impact On Energy</b>			
18	16	Community's sources of fuel or energy supply	IV.B.3.o
<b>Noise and Odor Impact</b>			
18	17	Odors, noise, or vibration	IV.B.3.n
<b>Impact On Public Health</b>			
19	18	Public health and safety	IV.B.3.k & IV.B.3.l
<b>Impact On Growth and Character of Community or Neighborhood</b>			
19	19	Character of the existing community	IV.B.1 & IV.B.2
20	20	Public controversy related to potential adverse environmental impacts	V

**PART I - - PROJECT INFORMATION**

**A. Site Description**

<b>PRESENTLY</b>	<b>ACREAGE</b>	<b>AFTER COMPLETION</b>
Brushland	0.4	Parking
Highway Right-of-Way	0.8	Parking
City Lot	0.2	Parking
Bridge Right-of-Way	12.0	Bridge Right-of-Way

**B. Project Description**

**1. Physical dimensions and scale of project.**

g. Maximum vehicular trips generated per hour:

The estimated number of visitors per peak hour is estimated to be 312 (see attached Design Report, Section III.C.2.q).

j. Linear feet of frontage along a public thoroughfare:

Parking areas on west end of project to occupy 700 feet of frontage.  
Parking areas on east end of project to occupy 300 feet of frontage.

**16. Solid Waste Generation**

It is anticipated that the completed facility will be operated as a “carry-in/carry-out facility. The amount of solid waste will therefore be negligible.

The project will include the demolition and disposal of the existing bridge deck and attached abandoned utilities (see attached Design Report, Section III.C.2.d). The deck includes timber ties, steel rails, cast iron railing. The utilities include structures that support the abandoned Central Hudson power lines and an abandoned water line (see attached Design Report, Section III.C.2.k). The amount of demolition could be up to 1500 tons. The material to be removed also includes some Asbestos Containing Materials (see attached Design Report, Section IV.B.3.l).

**25. Approvals Required:**

	<b>Agency</b>	<b>Type</b>
<b>State Agency Approvals</b>	New York State Office of Parks, Recreation, and Historic Preservation	<ul style="list-style-type: none"> <li>• Section 106 Consultation;</li> <li>• SEQRA Review</li> </ul>
	New York State Department of Environmental Conservation	<ul style="list-style-type: none"> <li>• Section 401 Water Quality Certification;</li> <li>• Article 15 Protection of Waters Permit;</li> <li>• SPDES General Permit for Stormwater Discharges from Construction Activities (GP-02-01)</li> </ul>
	New York State Department of State	Coastal Zone Consistency Review
	New York State Department of Transportation	Highway Work Permit
<b>Federal Agency Approvals</b>	US Army Corps of Engineers	Section 10 Nationwide Permit #3
	Federal Highway Administration	NEPA Review
	US Coast Guard	Coordination
<b>Local Agency Approvals</b>	City of Poughkeepsie	Possible Permits
	Town of Lloyd	<ul style="list-style-type: none"> <li>• Possible Permits</li> <li>• Coastal Zone Consistency Review</li> </ul>

**C. ZONING AND PLANNING INFORMATION**

**11. Will the proposed action create a demand for any community provided services (recreation, police, fire protection)?**

The project is intended to draw tourists to the bridge site. Minor increases in police protection are therefore anticipated. The project itself will afford recreation and educational experiences for the community and tourists.

**12. Will the proposed action result in the generation of traffic significantly above present levels?**

The project is intended to draw tourists to the bridge site and vicinity. This will involve additional traffic. However, the amount of additional traffic is not anticipated to be significant. Furthermore, the timing of the additional traffic is anticipated to occur at off-peak hours, so that the existing road network should be adequate to handle the additional traffic.

## PART 2 - - PROJECT IMPACTS AND THEIR MAGNITUDE

### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?
  - Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.

*There are areas of exposed bedrock in the vicinity of the proposed parking lot off Haviland Road on the west side. Therefore, construction activity for the parking lot will likely encounter bedrock. The site design will be progressed to minimize rock excavation. In no case will work on the bedrock involve blasting. Noise impacts as a result of rock excavation activities will be controlled by setting time limits during which the activity can occur. The amount of bedrock to be removed will not be noticeable in the context of the bedrock bluffs that will remain in the vicinity.*

- Construction that will continue for more than 1 year or involve more than one phase or stage.

*Demolition of the existing deck is anticipated to start in the Spring of 2008. The general construction contract is anticipated to start in the Fall of 2008. Construction is to be completed in September 2009. Overall construction is therefore anticipated to require more than one year. Most of this time will be spent on the deck of the bridge. The time involved in the construction of the parking areas is not anticipated to require much time, although the contractor may use these areas for staging during construction. The amount of area anticipated for construction of the parking areas is anticipated to be 2.6 acres. This area will be spread between 2 parking areas to be constructed on either end of the project. The magnitude of this construction is not large when compared with the magnitude of the overall project area between the Town of Lloyd and the City of Poughkeepsie.*

### Impact on Water

5. Will Proposed Action affect surface or groundwater quality or quantity?
  - Proposed Action will require a discharge permit.

*Coverage under the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) is required for any construction project that disturbs*

*more than 1 acre of land.<sup>1</sup> Construction is anticipated to disturb more than 1 acre for parking and maintenance areas, so coverage under this permit is anticipated. As such, a Stormwater Pollution Prevention Plan will be prepared that will include appropriate erosion and sediment control techniques for any construction conducted on land areas, and permanent stormwater quality measures implemented as appropriate for the given site(s).*

### Impact on Historic and Archaeological Resources

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.

*The Poughkeepsie-Highland Railroad Bridge is listed on the National Register of Historic Places. The National Park Service listing date is February 23, 1979. In a letter dated January 25, 2008, the NYS Office of Parks, Recreation and Historic Preservation (NYS OPRHP), which serves as the State Historic Preservation Officer (SHPO) for the consultation process under Section 106 of the Historic Preservation Act, stated the opinion that the proposed project will have No Adverse Effect on the Poughkeepsie Railroad Bridge with the condition that project details, including railings, decking, lighting, vertical access, electrical service, water service, etc. will be developed in consultation with the SHPO. This consultation will continue through detailed design.*

### Impact on Public Health

18. Will Proposed Action affect public health and safety?
- Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.

*A hazardous waste-contaminated materials screening was conducted of the project corridor. The screening was conducted in general accordance with NYSDOT environmental procedures. The screening included review of available environmental databases, review of Sanborn® Fire Insurance Maps, site reconnaissance/walk-over and sampling/analysis for lead and asbestos. Details regarding the screening are included in a Technical Report, located in Appendix F of the Final Design Report. A summary of the screening is located in Section IV.B.3.k of the Final Design Report.*

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<sup>1</sup> It is assumed that regulations for this permit will be in effect by the time of construction.

*The database screening resulted in the identification of three sites of concern in the study corridor. The first is the **Washington Street Sunoco Station** located at 128 Washington Street, which abuts the project site on the north side at the eastern limit of the project area. The station is listed in the database report indicating the presence of underground storage tanks at the site and includes NYSDEC Spill #9800975. The database listing indicates the cleanup of soils at the site in 1998. No closure date for the spill was listed in the database report and the spill is assumed to still be open. Further investigation/testing is recommended for any construction that may take place below the bridge in the vicinity of this site.*

*A Freedom of Information Letter was sent to the NYSDEC for information regarding the above site. The DEC responded by letter which included the sites NYSDEC Spill Report Form, Inspection Forms, Petroleum Bulk Storage information, Notices of Violations and an Order on Consent. The Spill Report Form indicated that the spill file was last updated August 11, 2004 but there remains no closure date to the Spill Report for this site. The Order on Consent addresses the violations at the station for failing to maintain spill prevention equipment, failing to maintain leak detection and failing to maintain stage I vapor recovery.*

*The second site of concern is a filling station identified on the Sanborn® maps located south of the railroad bridge and west of Washington Street. It is the current **Foreign Car Specialists** repair shop located at 124 Washington Street. Further investigation/testing is recommended for any construction that may take place below the bridge in the vicinity of this site.*

*A freedom of information letter was sent to the NYSDEC for information regarding this site. There was no information forwarded regarding the Foreign Car Specialists repair shop.*

*As an additional source, a freedom of information letter was sent to the Poughkeepsie Fire Department. A response from the fire department indicated that there is no record of an above/underground tank removal or installation for the 124 Washington Street site.*

*The third site of concern is a listing for the **Poughkeepsie Gas Works (Central Hudson)–North Water Street Manufactured Gas Plant (MGP)** coal tar site. The database report indicated that the location is included in the listing as a former MGP. It is not unusual for coal tar and other MGP wastes to migrate in the subsurface. Further investigation/testing is recommended for any construction that may take place below the bridge near this site.*

*A freedom of information letter was sent to the NYSDEC for information regarding the above referenced site. There has been no information*

*forwarded regarding the Central Hudson Gas & Electric or Poughkeepsie Gas Works property.*

*Screening of subsurface soils or for the potential of subsurface impacts in the areas of adjoining properties may be addressed initially during the geotechnical boring program. Depending on boring locations, findings during this phase of walkway evaluation should be able to identify potential concerns from the adjoining properties.*

- Other impacts: Asbestos

*The potential for encountering Asbestos Containing Materials (ACM) was assessed during the October 2007 site visit. Accessible materials were evaluated and a Limited Asbestos Containing Materials Survey Report dated January 22, 2008 (see Appendix F of the Final Design Report) was completed. The following materials were collected from the bridge and submitted for analysis:*

- *Tars on Surfaces*
- *Rail Plate Insulator Pads*
- *Deck and Structure Paints*
- *Sealants/Caulk*
- *Wire/Cable Jackets*

*The following materials tested positive for asbestos (>1% by weight).*

- *Sealant – steel bridge foot to concrete or stone pier.*
  - *West end of Bridge - 7% Chrysotile*
  - *East end of the Bridge – 26% Chrysotile*
- *Bridge Paint West End – 3% Actinolite/Tremolite*
- *Tar on Railroad Ties, Middle of Bridge – 19% Chrysotile*
- *Tar on Railroad Ties, West end of Bridge – 26% Chrysotile*
- *Tar on Wood Railing Base – 18% Chrysotile*

*Asbestos abatement procedures will be coordinated in removing these materials from the bridge.*



Impact on Growth and Character of Community or Neighborhood

19. Will Proposed Action affect the character of the existing community?

- Proposed Action will create or eliminate employment.

*Due to the nature of this project, both economic and fiscal benefits can be expected. An Economic & Fiscal Impact Report was prepared by Camoin Associates and is located in Appendix I of the Final Design Report. It is summarized in Section IV.B.2.a of the Final Design Report.*

*A total of \$14.6 Million in new annual visitor spending is anticipated in Dutchess and Ulster Counties. This new annual income translates to \$21 Million for Dutchess and Ulster Counties when the “multiplier effect” is considered. This would allow for the creation of 258 new local jobs, and \$7.9 Million in new wages. It would also create 155 new jobs elsewhere in the state, and \$4.8 Million in new wages.*

*Annual Economic Impact Summary*

	<b>Dutchess and Ulster Counties</b>	<b>New York State</b>
<i>New Sales</i>	<i>\$21,066,975</i>	<i>\$12,628,176</i>
<i>New Jobs</i>	<i>258</i>	<i>155</i>
<i>New Earnings</i>	<i>\$7,940,960</i>	<i>\$4,760,049</i>

*NOTES: Table is referenced from the Economic & Fiscal Impact Report by Camoin Associates*

## **NEPA Assessment Checklist**

**Poughkeepsie Highland Railroad Bridge over the Hudson River  
City of Poughkeepsie, Dutchess County & Town of Lloyd, Ulster County**

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**NEPA ASSESSMENT CHECKLIST**

**I. THRESHOLD QUESTION**

- |   |                          |                                     |
|---|--------------------------|-------------------------------------|
|   | YES                      | NO                                  |
| 1. Does the project involve unusual circumstances as described in 23 CFR §771.117(b)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- If YES, the project does not qualify as a Categorical Exclusion and an EA or EIS is required. You may STOP COMPLETING THE CHECKLIST.
  - If NO, go on.

**II. AUTOMATIC CATEGORICAL EXCLUSION**

- |  |                                     |                          |
|--|-------------------------------------|--------------------------|
|  | YES                                 | NO                       |
| 2. Is the project an action listed as an Automatic Categorical Exclusion in 23 CFR §771.117 (c) (C List) and/or is the project an element-specific project classified by FHWA as a Categorical Exclusion on July 22, 1996? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
- If YES to question 2, the project qualifies for a C List Categorical Exclusion. You may STOP COMPLETING THE CHECKLIST. The checklist should be included in the appendix of the Final Design Report (or Scope Summary Memorandum/Final Design Report). The CATEGORICAL EXCLUSION DETERMINATION memo is to be sent to the appropriate Main Office Design liaison unit with a copy of the Final Design Report (or Scope Summary Memorandum/Final Design Report). A copy of the CATEGORICAL EXCLUSION DETERMINATION memo must also be sent to the Office of Budget and Finance, Project and Letting Management, and others (see sample DETERMINATION memo attached).  
(Note – Even if YES to question 2, there may be specific environmental issues that still require an action such as an EO 11990 Wetland Finding or a determination of effect on cultural resources. The project is still an Automatic Categorical Exclusion but the necessary action must be taken, such as obtaining FHWA's signature on the wetland finding. Refer to the appropriate section of the Environmental Procedures Manual for guidance.)
  - If NO to question 2, go on.

**III. PROGRAMMATIC CATEGORICAL EXCLUSION**

- |   |                          |                          |
|---|--------------------------|--------------------------|
|   | YES                      | NO                       |
| 3. Is the project on a new location or does it involve a change in the functional classification or added mainline capacity (add through-traffic lanes)?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Is this a Type I project under 23 CFR 772, "Procedures for Abatement of Highway Traffic Noise and Construction"?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. If the project is located within the limits of a designated sole source aquifer area or the associated stream flow source area, is the drainage pattern altered?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Does the project involve changes in travel patterns?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Does the project involve the acquisition of more than minor amounts of temporary or permanent right-of-way (a minor amount of right-of-way is defined as not more than 10 percent of a parcel for parcels under 4 ha (10 acres) in size, 0.4 ha (1 acre) of a parcel 4 to 40.5 ha (10 to 100 acres) in size and 1 percent of parcel for parcels greater than 40.5 ha (100 acres) in size)? | <input type="checkbox"/> | <input type="checkbox"/> |

**Poughkeepsie Highland Railroad Bridge over the Hudson River  
City of Poughkeepsie, Dutchess County & Town of Lloyd, Ulster County**

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- |   | YES                      | NO                       |
|---|--------------------------|--------------------------|
| 8. Does the project require a Section 4(f) evaluation and determination in accordance with the FHWA guidance?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Does the project involve commercial or residential Displacement?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. If Section 106 applies, does FHWA's determination indicate an opinion of adverse effect?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Does the project involve any work in wetlands requiring a Nationwide Wetland Permit #23?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Does the project involve any work in wetlands requiring an individual Executive Order 11990 Wetland Finding?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Has it been determined that the project will significantly encroach upon a flood plain based on preliminary hydraulic analysis and consideration of EO 11988 criteria as appropriate?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Does the project involve construction in, across or adjacent to a river designated as a component proposed for or included in the National System of Wild and Scenic Rivers?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Does the project involve any change in access control?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Does the project involve any known hazardous materials sites or previous land uses with potential for hazardous material remains within the right-of-way?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Does the project occur in an area where there are Federally listed endangered or threatened species or critical habitat?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 18. Is the project, pursuant to EPM Chapter 1A and Table 2 and Table 3 of 40 CFR Parts 51 and 93, non-exempt or does it exceed any ambient air quality standard?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. Does the project lack consistency with the New York State Coastal Zone Management Plan and policies of the Department of State, Office of Coastal Zone Management?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Does the project impact or acquire any Prime or Unique Farmland as defined in 7 CFR Part 657 of the Federal Farmland Protection Policy Act <u>and</u> are there outstanding compliance activities necessary? ( <u>Note</u> : Interpret compliance activity to mean completion of Form AD 1006.) | <input type="checkbox"/> | <input type="checkbox"/> |

- If NO for questions 3-20, go on to answer question 21.
- If YES to any question 3-20, project will not qualify as a Programmatic Categorical Exclusion. Answer questions 21 and 22 for documentation only and go on to question 23.

**Poughkeepsie Highland Railroad Bridge over the Hudson River  
City of Poughkeepsie, Dutchess County & Town of Lloyd, Ulster County**

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21. Does the project involve the use of a temporary road,    
Detour or ramp closure?

- If NO to questions 3-20 and NO to question 21, the project qualifies as a Programmatic Categorical Exclusion. You may STOP COMPLETING THE CHECKLIST. The checklist should be included in the appendix of the Final Design Report (or Scope Summary Memorandum/Final Design Report). The CATEGORICAL EXCLUSION DETERMINATION memo is to be sent to the appropriate Main Office Design liaison unit with a copy of the Final Design Report (or Scope Summary Memorandum/Final Design Report). A copy of the Categorical Exclusion memo must also be sent to the Office of Budget and Finance, Project and Letting Management, and others (see sample DETERMINATION memo attached).
- If YES to question 21, preparer should complete question 22 (i-v). If questions 3-20 are NO and 21 is YES, the project will still qualify as a Programmatic Categorical Exclusion if questions 22 (i-v) are YES.

22. Since the project involves the use of temporary road, YES NO  
detour or ramp closure, will all of the following conditions  
be met:

- i. Provisions will be made for pedestrian access, where    
warranted, and access by local traffic and so posted.
- ii. Through-traffic dependent business will not be    
Adversely affected.
- iii. The detour or ramp closure, to the extent possible, will    
not interfere with any local special event or festival.
- iv. The temporary road, detour or ramp closure does not    
substantially change the environmental consequences  
of the action.
- v. There is no substantial controversy associated with    
The temporary road, detour or ramp closure.

- If question 3-20 are NO, 21 is YES and 22 (i-v) are YES, the project qualifies for a Programmatic Categorical Exclusion. You may STOP COMPLETING THE CHECKLIST. The checklist should be included in the appendix of the Final Design Report (or Scope Summary Memorandum/Final Design Report). The CATEGORICAL EXCLUSION DETERMINATION memo is to be sent to the appropriate Main Office Design liaison unit with a copy of the Final Design Report (or Scope Summary Memorandum/Final Design Report). A copy of the Categorical Exclusion memo must also be sent to the Office of Budget and Finance, Project and Letting Management, and others (see sample DETERMINATION memo attached).
- If questions 3-20 are NO, 21 is YES and any part of 22 is NO, go on to question 23.

23. Is the project section listed in 23 CFR §771.117(d) (D List) YES NO  
Or is the project an action similar to those listed in 23 CFR    
§771.117 (d)?

For those questions which precluded a Programmatic Categorical Exclusion, documentation should be provided for any YES response to questions 3-20 or for a NO response to any part of questions 22 (i-v). This documentation, as well as the checklist, should be included in the Design Approval Document, i.e., Final Design Report, etc., to be submitted to the Main Office/FHWA Design liaison unit for submission to the FHWA Division for classification of the project as a D List Categorical Exclusion.

# **US Coast Guard Jurisdiction Checklist**

ATTACHMENT 4.A.J. USCG Section 9 Permit Applicability Guidance

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## U. S. COAST GUARD JURISDICTION CHECKLIST

STEP 1. Does the project involve bridge work?

- YES, go to Step 2.  NO, end. USCG has no jurisdiction.

STEP 2. Is the waterway considered navigable by USCG?

- Presently used or susceptible to use in its natural condition or by reasonable improvement to be used as a means to TRANSPORT SUBSTANTIAL INTERSTATE COMMERCE.

If YES, considered NAVIGABLE; must assess need for Section 9 permit. Go to PERMIT APPLICABILITY table.

If NO, continue.

- Tidal waterway (subject to the ebb and flow of tide).

If YES, GO TO STEP 3 to determine if exempt by FHWA under Section 123(b) of the Surface Transportation and Uniform Relocation Act of 1987.

If NO, end. USCG has no jurisdiction.

STEP 3. Is the project federally funded?

- YES, go to Step 4.  NO, considered NAVIGABLE; must assess need for Section 9 permit. Go to PERMIT APPLICABILITY table.

STEP 4. Is the waterway navigable by vessels in excess of 21 feet in length?

- YES, considered NAVIGABLE; must assess need for Section 9 permit. Go to PERMIT APPLICABILITY table.  NO, waterway can be considered a minor tidal waterway and the project can be exempted by FHWA.

→ If the project involves bridge work over a waterway that is considered NAVIGABLE by USCG, review the PERMIT APPLICABILITY table to determine if a SECTION 9 permit is required. If a permit is required, prepare a permit application package and submit to the USCG.

**USCG SECTION 9 PERMIT APPLICABILITY**

<p>→ New or Replacement Bridge, including causeway</p>	<p>√ SECTION 9 PERMIT REQUIRED</p>
<p>→ Bridge Modification resulting in:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Change of Width (±)</li> <li><input type="checkbox"/> Change in Horizontal or Vertical Clearance, including:          installation of fender systems on piers where none existed before          pier or abutment stabilization work such as pouring collars or encapsulating a substructure resulting in a change of horizontal clearances          superstructure work that results in a change (±) of vertical clearances</li> <li><input type="checkbox"/> Major Change of Appearance</li> </ul>	<p>√ SECTION 9 PERMIT REQUIRED</p>
<p>→ Change of Bridge Structure Type</p>	<p>√ SECTION 9 PERMIT REQUIRED</p>
<p>→ <span style="border: 1px solid black; padding: 2px;">Bridge Rehabilitation Projects</span></p>	<p>√ NO SECTION 9 PERMIT REQUIRED          √ COORDINATE WITH USCG          √ ADD NOTES TO CONTRACT PROPOSAL</p>



## **U.S. COAST GUARD SECTION 9 PERMIT APPLICATION PACKAGE**

### Application Package Contents:

1. Location Map
2. Plan & Elevation View of Bridge (8½" x 11" sheet)
3. Section 401 Water Quality Certification from NYSDEC
4. Coastal Zone Management Certification from NYSDOS if in a mapped Coastal Area
5. Approved Environmental Document (Categorical Exclusion, EA/FONSI, EIS)
6. Official Orders (Authorization to Apply)

### Processing Time for Section 9 Permit:

1<sup>st</sup> Coast Guard District, Governors Island, NYC -- 8 to 12 months  
eastern portion of New York west to Canajoharie

9<sup>th</sup> Coast Guard District, Cleveland, OH -- 3 to 6 months  
western portion of New York west of Canajoharie

## **Coastal Zone Consistency**

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):
  - (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) X
  - (b) Financial assistance (e.g. grant, loan, subsidy) \_\_\_\_\_
  - (c) Permit, license, certification \_\_\_\_\_
2. Describe nature and extent of action: Transform the existing Poughkeepsie Highland Railroad Bridge over the Hudson River into a pedestrian public park. The 6,768-foot long bridge is listed on the National Register of Historic Places. The action will preserve this historic resource and will provide access for the public to view the structure and scenic views of the Hudson River Valley from 212 feet above the river. It will also connect existing and future trail projects on both sides of the river. See the Walkway Over the Hudson Draft Design Report, November 2007 for additional details.
3. Location of action:

Dutchess	City of Poughkeepsie	Spans Hudson River
Ulster	Town of Lloyd	
_____	_____	_____
County	City, Town or Village	Street or Site Description

4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:

- (a) Name of applicant: \_\_\_\_\_
- (b) Mailing address: \_\_\_\_\_
- (c) Telephone Number: Area Code (\_\_\_\_) \_\_\_\_\_
- (d) State agency application number: \_\_\_\_\_

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes \_\_\_\_\_ No X If yes, which federal agency? \_\_\_\_\_

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:

	<u>YES</u>	<u>NO</u>
(a) Significant fish or wildlife habitats? .....	<u>X</u>	___
(b) Scenic resources of statewide significance? .....	<u>X</u>	___
(c) Important agricultural lands? .....	___	<u>X</u>

2. Will the proposed activity have a significant effect upon:

(a) Commercial or recreational use of fish and wildlife resources? .....	___	<u>X</u>
(b) Scenic quality of the coastal environment? .....	___	<u>X</u>
(c) Development of future, or existing water dependent uses? .....	___	<u>X</u>
(d) Operation of the State's major ports? .....	___	<u>X</u>
(e) Land and water uses within the State's small harbors? .....	___	<u>X</u>
(f) Existing or potential public recreation opportunities? .....	<u>X</u>	___
(g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation? .....	<u>X</u>	___

3. Will the proposed activity involve or result in any of the following:

(a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters? .....	___	<u>X</u>
(b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area? .....	___	<u>X</u>
(c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area? .....	___	<u>X</u>
(d) Energy facility not subject to Article VII or VIII of the Public Service Law? .....	___	<u>X</u>
(e) Mining, excavation, filling or dredging in coastal waters? .....	___	<u>X</u>
(f) Reduction of existing or potential public access to or along the shore? .....	___	<u>X</u>
(g) Sale or change in use of state-owned lands located on the shoreline or under water? .....	___	<u>X</u>
(h) Development within a designated flood or erosion hazard area? .....	___	<u>X</u>
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? .....	___	<u>X</u>

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program? .....

X \_\_\_

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or  
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN one copy of the Completed Coastal Assessment Form shall be submitted to:

New York State Department of State  
Division of Coastal Resources  
41 State Street, 8th Floor  
Albany, New York 12231

If assistance of further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

On the east, the Poughkeepsie Highland Railroad Bridge spans the coastal boundary and the waterfront revitalization area of the City of Poughkeepsie Local Waterfront Revitalization Program (LWRP). This LWRP has been adopted by the City of Poughkeepsie, but it has not been approved by the NYSDOS. Therefore consistency on the east side of the project is with the State Policies.

On the west side, the Poughkeepsie Highland Railroad Bridge spans the waterfront revitalization area of the Town of Lloyd LWRP. This LWRP has been adopted by the Town of Lloyd and has been approved by the NYSDOS. Therefore, the policies and purposes of the LWRP are substituted for those of the State Coastal Policies.

Please see the the attached supplemental information.

Preparer's Name: James F. Boggs  
(Please print)

Title: Sr. Environmental Scientist Agency: Bergmann Associates

Telephone Number: (585) 232-5137 Ext. 437 Date: February 7, 2008

Attachment to State Coastal Assessment Form

WALKWAY OVER THE HUDSON  
City of Poughkeepsie and Town of Lloyd

1. Supplemental Project Information

On November 12, 2007, the New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP) sent a copy of the document, "Walkway Over the Hudson, Draft Design Report" dated November 2007 (Design Report) to the New York State Department of State, Division of Coastal Resources. Details regarding the proposed action are documented in that report, and are referenced in this supplemental information where appropriate. The Preferred Alternative for the Design Report is the "Rehabilitation Alternative."

Following are clarifications and changes that have occurred since the November 2007 report.

Ownership

The bridge is currently owned and maintained by Walkway Over the Hudson, a not-for-profit organization. Upon completion of the project, the New York State Office of Parks, Recreation and Historic Preservation will assume responsibility for administering public use of the Walkway Over the Hudson, including staffing, operating costs, and maintaining the trail features and associated public facilities. Ownership of the bridge structure will be transferred to an appropriate New York State entity (not yet determined) which will be responsible for maintaining the bridge deck, steel superstructure, piers, and substructure."

Funding

The project originally included Federal funding through the Federal Highway Administration as a Locally Administered Federal Aid Project. This funding has recently (February 2008) been taken out of the project. Current funding sources include:

- New York State through the NYS OPRHP
- Walkway Over the Hudson (from private contributions)
- Dyson Foundation

Additional funding sources continue to be sought.

Work on Piers

This is to clarify that work will not be done on the piers in the Hudson River as part of this action. These piers will instead be monitored, and maintenance work may be performed at some time in the future.

Anticipated Agency Permits

The Hudson River is considered a navigable waterway by the U.S. Army Corps of Engineers (USACE) and by U.S. Coast Guard (USCG). Since the Hudson River is navigable, Sections 9 and 10 of the Rivers and Harbors Act of 1899 apply to work performed above and in the river respectively. A "U. S. Coast Guard Jurisdiction Checklist" has been completed and is included in Appendix G of the Design Report. The Rehabilitation Alternative is considered a Bridge

Rehabilitation Project. It will not include any change in horizontal or vertical clearance. As noted in the form, a Section 9 permit should not be required from the USCG, but coordination will be required in the performance of work on the project.

Section 10 (33 U.S.C. 403) covers construction, excavation, or deposition of materials in, over, or under such waters, or any work which would affect the course, location, condition, or capacity of those waters. Inquiry was made of the USACE New York District regarding applicability of Section 10 to the proposed project. It was determined that since no work is proposed in the water, but over the water only, a Section 10 permit (nationwide or individual) would not be required.<sup>1</sup>

Coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) is anticipated because construction activities are expected to disturb more than one acre of soil.

A New York State Department of Transportation Highway Work Permit may be needed because the project will involve work over State roadways.

#### Connection to Other Trails

The Dutchess County Rail-Trail will be located along the along the CSX rail bed, stretching from East Fishkill to Morgan Lake, in the City of Poughkeepsie. The final phase of construction for this project is scheduled to begin in the Fall of 2008. This project is located approximately 1.3 miles east of the eastern terminus of the Poughkeepsie-Highland Railroad Bridge, and is a key component in the regional pedestrian/bicycle network.

Dutchess County is in negotiations to purchase the 1.3 mile stretch of CSX owned rail bed between the Walkway Over the Hudson project and Morgan Lake. The County would use this rail bed to connect the Walkway and Ulster County Trails to the Dutchess County rail-trail network.

In Ulster County, the Hudson Valley Rail-Trail Project will be expanded to include the stretch of railroad from Haviland Road to Commercial Avenue and is planned to be open by September 2009. This rail-trail project will link the Walkway Over the Hudson bridge to the regional pedestrian and bike network on the west side of the Hudson River.

The NYS OPRHP recently acquired ownership of the Scenic Hudson wooded hillside trail system (Franny Reese Preserve) on the west side of the bridge. Walkway Over the Hudson users will be able to access this wooded parkland using Haviland Road. Upon completion of the Hudson Valley Rail-Trail section between Haviland Road and Commercial Avenue, trail users will have direct access between the Scenic Hudson trail system and the Walkway Over the Hudson bridge.

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<sup>1</sup> Telephone conversation with representatives of USACE, New York District, on January 15, 2008.

Proposed Walkway Rendering.





2. Supplemental Information for Coastal Assessment Form, Section C – Discussion of Policies

On the east, the Poughkeepsie Highland Railroad Bridge spans the coastal boundary and the waterfront revitalization area of the City of Poughkeepsie Local Waterfront Revitalization Program (LWRP). This LWRP has been adopted by the City of Poughkeepsie, but it has not been approved by the NYSDOS. Therefore consistency on the east side of the project is with the State Policies.

On the west side, the Poughkeepsie Highland Railroad Bridge spans the waterfront revitalization area of the Town of Lloyd LWRP. This LWRP has been adopted by the Town of Lloyd and has been approved by the NYSDOS. Therefore, the policies and purposes of the LWRP are substituted for those of the State Coastal Policies.

The NYS OPRHP, as lead agency under SEQR, has determined that this project will be consistent with all applicable coastal policies. The following is a listing of the policies identified in Section C which are affected by this project, and a brief assessment of how the project is consistent with each policy.

**C.1(a). Significant fish or wildlife habitats**

STATE POLICIES:

POLICY 7. SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS WILL BE PROTECTED, PRESERVED, AND WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

POLICY 8. PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

TOWN OF LLOYD LWRP POLICIES:

POLICY 7. SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

POLICY 7A. PROTECT AND PRESERVE THE VIABILITY OF THE POUGHKEEPSIE DEEP WATER HABITAT AND THE SHORTNOSE STURGEON, WHICH IS CONSIDERED AN ENDANGERED SPECIES.

POLICY 7B. PROTECT, PRESERVE AND ENHANCE THE WOODED BLUFFS OF THE HUDSON RIVER SHORE, WHICH IS HABITAT TO THE BALD EAGLE

(ENDANGERED SPECIES), THE OSPREY (THREATENED), AND PEREGRINE FALCON, AS WELL AS MANY OTHER BIRD SPECIES.

POLICY 8. PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH USE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

POLICY 8A. PROTECT FISH AND WILDLIFE RESOURCE IN THE WATERFRONT AREA FROM ANY POSSIBLE HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH MAY BE PRESENT ANYWHERE WITHIN THE WATERFRONT AREA, INCLUDING THE COSTANTINO LANDFILL.

The project spans over a stretch of the Hudson River that is part of the “Poughkeepsie Deepwater Habitat,” which has been designated as a Significant Coastal Fish and Wildlife Habitat under New York State's Coastal Management Program. The Poughkeepsie Deepwater Habitat encompasses a 14-mile stretch of the Hudson River extending from the Villages of West Park in Ulster County and Hyde Park in Dutchess County south to the hamlet of Marlboro in Ulster County. It is a nearly continuous river bottom trench, from 30 feet deep to the bottom. Most of this area has water depths of 50 feet or greater. This habitat provides wintering habitat for the shortnose sturgeon (identified in Town of Lloyd Policy 7A) and it supports an unusual diversity of marine species. Shortnose sturgeon also use this area as a spawning ground. A unique feature of this habitat is that denser brackish water is overlain by fresh water near the salt wedge, providing an environment that supports a variety of estuarine and marine species, including Atlantic silverside (*Menidia menidia*), bay anchovies (*Anchoa mitchilli*), bluefish (*Pomatomus saltatrix*), weakfish (*Cynoscion regalis*) and hogchokers (*Trinectes maculatus*).<sup>2</sup> In addition, large numbers of striped bass (*Morone saxatilis*) spawn in this area along with Atlantic tomcod (*Microgadus tomcod*) and white perch (*Morone americana*).<sup>3</sup>

A habitat impairment test must be met for any activity that is subject to consistency review under federal and state laws, or under applicable local laws contained in the Town of Lloyd approved Local Waterfront Revitalization Program or in the New York State Coastal Boundary. The specific habitat impairment test that must be met is as follows: In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or,
- significantly impair the viability of a habitat.

The action will not involve any work in the waters of the Hudson River as discussed in Section IV.B.3.c of the Design Report. Any construction work performed on the land surface and construction access areas will be protected with appropriate erosion and sediment control as discussed in Section IV.B.3.c. None of the construction will alter the temperature, substrate or

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<sup>2</sup> See: [http://www.nyswaterfronts.com/waterfront\\_natural\\_narratives.asp](http://www.nyswaterfronts.com/waterfront_natural_narratives.asp)  
[http://training.fws.gov/library/pubs5/web\\_link/text/upp\\_hud.htm](http://training.fws.gov/library/pubs5/web_link/text/upp_hud.htm)

<sup>3</sup> Letter dated April 1, 1998 from NYSDEC to NYSDOS regarding the City of Poughkeepsie LWRP.

salinity of the river. To ensure that the action will meet the habitat impairment test, project specifications will require measures to prevent construction debris from falling into the water.

The action will not impact the wooded bluffs of the Hudson River shore in the Town of Lloyd. Section IV.B.3.a(2) documents the potential for impact to threatened and endangered species. The action will not impact any State or Federal threatened or endangered species.

### **C.1(b). Scenic Resources of Statewide Significance.**

#### STATE POLICIES:

POLICY 24. PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE.

#### TOWN OF LLOYD LWRP POLICIES:

POLICY 24. PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE, AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE:

- (I) THE IRREVERSIBLE MODIFICATION OF GEOLOGIC FORMS, THE DESTRUCTION OR REMOVAL OF VEGETATION, THE DESTRUCTION OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND
- (II) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

POLICY 24A. PREVENT IMPAIRMENT OF THE ESOPUS/LLOYD AND ESTATES DISTRICT SCENIC AREAS OF STATEWIDE SIGNIFICANCE.

The proposed Walkway Over the Hudson and associated project area lies within the Esopus/Lloyd Scenic Area of Statewide Significance (SASS) EL-5 Highland Bluffs Subunit. This subunit is generally located along the western shore of the Hudson River and extends to the eastern shore. The physical character of this scenic subunit consists of steep wooded bluffs that rise 150 feet above the Hudson River. Rock cliffs and rock cuts for the railroad tracks and the access road to the Mid-Hudson Bridge accentuate the steepness.

On the western side, the narrow shoreline of the Hudson River is accentuated by the strong linear form of the existing CSX railroad. Above the bluffs, where the bridge meets grade, is a small section of rolling upland. Vegetation on the western shore consists of dense woodland, occasionally disturbed by clearing for residential structures. This section of the river is straight

north and south of the Walkway. The Walkway structure, once it reaches the western side of the river, disappears into the wooded steep slope and is not visible to the traveling public, except for nearby residents.

No significant visual impacts are expected from this project. There will be no perceptible change to the bridge structure to viewers due to the size and scale of the bridge, due to the expansive viewing distances to the bridge from either the river or the shorelines, and due to the limited and/or restricted views of the bridge from land. The change in railing type and the addition of light poles will be a very minor, if perceptible, change to the current bridge. In addition, close views of the bridge are generally from the base of the bridge which affords views largely of the underside. If visible at all, new elements on the surface of the bridge will have varying degrees of visibility and will not be significant. Also, the action will open up new vantage points and access for viewing the Esopus/ Lloyd SASS.

**C.2(f). Existing or potential public recreation opportunities.**

STATE POLICIES:

POLICY 19. PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES.

POLICY 20. ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY-OWNED SHALL BE PROVIDED AND IT SHALL BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES.

POLICY 21. WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER-RELATED USED ALONG THE COAST.

TOWN OF LLOYD LWRP POLICIES:

POLICY 19. PROJECT, MAINTAIN AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.

POLICY 19A. INCREASE THE ACCESS TO, AND ENJOYMENT OF, THE WALKWAYS OF THE MID-HUDSON BRIDGE AND REVITALIZE JOHNSON IORIO

MEMORIAL PARK BY ADDRESSING THE COMMUNITIES' CONCERN REGARDING PUBLIC SAFETY AND VANDALISM AT THESE SITES.

POLICY 19B. ENSURE THAT ALL POSSIBILITIES FOR INCREASED ACCESS BOTH PHYSICAL AND VISUAL, TO PUBLICLY OWNED LAND AND TO THE RIVER ITSELF ARE CONSIDERED AND EVALUATED DURING THE PLANNING AND CONSTRUCTION OF A SECOND HUDSON RIVER BRIDGE WITH A TERMINUS IN THE TOWN OF LLOYD.

POLICY 20. ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY-OWNED SHALL BE PROVIDED AND IT SHALL BE PROVIDED, AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

POLICY 20A. IMPROVE ACCESS ACROSS THE RAILROAD TRACKS OWNED BY CONRAIL TO THE RIVER AND THE WATER'S EDGE AND TO THE AREAS EAST OF THE TRACKS AT HIGHLAND LANDING AND THE FORMER COLUMBIA BOATHOUSE.

POLICY 20B. LANDS UNDER THE WATERS OF THE HUDSON RIVER CURRENTLY UNDER PUBLIC OWNERSHIP AND ADJACENT TO THE PUBLICLY OWNED FORESHORE OR THE WATER'S EDGE SHOULD REMAIN IN PUBLIC OWNERSHIP.

POLICY 21. WATER DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATIONAL OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

POLICY 21A. CONTINUED ACCESS TO, AND USE OF, THE LAND EAST OF THE RAILROAD TRACK AT HIGHLAND LANDING AND AT THE FORMER COLUMBIA BOATHOUSE FOR WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE FACILITATED AND GIVEN HIGHEST PRIORITY OVER ANY NON-WATER-DEPENDENT USES, OR WATER-ENHANCED USES SUCH AS RESIDENTIAL DEVELOPMENT, WHICH WOULD LIMIT PUBLIC ACCESS TO AND ENJOYMENT OF THE RIVER.

POLICY 21B. INCREASE THE PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES OF THE TOWN THROUGH THE ACQUISITION OF LAND OR EASEMENTS FOR THIS SPECIFIC PURPOSE. DURING THE REVIEW OF DEVELOPMENT OCCURRING IN THE COASTAL ZONE, THE PROVISION OF PUBLIC ACCESS WILL BE ENCOURAGED. DEVELOPMENT OF A BLUFF TRAIL MAY BE POSSIBLE ON THE UPLANDS TO THE SOUTH OF THE BRIDGE.

POLICY 21C. PASSIVE RECREATIONAL FACILITIES AND ACTIVITIES, SUCH AS PEDESTRIAN AND BICYCLE TRAILS, PICNIC AREAS, SCENIC OVERLOOKS, AND BIRDWATCHING WHICH ARE WATER-ENHANCED, SHALL BE ENCOURAGED ALONG THE BLUFF LINE AND IMMEDIATE UPLAND AREAS. MIXED-USE AND MULTI-USE DEVELOPMENT SHALL BE ENCOURAGED IN ORDER TO BALANCE PUBLIC RECREATIONAL NEEDS WITH RESIDENTIAL DEVELOPMENT WHICH ARE CONSIDERED WATER-ENHANCED.

The proposed project is necessary to provide a safe, convenient, and unique open space link between Dutchess and Ulster counties.

As a result of the action, the abandoned Poughkeepsie Highland Railroad Bridge will become a New York State Park facility, offering passive recreation activities including a pedestrian and bicycle trail, picnic area, scenic overlooks and birdwatching. The action will provide connection with other trails and recreation facilities on both sides of the Hudson (see above).

**C.2(g). Structures, sites or districts of historic, archeological or cultural significance to the State or nation.**

STATE POLICIES:

POLICY 23. PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.

TOWN OF LLOYD LWRP POLICIES:

POLICY 23. PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.

POLICY 23A. PROTECT AND PRESERVE HISTORIC LAND USE PATTERNS WHICH CONTRIBUTE TO THE IDENTITY AND ATTRACTION OF THE HIGHLAND AREA AND ITS WATERFRONT.

The Poughkeepsie-Highland Railroad Bridge holds tremendous historic significance: constructed in 1888, it was the longest bridge in the world when the first train crossed it. The completion of this bridge established a vital link in the transportation of people and goods between Albany and New York City. Although the need for freight transportation between Albany and New York City continues today, the Poughkeepsie-Highland Railroad Bridge ended rail service in 1974 following a decline in demand for the use of this particular bridge.

The bridge is considered a 19<sup>th</sup> Century engineering marvel, having set records for the use of structural steel, and the length of its spans. The four river piers are supported on massive concrete filled, timber crib foundations over ten stories tall. Railroad traffic over the bridge increased dramatically in the early 20<sup>th</sup> century, resulting in the need for immense improvements. Between 1906 and 1907, and later between 1918 and 1919, structural steel was added to accommodate longer and heavier trains. Train volumes exceeded 3500 cars/day during World War II. It wasn't until the late 1950's that traffic volumes on the bridge began a steady decline, a decline that was attributed to the creation of the interstate highway system, as well as the opening of the Castleton-on-Hudson railroad bridge just south of Albany.

The last train crossed the bridge in 1974. A fire erupted on the east side of the bridge damaging rail ties and decking material. This incident, along with the declining demand for use of the bridge, prompted the bridge owner, Penn Central, to terminate service. Following the fire incident, the east approach was stripped of railroad ties, rail, and other surface features to prevent the possibility of un-maintained materials falling onto residents, streets and rail lines beneath the bridge. In this stripped area, only the bridge superstructure remains.

The bridge was listed on the National Register of Historic Places on February 23, 1979. One of the objectives of this action is to save and restore this historic and educational resource.

The project, to restore this bridge, is consistent with Policy 23 of the Town of Lloyd's LWRP. This project will address safety issues and provide a means for the restoration and preservation of a significant historic resource. In addition, the project will provide important public recreation opportunities that are consistent with the recreation needs and historic preservation.

In a letter dated January 25, 2008, the NYS OPRHP Field Services Bureau determined that the proposed project will have No Adverse Effect on the Poughkeepsie Railroad Bridge with the condition that project details, including railings, decking, lighting, vertical access, electrical service, water service, etc. will be developed in consultation with the SHPO.



## New York State Office of Parks, Recreation and Historic Preservation

The Governor Nelson A. Rockefeller Empire State Plaza • Agency Building 1, Albany, New York 12238  
www.nysparks.com

**Eliot Spitzer**  
Governor  
**Carol Ash**  
Commissioner

### CERTIFICATION OF CONSISTENCY PURSUANT TO THE WATERFRONT REVITALIZATION AND COASTAL RESOURCES ACT, EXECUTIVE LAW, ARTICLE 42

**Action:** Walkway Over The Hudson

**Location:** Poughkeepsie Highland Railroad Bridge  
City of Poughkeepsie, Dutchess County and Town of Lloyd, Ulster County,

OPRHP certifies to the Secretary of State that:

the action will not substantially hinder the achievement of any of the State coastal policies; or (if applicable) policies and purposes of the approved local waterfront revitalization program (lwrp).

the action will substantially hinder the achievement of coastal policies \_\_\_; or (if applicable) policies and purposes of the approved local waterfront revitalization program; however, OPRHP certifies that:

- a) no reasonable alternatives exist which would permit the action to be taken in a manner which would not substantially hinder such policies or purposes.
- b) the action taken will minimize all adverse effects on such policies to the maximum extent practicable.
- c) for action not in lwrp area, the action will advance policies \_\_\_.
- d) the action will result in an overriding regional or statewide benefit.

Feb 20, 2008

Date

Thomas B. Lyons

Director, Resource Management  
NYS OPRHP  
518/474-0409



Town Of Lloyd  
12 Church Street  
Highland, NY 12528 &n bsp;

Mr. Tom Lyons  
N.Y. State Parks (OPRHP)

2-19-08

Re: WALKWAY OVER THE HUDSON PROJECT

Dear Mr. Lyons,

The Town Of Lloyd concurs with the **determination of consistency** with our Town's Local Waterfront Revitalization Plan and coastal development by NYS Dept. of State and OPRHP.

Raymond Costantino, Supervisor  
Town of Lloyd

2/20/2008

**Correspondence Regarding:**

- Threatened and Endangered Species**
- Historic Preservation**
- Hazardous Waste**

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

21 South Platt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 • FAX: (845) 255-3042

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



RECEIVED  
OCT 24 2007

BY:.....

Alexander B. Grannis  
Commissioner

Mark Lester  
28 East main Street  
200 First Federal Plaza  
Rochester, NY 14614

Date: 10/18/07

RE: "Walkway over the Hudson" Poughkeepsie Highland RR Bridge - see attached maps  
Location: T/ Lloyd/Poughkeepsie, Ulster/Dutchess County

Dear Mark Lester:

Based upon our review of your inquiry dated Sept 24, 2007, we offer the following comments:

**PROTECTION OF WATERS**

The following stream(s)/pond(s)/waterbody(ies) is(are) located within or near the site you indicated:

Name	Class	DEC Water Index Number	Status
Hudson River	[A]	H	[Protected, non-protected, navigable]
Trib of Hudson River	[C]	H-115	[Protected, non-protected, navigable]
Fall Kill Creek	C	H-114	non-protected

A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." A permit is not required to disturb the bed or banks of "non-protected" streams.

A Protection of Waters permit is required for any excavation or filling below the mean high water line of any waterbodies identified above as "navigable."

There are no waterbodies that appear on our regulatory maps at the location/project site you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds, \_\_\_\_\_, Class "\_\_\_\_\_", and a Protection of Waters permit is/is not required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit is not required.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

**FRESHWATER WETLANDS**

Your project/site is near or in Freshwater Wetland \_\_\_\_\_, Class \_\_\_\_\_. Be aware that a Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100 foot adjacent area. To have the boundary delineated, please read the attached notice.

RE: Walkway Over the Hudson

Date: 10/18/07

Your project/site is not within a New York State protected Freshwater Wetland. However, please contact your town officials and the United States Army Corps of Engineers in New York City, telephone (917) 790-8511 (Westchester/Rockland Counties), or (917) 790-8411 (other counties), for any permitting they might require.

**STATE-LISTED SPECIES**

DEC has reviewed the State's Master Habitat Databank (MHDB) records. We have determined that the site is located within or near record(s) of the following state-listed species: see above <sup>Heartleaf Plantain, Shortnose Sturgeon</sup>. If your inquiry is related to a specific development project, additional evaluation of the potential impacts of this project related to the sensitive resource(s) identified by this review, may be required. Please contact the person noted below.

No records of sensitive resources were identified by this review.

**OTHER:** According to our records there are no primary aquifers within the project area.

Please contact the municipalities or the County health departments for information on aquifers and municipal water supply wells.

Please note that this letter only addresses the requirements for the following permits from the Department:

- Freshwater Wetlands
- Master Habitat Databank
- Other: \_\_\_\_\_
- Protection of Waters

and that other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at [www.dec.ny.gov](http://www.dec.ny.gov) under "Programs" then "Division of Environmental Permits."

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,

Tara Seane  
Division of Environmental Permits  
Region 3, Telephone No. 845/256-3801

- Information/Permit Materials/Regulations/Map (Poughkeepsie Quadrangle) Attached.
- Web page information
- NYC DEP Contact Information (this site is within the NYC Watershed).

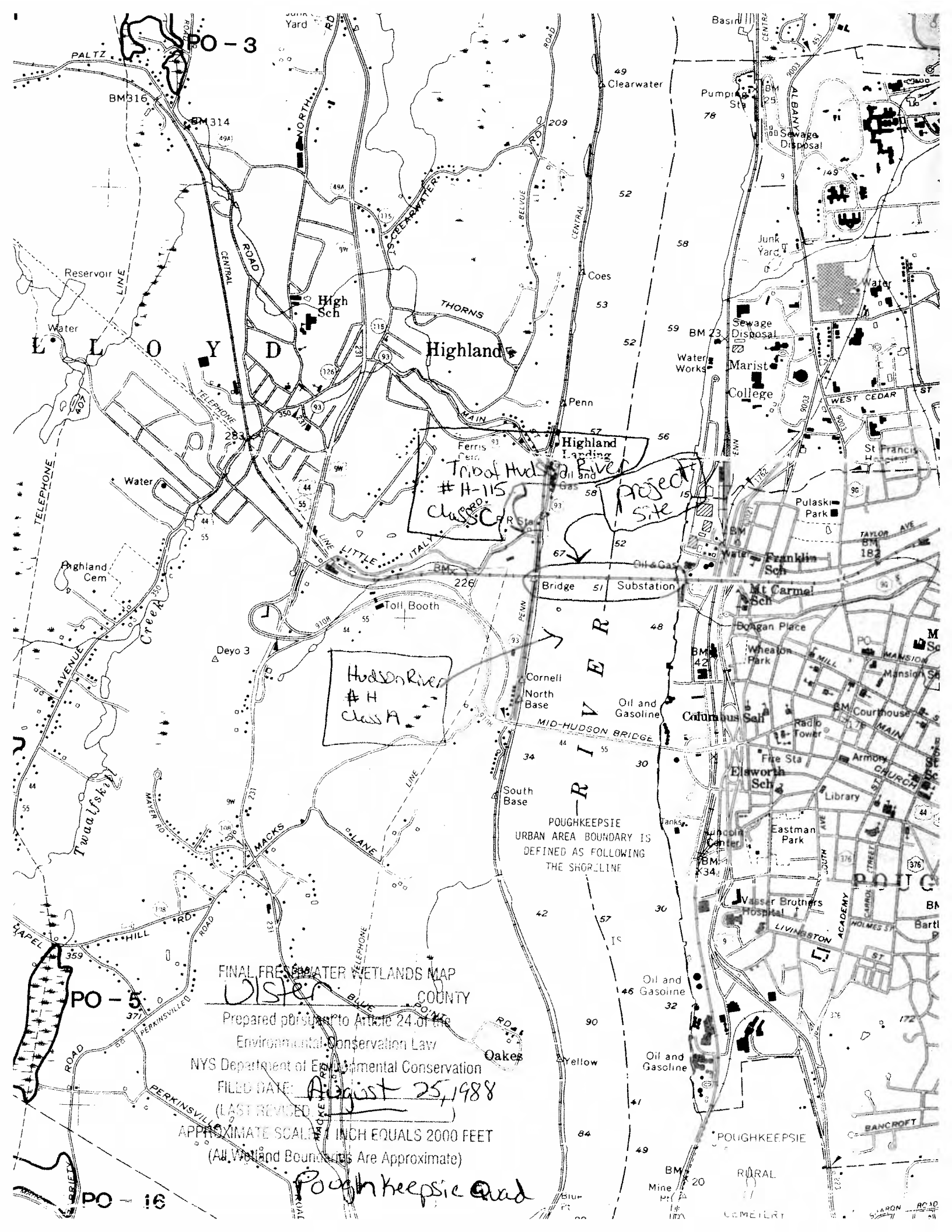
cc: \_\_\_\_\_

**NOTE: Regarding erosion/sedimentation control requirements:**

Stormwater discharges now require a SPDES Stormwater permit from this Department if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- result from construction projects involving the disturbance of one (1) or more acres of land.

Your project may be covered under one of two Statewide General Permits or may require an individual permit. If you believe your project would be covered under one of the General Permits and does not require any other DEC permits you may apply for coverage by filing a Notice of Intent with NYSDEC, Division of Water, 625 Broadway, Albany NY 12233-3505, (forms & permits available from this office or DEC Website at [www.dec.ny.gov](http://www.dec.ny.gov) or call 518-402-8109). If your project involves other DEC permits, please contact the regional Division of Environmental Permits office (see above).



FINAL FRESHWATER WETLANDS MAP  
 WISSE COUNTY

Prepared pursuant to Article 24 of the  
 Environmental Conservation Law

NYS Department of Environmental Conservation

FILED DATE: August 25, 1988

(LAST REVISED: )

APPROXIMATE SCALE: 1 INCH EQUALS 2000 FEET

(All Wetland Boundaries Are Approximate)

Poughkeepsie Quad

POUGHKEEPSIE  
 URBAN AREA BOUNDARY IS  
 DEFINED AS FOLLOWING  
 THE SHORLINE

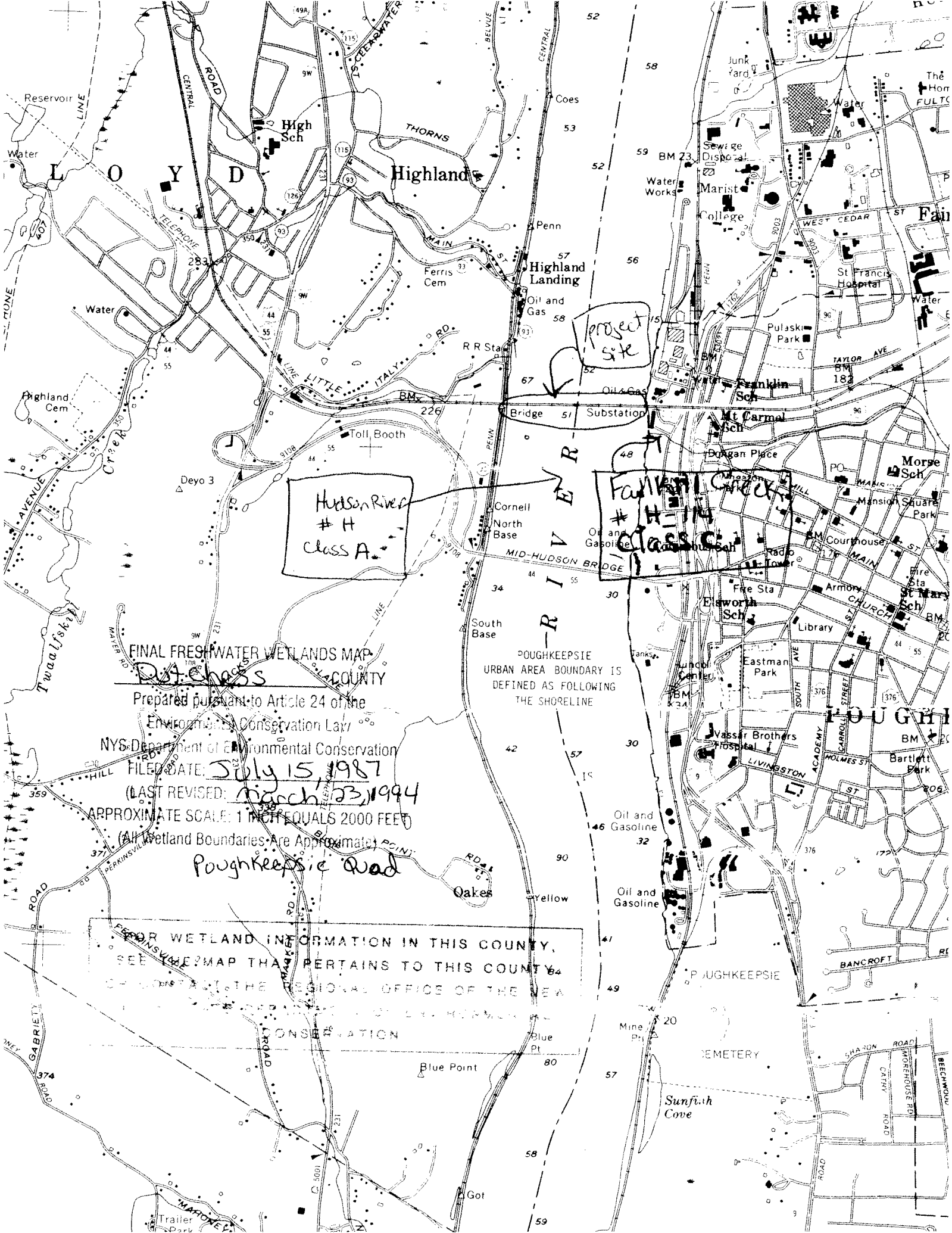
Trib of Hudson River  
 #H-115  
 class C  
 Project Site

Hudson River  
 #H  
 class A



PALTZ  
 PO - 3  
 BM 316  
 BM 314  
 Reservoir  
 Water  
 LLOYD  
 High Sch  
 THORNS  
 Highland  
 Penn  
 Ferris Sch  
 Highland Landing  
 Oil and Gas  
 Project Site  
 Water  
 Franklin Sch  
 Mt Carmel Sch  
 Bogan Place  
 Wheaton Park  
 Fire Sta  
 Elsworth Sch  
 Library  
 Eastman Park  
 Vassar Brothers Hospital  
 POUGHKEEPSIE  
 RURAL  
 CEMETERY  
 PO - 5  
 PO - 16

Basin  
 CENTRE  
 Albany  
 Sewage Disposal  
 Pump Sta  
 78  
 9  
 145  
 Junk Yard  
 Water  
 Sewage Disposal  
 Marist College  
 WEST CEDAR ST  
 St Francis  
 Pulaski Park  
 TAYLOR AVE  
 182  
 Franklin Sch  
 Mt Carmel Sch  
 Bogan Place  
 Wheaton Park  
 Fire Sta  
 Elsworth Sch  
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**FINAL FRESHWATER WETLANDS MAP**  
*D.J. Chass*

Prepared pursuant to Article 24 of the  
 Environmental Conservation Law

NYS Department of Environmental Conservation

FILED DATE: *July 15, 1987*

(LAST REVISED: *March 23, 1994*)

APPROXIMATE SCALE: 1 INCH EQUALS 2000 FEET

(All Wetland Boundaries Are Approximate)

*Poughkeepsie Road*

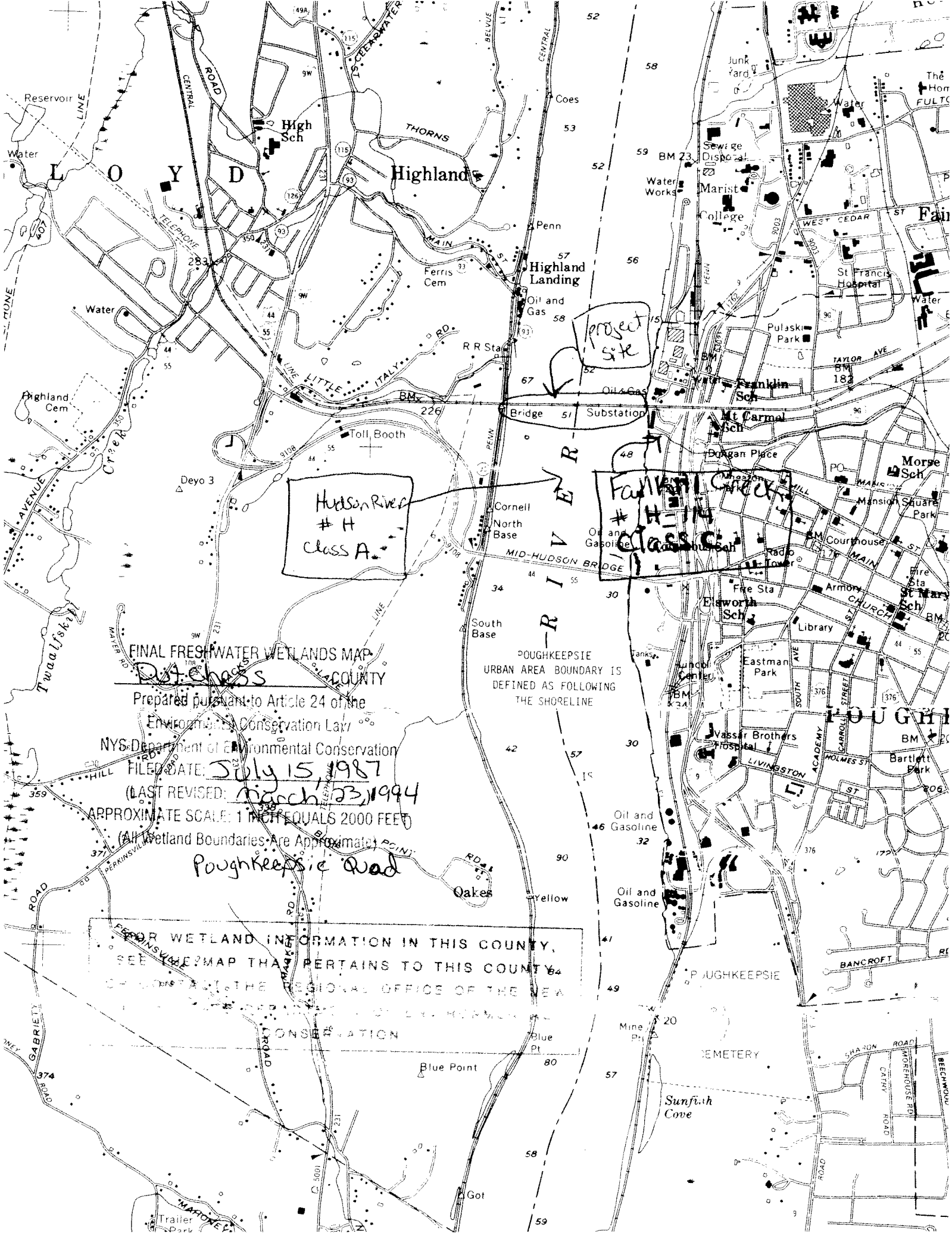
FOR WETLAND INFORMATION IN THIS COUNTY,  
 SEE THE MAP THAT PERTAINS TO THIS COUNTY  
 OF THE REGIONAL OFFICE OF THE NEW YORK  
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

POUGHKEEPSIE  
 URBAN AREA BOUNDARY IS  
 DEFINED AS FOLLOWING  
 THE SHORELINE

*project site*

*Hudson River # H Class A*

*Fairfax Creek # H Class C*





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE



New York Field Office  
3817 Luker Road, Cortland, NY 13045  
Phone: (607) 753-9334  
Fax: (607) 753-9699

Long Island Field Office  
3 Old Barto Rd., Brookhaven, NY 11719  
Phone: (631) 776-1401  
Fax: (631) 776-1405

### Endangered Species Act List Request Response Cover Sheet

This cover sheet is provided in response to a search of our website\* for information regarding the potential presence of species under jurisdiction of the U.S. Fish and Wildlife Service (Service) within a proposed project area.

Attached is a copy of the New York State County List of Threatened, Endangered, and Candidate Species for the appropriate county(ies). The database that we use to respond to list requests was developed primarily to assist Federal agencies that are consulting with us under Section 7(a)(2) of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). Our lists include all Federally-listed, proposed, and candidate species known to occur, as well as those likely to occur, in specific counties.

The attached information is designed to assist project sponsors or applicants through the process of determining whether a Federally-listed, proposed, or candidate species and/or “critical habitat” may occur within their proposed project area and when it is appropriate to contact our offices for additional coordination or consultation. You may be aware that our offices have provided much of this information in the past in project-specific letters. However, due to increasing project review workloads and decreasing staff, we are now providing as much information as possible through our website. We encourage anyone requesting species list information to print out all materials used in any analyses of effects on listed, proposed, or candidate species.

The Service routinely updates this database as species are proposed, listed, and delisted, or as we obtain new biological information or specific presence/absence information for listed species. If project proponents coordinate with the Service to address proposed and candidate species in early stages of planning, this should not be a problem if these species are eventually listed. However, we recommend that both project proponents and reviewing agencies retrieve from our online database an *updated* list every 90 days to append to this document to ensure that listed species presence/absence information for the proposed project is *current*.

**Reminder:** Section 9 of the ESA prohibits unauthorized taking\*\* of listed species and applies to Federal and non-Federal activities. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to “take\*\*” any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for “take\*\*,” or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the Service, to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species.

For instance, work in certain waters of the United States, including wetlands and streams, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*), the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).\*

For additional information on fish and wildlife resources or State-listed species, we suggest contacting the appropriate New York State Department of Environmental Conservation regional office(s) and the New York Natural Heritage Program Information Services.\*

Since wetlands, ponds, streams, or open or sheltered coastal waters may be present in the project area, it may be helpful to utilize the National Wetlands Inventory (NWI) maps as an initial screening tool. However, they may or may not be available for the project area. Please note that while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Online information on the NWI program and digital data can be downloaded from Wetlands Mapper, [http://wetlands.fws.gov/mapper\\_tool.htm](http://wetlands.fws.gov/mapper_tool.htm).

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. After reviewing our website and following the steps outlined, we encourage both project proponents and reviewing agencies to contact our office to determine whether an accurate determination of species impacts has been made. If there are any questions about our county lists or agency or project proponent responsibilities under the ESA, please contact the New York or Long Island Field Office Endangered Species Program at the numbers listed above.

Attachment (county list of species)

\*Additional information referred to above may be found on our website at:  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

\*\* Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to **take** (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.





## Dutchess County

### Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

#### Common Name

#### Scientific Name

#### Status

Atlantic Sturgeon <sup>2</sup>	<i>Acipenser oxyrinchus oxyrinchus</i>	C
Bald eagle <sup>1</sup>	<i>Haliaeetus leucocephalus</i>	D
Bog turtle	<i>Clemmys muhlenbergii</i>	T
Dwarf wedgemussel (Housatonic River drainage)	<i>Alasmidonta heterodon</i>	E
Indiana bat (S)	<i>Myotis sodalis</i>	E
New England cottontail	<i>Sylvilagus transitionalis</i>	C
Shortnose sturgeon <sup>2</sup>	<i>Acipenser brevirostrum</i>	E

Status Codes: E=Endangered T=Threatened P=Proposed C=Candidate D=Delisted

W=Winter S=Summer

<sup>1</sup> The bald eagle was delisted on August 8, 2007. While there are no ESA requirements for bald eagles after this date, the eagles continue to receive protection under the Bald and Golden Eagle Protection Act (BGEPA). Please follow the Service's May 2007 Bald Eagle Management Guidelines to determine whether you can avoid impacts under the BGEPA for your projects. If you have any questions, please contact the endangered species branch in our office.

<sup>2</sup> Primarily occurs in Hudson River. Principal responsibility for this species is vested with the National Oceanic and Atmospheric Administration/Fisheries.

Information current as of: 10/21/2007



## Ulster County

### Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Bald eagle <sup>1</sup>	<i>Haliaeetus leucocephalus</i>	D
Bog turtle	<i>Clemmys muhlenbergii</i>	T
Indiana bat (W/S)	<i>Myotis sodalis</i>	E
Northern wild monkshood	<i>Aconitum noveboracense</i>	T
Shortnose sturgeon <sup>2</sup>	<i>Acipenser brevirostrum</i>	E
Small whorled pogonia ( <i>Historic</i> )	<i>Isotria medeoloides</i>	T

Status Codes: E=Endangered T=Threatened P=Proposed C=Candidate D=Delisted

W=Winter S=Summer

<sup>1</sup> The bald eagle was delisted on August 8, 2007. While there are no ESA requirements for bald eagles after this date, the eagles continue to receive protection under the Bald and Golden Eagle Protection Act (BGEPA). Please follow the Service's May 2007 Bald Eagle Management Guidelines to determine whether you can avoid impacts under the BGEPA for your projects. If you have any questions, please contact the endangered species branch in our office.

<sup>2</sup> Primarily occurs in Hudson River. Principal responsibility for this species is vested with the National Oceanic and Atmospheric Administration/Fisheries.

Information current as of: 10/21/2007

**To:** Mr. James Boggs, Senior Environmental Scientist  
**From:** Dr. Sally Newman, Senior Environmental Specialist  
**Date:** January 8, 2008  
**Project:** Walkway-Over-the-Hudson  
Town of Lloyd, Ulster County & City of Poughkeepsie, Dutchess County  
Bergmann Project No. 7494.00  
**Re:** Site Survey for the State-Listed Endangered Species: Erect Knotweed

## **INTRODUCTION**

In a letter dated September 24, 2007, Bergmann Associates was notified by the New York State Department of Environmental Conservation Natural Heritage Program (NHP) that ten state-listed species may potentially exist at or near the proposed Walkway-Over-the-Hudson project (Attachment A). The project area consists of a former railroad bridge that spans the Hudson River between the Town of Lloyd in Ulster County and the City of Poughkeepsie in Dutchess County.

This memorandum reports on a site survey performed to determine whether or not one of these species, the state-listed endangered plant species Erect Knotweed (*Polygonum erectum*), was present at the site. NHP reports this species as potentially occurring within the Ulster County portion of the project site.

## **ERECT KNOTWEED CHARACTERISTICS**

Prior to the site visit, the physical and habitat characteristics of Erect Knotweed were reviewed as described by Gleason (1952); NHP (1997), Peterson & McKenny (1968); Reed (1988), USDA Plants National Database (<http://plants.usda.gov>), University of Tennessee Herbarium (<http://tenn.bio.utk.edu/vascular/vascular.html>), University of Wisconsin – Stevens Point Freckmann Herbarium (<http://wisplants.uwsp.edu/scripts/detail.asp?SpCode=POLere>), and Nearctica (<http://nearctica.com/flowers/otos/polygon/polyg2/Perect.htm>).

Knotweeds are an easily recognized genus. The genus name, *Polygonum*, is derived from the Greek words *polys* (many) and *gonu* (knee or joint), because the joints (nodes) along the stems are characteristically swollen and covered by a papery sheath.

Erect Knotweed is an herbaceous annual that is listed as a facultative upland species. It grows in dry disturbed areas, particularly empty lots and fields. The plant is yellowish-green to bluish-green and possesses an erect, sparingly branched stem. It is 10 to 91 cm (4 to 36 inches) in height. Leaves are oval, 1 to 4 cm (0.4 to 1.6 inches) and a third to half as wide. The joint sheath (ocreae) is approximately 1 cm long and is 3 to 5 nerved. The sheath later becomes shredded, but still persists as brown fibers. The plant flowers from August to September and fruits throughout October. The flowers are either solitary or found in pairs in the leaf axils. The flowers have green sepals with yellow or white margins. The fruit consist of an achene (single-seeded fruit) that is brown in color and can be either shiny or dull. Erect Knotweed is shown in Figure 1.

## **FIELD SURVEY AND FINDINGS**

The field survey took place on November 2, 2007. The fall of Year 2007 had been unseasonably mild. On the day of the survey, the weather was sunny and mild [ $\sim 18^{\circ}\text{C}$  ( $65^{\circ}\text{F}$ )]. Due to the mild fall, the flora of both Ulster & Dutchess Counties was found to only be in the mid-stage of fall senescence and in good condition, i.e. leaves were only approximately half turned to brown and still predominantly attached to stems. No signs of frost damage (i.e. wilting, sagging, or accelerated senescence) were observed.

Based on the reported characteristics of Erect Knotweed, the project area was surveyed concentrating on open, disturbed, upland habitats. Due to the seasonal timing, the search focused on finding an erect knotweed, 10 to 91 cm in height, with solitary or paired single-seeded fruits in the leaf axils. The search was conducted by making serpentine sweeps through the candidate areas.

### **Ulster County**

The Ulster County portion of the site project site was found to consist primarily of a rural setting. The old railroad structure (mostly elevated) was associated with a fenced in right-of-way (ROW) corridor approximately 30.5 meters (100 feet) wide. Fencing was only lacking where the old railway passed over roads or over the Hudson River.

The majority of the area was found to consist of a successional forest that was nearing maturity. It was dominated by Sugar Maple, Red Oak, Chestnut Oak, and Black Cherry. The terrain was predominantly steep and rocky, and the area possessed approximately 90% shading. A canopy cover this dense would be too shaded to support Erect Knotweed.

One open disturbed area was found east of Ransom Road near an old trailer located under the elevated railroad. This area was dominated by mowed lawn, Sugar Maple seedlings, Black Cherry seedlings, Tall Goldenrod, Blackberry, Black Raspberry, and grasses.

West of Ransom Road, a disturbed wetland area was found. The area possessed a stand of Japanese Knotweed (*Polygonum cuspidatum*). Erect Knotweed is easily distinguishable from Japanese Knotweed. Japanese Knotweed is a much larger plant, typically 2 to 3 meters (6 to 9 feet) in height. Its leaves are broadly ovate, and its flowers/fruits consist of numerous, often branched, racemes that ascend from the upper leaf axils in large sprays. The remainder of the wet area was dominated by sedges, Coltsfoot, and Myrtle.

From the wet area westward, the rocky terrain rose steeply. To the south of the railway, the area again consisted of an approximately 90% shaded near mature successional forest comprised of Sugar Maple and Black Cherry. The north side was partially successional forest and partially successional shrubland dominated by Black Cherry, Hydrangea, and Birch.

Between the top of the abutment to the power station, the area consisted of an open disturbed pathway. This pathway was dominated by Knapweed, Queen Ann's Lace, Common Mullein, and grasses.

Two other open disturbed areas were examined. These areas are proposed project parking lots (Figure 2). The parking areas are color-coded in yellow and orange.

The yellow area was found to consist predominantly of a mowed roadside shoulder. A narrow, unmowed fringe was dominated by Ragweed, Blackberry, Vetch, Knapweed, Queen Ann's Lace, Staghorn Sumac Shrubs, and grasses. The orange area consisted mainly of an old area of fill, now dominated by grasses, goldenrods, asters, Common Mullein, Ragweed, Red Oak seedlings, Chestnut Oak seedlings, Tartarian Honeysuckle, and Common Buckthorn. A few large White Pine and Norway Spruce were present along Haviland Road that appeared planted.

### **Dutchess County**

The NHP record for Erect Knotweed was for a location in Ulster County. The Hudson River is approximate 1000 meters (0.6 mile) wide in this location and presents a substantial barrier to the spread of the plant eastward. In addition, the Dutchess County portion of the project site was found to consist primarily of an urban setting and possessed few open disturbed areas that weren't either paved or mowed. Still, caution dictated that the Dutchess County portion of the project area be examined, particularly the six areas proposed as locations to create a ramp, parking lots, elevators, and an access path (Figure 2).

The old railway structure was again present, predominantly elevated, and associated with a fenced in 30.5 meters ROW. Again, fencing was lacking where the railway passed over roads. Underneath the elevated railroad, the land was typically mowed, with shrubby or treed borders along the fencing. Outside of the fencing, the area was typically commercial, industrial, or residential.

The proposed ramp area (brown) consisted of a mowed grass slope and a large billboard. Behind the billboard, there was a wooded slope with approximately 100% canopy cover. The wooded area was dominated by Tree-of-Heaven, Sugar Maple, and Black Cherry.

The proposed parking lot area (blue) and elevator area (aqua) was found to consist mainly of mowed grass. Shrubs and vines dominated along the fence, and were comprised of Sugar Maple saplings, Tree-of-Heaven, Riverbank Grape, Poison Ivy, Bittersweet Vine, and Black Raspberry. A few mature Pin Oak were also present which appeared planted.

The proposed elevator area (purple) consisted (on the north) of an existing paved parking lot with mowed grass edges. A few mature trees were present, mostly Sugar Maple and Cottonwood. Under the elevated railroad, the area was mowed lawn and some clearing of vines and small Sugar Maples had taken place. On the south side, more mowed lawn was present.

The proposed access path (red) and the second elevator (aqua) were found to exist within the 100-year floodplain of the Hudson River. Access to this area was restricted by factory fencing and private property; however, facultative upland, annual species like Erect Knotweed would not be expected to establish in an area so prone to active flooding. Through the fencing, it could be seen that this area was dominated by pavement, grasses, sand, and rock. The terrain within the path of the old railway rose steeply to the east and existed as a nearly mature woodland with approximately 100% canopy cover.

## **CONCLUSION**

Based on the review of the plant characteristics and the field survey, it was concluded that Erect Knotweed is not present within the Walkway-Over-the Hudson project area. Only one member of the Knotweed family was observed to exist within the study area, this species was Japanese Knotweed (*Polygonum cuspidatum*), and it was found in Ulster County. As described above, Erect Knotweed is easily distinguishable from Japanese Knotweed. No additional knotweed species were observed in either the Ulster or the Dutchess County study areas.

## REFERENCES

Gleason, Henry A. (1952). *The New Britton and Brown Illustrated Flora of the Northeastern United States and Adjacent Canada*. Published for The New York Botanical Garden by Hafner Press, New York, NY.

New York Natural Heritage Program (March 1997): *New York Rare Plant Status List*, New York State Department of Environmental Conservation, 700 Troy-Schenectady Road, Latham, NY.

Peterson, Roger Torrey and Margaret McKenny (1968). *The Peterson Field Guide Series: A Field Guide to Wildflowers of Northeastern and Northcentral North America*. Houghton Mifflin Company, Boston, MA.

Reed, Porter B. Jr. (1988). *National List of Plant Species that Occur in Wetlands: Northeast (Region 1)*. United States Fish and Wildlife Service, Biological Report 88(26.1).

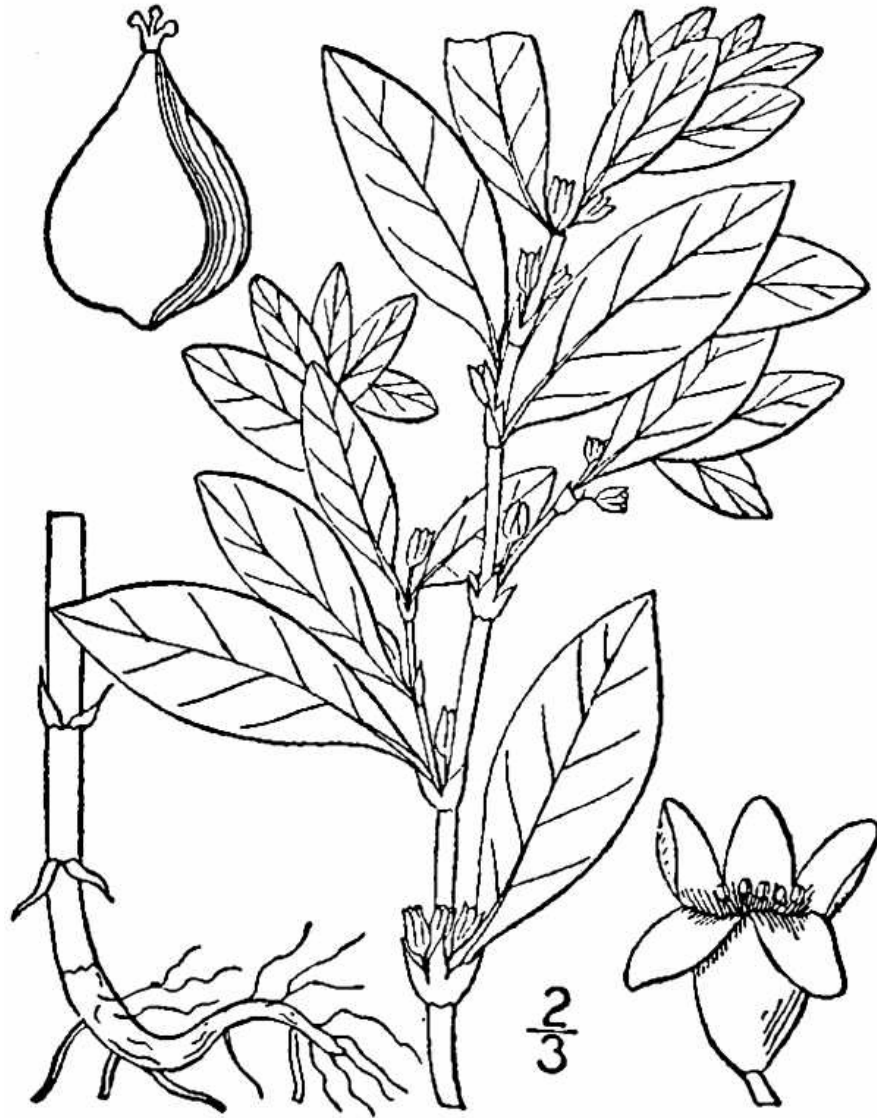


FIGURE 1. Erect Knotweed (*Polygonum erectum*). Source: Britton, N.L. and a. Brown (1913). *Illustrated Flora of the Northeastern United States and Adjacent Canada*. Vol. 2: 87. From <http://plants.usda.gov>, courtesy of Kentucky Native Plant Society, scanned by Omniteck Inc. Image not copyright protected.





FIGURE 2. Aerial photograph showing the Walkway-Over-the Hudson project area.

**Ulster County:**

Shows the general rural conditions present within the Ulster County study area. Also shows the two areas proposed as parking lots (color-coded yellow and orange).

**Dutchess County:**

Shows the general urban conditions present within the Dutchess County study area. Also shows the areas proposed to create a ramp (brown), parking lots (blue & purple), elevators (aqua), and an access path (red).

**ATTACHMENT A**

**NATURAL HERITAGE PROGRAM  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

September 24, 2007 NHP Response Letter  
regarding a request for information about state-protected species and communities  
potentially within the Walkway-Over-the-Hudson project area

**New York State Department of Environmental Conservation**  
**Division of Fish, Wildlife & Marine Resources**  
**New York Natural Heritage Program**  
625 Broadway, Albany, New York 12233-4757  
**Phone:** (518) 402-8935 • **FAX:** (518) 402-8925  
**Website:** www.dec.state.ny.us

**RECEIVED**  
SEP 26 2007



Alexander B. Grannis  
Commissioner

BY: .....

September 24, 2007

Mark Lester  
Bergmann Associates  
28 East Main St, Federal Plaza  
Rochester, NY 14614-1909

Proj. No. \_\_\_\_\_  
Org. M. Lester  
Enc. " "  
Full Copy \_\_\_\_\_  
Copies to OLV

Dear Mr. Lester:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to an Environmental Assessment for the proposed 'Walkway/Bikeway Bridge Over the Hudson', 1.25 mile long, area as indicated on the map you provided, located in the City of Poughkeepsie and Town of Lloyd, Dutchess and Ulster Counties.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and should not be released to the public without permission from the New York Natural Heritage Program.

This project location is adjacent to a designated Significant Coastal Fish and Wildlife Habitat. This habitat is part of New York State's Coastal Management Program (CMP), which is administered by the NYS Department of State (DOS). Projects which may impact the habitat are reviewed by DOS for consistency with the CMP. For more information regarding this designated habitat and applicable consistency review requirements, please contact:

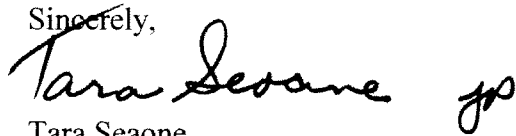
Jeff Zappieri or Vance Barr - (518) 474-6000  
NYS Department of State  
Division of Coastal Resources and Waterfront Revitalization  
41 State Street, Albany, NY 12231

The presence of rare species may result in your project requiring additional permits, permit conditions, or review. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should NOT be substituted for on-site surveys that may be required for environmental impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

A handwritten signature in black ink that reads "Tara Seaone" followed by a small flourish or initials.

Tara Seaone  
Information Services  
NY Natural Heritage Program

cc: Reg. 3, , Fisheries Mgr.  
Peter Nye, Endangered Species Unit, Albany  
Shaun Keeler, Bureau of Fisheries, Albany



## New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

RECEIVED  
FEB 01 2008

BY: .....

**Eliot Spitzer**  
Governor

**Carol Ash**  
Commissioner

January 25, 2008

James F. Boggs  
Sr. Environmental Scientist  
Bergmann Associates, P.C.  
200 First Federal Plaza  
28 East Main Street  
Rochester, NY 14614

Dear Mr. Boggs:

Re: FHWA/DOT/NPS  
Draft Design Report  
"Walkway over the Hudson"  
Dutchess and Ulster Counties  
07PR5820

Thank you for requesting comments from the New York State Historic Preservation Office (NYSHPO) for the Draft Design Report for the "Walkway over the Hudson". We have reviewed this information in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966. The Poughkeepsie Railroad Bridge is individually listing on the National Register of Historic Places.

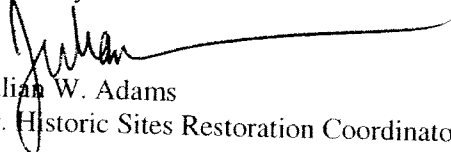
While there remain design elements to be finalized, it is the opinion of the State Historic Preservation Office that the proposed project will have No Adverse Effect on the Poughkeepsie Railroad Bridge with the following condition:

1. Project details, including railings, decking, lighting, vertical access, electrical service, water service, etc. will be developed in consultation with the NYSHPO.

We further recommend that the Federal Highway Administration determine that Section 4(f) requirements do not apply to the "Walkway Over the Hudson" in accordance with 23 CFR 771.135(f) because of our opinion that the proposed project will not adversely affect the historic qualities of the structure that caused it to be listed on the National Register.

Again, thank you for your request. If anyone has any questions, or if I can be of any assistance, please call me at (518) 237-8643, ext. 3271.

Sincerely,



Julian W. Adams  
Sr. Historic Sites Restoration Coordinator



**EDR**® Environmental  
Data Resources Inc

## **EDR DataMap<sup>®</sup> Corridor Study**

**Walkway Over the Hudson  
Poughkeepsie, NY 12601**

**October 05, 2007**

**Inquiry number 02044257.2r**

### **The Standard in Environmental Risk Information**

440 Wheelers Farms Road  
Milford, Connecticut 06461

#### **Nationwide Customer Service**

Telephone: 1-800-352-0050  
Fax: 1-800-231-6802  
Internet: [www.edrnet.com](http://www.edrnet.com)

***Thank you for your business.***  
Please contact EDR at 1-800-352-0050  
with any questions or comments.

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# EXECUTIVE SUMMARY

## TARGET PROPERTY INFORMATION

### ADDRESS

POUGHKEEPSIE, NY 12601  
POUGHKEEPSIE, NY 12601

## DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records within the requested search area for the following databases:

### FEDERAL RECORDS

**NPL**..... National Priority List  
**Proposed NPL**..... Proposed National Priority List Sites  
**Delisted NPL**..... National Priority List Deletions  
**NPL LIENS**..... Federal Superfund Liens  
**CERCLIS**..... Comprehensive Environmental Response, Compensation, and Liability Information System  
**CORRACTS**..... Corrective Action Report  
**RCRA-TSDF**..... Resource Conservation and Recovery Act Information  
**ERNS**..... Emergency Response Notification System  
**HMIRS**..... Hazardous Materials Information Reporting System  
**US ENG CONTROLS**..... Engineering Controls Sites List  
**US INST CONTROL**..... Sites with Institutional Controls  
**DOD**..... Department of Defense Sites  
**FUDS**..... Formerly Used Defense Sites  
**US BROWNFIELDS**..... A Listing of Brownfields Sites  
**CONSENT**..... Superfund (CERCLA) Consent Decrees  
**ROD**..... Records Of Decision  
**UMTRA**..... Uranium Mill Tailings Sites  
**ODI**..... Open Dump Inventory  
**TRIS**..... Toxic Chemical Release Inventory System  
**TSCA**..... Toxic Substances Control Act  
**FTTS**..... FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)  
**LUCIS**..... Land Use Control Information System  
**DOT OPS**..... Incident and Accident Data  
**HIST FTTS**..... FIFRA/TSCA Tracking System Administrative Case Listing  
**US CDL**..... Clandestine Drug Labs  
**RADINFO**..... Radiation Information Database  
**LIENS 2**..... CERCLA Lien Information  
**PADS**..... PCB Activity Database System  
**MLTS**..... Material Licensing Tracking System  
**MINES**..... Mines Master Index File  
**RAATS**..... RCRA Administrative Action Tracking System

### STATE AND LOCAL RECORDS

**SHWS**..... Inactive Hazardous Waste Disposal Sites in New York State



## EXECUTIVE SUMMARY

<b>SWF/LF</b> .....	Facility Register
<b>SWRCY</b> .....	Registered Recycling Facility List
<b>SWTIRE</b> .....	Registered Waste Tire Storage & Facility List
<b>CBS UST</b> .....	Chemical Bulk Storage Database
<b>MOSF UST</b> .....	Major Oil Storage Facilities Database
<b>MOSF AST</b> .....	Major Oil Storage Facilities Database
<b>ENG CONTROLS</b> .....	Registry of Engineering Controls
<b>INST CONTROL</b> .....	Registry of Institutional Controls
<b>DRYCLEANERS</b> .....	Registered Drycleaners
<b>BROWNFIELDS</b> .....	Brownfields Site List
<b>SPDES</b> .....	State Pollutant Discharge Elimination System
<b>AIRS</b> .....	Air Emissions Data
<b>RES DECL</b> .....	Restrictive Declarations Listing
<b>E DESIGNATION</b> .....	E DESIGNATION SITE LISTING
<b>MOSF</b> .....	Major Oil Storage Facility Site Listing

### TRIBAL RECORDS

<b>INDIAN RESERV</b> .....	Indian Reservations
<b>INDIAN LUST</b> .....	Leaking Underground Storage Tanks on Indian Land
<b>INDIAN UST</b> .....	Underground Storage Tanks on Indian Land

### SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified.

Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

### FEDERAL RECORDS

**CERCLIS-NFRAP:** Archived sites are sites that have been removed and archived from the inventory of CERCLIS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

A review of the CERC-NFRAP list, as provided by EDR, and dated 06/21/2007 has revealed that there are 2 CERC-NFRAP sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b><i>ORCHARD PLACE (QUAL KROM)</i></b>	<b><i>28 ORCHARD PLACE</i></b>	<b><i>11</i></b>	<b><i>71</i></b>
<b><i>BERNCOLORS-POUGHKEEPSIE INC</i></b>	<b><i>75 N WATER ST</i></b>	<b><i>20</i></b>	<b><i>125</i></b>

## EXECUTIVE SUMMARY

**RCRAInfo:** RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act ( RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRAInfo replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System(RCRIS). The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month. Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month Large quantity generators generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month. Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

A review of the RCRA-LQG list, as provided by EDR, and dated 06/13/2006 has revealed that there is 1 RCRA-LQG site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>CHG&amp;E - N WATER ST GAS REGULAT</b>	<b>N WATER ST &amp; DUTCHESS A</b>	<b>10</b>	<b>63</b>

**RCRAInfo:** RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act ( RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRAInfo replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System(RCRIS). The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month. Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month Large quantity generators generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month. Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

A review of the RCRA-SQG list, as provided by EDR, and dated 06/13/2006 has revealed that there are 7 RCRA-SQG sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>NYSDOT BIN 1005340</b>	<b>HOFFMAN ST OVER RTE 9</b>	<b>2</b>	<b>5</b>
<b>HEALEY INTL</b>	<b>WASHINGTON &amp; TAYLOR STS</b>	<b>4</b>	<b>8</b>
<b>A C DUTTON LUMBER CORPORATION</b>	<b>1 HOFFMAN STREET</b>	<b>5</b>	<b>21</b>
<b>ORCHARD PLACE (QUAL KROM)</b>	<b>28 ORCHARD PLACE</b>	<b>11</b>	<b>71</b>
<b>BERNCOLORS-POUGHKEEPSIE INC</b>	<b>75 N WATER ST</b>	<b>20</b>	<b>125</b>
<b>MOBIL OIL CORP SS #D33</b>	<b>55 WASHINGTON ST</b>	<b>21</b>	<b>148</b>
<b>NYSDOT BIN 1005329</b>	<b>RTE 9 OVER FALLKILL CRK</b>	<b>22</b>	<b>166</b>

**SSTS:** Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

A review of the SSTS list, as provided by EDR, and dated 12/31/2005 has revealed that there is 1 SSTS site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>CRISPELL'S ORIENTAL RUGS INC.</b>	<b>17-19 DUTCHESS AVE</b>	<b>9</b>	<b>60</b>

## EXECUTIVE SUMMARY

**ICIS:** The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

A review of the ICIS list, as provided by EDR, and dated 06/29/2007 has revealed that there is 1 ICIS site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
BERNCOLORS-POUGHKEEPSIE INC	75 N WATER ST	20	145

**FINDS:** The Facility Index System contains both facility information and "pointers" to other sources of information that contain more detail. These include: RCRIS; Permit Compliance System (PCS); Aerometric Information Retrieval System (AIRS); FATES (FIFRA [Federal Insecticide Fungicide Rodenticide Act] and TSCA Enforcement System, FTTS [FIFRA/TSCA Tracking System]; CERCLIS; DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes); Federal Underground Injection Control (FURS); Federal Reporting Data System (FRDS); Surface Impoundments (SIA); TSCA Chemicals in Commerce Information System (CICS); PADS; RCRA-J (medical waste transporters/disposers); TRIS; and TSCA. The source of this database is the U.S. EPA/NTIS.

A review of the FINDS list, as provided by EDR, and dated 07/19/2007 has revealed that there are 10 FINDS sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b><i>NYSDOT BIN 1005340</i></b>	<b><i>HOFFMAN ST OVER RTE 9</i></b>	<b><i>2</i></b>	<b><i>5</i></b>
<b><i>HEALEY INTL</i></b>	<b><i>WASHINGTON &amp; TAYLOR STS</i></b>	<b><i>4</i></b>	<b><i>8</i></b>
<b><i>A C DUTTON LUMBER CORPORATION</i></b>	<b><i>1 HOFFMAN STREET</i></b>	<b><i>5</i></b>	<b><i>21</i></b>
<b><i>CHG&amp;E - N WATER ST GAS REGULAT</i></b>	<b><i>N WATER ST &amp; DUTCHESS A</i></b>	<b><i>10</i></b>	<b><i>70</i></b>
<b><i>USEPA REGION II</i></b>	<b><i>28 ORCHARD PL</i></b>	<b><i>11</i></b>	<b><i>70</i></b>
<b><i>ORCHARD PLACE (QUAL KROM)</i></b>	<b><i>28 ORCHARD PLACE</i></b>	<b><i>11</i></b>	<b><i>71</i></b>
<b><i>BERNCOLORS-POUGHKEEPSIE INC</i></b>	<b><i>75 N WATER ST</i></b>	<b><i>20</i></b>	<b><i>125</i></b>
<b><i>ADOLPHO S</i></b>	<b><i>75-81 NORTH WATER ST</i></b>	<b><i>20</i></b>	<b><i>144</i></b>
<b><i>MOBIL OIL CORP SS #D33</i></b>	<b><i>55 WASHINGTON ST</i></b>	<b><i>21</i></b>	<b><i>148</i></b>
<b><i>NYSDOT BIN 1005329</i></b>	<b><i>RTE 9 OVER FALLKILL CRK</i></b>	<b><i>22</i></b>	<b><i>166</i></b>

### STATE AND LOCAL RECORDS

**HSWDS:** The List includes any known or suspected hazardous substance waste disposal sites. Also included are sites delisted from the Registry of Inactive Hazardous Waste Disposal Sites and non-registry sites that U.S. EPA Preliminary Assessment (PA) reports or Site Investigation (SI) reports were prepared. Hazardous Substance Waste Disposal Sites are eligible to be Superfund sites now that the New York State Superfund has been refinanced and changed. This means that the study inventory has served its purpose and will no longer be maintained as a separate entity. The latest version of the study is frozen in time. The sites on the study will not automatically be made superfund sites, rather each site will be further evaluated for listing in the registry. So overtime they will be added to the registry or not.

A review of the HSWDS list, as provided by EDR, and dated 01/01/2003 has revealed that there is 1 HSWDS site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
BERNCOLORS POUGHKEEPSIE, INC.	75 NORTH WATER STREET	20	146

## EXECUTIVE SUMMARY

**DEL SHWS:** A database listing of sites delisted from the Registry of Inactive Hazardous Waste Disposal Sites.

A review of the DEL SHWS list, as provided by EDR, and dated 05/01/2007 has revealed that there is 1 DEL SHWS site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
A. C. DUTTON LUMBER CORPORATIO		5	9

**LTANKS:** Leaking Storage Tank Incident Reports. These records contain an inventory of reported leaking storage tank incidents reported from 4/1/86 through the most recent update. They can be either leaking underground storage tanks or leaking aboveground storage tanks. The causes of the incidents are tank test failures, tank failures or tank overfills

A review of the LTANKS list, as provided by EDR, and dated 07/11/2007 has revealed that there are 7 LTANKS sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>MANCINI RESIDENCE</b> Date Closed: 03/19/97	<b>MILE HILL RD. / RANSO</b>	<b>3</b>	<b>5</b>
<b>POUGHKEEPSIE IRON &amp; METAL</b> Date Closed: / /	<b>6 ORCHARD PL</b>	<b>12</b>	<b>81</b>
<b>Not reported</b> Date Closed: 09/26/01	<b>30 BAIN AVE</b>	<b>13</b>	<b>95</b>
REMYNGTON ASSOC Date Closed: 05/09/06	75 WASHINGTON STREET	17	113
GELLERT&KLEIN/WISE LAW OFFICE Date Closed: 06/30/06	75 WASHINGTON STREET	17	114
JELLY BELLY DELI Date Closed: / /	85 WASHINGTON ST	17	116
<b>MOBIL S/S 06-D33</b> Date Closed: 04/12/93	<b>55 WASHINGTON STREET</b>	<b>21</b>	<b>149</b>

**HIST LTANKS:** A listing of leaking underground and aboveground storage tanks. The causes of the incidents are tank test failures, tank failures or tank overfills. In 2002, the Department of Environmental Conservation stopped providing updates to its original Spills Information Database. This database includes fields that are no longer available from the NYDEC as of January 1, 2002. Current information may be found in the NY LTANKS database.

A review of the HIST LTANKS list, as provided by EDR, and dated 01/01/2002 has revealed that there are 4 HIST LTANKS sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>MANCINI RESIDENCE</b>	<b>MILE HILL RD. / RANSO</b>	<b>3</b>	<b>5</b>
<b>POUGHKEEPSIE IRON &amp; METAL</b>	<b>6 ORCHARD PL</b>	<b>12</b>	<b>81</b>
<b>Not reported</b>	<b>30 BAIN AVE</b>	<b>13</b>	<b>95</b>
<b>MOBIL S/S 06-D33</b>	<b>55 WASHINGTON STREET</b>	<b>21</b>	<b>149</b>

## EXECUTIVE SUMMARY

**UST:** The Underground Storage Tank database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data come from the Department of Environmental Conservation's Petroleum Bulk Storage (PBS) Database

A review of the UST list, as provided by EDR, and dated 07/11/2007 has revealed that there are 8 UST sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
FORMER A.C. DUTTON LUMBER CO.	2 HOFFMAN STREET	5	11
<b>MECHANICAL CONSTRUCTION CORP</b>	<b>END OF NORTH WATER STRE</b>	<b>5</b>	<b>48</b>
<b>HEALEY INTERNATIONAL TRUCKS IN</b>	<b>2 TAYLOR AVENUE</b>	<b>6</b>	<b>50</b>
<b>ASTOR CENTER</b>	<b>50 DELAFIELD STREET</b>	<b>7</b>	<b>53</b>
POUGHKEEPSIE IRON FABRICATORS	6 ORCHARD PLACE	12	89
<b>WASHINGTON ST. SUNOCO</b>	<b>128 WASHINGTON ST</b>	<b>15</b>	<b>98</b>
75 WASHINGTON STREET	75 WASHINGTON STREET	17	112
<b>MOBIL R/S #11410/D33</b>	<b>55 WASHINGTON ST</b>	<b>21</b>	<b>152</b>

**HIST UST:** The Underground Storage Tank database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data come from the Department of Environmental Conservation's Petroleum Bulk Storage (PBS) Database

A review of the HIST UST list, as provided by EDR, and dated 01/01/2002 has revealed that there are 7 HIST UST sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>A C DUTTON LUMBER CORP INC</b>	<b>1 HOFFMAN ST</b>	<b>5</b>	<b>40</b>
<b>MECHANICAL CONSTRUCTION CORP</b>	<b>END OF NORTH WATER STRE</b>	<b>5</b>	<b>48</b>
<b>HEALEY INTERNATIONAL TRUCKS IN</b>	<b>2 TAYLOR AVENUE</b>	<b>6</b>	<b>50</b>
<b>ASTOR CENTER</b>	<b>50 DELAFIELD STREET</b>	<b>7</b>	<b>53</b>
<b>POUGHKEEPSIE IRON FABRICATORS</b>	<b>6 ORCHARD PLACE</b>	<b>12</b>	<b>84</b>
<b>WASHINGTON ST. SUNOCO</b>	<b>128 WASHINGTON ST</b>	<b>15</b>	<b>98</b>
<b>MOBIL R/S #11410/D33</b>	<b>55 WASHINGTON ST</b>	<b>21</b>	<b>152</b>

**AST:** The Aboveground Storage Tank database contains registered ASTs. The data come from the Department of Environmental Conservation's Petroleum Bulk Storage (PBS) Database.

A review of the AST list, as provided by EDR, and dated 07/11/2007 has revealed that there are 5 AST sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>A C DUTTON LUMBER CORP INC</b>	<b>1 HOFFMAN ST</b>	<b>5</b>	<b>40</b>
<b>POUGHKEEPSIE IRON FABRICATORS</b>	<b>6 ORCHARD PLACE</b>	<b>12</b>	<b>84</b>
<b>OUR LADY OF MT. CARMEL SCHOOL</b>	<b>15 MT. CARMEL PLACE</b>	<b>18</b>	<b>119</b>
<b>OUR LADY OF MT. CARMEL CHURCH</b>	<b>97 MILL STREET</b>	<b>19</b>	<b>122</b>
<b>MOBIL R/S #11410/D33</b>	<b>55 WASHINGTON ST</b>	<b>21</b>	<b>152</b>

## EXECUTIVE SUMMARY

**HIST AST:** The Aboveground Storage Tank database contains registered ASTs. The data come from the Department of Environmental Conservation's Petroleum Bulk Storage (PBS) Database.

A review of the HIST AST list, as provided by EDR, and dated 01/01/2002 has revealed that there are 6 HIST AST sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>A C DUTTON LUMBER CORP INC</b>	<b>1 HOFFMAN ST</b>	<b>5</b>	<b>40</b>
<b>POUGHKEEPSIE IRON FABRICATORS</b>	<b>6 ORCHARD PLACE</b>	<b>12</b>	<b>84</b>
POUGHKEEPSIE STATION	41 MAIN ST.RT.9 INTERCH	16	108
<b>OUR LADY OF MT. CARMEL SCHOOL</b>	<b>15 MT. CARMEL PLACE</b>	<b>18</b>	<b>119</b>
<b>OUR LADY OF MT. CARMEL CHURCH</b>	<b>97 MILL STREET</b>	<b>19</b>	<b>122</b>
<b>MOBIL R/S #11410/D33</b>	<b>55 WASHINGTON ST</b>	<b>21</b>	<b>152</b>

**CBS AST:** Chemical Bulk Storage Database. Registration data collected as required by 6 NYCRR Part 596. It includes facilities storing hazardous substances listed in 6 NYCRR Part 597, in aboveground tanks with capacities of 185 gallons or greater, and/or in underground tanks of any size. Includes facilities registered (and closed) since effective date of CBS regulations (July 15, 1988) through the date request is processed.

A review of the CBS AST list, as provided by EDR, and dated 01/01/2002 has revealed that there is 1 CBS AST site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
A.C. DUTTON LUMBER CO.	1 HOFFMAN ST.	5	13

**MANIFEST:** Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD facility.

A review of the NY MANIFEST list, as provided by EDR, and dated 08/27/2007 has revealed that there are 7 NY MANIFEST sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>HEALEY INTL</b>	<b>WASHINGTON &amp; TAYLOR STS</b>	<b>4</b>	<b>8</b>
<b>A C DUTTON LUMBER CORPORATION</b>	<b>1 HOFFMAN STREET</b>	<b>5</b>	<b>21</b>
<b>CHG&amp;E - N WATER ST GAS REGULAT</b>	<b>N WATER ST &amp; DUTCHESS A</b>	<b>10</b>	<b>63</b>
<b>ORCHARD PLACE (QUAL KROM)</b>	<b>28 ORCHARD PLACE</b>	<b>11</b>	<b>71</b>
<b>BERNCOLORS-POUGHKEEPSIE INC</b>	<b>75 N WATER ST</b>	<b>20</b>	<b>125</b>
<b>MOBIL OIL CORP SS #D33</b>	<b>55 WASHINGTON ST</b>	<b>21</b>	<b>148</b>
<b>NYS DOT BIN 1005329</b>	<b>RTE 9 OVER FALLKILL CRK</b>	<b>22</b>	<b>166</b>

**SPILLS:** Data collected on spills reported to NYSDEC. is required by one or more of the following: Article 12 of the Navigation Law, 6 NYCRR Section 613.8 (from PBS regs), or 6 NYCRR Section 595.2 (from CBS regs). It includes spills active as of April 1, 1986, as well as spills occurring since this date.

A review of the NY Spills list, as provided by EDR, and dated 07/11/2007 has revealed that there are 11 NY Spills sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>Not reported</b>	<b>109 ALBANY ST</b>	<b>1</b>	<b>3</b>
Date Closed: 11/14/01			

## EXECUTIVE SUMMARY

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>AC DUNTEN CO.</b> Date Closed: 10/18/91	<b>1 HOFFMAN ST.</b>	<b>5</b>	<b>17</b>
AC DUTTON PROPERTY Date Closed: / /	2 HOFFMAN ST	5	19
<b>ROBINSON RESIDENCE</b> Date Closed: 02/01/88 Date Closed: 08/12/98	<b>27 VERNON TERR.</b>	<b>8</b>	<b>56</b>
<b>CENTRAL HUDSON GAS ELEC</b> Date Closed: 09/12/00	<b>120 NORTH WATER ST</b>	<b>10</b>	<b>61</b>
<b>APARTMENT TENANT</b> Date Closed: / /	<b>11 ORCHARD PLACE</b>	<b>12</b>	<b>91</b>
POLE #26566 Date Closed: 07/10/06	30 BAIN AVE	13	94
<b>WASHINGTON ST. SUNOCO</b> Date Closed: / /	<b>128 WASHINGTON ST</b>	<b>15</b>	<b>98</b>
PADMOUNT#60416 Date Closed: 08/15/05	80 WASHINGTON ST	17	110
<b>JOHNS AUTO REPAIR</b> Date Closed: 10/22/01	<b>114 MILL ST</b>	<b>18</b>	<b>117</b>
<b>MOBIL R/S #11410/D33</b> Date Closed: 08/16/00 Date Closed: 01/28/92	<b>55 WASHINGTON ST</b>	<b>21</b>	<b>152</b>

**HIST SPILLS:** This database contains records of chemical and petroleum spill incidents. Under State law, petroleum and hazardous chemical spills that can impact the waters of the state must be reported by the spiller (and, in some cases, by anyone who has knowledge of the spills). In 2002, the Department of Environmental Conservation stopped providing updates to its original Spills Information Database. This database includes fields that are no longer available from the NYDEC as of January 1, 2002. Current information may be found in the NY SPILLS database.

A review of the NY Hist Spills list, as provided by EDR, and dated 01/01/2002 has revealed that there are 8 NY Hist Spills sites within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
<b>Not reported</b>	<b>109 ALBANY ST</b>	<b>1</b>	<b>3</b>
<b>AC DUNTEN CO.</b>	<b>1 HOFFMAN ST.</b>	<b>5</b>	<b>17</b>
<b>ROBINSON RESIDENCE</b>	<b>27 VERNON TERR.</b>	<b>8</b>	<b>56</b>
<b>CENTRAL HUDSON GAS ELEC</b>	<b>120 NORTH WATER ST</b>	<b>10</b>	<b>61</b>
<b>APARTMENT TENANT</b>	<b>11 ORCHARD PLACE</b>	<b>12</b>	<b>91</b>
<b>WASHINGTON ST. SUNOCO</b>	<b>128 WASHINGTON ST</b>	<b>15</b>	<b>98</b>
<b>JOHNS AUTO REPAIR</b>	<b>114 MILL ST</b>	<b>18</b>	<b>117</b>
<b>MOBIL R/S #11410/D33</b>	<b>55 WASHINGTON ST</b>	<b>21</b>	<b>152</b>

## EXECUTIVE SUMMARY

**NY VCP:** Voluntary Cleanup Agreements. The voluntary remedial program uses private monies to get contaminated sites remediated to levels allowing for the sites' productive use. The program covers virtually any kind of site and contamination.

A review of the VCP list, as provided by EDR, and dated 05/01/2007 has revealed that there is 1 VCP site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
FORMER A.C. DUTTON LUMBER YARD	2 HOFFMAN STREET	5	47

**CBS:** These facilities store regulated hazardous substances in aboveground tanks with capacities of 185 gallons or greater, and/or in underground tanks of any size

A review of the CBS list, as provided by EDR, and dated 07/11/2007 has revealed that there is 1 CBS site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
FORMER A.C. DUTTON LUMBER CO.	2 HOFFMAN STREET	5	20

### EDR PROPRIETARY RECORDS

**EDR Manufactured Gas Plants:** The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

A review of the Manufactured Gas Plants list, as provided by EDR, has revealed that there is 1 Manufactured Gas Plants site within the searched area.

<u>Site</u>	<u>Address</u>	<u>Map ID</u>	<u>Page</u>
POUGHKEEPSIE GAS WORKS	NORTH WATER STREET	14	97



## **EXECUTIVE SUMMARY**

Please refer to the end of the findings report for unmapped orphan sites due to poor or inadequate address information.



November 8, 2007

City of Poughkeepsie Fire Department  
 Fire Chief  
 18 N. Clover Street  
 Poughkeepsie, New York

**Subject: Freedom of Information Law Request**

Fire Chief:

This letter is a request pursuant to the Freedom of Information Law; we are requesting a review of information in the Department's files pertaining to the property listed in the table below. Bergmann Associates is requesting this information to complete a Hazardous Waste Assessment associated with the Walkway Over the Hudson project in the City of Poughkeepsie, Dutchess County, New York 12601.

Business/Property Name	Address	Classifications:
Foreign Cars Specialists Owner: Deborah Rigolino  Located south of the Railroad Bridge.	124 Washington Street  465750	Aboveground and Underground Storage Tank Information. Installation dates, leakage and removal information.

We appreciate your assistance in obtaining the requested information and await your response. Should you need to contact me I can be reached at 585-232-5135 (ext. 286) or 585-455-7043(cell).

Very truly yours,

BERGMANN ASSOCIATES

Jim Marschner  
 Environmental Specialist

585.232.5135

[www.bergmannpc.com](http://www.bergmannpc.com)

200 First Federal Plaza / 28 East Main Street / Rochester, New York 14614

18 No. Clover Street  
Poughkeepsie, NY 12601

Poughkeepsie Fire Department

RECEIVED  
NOV 26 2007

November 19, 2007

BY:.....

Jim Marschner  
Bergmann Associates  
200 First Federal Plaza  
28 E Main St.  
Rochester, NY 14614

Re: FOIL for 124 Washington Street, Poughkeepsie, NY

Dear Mr. Marschner:

There is no record of an above/underground tank removal or installation for the above-referenced address.

Yours truly,  
*Peter M. Longi*

Peter Longi  
Fire Inspector

Proj. No. \_\_\_\_\_  
Org. J. Marschner  
Enc. " "  
Full Copy \_\_\_\_\_  
Copies to COIV

PL/kc



ENVIRONMENTAL SERVICES, INC.

179 Lake Avenue Rochester, New York 14608 (585) 647 - 2530 FAX (585) 647 - 3311

**PCB Analysis Report for Soils/Solids/Sludges**

Client: **Bergmann Assoc**

Client Job Site: Walkway Bridge

Lab Project Number: 07-4607  
Lab Sample Number: 15168

Client Job Number: N/A  
Field Location: Grease Paint  
Field ID Number: N/A  
Sample Type: Solid

Date Sampled: 11/13/2007  
Date Received: 12/18/2007  
Date Analyzed: 12/19/2007

PCB Identification	Results in mg / Kg
Aroclor 1016	ND< 0.292
Aroclor 1221	ND< 0.292
Aroclor 1232	ND< 0.292
Aroclor 1242	ND< 0.292
Aroclor 1248	ND< 0.292
Aroclor 1254	ND< 0.292
Aroclor 1260	ND< 0.292

ELAP Number 10958

Method: EPA 8082

Comments: ND denotes Non Detect  
mg / Kg = milligram per Kilogram

Signature: \_\_\_\_\_

Bruce Hoogesteger, Technical Director

# PARADIGM ENVIRONMENTAL SERVICES, INC.

179 Lake Avenue  
 Rochester, NY 14608  
 (585) 647-2530 • (800) 724-1997  
 FAX: (585) 647-3311

PROJECT NAME/SITE NAME:  
*W. Duckaway Building*

## CHAIN OF CUSTODY

COMPANY: <i>Bedfordham Assoc.</i>	ADDRESS: <i>28 E. Main St</i>	STATE: <i>NY</i>	ZIP: <i>14614</i>	PHONE: <i>232-5135</i>	FAX: <i>232-4652</i>	ATTN: <i>JIM WURSHNER</i>	QUOTE #:
LAB PROJECT #:	CLIENT PROJECT #:	TURNAROUND TIME: (WORKING DAYS)	STD	OTHER			
<i>07-4607</i>			<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

DATE	TIME	COMPOUND	GRADES	SAMPLE LOCATION/FIELD ID	MATERIAL	CONTAMINANTS	REMARKS	PARADIGM LAB SAMPLE NUMBER
11/13/07	10:00			<i>CEPENSE PRINT</i>			<i>Hold</i>	15168
				<i>FAST APPROACH</i>			<i>CPC 12/18/07 1102</i>	
				<i>TRUSS SPAYS</i>			<i>ok per JM New you AS still yet - photos</i>	
							<i>ok per JM 12/18 that sample is past holding time EPH 12/18</i>	

Sample Condition: *Per NELACELAP 2102412424324*

Receipt Parameter: *NELAC Compliance*

Container Type:	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
Preservation:	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
Holding Time:	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
Temperature:	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N

Temperature: *50C*

Received By: *[Signature]* Date/Time: *12/18/07 1225*

Relinquished By: *[Signature]* Date/Time: *12/18/07 1225*

Received By: *Elizabeth A. Honick* Date/Time: *12/18/07 1110*

Received @ Lab By: \_\_\_\_\_ Date/Time: \_\_\_\_\_

Total Cost: \_\_\_\_\_ P.L.F. \_\_\_\_\_



November 7, 2007

New York State Department of Environmental Conservation  
Records Access Officer  
625 Broadway  
Albany, New York 12233-1016

**Subject: Freedom of Information Law Request**

FOIL Coordinator:

This letter is a request pursuant to the Freedom of Information Law; we are requesting a review of information in the Department's files pertaining to the properties listed in the table below. Bergmann Associates is requesting this information to complete a Hazardous Waste Assessment located at the properties in the City of Poughkeepsie, Dutchess County, New York 12601.

<b>Business/Property Name</b>	<b>Address</b>	<b>Classifications:</b>
Sunoco Gas Station Owner: Shavi Company LLC	128 Washington Street	UST, AST, State LUST, State SPILLS, Voluntary Agreement, MGP (Coal Tar), Brownfield, C&D fill, land filling & any other Department environmental information regarding these sites.
Foreign Cars Specialists Owner: Deborah Rigolino	124 Washington Street	
Central Hudson Gas & Electric aka. Poughkeepsie Gas Works	N. Water Street	

We appreciate your assistance in obtaining the requested information and await your response. Should you need to contact me I can be reached at 585-232-5135 (ext. 286) or 585-455-7043(cell).

Very truly yours,

BERGMANN ASSOCIATES

Jim Marschner  
Environmental Specialist

585.232.5135

[www.bergmannpc.com](http://www.bergmannpc.com)

200 First Federal Plaza / 28 East Main Street / Rochester, New York 14614

7494.01

New York State Department of Environmental Conservation  
Division of Environmental Remediation, Region 3  
21 South Putt Corners Road, New Paltz, New York 12561-1620  
Phone: (845) 256-3176 • FAX: (845) 255-2987  
Website: www.dec.ny.gov



Alexander B. Grannis  
Commissioner

January 17, 2008

JIM MARSCHNER  
BERMANN ASSOCIATES  
200 FIRST FEDERAL PLAZA  
28 EAST MAIN STREET  
ROCHESTER NY 14614

Re: FOIL #925-3/07 - PBS #3-172456, 128 Washington Street, Poughkeepsie NY

Dear Mr. Marschner:

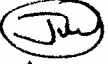
- Enclosed are the copies you requested from the Petroleum Bulk Storage Program. Please send in the enclosed envelope a check or money order for **\$8.00 payable to NYSDEC (32 pages)**.


Access was excepted to certain records for the reason(s) noted below (all citations paraphrase Public Officers Law, Article 6):

- (§87.2a) are specifically exempted from disclosure by State or Federal statute (\_\_\_\_\_ documents)
- (§87.2b) would result in unwarranted invasion of personal privacy (\_\_\_\_\_ documents)
- (§87.2c) would impair present or imminent contract awards or collective bargaining negotiations (\_\_\_\_\_ documents)
- (§87.2d) are trade secrets or are maintained for the regulation of commercial enterprise (\_\_\_\_\_ documents)
- (§87.2e) are compiled for law enforcement purposes (\_\_\_\_\_ documents)
- (§87.2f) would endanger the life or safety of any person (\_\_\_\_\_ documents)
- (§87.2g) are inter-agency or intra-agency communications ( 4 documents)
- (§87.2h) are examination questions or answers (\_\_\_\_\_ documents)
- (§87.2i) would jeopardize an agency's capacity to guarantee the security of its information technology assets (\_\_\_\_\_ documents)

If you wish to appeal this determination, you may write within 30 days of denial to:

Chief Administrative Law Judge  
**Louis Alexander**  
Office of Hearings & Mediation Services (OHMS)  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-1500

7494.01  
OK TO PAY  
  
1/22/08

Yours truly,  
  
Barbara Yukoweic  
Agency Program Aide  
Region 3

cc: Regional Records Access Office

**New York State Department of Environmental Conservation  
Records Access Office, Region 3**

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3052 • FAX: (845) 255-3414

Website: www.dec.ny.gov



Alexander B. Grannis  
Commissioner

NOVEMBER 8, 2007

JIM MARSCHNER  
BERMANN ASSOCIATES  
200 FIRST FEDERAL PLAZA  
28 EAST MAIN STREET  
ROCHESTER NY 14614

RE: FOIL #925-3/07  
ALBANY #07-2623  
128 WASHINGTON STREET (SPILL 9800975, PBS 3-172456), 124 WASHINGTON ST, N WATER  
STREET POUGHKEEPSIE  
DATE RECEIVED: NOVEMBER 7, 2007

DEAR JIM MARSCHNER:

This letter acknowledges receipt of your request for access to records under New York State's Freedom of Information Law (FOIL). Your request has been forwarded to D. Weitz, B. Yukoweic of the Spill Prevention and Response, Petroleum Bulk Storage Programs, respectively. Within twenty (20) business days, you can expect a response from the regional programs as to whether such documents are in their custody. Please find enclosed spill report sheets for the referenced location. Please find enclosed a pbs information sheet for the referenced location.

If programs have records, you will have an opportunity to arrange to obtain access to the records. There is no charge to review records or for copies of seven or fewer pages. By law, copy charges will not exceed 25 cents per page or the actual cost of copying. Photographs, maps, oversized documents, videotapes or audio tapes generally cost more than 25 cents per page to copy. You may be required to pay a deposit prior to copies being made and/or to pay all copy charges prior to copies being sent.

If all records are not provided because the records are excepted from disclosure, you will be notified of the reasons and of your right to appeal the determination.

Region 3 Records Access Office

cc: D. Weitz, B. Yukoweic  
SPILLS/PBS





PBS #: 3-172456

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
Petroleum Bulk Storage Program  
Facility Information Report

Site: WASHINGTON ST. SUNOCO  
128 WASHINGTON ST  
POUGHKEEPSIE, NY 12601

Owner: GUR-JAS CORP.  
128 WASHINGTON ST.  
POUGHKEEPSIE, NY 12601  
(845) 452-4647

Mail: WASHINGTON ST. SUNOCO  
128 WASHINGTON ST.  
POUGHKEEPSIE, NY 12601

Town: Poughkeepsie (c) County: Dutchess  
Operator: PARMINDER  
Emergency: PARMINDER (845) 485-4244  
Auth Rep: (845) 452-4647

ATTN: PARMINDER KANWAL  
(845) 452-4647

Site Status: Active  
Site Type: Retail Gasoline Sales  
Total Active Tanks: 1  
Active Capacity: 14,000  
Reg Expires: 8/10/08  
Last Inspected: 08/18/2006  
Inspected By: JPCUMMIN  
SPDES # CBS #:

(2) Tank No	(3) Tank Loc	(4) Status	(5) Date Install	(5) Date Closed	(6) Capacity (gals)	(7) Product	(8) Tank Type	(9) Tank IP	(10) Tank EP	(11) Tank SC	(12) Tank LD	(13) Tank OP	(14) Tank SP	(15) Tank Disp	(16) Tank Loc	(17) Tank Type	(18) Tank EP	(19) Tank SC	(20) Tank LD	(21) Tank Date Test	(21) Tank Next Test	
1	5	In Service	6/1/98		14,000	0009	06	00	04	04	05	01	01	01	02	06	04				6/1/13	
1-A	5	Closed - Removed	5/1/70	6/1/98	3,000	0009	01	00	07	00	99	00	00	02	00	02	00				5/1/87	
2	5	Closed - Removed	5/1/70	6/1/98	3,000	0009	01	00	07	00	99	00	00	02	00	02	00				5/1/87	
3	5	Closed - Removed	5/1/70	6/1/98	3,000	0009	01	00	07	00	99	00	00	02	00	02	00				5/1/87	
4	5	Closed - Removed	1/1/76	6/1/98	3,000	0009	01	00	07	00	99	00	00	02	00	02	00				5/1/87	
5	5	Closed - Removed	9/1/76	6/1/98	4,000	0009	01	00	07	00	99	00	00	02	00	02	00				9/1/91	

Action (1)	Status (4)	Tank Type (8)	External Protection (10/18)	Piping Type (17)	Secondary Containment (11/19)	Piping Location (16)
1. Initial Listing	1. In-service	01. Steel/Carbon Steel/Iron	00. None	00. None	00. None	00. No Piping
2. Add Tank	2. Temporarily out-of-service	02. Galvanized Steel Alloy	01. Painted/Asphalt Coating	01. Steel/Carbon Steel/Iron	01. Diking (A/G)	01. Aboveground
3. Close/Remove Tank	3. Closed-Removed	03. Stainless Steel Alloy	02. Original Sacrificial Anode	02. Galvanized Steel	02. Vault (w/access)	02. Underground/On-ground
4. Information	4. Closed- In Place	04. Fiberglass Coated Steel	03. Original Impressed Current	03. Stainless Steel Alloy	03. Vault (w/o access)	03. Aboveground/Underground
Correction	5. Tank converted to Non-Regulated use	05. Steel Tank in Concrete	04. Fiberglass	04. Fiberglass Coated Steel	04. Double-Walled (U/G)	Combination
5. Recondition/Repair/Reline Tank	Product Stored (7) 0001. #2 Fuel Oil 0002. #4 Fuel Oil 0003. #6 Fuel Oil 0011. Jet Fuel 0008. Diesel 0009. Gasoline 2710. Biodiesel 2712. Gasoline/Ethanol	06. Fiberglass Reinforced Plastic (FRP) 07. Plastic 08. Equivalent Technology 09. Concrete 10. Urethane Clad Steel	05. Jacketed 06. Wrapped (Piping) 07. Retrofitted Sacrificial Anode 08. Retrofitted Impressed Current 09. Urethane 99. Other-please list.*	05. Steel Encased in Concrete 06. Fiberglass Reinforced Plastic (FRP) 07. Plastic 08. Equivalent Technology 09. Concrete 10. Copper 11. Flexible Piping 99. Other-please list.*	06. Remote Impounding Area System 07. Excavation/Trench Liner (Bladder) 08. Flexible Internal Liner (A/G) 09. Modified Double-Walled (A/G) 10. Impervious Underlayment 11. Double Bottom (A/G) 99. Other-please list.*	00. None 01. Interstitial Electronic Monitoring 02. Interstitial Manual Monitoring 03. Vapor Well 04. Groundwater Well 07. Pressurized Piping Leak Detector 08. Tank Top Sump (Piping) 09. Exempt Suction Piping 99. Other-please list.*
			<b>Internal Protection (9)</b> 00. None 01. Epoxy Liner 02. Rubber Liner 03. Fiberglass Liner (FRP) 04. Glass Liner 99. Other-please list.*	<b>Overflow Prevention (13)</b> 00. None 01. Float Vent Valve 02. High Level Alarm 03. Automatic Shut-off 04. Product Level Gauge(A/G) 05. Vent Whistle 99. Other-please list.*	<b>Spill Prevention (14)</b> 00. None 01. Catch Basin 02. Transfer Station Containment 99. Other - Please list*	<b>Pipe Leak Detection (20)</b> 00. None 01. Interstitial Electronic Monitoring 02. Interstitial Manual Monitoring 03. Vapor Well 04. Groundwater Well 07. Pressurized Piping Leak Detector 08. Tank Top Sump (Piping) 09. Exempt Suction Piping 99. Other-please list.*

\* If other, please list on a separate sheet including Tank Number

NOTICE REGARDING APPLICATION FOR PETROLEUM BULK STORAGE REGISTRATION

DATE: 11/27/2006 PBS # & Facility Name: 3-172456 Sunoco Gurjas Corp.

Dear Facility Owner:

Your Petroleum Bulk Storage registration/renewal application and fee are being returned to you. Your application cannot be processed for the following reason(s):

- Your fee of \$ was not enclosed or is incorrect. Your fee should be \$ based on registering tanks with combining capacity of gallons (waste oil does not count in total capacity).

Please make a check or money order for the correct amount, payable to the Department of Environmental Conservation and return with your application.

- The information checked below is missing or incomplete:

SECTION A	MISSING IF CHECKED	SECTION B	MISSING IF CHECKED
PBS Number		Action	
Facility Information		Tank Number	
		Tank Location	
		Status	
		Date Tank Installed/Closed	
		Tank Capacity	
		Product Stored	
Mailing/Correct Info.		Tank Type	
		Other	

Please complete your application and return with your check or money order

- Your application for this registration is not required because:
  - The total capacity of your facility is 1,100 or less.
  - The total capacity of your facility is 400,000 gallons or more.
- Your application indicates that a modification has been performed at this facility. See section "B" of your application. Please provide supporting documentation.
- Your application indicates that a new tank(s) have been installed at this facility. The tank has not been registered and will not be processed as being in compliance with the Petroleum Bulk Storage Regulations until the Department receives documentation ("as-builts") describing tank type, piping type, secondary containment & leak detection installed per 6NYCRR Parts 614.2 - 614.5. A statement that the system has been installed in compliance with NYS standards per Part 614.7(d) is also required.
- Other - The "information correction" which you submitted is being returned. The owner name has changed from Gur-jas Corp. to Shavi with no change in Federal Tax ID number. The mailing correspondence information has been left blank on the application. "Section B" of the application has been left blank. Pursuant to DER Policy 12, an incomplete application cannot be processed.**

Please make the necessary changes and return your corrected application and check **within 10 days** to:

NYS DEC Region3  
 21 South Putt Corners Road  
 New Paltz, NY 12561  
 Attn: Barbara Yukoweic  
 (845) 256-3176

Thank you for your cooperation.

3-172456

FILE COPY

# Petroleum Bulk Storage Application

Pursuant to the Petroleum Bulk Storage Law,  
Article 17, Title 10 of ECL; 6 NYCRR 612-6.14 and 6 NYCRR, Subpart 360-1.4

## Section A

(See enclosed instructions and please be sure to complete Sections A & B)

Please Type or Print Clearly and Complete All Items  PBS Number <b>3-172456</b>	F A C I L I T Y	Facility Name: <b>SUNOCO GURJAS CORP</b> Location (Not P.O. Boxes): <b>128 Washington St.</b> Location (cont.): City: <b>POUGHKEEPSIE</b> State: <b>NY</b> Zip Code: <b>12601</b> County: <b>DUTCHESS</b> Township or City: <b>POUGHKEEPSIE</b>	TYPE OF PETROLEUM FACILITY (Check only one) <input type="checkbox"/> 01=Storage Terminal/Petroleum Distributor <input checked="" type="checkbox"/> 02=Retail Gasoline Sales <input type="checkbox"/> 03=Other Retail Sales <input type="checkbox"/> 04=Manufacturing <input type="checkbox"/> 05=Utility <input type="checkbox"/> 06=Trucking/Transportation <input type="checkbox"/> 07=Apartment Building <input type="checkbox"/> 08=School <input type="checkbox"/> 09=Farm <input type="checkbox"/> 10=Private Residence <input type="checkbox"/> 11=Airline/Air Taxi <input type="checkbox"/> 12=Chemical Distributor <input type="checkbox"/> 13=Municipality <input type="checkbox"/> 14=Refinery Residence <input type="checkbox"/> 15=Railroad <input type="checkbox"/> 16=Vessel/Barge <input type="checkbox"/> 99=Other (Specify):
DEC SPDES Number: (if applicable)  DEC SPDES Number: (if applicable)	O W N E R	Name of Operator at Facility: <b>SUNOCO FOOD MART</b> Facility Telephone Number: <b>845-452-4647</b> Emergency Contact Name: <b>PARMINDER KANWAL</b> Emergency Telephone Number: <b>845-485-4244</b> Owner Name: <b>SHAKI COMPANY LLC</b> Address (Street and/or P.O.): <b>2 GENTRY BEND</b> City: <b>POUGHKEEPSIE</b> State: <b>NY</b> Zip Code: <b>12603</b> Federal Tax ID Number: <b>14-178788</b> Owner Telephone Number: <b>845-485-4244</b>	I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.  Name of Owner or Authorized Representative: <b>PARMINDER KANWAL</b> Amount Enclosed: \$ Title: <b>President</b> Signature: <i>[Signature]</i> Date: <b>8/18/06</b>

CORRESPONDENCE  Attention:  Nat _____ Ad _____ Ad _____ Cit _____ Te _____	(Please keep up to date - this information is used for mailing and contact purposes)  RECEIVED HANDED DELIVERED E-Mail Ad _____	OFFICIAL USE ONLY  Page _____ of _____ Date Received ____/____/____ Date Processed ____/____/____ Amount Received \$ _____ Reviewed by _____
--	--	--

Return Completed Form & Fees to:  
NYSDEC - PBS Unit  
Region 3  
21 South Putt Corners Road  
New Paltz, NY 12561-1696  
(845) 256-3121

Expiration Date:

**Section B - Tank Information**

(See enclosed instructions and use the key located on the bottom of this sheet to complete each item/column)

Registration Expiration Date: \_\_\_\_\_

(1) Tank Model	(2) Piping Tank Model Number	(3) Tank Location	(4) Status	(5) Installation or Permanent Closure Date	(6) Capacity (Gallons)	(7) Product Stored	(8) Tank Type	(9) Tank Internal Protection	(10) Tank External Protection	(11) Tank Secondary Containment	(12) Tank Leak Detection	(13) Tank Overfill Prevention	(14) Tank Spill Prevention	(15) Tank Dispenser	(16) Piping Location	(17) Piping Type	(18) Piping External Protection	(19) Piping Sec Containment	(20) Piping Leak Detection	(21) Last Test Date/ Testing Due Date (Underground Tanks)

**Action (1)**

- Initial Listing
- Add Tank
- Close/Remove Tank Information
- Correction
- Recondition/Repair/line Tank
- In-service
- Temporarily out-of-service
- Closed-Removed
- Closed-In Place
- Tank converted to Non-Regulated use

**Status (4)**

- 0001. #2 Fuel Oil
- 0002. #4 Fuel Oil
- 0003. #6 Fuel Oil
- 0011. Jet Fuel
- 0008. Diesel
- 0009. Gasoline
- 0012. Kerosene
- 0013. Lube Oil
- 0022. Waste/Used Oil
- 0259. #5 Fuel Oil
- 2642. Used Oil (Fuel)
- 9999. Other -please list.\*

**Tank Type (8)**

- 01. Steel/Carbon Steel/Iron
- 02. Galvanized Steel Alloy
- 03. Stainless Steel Alloy
- 04. Fiberglass Coated Steel
- 05. Steel Tank in Concrete
- 06. Fiberglass Reinforced Plastic (FRP)
- 07. Plastic
- 08. Equivalent Technology
- 09. Concrete
- 10. Urethane Clad Steel
- 99. Other-please list.\*

**External Protection (10/18)**

- 00. None
- 01. Painted/Asphalt Coating
- 02. Original Sacrificial Anode
- 03. Original Impressed Current
- 04. Fiberglass
- 05. Jacketed
- 06. Wrapped (Piping)
- 07. Retrofitted Sacrificial Anode
- 08. Retrofitted Impressed Current
- 09. Urethane
- 99. Other-please list.\*

**Piping Types (17)**

- 00. None
- 01. Steel/Carbon Steel/Iron
- 02. Galvanized Steel
- 03. Stainless Steel Alloy
- 04. Fiberglass Coated Steel
- 05. Steel Encased in Concrete
- 06. Fiberglass Reinforced Plastic (FRP)
- 07. Plastic
- 08. Equivalent Technology
- 09. Concrete
- 10. Copper
- 11. Flexible Piping
- 99. Other-please list.\*

**Secondary Containment (11/19)**

- 00. None
- 01. Diking (A/G)
- 02. Vault (w/access)
- 03. Vault (w/o access)
- 04. Double-Walled (U/G)
- 05. Synthetic Liner
- 06. Remote Impounding Area
- 07. Excavation/Trench Liner System
- 08. Flexible Internal Liner (Bladder)
- 09. Modified Double-Walled (A/G)
- 10. Impervious Underlayment
- 11. Double Bottom (A/G)
- 99. Other-please list.\*

**Internal Protection (9)**

- 00. None
- 01. Epoxy Liner
- 02. Rubber Liner
- 03. Fiberglass Liner (FRP)
- 04. Glass Liner
- 99. Other-please list.\*

**Tank Leak Detection (12)**

- 00. None
- 01. Interstitial Electronic Monitoring
- 02. Interstitial Manual Monitoring
- 03. Vapor Well
- 04. Groundwater Well
- 05. In-Tank System (ATG)
- 06. Impervious Barrier/Concrete Pad (A/G)
- 99. Other-please list.\*

**Overfill Prevention (13)**

- 00. None
- 01. Float Vent Valve
- 02. High Level Alarm
- 03. Automatic Shut-off
- 04. Product Level Gauge(A/G)
- 05. Vent Whistle
- 99. Other-please list.\*

**Spill Prevention (14)**

- 00. None
- 01. Catch Basin
- 02. Transfer Station Containment
- 99. Other -please list.\*

**Pipe Leak Detection (20)**

- 00. None
- 01. Interstitial Electronic Monitoring
- 02. Interstitial Manual Monitoring
- 03. Vapor Well
- 04. Groundwater Well
- 07. Pressurized Piping Leak Detector
- 08. Tank Top Sump (Piping)
- 09. Exempt Suction Piping
- 99. Other-please list.\*

**Piping Location (16)**

- 00. No Piping
- 01. Aboveground
- 02. Underground/On-ground
- 03. Aboveground/Underground Combination

\* If other, please list on a separate sheet including Tank Number



Denise M. Sheehan  
 Commissioner

**NOTICE OF VIOLATION**

PBS Number: 3-172456

Date: 8/18/06

Facility Name: <u>Wash. L. St Service</u>		Property/Tank Owner Name and Address: <u>Gur-Jas Corp</u>	
Street: <u>128 Wash. L. St</u>		<u>128 Washington St</u>	
City: <u>Poughkeepsie</u>		Operator Name and Address: <u>Sun Ac Facility</u>	
State: <u>NY</u>	Zip: <u>12601</u>	County: <u>Dutchess</u>	

**Major Facility Violations**

- |  |   |
|--|---|
| <input type="checkbox"/> Registration Certificate Not Displayed (612.2e)       | <input type="checkbox"/> Failure to Renew Registration (612.2a2)      |
| <input type="checkbox"/> Failure to Transfer Ownership (612.2b)                | <input type="checkbox"/> Failure to Register-New Facility (612.2c)    |
| <input type="checkbox"/> Unregistered Tanks (612.2e)                           | <input type="checkbox"/> Failure to Report a Spill (613.8)            |
| <input type="checkbox"/> DEC Not Notified of Substantial Modification (612.2d) | <input type="checkbox"/> Failure to Inspect Leak Monitoring (613.5b3) |

*1A - Regul  
1B - Super*

**Major Underground Tank Violations (mark with tank numbers)**

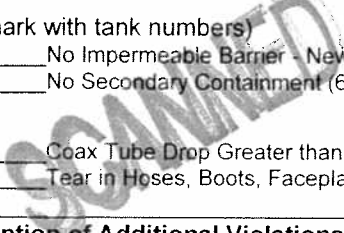
- |   |  |
|---|--|
| <input type="checkbox"/> Failure to Test Tank/Piping (613.5a1i)           | <input type="checkbox"/> Failure to Keep Inventory Records (613.4a1)           |
| <input type="checkbox"/> Failure to Reconcile Inventory Records (613.4d)  | <input type="checkbox"/> Failure to Investigate Inventory Discrepancy ( )      |
| <input type="checkbox"/> Failure to Test Cathodic Protection (613.5b2)    | <input type="checkbox"/> Cathodic Protection Not Maintained (613.3d)           |
| <input type="checkbox"/> New Tank/Piping Not Corrosion Resistant (614.2a) | <input type="checkbox"/> No Secondary Containment on New Tank (614.2a2)        |
| <input type="checkbox"/> No Overfill Prevention on New Tank (614.14g1)    | <input type="checkbox"/> <u>1A 1B</u> No Leak Monitoring on New Tank (614.2a3) |
| <input type="checkbox"/> Failure to monitor Unmetered Tank (613.4a2)      | <input type="checkbox"/> No Line Leak Detector-Pressurized Piping (614.14g3)   |

**Major Aboveground Tank Violations (mark with tank numbers)**

- |  |   |
|--|---|
| <input type="checkbox"/> New Tank Exterior Not Properly Painted (614.9c) | <input type="checkbox"/> No Impermeable Barrier - New Tank (614.10) |
| <input type="checkbox"/> Secondary Containment Not Maintained (613.3d)   | <input type="checkbox"/> No Secondary Containment (613.3c6i)        |

**Air Violations**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> <u>1A/1B</u> No Vapor Tight Seal at Tank Port/Poppet (230.2) | <input type="checkbox"/> Coax Tube Drop Greater than 1" (230.2)   |
| <input type="checkbox"/> No Stage 2 Paperwork Onsite/Submitted (230.5)                           | <input type="checkbox"/> Tear in Hoses, Boots, Faceplates (230.2) |



Tank #	Regulation	Description of Additional Violations
-	612.2e	Registration Not Valid
1A	613.3d1	Failure to Cathodic Protection
1A/1B	613.3d	Failure to Test Cathodic Protection
1A/1B	614.2a3	Failure to Reconcile Inventory Records
1A/1B	614.2a2	Tank Label Not Present at Fill Port

PLEASE TAKE NOTICE that based upon this inspection, there is reason to believe that you are in violation of Article 17 and/or Article 19 of the New York Environmental Conservation Law and the regulation promulgated there under 6NYCRR Parts 612, 613, 614 and/or 230. TAKE FURTHER NOTICE that according to §71-1929 of the ECL, the sanctions for such violations include a CIVIL PENALTY of up to \$37,500 per day for each violation and according to § 71-2103 of the ECL, the sanctions for such violations include a CIVIL PENALTY of up to \$15,000 per day for each violation. DEC reserves the right to take further enforcement action for any violation noted in this NOTICE or any other violation that may exist and is not included in this NOTICE.

Inspector's Signature: Josh Connor Title: Env Eng Date: 8/18/06

I, Benjamin Conlon, have been told of the alleged violations and the need to remedy these violations immediately. I have also been told that a settlement conference has been set for Sept 7 2006 at 11:00 AM at the Regional Office in New Paltz. I have been given directions to the Regional Office and understand that if I fail to appear at the settlement conference, the Department will refer these violations to Environmental Enforcement for a formal enforcement proceeding. I also confirm that I have been notified that I will be meeting with an attorney from the Department to discuss settlement and that I may bring my own attorney to the settlement conference. If I, or my attorney, have any questions relating to the alleged violations and/or the settlement conference, contact Benjamin Conlon, Esq. at (518)402-9510.

Owner/Operator Signature: David J. ... Title: ... Date: 8/18/06



NOTICE OF VIOLATION

PBS Number: 3-172456

Date: 8/18/06 AT : PM

Facility Name: Washington St Syracuse
Doing Business As: B
Street: 128 Washington St
City: Parkersburg State: NY
Property/Tank Owner Name and Address:
Operator Name and Address: See Page 1

Table with 2 columns: Violation, Description of Violation. Contains handwritten entries for violations 611.7d and 613.3d regarding air quality and tank maintenance.

PLEASE TAKE NOTICE THAT based upon this inspection, there is reason to believe that you are in violation of Article 17 and/or Article 19 of the New York Environmental Conservation Law...

Technical questions for PBS Violations, contact \_\_\_\_\_ at \_\_\_\_\_
Technical questions for Air Violations, contact \_\_\_\_\_ at \_\_\_\_\_

Inspection Performed By: \_\_\_\_\_ Title \_\_\_\_\_

DEC Representative's Signature: \_\_\_\_\_ Date \_\_\_\_\_

I, \_\_\_\_\_, have been told of the alleged violations and the need to remedy these violations immediately. I have also been told that an administrative settlement conference has been set for \_\_\_\_\_ at \_\_\_\_\_ at the Regional Office in \_\_\_\_\_.

Owner/Operator Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



PBS #: 3-172456

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
 Petroleum Bulk Storage Program  
 Facility Information Report

Printed: 8/25/2006

Site: WASHINGTON ST. SUNOCO  
 128 WASHINGTON ST  
 POUGHKEEPSIE, NY 12601

Owner: GUR-JAS CORP.  
 128 WASHINGTON ST.  
 POUGHKEEPSIE, NY 12601

Mail: WASHINGTON ST. SUNOCO  
 128 WASHINGTON ST.  
 POUGHKEEPSIE, NY 12601

(845) 452-4647

Town: Poughkeepsie (c) County: Dutchess

Owner Type: Corporate or Commercial  
 Operator: PARMINDER  
 Emergency: PARMINDER  
 (845) 452-4647  
 (845) 485-4244 Auth Rep:

Site Status: Active  
 Site Type: Retail Gasoline Sales  
 Total Active Tanks: 1  
 Active Capacity: 14,000

Reg Expires: 8/10/08

Last Inspected:

Inspected By:

Cert Printed: 7/28/03

SPDES # CBS #:

(2) Tank No	(3) Tank Loc	(4) Status	(5) Date Install	(6) Capacity (gals)	(7) Product	(8) Tank Type		(9) Tank EP		(10) Tank SC		(11) Tank LD		(12) Tank OP		(13) Tank SP		(14) Tank Dis		(15) Tank Loc		(16) Pipe Type		(17) Pipe EP		(18) Pipe SC		(19) Pipe LD		(20) Pipe Date		(21) Next Test	
						Type	HP	EP	SC	LD	OP	SP	Disp	Loc	Type	EP	SC	LD	Date	Test	Type	EP	SC	LD	Date	Test	Type	EP	SC	LD	Date	Test	
1	5	In Service	6/1/98	14,000	0009	06	00	04	04	04	04	05	01	01	01	01	01	01	01	01	02	06	04	04	04	04	ZZ	ZZ	ZZ	ZZ	5/1/87	5/1/87	
1-A	5	Closed - Removed	5/1/70	3,000	0009	01	00	07	00	00	00	99	00	00	00	00	00	00	02	00	02	00	00	00	00	ZZ	ZZ	ZZ	ZZ	5/1/87	5/1/87		
2	5	Closed - Removed	5/1/70	3,000	0009	01	00	07	00	00	00	99	00	00	00	00	00	00	02	00	02	00	00	00	00	ZZ	ZZ	ZZ	ZZ	5/1/87	5/1/87		
3	5	Closed - Removed	5/1/70	3,000	0009	01	00	07	00	00	00	99	00	00	00	00	00	00	02	00	02	00	00	00	00	ZZ	ZZ	ZZ	ZZ	5/1/87	5/1/87		
4	5	Closed - Removed	1/1/76	3,000	0009	01	00	07	00	00	00	99	00	00	00	00	00	00	02	00	02	00	00	00	00	ZZ	ZZ	ZZ	ZZ	5/1/87	5/1/87		
5	5	Closed - Removed	9/1/76	4,000	0009	01	00	07	00	00	00	99	00	00	00	00	00	00	02	00	02	00	00	00	00	ZZ	ZZ	ZZ	ZZ	9/1/91	9/1/91		

Action (1)	Status (4)	Tank Type (8)	External Protection (10/18)	Piping Type (17)	Secondary Containment (11/19)	Piping Location (16)
1. Initial Listing	1. In-service	01. Steel/Carbon Steel/Iron	00. None	00. None	00. None	00. No Piping
2. Add Tank	2. Temporarily out-of-service	02. Galvanized Steel Alloy	01. Painted/Asphalt Coating	01. Steel/Carbon Steel/Iron	01. Diking (A/G)	01. Aboveground
3. Close/Remove Tank	3. Closed-Removed	03. Stainless Steel Alloy	02. Original Sacrificial Anode	02. Galvanized Steel	02. Vault (w/access)	02. Underground/On-ground
4. Information Correction	4. Closed- In Place	04. Fiberglass Coated Steel	03. Original Impressed Current	03. Stainless Steel Alloy	03. Vault (w/o access)	03. Aboveground/Undergr
5. Recondition/Repair/ Reline Tank	5. Tank converted to Non-Regulated use	05. Steel Tank in Concrete	04. Fiberglass	04. Fiberglass Coated Steel	04. Double-Walled (U/G)	Combination
		06. Fiberglass Reinforced Plastic (FRP)	05. Jacketed	05. Steel Encased in Concrete	05. Synthetic Liner	<b>Pipe Leak Detection (20)</b>
		07. Plastic	06. Wrapped (Piping)	06. Fiberglass Reinforced Plastic (FRP)	06. Remote Impounding Area	00. None
		08. Equivalent Technology	07. Retrofitted Sacrificial Anode	07. Plastic	07. Excavation/Trench Liner System	01. Interstitial Electronic Monitoring
		09. Concrete	08. Retrofitted Impressed Current	08. Equivalent Technology	08. Flexible Internal Liner (Bladder)	02. Interstitial Manual Monitor
		10. Urethane Clad Steel	09. Urethane	09. Concrete	09. Modified Double-Walled (A/G)	03. Vapor Well
		99. Other-please list:*	99. Other-please list *	10. Copper	10. Impervious Underlayment	04. Groundwater Well
		<b>Internal Protection (9)</b>	<b>Tank Leak Detection (12)</b>	11. Flexible Piping	11. Double Bottom (A/G)	07. Pressurized Piping Leak Detector
		00. None	00. None	99. Other-please list *	99. Other-please list *	08. Tank Top Sump (Piping)
		01. Epoxy Liner	01. Interstitial Electronic Monitoring	<b>Overflow Prevention (13)</b>	00. None	09. Exempt Suction Piping
		02. Rubber Liner	02. Interstitial Manual Monitoring	00. None	01. Float Vent Valve	99. Other-please list *
		03. Fiberglass Liner (FRP)	03. Vapor Well	01. High Level Alarm	02. Automatic Shut-off	
		04. Glass Liner	04. Groundwater Well	03. Product Level Alarm	03. Automatic Shut-off	
		99. Other-please list:*	05. In-Tank System (ATG)	04. Product Level Gauge(A/G)	04. Product Level Gauge(A/G)	
			99. Other-please list:*	06. Impervious Barrier/Concrete Pad (A/G)	05. Vent Whistle	
				99. Other-please list:*	99. Other-please list *	
					00. None	
					01. Catch Basin	
					02. Transfer Station Containment	
					99. Other - Please list *	
					01. Submersible	
					02. Suction	
					03. Gravity	

\* If other, please list on a separate sheet including Tank Number

# NYS Department Of Environmental Conservation

## Comprehensive Petroleum Bulk Storage Inspection Report

Facility #:		PIN #:		Inspection Date:	8/18/06	Time:	0850 (24 hr)
PBS #:	3-172456	CBS #:		MOSF #:		ITS #:	
Spill #:		# of Spills:		Total Active Spills:		SPDES #:	
Facility:	Washington St Sunoco						
Address:	128 Washington St						
C/S/Zip:	Poughkeepsie			NY	12601	County:	Dutchess
Contact:		Phone:		Title:			
Latitude:		N	Longitude:		W	Photos Taken?	<input checked="" type="checkbox"/>
# of Monitoring Wells On Site:	2	General Site Conditions	<input type="checkbox"/> Good	<input checked="" type="checkbox"/> Fair	<input type="checkbox"/> Poor	Potential Receptor(s)	Distance
Facility Information Report(s) Attached?	<input checked="" type="checkbox"/>						

Mailing Address	Owner Address	Operator Address

### NYS DEC Petroleum Bulk Storage Regulations

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>_____ 0 Other Underground (UG) Tanks Not Listed Below</li> <li>_____ 1 Failure To Register - Existing Facility</li> <li>_____ 3 Failure To Transfer Ownership</li> <li>_____ 5 Dept. Not Notified Of Substantial Modifications</li> <li>✓ _____ 7 Registration Not Current And Valid</li> <li>_____ 9 Monitoring Well(s) Not Labeled And Secured</li> <li>_____ 11 No Solenoid Valve For Gravity-Fed Pump</li> <li>_____ 13 Tank(s) Not Labeled (Design, Work, ID) - (AG)</li> <li>_____ 15 No Check Valve For Pump-Filled Tank</li> <li>_____ 17 No Secondary Containment (&lt;10,000 Gal) - (AG)</li> <li>_____ 19 No Dike Valve On Secondary Containment - (AG)</li> <li>IA, IB _____ 21 Sump &amp;/Or Fill Port Catch Basin Not Maintained</li> <li>_____ 23 Leak Detection Equipment Not Maintained</li> <li>_____ 25 Measuring Device (Stick) In Poor Condition</li> <li>_____ 27 Sec. Cont. System Not Maintained (&lt;10K) - (AG)</li> <li>_____ 29 Solenoid Valve On Gravity System Not Maintained</li> <li>_____ 31 Operating Valve On Gravity System Not Maintained</li> <li>_____ 33 Failure To Monitor Unmetered Tank</li> <li>_____ 35 Failure To Reconcile Inventory Records (10-Day)</li> <li>_____ 37 Failure To Test Tank</li> <li>_____ 39 Tank Tightness Test Not Acceptable</li> <li>_____ 41 Failure To Test Cathodic Protection Annually - Line</li> <li>_____ 43 Failure To Inspect Leak Monitoring System</li> <li>_____ 45 Failure To Maintain Leak Det. Records For 1 Yr</li> <li>_____ 47 Failure To Perform 10-Yr Inspection - (AG)</li> <li>_____ 49 Failure To Keep 10-Yr Inspection 10 Yrs - (AG)</li> <li>_____ 51 Failure To Report Spill In Sump/Fill Port Basin</li> <li>_____ 53 Tank(s) Not Permanently Closed Properly</li> <li>_____ 55 Tank Is Not Corrosion Resistant - New (UG)</li> </ul> | <ul style="list-style-type: none"> <li>_____ 0 Other Aboveground (AG) Tanks Not Listed Below</li> <li>_____ 2 Failure To Renew Registration</li> <li>_____ 4 Failure To Register - New Facility</li> <li>_____ 6 Registration Certificate Not Displayed</li> <li>IA _____ 8 Failure To Color Code Fill Ports</li> <li>_____ 10 No Shear Valve For Pressurized Piping System</li> <li>_____ 12 No Gauge, High-Level Alarm - (AG)</li> <li>_____ 14 Tank Labeling Not Marked At Tank Gauge - (AG)</li> <li>_____ 16 No Operating Valve For Gravity-Drained Tank</li> <li>_____ 18 No Secondary Containment (≥10,000 Gal) - (AG)</li> <li>_____ 20 Dike Drain Valve Left Open Or Unlocked - (AG)</li> <li>IA, IB _____ 22 Shear Valve For Pressurized Piping Not Maintained</li> <li>_____ 24 Cathodic Protection System Not Maintained</li> <li>_____ 26 Sec. Cont. System Not Maintained (≥10K) - (AG)</li> <li>_____ 28 Gauge, High-Level Alarm Not Maintained - (AG)</li> <li>_____ 30 Check Valve On Remote Fill System Not Maintained</li> <li>_____ 32 Failure To Keep Inventory Records</li> <li>IA, IB _____ 34 Failure To Reconcile Inventory Records Properly</li> <li>_____ 36 Failure To Investigate Inventory Record Discrepancy</li> <li>_____ 38 Failure To Test Piping System</li> <li>_____ 40 Failure To Test Cathodic Protection Annually - Tank</li> <li>_____ 42 Cathodic Protection Test Invalid</li> <li>_____ 44 Failure To Maintain Cath. Prot. Records For 1 Yr</li> <li>_____ 46 Failure To Inspect Facility Monthly - (AG)</li> <li>_____ 48 Failure To Keep Monthly Inspection 10 Yrs - (AG)</li> <li>_____ 50 Failure To Report A Spill</li> <li>_____ 52 Tank(s) Not Temporarily Closed Properly</li> <li>_____ 54 Failure To Notify &lt;30 Days Prior To Perm. Closure</li> <li>_____ 56 No Secondary Containment - New (UG)</li> </ul> |
|--|---|

Inspector:	J. J. [Signature]	Title:	[Blank]	Initials:	[Blank]
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- |               |  |   |
|---------------|--|---|
| <u>1A, 1B</u> | 57 No Leak Monitoring - New (UG)                   | 58 Piping Is Not Corrosion Resistant - New (UG)       |
| <u>1A, 1B</u> | 59 Tank Label Not Present At Fill Port - New (UG)  | 60 No Interstitial Monitoring - New Tank(s)           |
| <u>1A, 1B</u> | 61 Failure To Maintain As-Built Plan - New Tank(s) | 62 Tank Not Welded Steel - New (AG)                   |
|               | 63 Tank Bottom Not Corrosion Protected - New (AG)  | 64 Tank Exterior Not Properly Painted - New (AG)      |
|               | 65 No Impermeable Barrier Under Tank - New (AG)    | 66 No Monitoring For Leaks - New (AG)                 |
|               | 67 No Overfill Prevention Installed - New (UG)     | 68 No Line Leak Detection On Press. Piping - New Tank |
|               | 69 Suction Piping Has >1 Check Valve - New Tank    |   |

**Navigation Law**

- 81 Illegal Discharge Of Petroleum

**US EPA Federal Regulations**

- |  |  |
|--|--|
| 200 No Tank Corrosion Protection - New Tank(s)           | 201 No Piping Corrosion Protection - New Tank(s)                     |
| 202 Spill Catch Basin Not Present                        | <u>1A, 1B</u> 203 Catch Basin Not Functional (Liquid/Cracks Present) |
| 204 Overfill Prevention Device Not Present               | 205 Automatic Shutoff Not Operational                                |
| 206 High-Level Alarm Not Operational                     | 207 High-Level Alarm Not Visible/Audible To Deliverer                |
| <u>1A, 1B</u> 208 Ball Float With Stage I Vapor Recovery | 209 Ball Float With Suction Piping                                   |
| 210 Ball Float W/ Broken Drain Valve On Catch Basin      | 211 Tank Not Upgraded With Corrosion Protection                      |
| 212 Internal Lining Not Inspected Periodically           | 213 Interior Lining Failed Internal Inspection                       |
| 214 Interior Lining Inspection Procedure Not Acceptable  | 215 Metal Piping Not Retrofitted W/ Cathodic Protection              |
| 216 Buried Piping Components Not Prot From Corrosion     | 217 Impressed Current - Rectifier Not Operational                    |
| 218 Impressed Current - Power Not Provided 24/7          | 219 Impressed Current - Clock Shows Power Was Off                    |
| 220 Testing Shows Cathodic Protection Not Adequate       | 221 Repairs Not Made To Cathodic Protection System                   |
| 222 Impressed Current CP Not Inspected Every 60 Days     | 223 Structurally Repaired Tank/Piping Not Tested                     |
| 224 CP System Not Tested Within 6 Months Of Repair       | <u>1A, 1B</u> 225 UST System(s) Do Not Have Leak Detection           |
| 226 Failed To Notify Of Leak Detection Release           | 227 Monthly Leak Detection Records Not Available                     |
| 228 Monthly Leak Detection Records Not Adequate          | 229 No Site Assessment Performed                                     |
| 230 Site Assessment Not Adequate                         | 231 No SPCC Plan Available   |
| 232 SPCC Plan Has Not Been Certified By An Engineer      | 233 No Site Security   |
| 234 No Secondary Containment At Loading Rack             |  |

**Federal UST - Release Detection - Inventory Control w/ Tank Tightness Testing**

- |   |   |
|---|---|
| 240 Tank Tightness Testing Not Performed As Required    | 241 Tank Tightness Testing Not Adequate           |
| 242 Inventory Records Not Available                     | 243 Inventory Not Reconciled As Required          |
| 244 Inventory Equipment Not Capable Of 1/8 Inch Measure | 245 Product Dispenser Is Not Metered              |
| 246 No Records Provided For Product Dispenser           | 247 Water Level Is Not Monitored At Least Monthly |

**Federal UST - Release Detection - Automatic Tank Gauge (ATG)**

- |   |   |
|---|---|
| 248 ATG Is Not Set Up Properly                  | 249 ATG Cannot Detect Leak Rate Of 0.2gph |
| 250 ATG Does Not Check All Portions Of The Tank |   |

**Federal UST - Release Detection - Manual Tank Gauge (MTG)**

- |   |   |
|---|---|
| 251 MTG Not Being Conducted Correctly             | 252 Liquid Added/Removed During MTG Test    |
| 253 MTG Equipment Not Capable Of 1/8 Inch Measure | 254 Tank Size Not Appropriate For Using MTG |

**Federal UST - Release Detection - Tightness Testing**

- |   |  |
|---|--|
| 255 Test Not Conducted As Per Manufacturer Instructions | 256 Tank(s) Not Tested Every 5 Years                   |
| 257 Pressurized Piping Not Tested Annually              | 258 Non-Exempt Suction Piping Not Tested Every 3 Years |
| 259 Tightness Testing Method Not Capable Of 0.1gph      |  |

Facility:

County:

Federal UST - Release Detection - Groundwater or Vapor Monitoring

- |  |  |
|--|--|
| <input type="checkbox"/> 260 Vapor Monitoring Well Affected By High GW     | <input type="checkbox"/> 261 Site Not Assessed - Vapor Well                      |
| <input type="checkbox"/> 262 Vapor Well Not Properly Designed & Positioned | <input type="checkbox"/> 263 Ground Water > 20 Ft Below Ground Surface           |
| <input type="checkbox"/> 264 Site Not Assessed - Groundwater Well          | <input type="checkbox"/> 265 Groundwater Well Not Properly Designed & Positioned |

Federal UST - Release Detection - Interstitial Monitoring

- |   |  |
|---|--|
| <u>IA, JB</u> <input type="checkbox"/> 266 Interstitial Monitor Not Properly Positioned | <input type="checkbox"/> 267 Secondary Cont Cannot Be Used As Leak Detection |
|---|--|

Federal UST - Release Detection - Automatic Line Leak Detector (ALLD)

- |   |  |
|---|--|
| <input type="checkbox"/> 268 Automatic Line Leak Detector Not Present                 | <input type="checkbox"/> 269 Automatic Line Leak Detector Not Operational      |
| <u>IA, JB</u> <input type="checkbox"/> 270 Annual Function Test Of ALLD Not Conducted | <input type="checkbox"/> 271 Annual Function Test Of ALLD - Records Not Avail. |

Statistical Data Collection

- |  |  |
|--|--|
| <input type="checkbox"/> 600 Existing Steel Tank(s) Internally Lined             | <input type="checkbox"/> 601 Existing Steel Tank(s) Retrofitted W/ Cathodic Prot |
| <input type="checkbox"/> 602 Leak Det - Inventory Control w/ Tank Testing        | <input type="checkbox"/> 603 Leak Det - Automatic Tank Gauge                     |
| <input type="checkbox"/> 604 Leak Det - Manual Tank Gauge                        | <input type="checkbox"/> 605 Leak Det - Tank Tightness Testing                   |
| <input type="checkbox"/> 606 Leak Det - Groundwater Or Vapor Monitoring          | <input type="checkbox"/> 607 Leak Det - Interstitial Monitoring                  |
| <input type="checkbox"/> 608 Leak Det - Automatic Line Leak Detector             | <input type="checkbox"/> 609 Leak Det - Statistical Inventory Reconciliation     |
| <input type="checkbox"/> 610 Press. Pipe Leak Detection - Tightness Testing      | <input type="checkbox"/> 611 Press. Pipe Leak Detection - Groundwater/Vapor Mon  |
| <input type="checkbox"/> 612 Press. Pipe Leak Detection - Interstitial Monitor   | <input type="checkbox"/> 613 Press. Pipe Leak Detection - Auto Line Leak Det     |
| <input type="checkbox"/> 614 Press. Pipe Leak Detection - SIR                    | <input type="checkbox"/> 615 Suction Pipe Leak Detection - Tightness Testing     |
| <input type="checkbox"/> 616 Suction Pipe Leak Detection - Groundwater/Vapor Mon | <input type="checkbox"/> 617 Suction Pipe Leak Detection - Interstitial Monitor  |
| <input type="checkbox"/> 618 Suction Pipe Leak Detection - SIR                   |  |

Inspector:

Title:

Initials:

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
PETROLEUM BULK STORAGE (PBS) REGULATIONS INSPECTION REPORT**

PBS#: 3-172456 or  Unregistered

GIS: N \_\_\_\_\_ E \_\_\_\_\_

DATE: 8/18/06

TIME (24 hr): 0830

Facility Name: <u>Washington St Sunoco</u>	Owner Name: <u>Gur-Jag Corp</u>
Facility Address: <u>128 Washington St</u> <u>Poughkeepsie NY 12601</u>	Owner Address: <u>128 Sun. Address</u>
Operator: _____	Emergency Contact: _____
Phone Number: _____	Phone Number: _____

FACILITY Representative and Title: Permit holder, Owner  
 NYSDEC Representative and Title: Josh Cummins

**FACILITY REGISTRATION**

1. Is the **registration certificate** posted at the facility? See Part 612.2. Yes
2. Is **registration information** current & correct? See Part 612.2. No
3. Are **monitoring wells** marked and secured? See Part 613.3(b)(4). Yes

Tank Registration Identification Number	IA	IB			
Underground or Aboveground Tank	U	U			
Product Stored / Tank Volume if different than registered	0009	0009			
	8000	6000			
Date Installed					
4. Are tanks properly <b>permanently closed</b> ? Y/ N/ X (n/a)	X	X			
5. Are tanks properly <b>temporarily closed</b> ? Y/ N/ X (n/a)	X	X			
6. Were any <b>unreported spills</b> observed during the inspection (also include suspected releases from leak detection equipment and uninvestigated inventory discrepancies)? Y/ N	N	N			
7. Have tank top and dispenser sumps as well as fill port catch basins been <b>properly maintained</b> ? Y/ N (accumulation of product)/ 1 (poor condition)/ X (n/a)	1	1			
8. Is the <b>fillport</b> color coded to identify the product in the tank? See 613.3(b). Y/ N	N	Y			
9. If motor fuel tank has pressurized piping, is it equipped with a <b>shear valve</b> ? Y/ N (no shear valve)/ 1 (inoperative valve)/ X (n/a)	1	1			

**Underground Tanks**

10. For tank systems installed after 12/86, does the <b>tank system meet standards</b> ? Y/ X(n/a) [tank system installed prior to 12/86] If not, missing items? (1) corrosion resistant/ (2) secondary containment/ (3) leak monitoring/ (4) overfill prevention [auto shut-off valve, high level alarm or ball float valve] and (5) corrosion resistant piping with (6) leak monitoring [line leak detector for pressurized piping] or (7) only one check valve under the pump in suction piping system/ (8) tank label/ (9) as-built plans or drawings.	3	3			
	8	8			
	9	9			

**Underground Tanks (cont'd)**

1A 1B

11. Is <b>leak monitoring</b> (UST) being done [double-wall tank – interstice is checked]? Y/ N/ 1 (inoperative system)/ 2 (monitoring records not maintained)/ 3 (inappropriate method)/ X (n/a)	N	N			
12. Is <b>cathodic protection</b> for steel UST and piping systems monitored annually? Y/ X (n/a) [not steel system]/ N (missing both)/ (1) no monitoring on tank/ (2) no monitoring on line/ (3) records not maintained/ (4) system not maintained to achieve protection/ (5) inadequate method	X	X			
13. Does the facility have adequate <b>inventory records</b> for <u>metered</u> USTs? Y/ X (n/a) If not, missing items? (1) no records/ (2) poor equipment/ (3) no reconciliation/ (4) reconciliation performed other than 10 days/ (5) no investigation of discrepancy	5	5			
14. Do <b>unmetered tanks</b> have annual standpipe analysis or tank test, or other acceptable leak detection method? Y/ N/ X (n/a)	X	X			
15. Has <b>tightness testing</b> (USTs) been conducted on the tank and piping system? [Check both tank and piping.] Y/ N/ 1 (entire tank not tested)/ 2 (no test on line)/ X (n/a)	X	X			

**Aboveground Tanks**

16. For tank systems installed after 12/86, does the <b>tank system meet standards</b> ? If not, missing items? <b>ASTs</b> must be (1) welded steel with (2) adequate surface coating [paint]; if on soil, must have (3) cathodic protection and if on grade, must have an (4) impermeable barrier under the tank with the ability to (5) monitor for leaks.					
17. Does the facility conduct <b>monthly inspections</b> for all ASTs? Y/ N/ 1 (records not maintained)					
18. Does the facility conduct <b>ten year inspections</b> for ASTs? Y/ N/ 1 (records not maintained)/ X (n/a)					
19. For ASTs ≥ 10,000 gallons, is the <b>secondary containment</b> adequately designed and in good condition? Y/ N/ 1 (not maintained)/ 2 (poor design) For ASTs < 10,000 gallons, if using alternatives to secondary containment, are SPOTS #17 issues addressed? Y/ N/ 1 (equipment not maintained)/ X (n/a)					
20. Are <b>dike drain valves</b> locked in a closed position? Y/ N (unlocked)/ 1 (no valve)/ X (n/a)					
21. Does the AST have a <b>gauge, high level alarm</b> or other equivalent device? Y/ N/ 1 (inoperative)					
22. Is the <b>design/working capacity</b> , and <b>id number</b> marked on AST and at the gauge? Y/ N/ 1 (tank not labeled)/ 2 (not marked at gauge)					
23. Is a <b>solenoid</b> or equivalent valve in place for gravity-fed motor fuel dispensers? Y/ N/ 1 (inoperative)/ X (n/a)					
24. Is a <b>check valve</b> in place for pump-filled tanks with remote fills? Y/ N/ 1 (inoperative)/ X (n/a)					
25. Is an <b>operating valve</b> in place on every line with gravity head? Y/ N/ 1 (inoperative)/ X (n/a)					

**FEDERAL UST Questions – Release Prevention**

	1A	1B			
26. Is the spill prevention device (catch basin) present and functional? Y/ N (not present)/ I (not functional – holes or cracks present)/ X (n/a for tanks receiving <25 gal. at one time)	Y	Y			
27. Is the overflow prevention device (i.e., automatic shutoff, high-level alarm, ball float valve) present? Y/ N/ X (n/a for tanks receiving <25 gal. at one time)	Y	Y			
28. Is the overflow prevention device operational? Y/ X (n/a) If not operational: 1) Automatic shutoff is not operational (i.e., device tampered with or inoperable; gauging stick in drop tube). 2) Alarm is not operational. 3) Alarm is not audible or visible to delivery driver. Ball float is not operational because: 4) Stage I vapor recovery is present. 5) Piping system is suction. 6) Drain valve on spill catch basin is broken or is impaired by debris.	Y	Y			
29. Were structurally repaired tanks and piping tightness tested within 30 days of repair completion (not required w/ internal inspections after repair or if monthly monitoring is in use)? Y/ N/ X (n/a)	X	X			
30. Were CP systems tested/inspected within 6 months of structural repair to tank or piping on any cathodically protected UST system? Y/ N/ X (n/a)	X	X			
31. If an impressed current system is in use: 1) System has been operated continuously. If system has not been operated continuously: 2) Rectifier is not operational. 3) Rectifier does not have electrical power 24/7. 4) Clock (if present) shows that power has been turned off. X) N/A (no impressed current system used).	X	X			
32. Does the corrosion protection system provide continuous protection? Y/ X (n/a) If not: 1) CP system is not performing adequately based on results of testing. 2) CP system tested within required period and operator is not conducting or has not completed appropriate repair in response to test results reflecting that CP system is not providing adequate protection.	X	X			
33. Are UST systems with impressed current cathodic protection inspected every 60 days (only required to keep 6 months of readings; at least 2 of last 3 readings are required if system is operational at time of inspection)? Y/ N/ X (n/a)	X	X			
34. Are lined tanks inspected periodically (within 10 years of installation and every 5 years thereafter) and is lining in compliance? Y/ (1) not inspected periodically/ (2) lining not in compliance, i.e., lining was tested and failed/ (3) inspection procedure not acceptable/ (X) n/a	X	X			
35. Is buried metal tank and piping (which includes fittings, connections, etc.) corrosion protected? Y/ X (n/a) If not: 1) Buried metal piping components (such as swing joints, flex-connectors, etc.) are not isolated from the ground or cathodically protected. For new USTs – tanks and piping installed after 12/22/88: 2) Tank or piping does not meet new tank/piping standards for corrosion. For existing USTs (tanks and piping installed on or before 12/22/88) where tank or piping does not meet new UST requirements: 3) Steel tank is not internally lined. 4) Metal tank or piping is not retrofitted with cathodic protection.	X	X			

**Federal UST Questions – Release Detection**

IA IB

<p>36. Specify method(s) of tank release detection used:                  A. Inventory Control with Tank Tightness Testing – <i>answer questions 39-43</i>                  B. Automatic Tank Gauge (ATG) – <i>answer questions 44-46</i>                  C. Manual Tank Gauge (MTG) – <i>answer questions 47-50</i>                  D. Tightness Testing (safe [European] suction piping does not require testing) – <i>answer questions 51-53</i>                  E. Groundwater or Vapor Monitoring – <i>answer questions 54-57</i>                  F. Interstitial Monitoring – <i>answer questions 58-59</i>                  G. Automatic Line Leak Detector (ALLD) – <i>answer questions 60-62</i>                  H. Statistical Inventory Reconciliation (SIR) – <i>answer questions 63-65</i></p>	<p>B F G</p>	<p>B F G</p>			
<p>37. Specify method(s) of piping release detection used.                  If pressurized (choose two):                  D. Tightness Testing – <i>answer questions 51-53</i>                  E. Groundwater or Vapor Monitoring – <i>answer questions 54-57</i>                  F. Interstitial Monitoring – <i>answer questions 58-59</i>                  G. Automatic Line Leak Detector (ALLD) – <i>answer questions 60-62</i>                  H. Statistical Inventory Reconciliation (SIR) – <i>answer questions 63-65</i></p>	<p>D G</p>	<p>D G</p>			
<p>38. Specify method of piping release detection used (NOTE: safe [European] suction piping does not require release detection).                  If suction (choose one):                  D. Tightness Testing – <i>answer questions 51-53</i>                  E. Groundwater or Vapor Monitoring – <i>answer questions 54-57</i>                  F. Interstitial Monitoring – <i>answer questions 58-59</i>                  H. Statistical Inventory Reconciliation (SIR) – <i>answer questions 63-65</i>                  X. Exempt Suction Piping</p>					
<p><b>Inventory Control with Tank Tightness Testing</b></p>					
<p>39. Is tank tightness testing performed as required (also answer questions 51-53)?                  Y/ N (not performed)/ 1 (inadequate)</p>					
<p>40. Are inventory volume measurements for inputs, withdrawals, and remaining amounts recorded each operating day and reconciled as required?                  Y/ N (no records)/ 1 (not reconciled)</p>					
<p>41. Is inventory control equipment capable of 1/8" measurement? Y/ N</p>					
<p>42. Is product dispensing metered and recorded to required accuracy within local standards for meter calibration? Y/ N (unmetered)/ 1 (no records)</p>					
<p>43. Is water level in tank monitored at least monthly? Y/ N</p>					
<p><b>Automatic Tank Gauge (ATG)</b></p>					
<p>44. Can ATG detect a 0.2 gal/hr leak rate from any portion of the tank that routinely contains product (i.e., is ATG on NWGLDE list)?                  Y/ N</p>	<p>Y</p>	<p>Y</p>			
<p>45. Is ATG set up properly? Y/ N</p>	<p>Y</p>	<p>Y</p>			
<p>46. Has ATG been used to check the portion of the tank that routinely contains product? Y/ N</p>	<p>Y</p>	<p>Y</p>			
<p><b>Manual Tank Gauge (MTG)</b></p>					
<p>47. Is tank size appropriate for using manual tank gauging (not valid for tank size &gt;2000 gal)? Y/ N</p>					
<p>48. Is method being conducted correctly? Y/ N</p>					
<p>49. Was any liquid added to or taken out of the tank during the test?                  Y/ N</p>					
<p>50. Is MTG equipment capable of 1/8" measurement? Y/ N</p>					

**Federal UST Questions – Release Detection (cont'd)**

<b>Tightness Testing</b>					
51. Is tightness testing method capable of detecting a 0.1 gal/hr leak rate from any portion of the tank that routinely contains product? Y/N					
52. Is tightness testing conducted within the specified time frames for the following methods? (1) tanks – every 5 years/ (2) pressurized piping – annually/ (3) Non-exempt suction piping – every 3 years	N (2)	N (2)			
53. Is tightness testing conducted per manufacturer's instructions? Y/N					
<b>Groundwater or Vapor Monitoring</b>					
54. Has site assessment been done for vapor or groundwater monitoring? Y/N					
55. Is groundwater in the monitoring well never more than 20 feet from the ground surface? Y/N					
56. Is vapor monitoring well not affected by high groundwater? Y/N					
57. Are wells properly designed and positioned? Y/N					
<b>Interstitial Monitoring</b>					
58. Can secondary containment be used to detect a release? Y/N	Y	Y			
59. Is the sensor properly positioned? Y/N	N	N			
<b>Automatic Line Leak Detector (ALLD)</b>					
60. Is automatic line leak detector (ALLD) present and operational? Y/N (not present, but should be)/ 1 (not operational)	Y	Y			
61. Has annual function test of the ALLD been conducted, and are records available? Y/N (no test)/ 1 (no records)	N	N			
62. Does release detection system meet the performance standards of 40 CFR 280.43 or 280.44? Y/N	N	N			
<b>Statistical Inventory Reconciliation (SIR)</b>					
63. Can statistical inventory reconciliation (SIR) method detect a 0.2 gal/hr leak rate or a release of 150 gal within a month and meet the 95/5 requirement (i.e., is SIR method on NWGLDE list of release detection methods)? Y/N					

**Federal UST Questions – Other**

64. Are tanks and piping monitored monthly for releases, and are records available (must have records for the two most recent consecutive months and for 8 of the last 12 months)? Y/ 1 (no monthly monitoring)/ 2 (no records)/ 3 (inadequate records)					
65. For permanently closed tanks, was site assessment performed? Y/N/ 1 (inadequate)					

66. General Facility Condition: GOOD (FAIR) POOR

COMMENTS (continue on separate paper): Vapor Poppel is ~~not~~ not functional & has no cap

Regional Notes or Forms attached: \_\_\_ pages

Refer to: \_\_\_ Spills – remediation system not operating

Air – vapor recovery problems

\_\_\_ Water – SPDES problems / illegal floor drains

\_\_\_ Solid & HazMat – used oil issues

# Petroleum Bulk Storage Application

Pursuant to the Petroleum Bulk Storage Law,  
Article 17, Title 10 of ECL, 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14

Please Type or Print Clearly  
and Complete All Items

## Section A

(See enclosed instructions and please be sure to complete Sections A & B)

<b>PBS Number</b> 3-172456		<b>Facility Name:</b> WASHINGTON ST. SUNOCO	
DEC CBS Number: (if applicable)		Location (Not P.O. Boxes) 128 WASHINGTON ST	
DEC SPDES Number: (if applicable)		City: POUGHKEEPSIE	State: NY
<b>Transaction Type</b> (Check all that apply) NOTE: Transaction Types 1, 2 and 5 may require a fee		Township or City: POUGHKEEPSIE (C)	Zip Code: 12601
<input type="checkbox"/> 1) Initial/ New Facility	<input type="checkbox"/> 2) Change of Ownership	Name of Operator at Facility: PARMINDER	Facility Telephone Number: (914) 452-4647
<input type="checkbox"/> 3) Substantial Tank Modification	<input type="checkbox"/> 4) Information Correction	Emergency Contact Name: PARMINDER	Emergency Telephone Number: (914) 485-4244
<input checked="" type="checkbox"/> 5) Renewal	Owner Name: GUR-JAS CORP.		
Address (Street and/or P.O.): 128 WASHINGTON ST.			
City: POUGHKEEPSIE		State: NY	Zip Code: 12601
Federal Tax ID Number: 14-1778788		Owner Telephone Number: (914) 452-4647	
Type of Owner: (check only one) <input type="checkbox"/> 1) Private Residence <input type="checkbox"/> 2) State Government <input type="checkbox"/> 3) Local Government <input checked="" type="checkbox"/> 4) Federal Government <input checked="" type="checkbox"/> 5) Corporate/Commercial			

Geographical Locator for this Facility: (If known) Latitude: <input type="text"/> <input type="text"/> (Degrees/Minutes/Seconds) Longitude: <input type="text"/> <input type="text"/> (Degrees/Minutes/Seconds)		Attention: PARMINDER KANWAL	
Name of Company: WASHINGTON ST. SUNOCO		Name of Authorized Representative: PARMIN DER KANWAL	
Address: 128 WASHINGTON ST.		Title: PRESIDENT	
City/State/Zip Code: POUGHKEEPSIE NY 12601		Signature: <i>Parminder Kanwal</i>	
Telephone Number: (914) 452-4647		Date: 6/19/03	
Amount Enclosed: \$ 250.00			

**Return Completed Form & Fees To:**  
Region 3    21 South Putt Corners Road  
New Paltz, NY 12561-1696

Expiration Date: 8/10/2003

### TYPE OF PETROLEUM FACILITY

- (Check all that apply)
- A=Storage Terminal/Petroleum Distributor
  - B=Retail Gasoline Sales
  - D=Manufacturing
  - F=Trucking/Transportation
  - H=School
  - J=Private Residence
  - L=Other (Specify):
  - C=Other Retail Sales
  - E=Utility
  - G=Apartment Buildings
  - I=Farm
  - K=Airline/Air Taxi

I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

OFFICIAL USE ONLY  
Page \_\_\_ of \_\_\_  
Date Received 6/19/03  
Date Processed 7/08/03  
Amount Received \$ 250  
Reviewed by *By*



**Section B - Tank Information**

(See enclosed instructions and use the key located on the bottom of this sheet to complete each)

**Registration Expiration Date:**

8/10/2003

(1) Action	(2) Tank Number	(3) Tank Location	(4) Status	(5) Installation or Permanent Closure Date (Month/Day/Year)	(6) Capacity (Gallons)	(7) Product Stored	(8) Tank Type	(9) Tank Internal Protection	(10) Tank External Protection	(11) Piping Location	(12) Piping Type	(13) Piping Internal Protection	(14) Piping External Protection	(15) Secondary Containment	(16) Leak Detection	(17) Spill/Overfill Prevention	(18) Dispenser	(19) Last Test Date (Underground Tanks) (Month/Day/Year)
	1	4	1	6/1/1998	14,000	2	5	0	4	0	4	0	2	0	4	5	1	03/26/03

**Key for Section B**

- Action (1)**  
 1. Initial Listing  
 2. Add Tank  
 3. Close/Remove Tank  
 4. Information Correction  
 5. Recondition/Repair/Reline Tank
- Tank Location (3)**  
 1. Aboveground  
 2. Aboveground on saddles, legs, stilts, rack, or cradle  
 3. Aboveground with 10% or more below ground  
 4. Underground  
 5. Underground, vaulted, with access
- Status (4)**  
 1. In-service  
 2. Temporarily out-of-service  
 3. Closed-Removed  
 4. Closed-In Place  
 5. Tank converted to Non-Regulated use  
 6. Diesel  
 A. Lube Oil  
 B. Used Oil (fuel)  
 C. Used Oil  
 9. Other -please list : \*
- Product Stored (7)**  
 0. Empty  
 1. Leaded Gasoline  
 2. Unleaded Gasoline  
 3. Nos. 1, 2, or 4 Fuel Oil  
 4. Nos. 5 or 6 Fuel Oil  
 5. Kerosene  
 6. Diesel  
 A. Lube Oil  
 B. Used Oil (fuel)  
 C. Used Oil  
 9. Other -please list : \*
- Tank Type (8)**  
 1. Steel/Carbon Steel  
 2. Stainless Steel (Alloy)  
 3. Concrete  
 4. Fiberglass Coated Steel  
 5. Fiberglass Reinforced Plastic (FRP)  
 6. Equivalent Technology  
 9. Other-please list.\*
- Internal Protection (9/13)**  
 0. None  
 1. Epoxy Liner  
 2. Rubber Liner  
 3. Fiberglass Liner (FRP)  
 4. Glass Liner  
 9. Other-please list.\*
- Piping Location (11)**  
 0. None  
 1. Aboveground  
 2. Underground  
 3. Aboveground/Underground Combination
- Piping Type (12)**  
 0. None  
 1. Steel/Iron  
 2. Galvanized Steel  
 3. Fiberglass (FRP)  
 4. Copper  
 5. Other-please list.\*
- External Protection (10/14)**  
 0. None  
 1. Painted/Asphalt Coating  
 2. Sacrificial Anode  
 3. Impressed Current  
 4. Fiberglass  
 5. Jacketed  
 6. Wrapped (Piping)  
 9. Other-please list.\*
- Secondary Containment (15)**  
 0. None  
 1. Vault  
 2. Double-Walled Tank  
 3. Excavation Liner  
 4. Cut-off Walls  
 5. Impervious Underlayment  
 6. Earthen Dike  
 7. Prefabricated Steel Dike  
 8. Concrete Dike  
 A. Synthetic Liner  
 B. Natural Liner  
 9. Other-please list.\*
- Leak Detection (16)**  
 0. None  
 1. Interstitial Monitoring  
 2. Vapor Well  
 3. Groundwater Well  
 4. In-Tank System  
 5. Concrete Pad w/channels  
 6. Double Bottom  
 9. Other-please list.\*
- Spill/Overfill Protection(17)**  
 0. None  
 1. Float Vent Valve  
 2. High Level Alarm  
 3. Automatic Shut-off  
 4. Product Level Gauge  
 5. Catch Basin  
 6. Vent Whistle  
 9. Other-please list.\*
- Dispenser (18)**  
 1. Submersible  
 2. Suction  
 3. Gravity

\* If other, please list on a separate sheet including Tank Number

# Ira D. Conklin & Sons, Inc.



94 STEWART AVENUE  
 P.O. BOX 7457  
 NEWBURGH, NY 12550-3005  
 PHONE (845) 561-1512  
 www.iraconklin.com

**WORK ORDER No.** **A30325059**



Customer 7485 C.O.D.'S  
 Site SUNOCO WASHINGTON ST POUGH  
 128 WASHINGTON ST  
 POUGHKEEPSIE NY 12603

## TLS System Inspection Record

Equipment Listing		VERISIOS				
Line	Form Number	Serial Number	Description	Location	Condition	
1.	PA02920110002B	80347859605001	Calibrated Etnic Resile Monitoring	Behind Counter	Good	
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						

### The following tasks have been performed

- 1) Actual stick reading compared to monitor printout
- 2) Printed system setup and verified accuracy
- 3) Verified battery back up to capacity
- 4) Inspected all probe cables for cracking and
- 5) Inspected in-tank probe floats and cleared probe shaft if
- 6) Inspected float-type sensors and verified float moves
- 7) Inverted float-type sensors and verified that alarm
- 8) Verified operation of external alarms (visual and
- 9) Left a copy of this report in the site maintenance
- 10) Recorded the monitor status upon departure

### Repairs made

\_\_\_\_\_ (Date)

"All functions normal"

3/26/03

RECEIVED

JUN 12 2003

NYSD-DEC  
 REGION 3-NEW PALTZ

### Items requiring attention

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Technician \_\_\_\_\_

Site Rep \_\_\_\_\_

**PETROLEUM BULK STORAGE REGISTRATION CERTIFICATE**

NYS DEC - REGION 3  
 21 SOUTH PUTT CORNERS RD.  
 NEW PALTZ, NY 12561-1696  
 (845) 256-3121



TANK NUMBER	DATE INSTALLED	TANK TYPE	CAPACITY (GALLONS)	DATE LAST TESTED	TESTING DUE DATE
1	06/01/1998	FRP	14,000		

<b>OWNER</b> GUR-JAS CORP. 128 WASHINGTON ST. POUGHKEEPSIE, NY 12601	<b>SITE</b> WASHINGTON ST. SUNOCO 128 WASHINGTON ST POUGHKEEPSIE, NY 12601
<b>OPERATOR (Name and Telephone Number)</b> PARMINDER (845) 452-4647	
<b>EMERGENCY CONTACT (Name and Telephone Number)</b> PARMINDER (845) 485-4244	

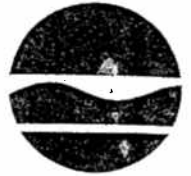
As an authorized representative of the above named facility, I affirm under penalty of perjury that the information displayed on this form is correct to the best of my knowledge. Additionally, I recognize that I am responsible for assuring that this facility is in compliance with all sections of 6 NYCRR Parts 612, 613 and 614, and applicable sections of 6 NYCRR Subpart 360-14 (used oil tanks only), not just those cited below:

- The facility must be re-registered if there is a transfer of ownership.
- The Department must be notified within 30 days prior to adding, replacing, reconditioning, or permanently closing a stationary tank.
- The facility must be operated in accordance with the code for storing petroleum, 6 NYCRR Part 613.
- Any new facility or substantially modified facility must comply with 6 NYCRR Part 614.
- **This certificate must be posted on the premises at all times.** Posting must be at the tank, at the entrance of the facility, or the main office where the storage tanks are located.
- Any person with knowledge of a spill, leak or discharge must report the incident to DEC within two hours (1-800-457-7362).

<p><i>*Note: Request for Information Attached</i></p> <p>ISSUED BY: Commissioner <i>John M. Crotty</i></p>		<p>MAILING CORRESPONDENCE</p> <p>PARMINDER KANWAL                  WASHINGTON ST. SUNOCO                  128 WASHINGTON ST.                  POUGHKEEPSIE, NY 12601</p>
<p>PETROLEUM BULK STORAGE ID NUMBER 3-172456</p>		<p>Signature of Authorized Representative/Owner _____ Date _____</p>
<p>DATE ISSUED 07/28/2003</p>	<p>EXPIRATION DATE 08/10/2008</p>	<p>Name of Authorized Representative/Owner (Please Print) _____                  Title _____</p>
<p>FEE PAID \$ 250</p>		

**THIS REGISTRATION CERTIFICATE IS NON-TRANSFERABLE**



Erin M. Crotty  
Commissioner

REQUEST FOR INFORMATION

3-172456

This Department has received your Petroleum Bulk Storage application. The application indicates your tank(s) meet the regulatory requirements defined in 6NYCRR Part 613.5(a)(2) to exempt the tank(s) from periodic tightness testing in either one of the following ways:

- (I) Corrosion resistant tank(s) and associated piping which have a leak monitoring system or,*
- (II) New tank(s) and associated piping have been installed in conformance with the standards for new construction set forth in 6NYCRR Part 614*

The application has been processed and a new registration certificate has been printed. However, the facility will not be noted as being in compliance with the PBS Regulations until all information is received to verify the application submittal:

**Cathodic Protection Requirement**

- Submit documentation indicating the tank(s) and/or piping have the required cathodic protection. The cathodic protection system must be certified annually by a certified engineer.
- For sacrificial anode type systems, the test must include at least 3 readings per tank and 1 per piping system that is cathodically protected. Acceptable readings are those that are more negative than -0.85 volts. A site diagram showing the location of the test points must be included.
- The test report must also include the annual certification of the system; original signature of the Engineer certifying the system; and the date of the test clearly identified.

\* **Leak Detection Requirement**

- Submit the monitoring records, covering the past 2 months, for the leak detection being performed at your facility. These records must show the leak detection systems are being monitored weekly.
- Documentation submitted must include the following: probe and unit serial numbers and location, certification by a manufacturer's trained technician, date of test, original signatures, and PBS number.

\* **As-Built Plans Showing Conformance With 6NYCRR Part 614.2 - 614.5**

- As-Built Drawings must include the following: Diagram of Site, Date of Drawing, License number of Engineer, Original Signature of Certifying Agent, and a Statement of Certification that the Facility meets all applicable State, Federal and Local Regulations.

The above information must be submitted within 14 days of the postmark date on your registration certificate. The owner is responsible for ensuring full compliance of the regulations. For more information concerning the regulations, go to the following website: [www.dec.state.ny.us/website/regs/index.html](http://www.dec.state.ny.us/website/regs/index.html).





old PBS #:  
3-172456

Please Type or Print Clearly  
and Complete All Items

**PETROLEUM BULK STORAGE APPLICATION**  
Pursuant to the Petroleum Bulk Storage Law,  
Article 17, Title 10 of ECL; 6 NYCRR 612-614 and 6 NYCRR, Subpart 360-14.  
(Continued on Reverse Side—Please Be Sure to Complete Section B)

**SECTION A—See Instructions on Cover Sheet**

<p><b>PBS NUMBER</b></p> <p>Indicate Other Existing DEC Numbers, if any, for this Facility:</p> <p>CBS Number:</p> <p>SPDES Number:</p> <p>TRANSACTION TYPE (Check all that apply) NOTE: Transaction Types 1, 2 and 5 may require a fee.</p> <p>1. <input type="checkbox"/> Initial/ New Facility</p> <p>2. <input checked="" type="checkbox"/> Change of Ownership</p> <p>3. <input checked="" type="checkbox"/> Substantial Tank Modification</p> <p>4. <input type="checkbox"/> Information Correction</p> <p>5. <input type="checkbox"/> Renewal</p> <p>Geographical Locator for this Facility: (if known)</p> <p>LATITUDE: _____ DEG MIN SEC</p> <p>LONGITUDE: _____ DEG MIN SEC</p>		<p><b>FACILITY</b></p> <p>NAME: <u>Washington St. Sunoco</u></p> <p>LOCATION (Not P.O. Boxes): <u>128 Washington Street</u></p> <p>LOCATION (Continued):</p> <p>CITY/TOWN/VILLAGE: <u>Poughkeepsie</u> STATE: <u>NY</u> ZIP CODE: <u>12601</u></p> <p>COUNTY: <u>Dutchess</u> TOWNSHIP OR CITY: <u>Poughkeepsie</u></p> <p>NAME OF OPERATOR AT FACILITY: <u>PARMIODER</u> FACILITY TELEPHONE NUMBER: <u>914 452 4647</u></p> <p>EMERGENCY CONTACT NAME: _____ EMERGENCY CONTACT PHONE NO.: <u>(914) 485-4244</u></p>		<p><b>TYPE OF PETROLEUM FACILITY:</b> (Check all that apply)</p> <p>A. <input type="checkbox"/> Storage Terminal/Petroleum Distributor</p> <p>B. <input checked="" type="checkbox"/> Retail Gasoline Sales</p> <p>C. <input type="checkbox"/> Other Retail Sales</p> <p>D. <input type="checkbox"/> Manufacturing</p> <p>E. <input type="checkbox"/> Utility</p> <p>F. <input type="checkbox"/> Trucking/Transportation</p> <p>G. <input type="checkbox"/> Apartment Building</p> <p>H. <input type="checkbox"/> School</p> <p>I. <input type="checkbox"/> Farm</p> <p>J. <input type="checkbox"/> Private Residence</p> <p>K. <input type="checkbox"/> Airline (Air Taxi)</p> <p>L. <input type="checkbox"/> Other (Specify)</p>	
<p><b>OWNER</b></p> <p>NAME: <u>Gur-Tas Corp.</u></p> <p>ADDRESS (Street and/or P.O. Box): <u>128 Washington St.</u></p> <p>CITY: <u>Poughkeepsie</u> STATE: <u>NY</u> ZIP CODE: <u>12601</u></p> <p>FEDERAL TAX ID NO.: <u>14-1778788</u> OWNER TELEPHONE NUMBER: <u>(914) 452-4647</u></p> <p>TYPE OF OWNER (Check only one)</p> <p>1 <input type="checkbox"/> Private Resident 2 <input type="checkbox"/> State Government 3 <input type="checkbox"/> Local Government</p> <p>4 <input type="checkbox"/> Federal Government 5 <input checked="" type="checkbox"/> Corporate/Commercial</p>		<p><b>CORRESPONDENCE MAILING</b></p> <p>ATTENTION: <u>PARMIODER KANWAK</u></p> <p>NAME OF COMPANY: <u>Washington St. Sunoco</u></p> <p>ADDRESS: <u>128 Washington St.</u></p> <p>CITY/STATE/ZIP CODE: <u>Poughkeepsie, NY 12601</u></p> <p>TELEPHONE NUMBER: <u>(914) 452-4647</u></p>			
<p><b>TRANSACTION TYPE</b></p> <p>I hereby certify under penalty of perjury that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.</p>		<p>NAME OF OWNER OR AUTHORIZED REPRESENTATIVE: <u>PARMIODER KANWAK</u> AMOUNT ENCLOSED: <u>\$ 250-</u></p> <p>TITLE: <u>PRESIDENT</u></p> <p>SIGNATURE: <u>[Signature]</u> DATE: <u>7/20/98</u></p>			
<p>OFFICIAL USE ONLY</p> <p>Page _____ of _____</p> <p>Date Received: <u>7/21/98</u></p> <p>Date Processed: _____</p> <p>Amount Received \$ _____</p> <p>Reviewed By: _____</p>					

1313

**PETROLEUM BULK STORAGE REGISTRATION CERTIFICATE**

NYS DEC - REGION 3  
 200 WHITE PLAINS RD, 5th Fl  
 TARRYTOWN, NY 10591-5805  
 (914) 332-1835, Ext. 363



TANK NUMBER	DATE INSTALLED	TANK TYPE	CAPACITY (GALLONS)	DATE LAST TESTED	TESTING DUE DATE
1	06/98	FRP	14,000		

<b>OWNER</b> GUR-JAS CORP. 128 WASHINGTON ST. POUGHKEEPSIE, NY 12601
<b>SITE</b> WASHINGTON ST. SUNOCO 128 WASHINGTON ST POUGHKEEPSIE, NY 12601
<b>OPERATOR (Name and Telephone Number)</b> PARMINDER (914) 452-4647
<b>EMERGENCY CONTACT (Name and Telephone Number)</b> PARMINDER (914) 485-4244

As an authorized representative of the above named facility, I affirm under penalty of perjury that the information displayed on this form is correct to the best of my knowledge. Additionally, I recognize that I am responsible for assuring that this facility is in compliance with all sections of 6 NYCRR Parts 612, 613 and 614, and applicable sections of 6 NYCRR Subpart 360-14 (used oil tanks only), not just those cited below:

- The facility must be re-registered if there is a transfer of ownership.
- The Department must be notified within 30 days prior to adding, replacing, reconditioning, or permanently closing a stationary tank.
- The facility must be operated in accordance with the code for storing petroleum, 6 NYCRR Part 613.
- Any new facility or substantially modified facility must comply with 6 NYCRR Part 614.
- **This certificate must be posted on the premises at all times.** Posting must be at the tank, at the entrance of the facility, or the main office where the storage tanks are located.
- Any person with knowledge of a spill, leak or discharge must report the incident to DEC within two hours (1-800-457-7362).

<b>ISSUED BY:</b> Commissioner John P. Cahill	<b>MAILING CORRESPONDENCE</b> PARMINDER KANWAL WASHINGTON ST. SUNOCO 128 WASHINGTON ST. POUGHKEEPSIE, NY 12601
<b>PETROLEUM BULK STORAGE ID NUMBER</b> 3-172456	
<b>DATE ISSUED</b> 08/10/98	<b>EXPIRATION DATE</b> 08/10/03
<b>FEE PAID</b> \$ 250	

Signature of Authorized Representative/Owner	Date
Name of Authorized Representative/Owner (Please Print)	Title

**THIS REGISTRATION CERTIFICATE IS NON-TRANSFERABLE**

PETROLEUM BULK STORAGE UPDATE REPORT

DATE: 8/13/98 PBS #: 3-172456 SWIS: \_\_\_\_\_ PG. \_\_\_\_\_ of \_\_\_\_\_

FACILITY NAME: Sunoco

LOCATION: 128 Washington St.

CITY: Poughkeepsie 12601 COUNTY: Dutchess

TELEPHONE CONVERSATION: N Y \_\_\_\_\_ (time)

CONTACT PERSON: Parminder Kaural PHONE: (\_\_\_\_\_) 452-4647

COMMENTS

485-4244

Just got PBS registration

1 14K 46 tank installed 6/98

TT Materials came and took 1/2 of soil that had been sitting on site for 1 month. Need to take other half.

TT cur phone Kathy - 914-525-0121

3-172456

INSPECTOR: David Weitz DATE COMPLETED: 8/13/98





Washy St Sunoco  
172456

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Alleged Violations of  
Articles 17 of the New York State Environmental  
Conservation Law, and Title 6, Parts 612-614 of  
the New York Codes, Rules and Regulations

ORDER ON  
CONSENT

Case No. 3-172456

-by-  
Gur-Jas Corp., Respondent.

WHEREAS:

1. The New York State Department of Environmental Conservation (the "Department") is a department of the State of New York which, pursuant to Titles 3 and 10 of Article 17 of the Environmental Conservation Law (ECL), is authorized to regulate the storage and handling of petroleum in the State of New York.
2. Respondent, Gur-Jas Corp., is an entity authorized to do business in the State of New York, which owns and/or operates a Petroleum Bulk Storage facility located at 128 Washington St., Poughkeepsie, NY.
3. The Department Staff conducted an inspection of the facility and discovered the following violations:
  - a. Respondent violated 6 NYCRR 613 by failing to maintain spill prevention equipment and by failing to maintain leak detection.
  - b. Respondent violated 6 NYCRR 230.2 by failing to maintain stage I vapor recovery.
4. ECL §71-1929 provides for a penalty of up to thirty-seven thousand five hundred dollars (\$37,500.00) per day for each violation of Titles 1 through 11 inclusive and Title 19 of Article 17, or the rules or regulations promulgated thereto by the Commissioner of the Department.
5. In settlement of Respondent's civil liability for the aforesaid violation, Respondent has waived its right to a hearing herein as provided by law and has consented to the issuing and entering of this Order on Consent ("Order") pursuant to the provisions of Articles 17, 19 and 71 of the ECL, and has agreed to be bound by the provisions, terms and conditions herein.

NOW, being duly advised and having considered this matter, THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION HEREBY ORDERS THAT:

## I. PENALTIES

- A. Respondent is hereby assessed a civil penalty in the amount of FOUR THOUSAND (\$4,000) DOLLARS for the violations stated herein, which shall be paid to the Department as follows:
1. \$500 upon Respondent's signing of this Order and its return to the Department.
  2. \$500 monthly for 7 months starting on November 1, 2006.
- B. In the event that the Respondent fails to fully comply with the requirements of the Order in a timely fashion, Respondent shall be subject to penalties of up to \$37,500 per day pursuant to ECL §71-1929, without prejudicing the Department from seeking further appropriate penalties for violations of this Order by Respondent. Payment of the above penalties shall not in any way alter Respondent's obligation to complete performance under the terms of this Order.
- C. Respondent shall pay the amount of the penalties to the Department by certified check made payable to: New York State Department of Environmental Conservation, Division of Environmental Enforcement, 625 Broadway, 14<sup>th</sup> Floor, Albany, N.Y. 12233-5500, Attn: Benjamin A. Conlon.

## III. STANDARD PROVISIONS

Respondent shall further comply with the standard provisions which are attached, and which constitute material and integral terms of this Order and are hereby incorporated into this document.

DATED: Albany, New York  
              OCT 12    , 2006

DENISE M. SHEEHAN, Commissioner  
New York State Department of  
Environmental Conservation

By: \_\_\_\_\_



## STANDARD PROVISIONS

**Payment.** Any penalty assessed pursuant to the terms and conditions of this Order shall be paid by submitting a certified or cashier's check or money order, payable to the Department of Environmental Conservation, to: Department of Environmental Conservation, Division of Environmental Enforcement, Attn: Benjamin Conlon, Esq., 625 Broadway, Albany, New York 12233-5550. Unpaid penalties imposed by this Order shall bear interest at the rate of 9 percent per annum for each day the penalty, or any portion thereof, remains unpaid. Payments received shall first be applied to accrued interest charges and then to the unpaid balance of the penalty.

**Communications.** Except as otherwise specified in this Order, any reports, submissions, and notices herein required shall be made to: NYS Department of Environmental Conservation, Division of Environmental Enforcement, Attn: Benjamin Conlon, Esq., 625 Broadway, Albany, NY 12233-5550.

**Duration.** This Order shall take effect when it is signed by the Commissioner of Environmental Conservation, or his designee, and shall expire when Respondent has fully complied with the requirements of this Order.

**Access.** For the purpose of monitoring or determining compliance with this Order, employees and agents of the Department shall be provided access to any facility, site, or records owned, operated, controlled or maintained by Respondent, in order to inspect and/or perform such tests as the Department may deem appropriate, to copy such records, or to perform any other lawful duty or responsibility.

**Force Majeure.** If Respondent cannot comply with a deadline or requirement of this Order, because of an act of God, war, strike, riot, catastrophe, or other condition which was not caused by the negligence or willful misconduct of Respondent and which could not have been avoided by the Respondent through the exercise of due care, Respondent shall apply in writing to the Department within a reasonable time after obtaining knowledge of such fact and request an extension or modification of the deadline or requirement.

**Indemnity.** Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages and costs resulting from the acts and/or omissions of Respondent, intentional, negligent, or otherwise, of every nature and description, arising out of or resulting from the compliance or attempted compliance with the provisions of this Order by Respondent or its employees, servants, agents, successors or assigns.

**Modifications.** No change in this Order shall be made or become effective except as specifically set forth by written order of the Commissioner, being made either upon written application of Respondent, or upon the Commissioner's own findings after notice and opportunity to be heard have been given to Respondent. Respondent shall have the burden of proving entitlement to any modification requested pursuant to this Standard Provision or the "Force Majeure" provision, *supra*. Respondent's requests for modification shall not be unreasonably denied by the Department, which may impose such additional conditions upon Respondent as the Department deems appropriate.

**Other Rights.** Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting (1) any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against anyone other than Respondent; (2) any right of the Department to enforce administratively or at law or in equity, the terms, provisions and conditions of this Order; (3) any right of the Department to bring any future action, either administrative or judicial, for any other violations of the ECL, the rules and regulations promulgated thereunder, or conditions contained in orders or permits, if any, issued by the Department to Respondent; (4) the summary abatement powers of the Department, either at common law or as granted pursuant to statute or regulation.

**Entire Agreement.** This Order shall constitute the entire agreement of the Department and Respondent with respect to settlement of those violations specifically referenced herein.

**Binding Effect.** The provisions, terms, and conditions of this Order shall be deemed to bind Respondent and Respondent's heirs, legal representatives, receivers, trustees in bankruptcy, successors and assigns.

**Service.** If Respondent is represented by an attorney with respect to the execution of this Order, service of a duly executed copy of this Order upon Respondent's attorney by ordinary mail shall be deemed good and sufficient service.

**Multiple Respondents.** If more than one Respondent is a signatory to this Order, use of the term "Respondent" in these Standard Provisions shall be deemed to refer to each Respondent identified in the Order.

**Rhinebeck**  
SAVINGS BANK  
RHINEBECK, NEW YORK 12572

OFFICIAL BANK CHECK

6118869

PURCHASER Gur-Jas Corp.

DATE 9/29/2006

88-58/1119

PAY FIVE HUNDRED AND 00/100

\$\*\*\*\*\*500.00

TO THE ORDER OF N.Y. State Dept. of Enviro. Con.

NOTICE TO CUSTOMER  
AS A CONDITION TO THIS INSTITUTION'S ISSUANCE OF  
THIS CHECK, PURCHASER AGREES TO PROVIDE AN  
INDEMNITY BOND PRIOR TO THE REFUND OR  
REPLACEMENT OF THIS CHECK IN THE EVENT IT IS  
LOST, MISPLACED, OR STOLEN

3-172456

TWO SIGNATURES REQUIRED OVER \$10,000.00  
*[Signature]*

COMMENT

⑈6118869⑈ ⑆21971015⑆ ⑈9800007008⑈

Tank Information for Petroleum Bulk Storage Facility

SECTION B—See Instructions on Cover Sheet

Action	Tank Number	Tank Location	Status	Installation or Permanent Closure Date (MO) (YR)	Capacity (Gallons)	Product Stored	Tank Type	Tank Internal Prot.	Tank External Protection	Piping Location	Piping Type	Piping Internal Prot.	Piping External Protection	Secondary Containment	Leak Detection	Spill/Overfill Prevention	Dispenser	Last Test Date (underground Tanks) (MO) (YR)	
2	01	4	1	6 98	14,000	25	4	2	3	3	4	2	4	5	1				
3	1	3	3	6 98	3,000														
3	2	3	3	6 98	3,000														
3	3	3	3	6 98	3,000														
3	4	3	3	6 98	3,000														
3	5	3	3	6 98	4,000														

KEY FOR SECTION B

- ACTION**
- 1 Initial Listing
  - 2 Add Tank
  - 3 Close/Remove Tank
  - 4 Information Correction
  - 5 Recondition/Repair/Reline Tank

**TANK LOCATION**

- 1 Aboveground
- 2 Aboveground on saddles, legs, stilts, rack, or cradle
- 3 Aboveground: 10% or more below ground
- 4 Underground
- 5 Underground, vaulted, with access

**PRODUCT STORED**

- 0 Empty
- 1 Leaded Gasoline
- 2 Unleaded Gasoline
- 3 Nos. 1, 2, or 4 Fuel Oil
- 4 Nos. 5 or 6 Fuel Oil
- 5 Kerosene
- 6 Diesel
- A Lube Oil
- B Used Oil (fuel)
- C Used Oil
- 9 Other\*

**STATUS**

- 1 In-service
- 2 Temporary out-of-service
- 3 Closed—Removed
- 4 Closed—In Place
- 5 Tank Converted to Non-Regulated Use

**TANK TYPE**

- 1 Steel/Carbon Steel
- 2 Stainless Steel Alloy
- 3 Concrete
- 4 Fiberglass Coated Steel
- 5 Fiberglass Reinforced Plastic (FRP)
- 6 Equivalent Technology
- 9 Other\*

**PIPING TYPE**

- 0 None
- 1 Steel/Iron
- 2 Galvanized Steel
- 3 Fiberglass (FRP)
- 4 Copper
- 9 Other\*

**INTERNAL PROTECTION: Tank/Piping**

- 0 None
- 1 Epoxy Liner
- 2 Rubber Liner
- 3 Fiberglass Liner (FRP)
- 4 Glass Liner
- 9 Other\*

**EXTERNAL PROTECTION: Tank/Piping**

- 0 None
- 1 Painted/Asphalt Coating
- 2 Sacrificial Anode
- 3 Impressed Current
- 4 Fiberglass
- 5 Jacketed
- 6 Wrapped (Piping)
- 9 Other\*

**INTERNAL PROTECTION: Tank/Piping**

- 0 None
- 1 Vault
- 2 Double-Walled Tank
- 3 Excavation Liner
- 4 Cut-off Walls
- 5 Impervious Underlayment
- 6 Earthen Dike
- 7 Prefabricated Steel Dike
- 8 Concrete Dike
- A Synthetic Liner
- B Natural Liner
- 9 Other\*

**LEAK DETECTION**

- 0 None
- 1 Interstitial Monitoring
- 2 Vapor Well
- 3 Groundwater Well
- 4 In-tank System
- 5 Concrete Pad with channels
- 6 Double Bottom
- 9 Other\*

**SECONDARY CONTAINMENT**

**SPILL/OVERFILL PREVENTION**

- 0 None
- 1 Float Vent Valve
- 2 High Level Alarm
- 3 Automatic Shut-off
- 4 Product Level Gauge
- 5 Catch Basin
- 6 Vent Whistle
- 9 Other\*

**DISPENSER**

- 1 Submersible
- 2 Suction
- 3 Gravity

\* If Other, please list on separate sheet including the Tank Number

3-172456

SUNOCO  
WASHINGTON ST.  
POUGHKEEPSIE, NY

08-18-06 8:50 AM

SYSTEM STATUS REPORT  
ALL FUNCTIONS NORMAL  
INVENTORY REPORT

T 1:ULTRA  
VOLUME = 1197 GALS  
ULLAGE = 4895 GALS  
90% ULLAGE = 4249 GALS  
HEIGHT = 23.04 INCHES  
WATER VOL = 0 GALS  
WATER = 0.00 INCHES  
TEMP = 68.6 DEG F

T 2:REG UML  
VOLUME = 4937 GALS  
ULLAGE = 2861 GALS  
90% ULLAGE = 3081 GALS  
HEIGHT = 53.85 INCHES  
WATER VOL = 11 GALS  
WATER = 0.78 INCHES  
TEMP = 73.0 DEG F

\*\*\*\*\* END \*\*\*\*\*

3-172456

SUNOCO  
WASHINGTON ST.  
POUGHKEEPSIE, NY

08-21-06 8:11 AM

SYSTEM STATUS REPORT  
ALL FUNCTIONS NORMAL  
INVENTORY REPORT

T 1:ULTRA  
VOLUME = 1192 GALS  
ULLAGE = 4860 GALS  
90% ULLAGE = 4254 GALS  
HEIGHT = 22.97 INCHES  
WATER VOL = 0 GALS  
WATER = 0.00 INCHES  
TEMP = 67.5 DEG F

T 2:REG UML  
VOLUME = 4919 GALS  
ULLAGE = 2879 GALS  
90% ULLAGE = 2099 GALS  
HEIGHT = 53.68 INCHES  
WATER VOL = 11 GALS  
WATER = 0.78 INCHES  
TEMP = 71.7 DEG F

\*\*\*\*\* END \*\*\*\*\*

SUNOCO  
WASHINGTON ST.  
POUGHKEEPSIE, NY

08-21-06 8:10 AM

LIQUID STATUS

08-21-06 8:10 AM

L 2:ANNULAR SPACE  
SENSOR NORMAL

\*\*\*\*\* END \*\*\*\*\*

3-172456

SUNOCO  
WASHINGTON ST.  
POUGHKEEPSIE, NY

08-21-06 8:11 AM

LIQUID STATUS

08-21-06 8:11 AM

SPACE

\*\*\*\*\*



**Hazardous Waste / Contaminated Materials  
Screening**

**Limited Asbestos Containing Materials Survey  
Report**

## Technical Report

### **Dyson Foundation/Walkway over the Hudson Railroad Bridge over the Hudson River (north of the Mid Hudson Bridge)**

#### Hazardous Waste/Contaminated Materials Screening

A Hazardous Waste/Contaminated Materials Screening was performed for the 1.25 mile Poughkeepsie-Highland Railroad Bridge, “Walkway Over the Hudson” project. The screening was limited to a 0.25-mile corridor around the proposed railroad trail alignment. The 0.25-mile radius was chosen as the window in which to view the railroad bridge and its surroundings that could environmentally impact the project area. The Walkway Over the Hudson project involves the removal of the current railroad structures above the bridge’s steel infrastructure and completion of a new walkway/trail surface on the bridge structure between Highland, New York and Poughkeepsie, New York. This screening included a site reconnaissance, walk-over, sampling/analysis for lead and asbestos and a review of available environmental databases.

Regulatory database searches were conducted of the walkway project area by Environmental Data Resources (EDR), a nationally recognized database search service, as contracted by Bergmann Associates. The review included ASTM E 1527-05 listed environmental databases, limited to a 0.25-mile radius around the walkway project area. This review was supplemented where applicable with a search using the Federal U.S. EPA Evirofacts web-based databases and the October 2007 NYSDEC Spills Event and Waste web-based databases.

A site reconnaissance and walk-over was conducted by Bergmann Associates personnel October 8, through 10, 2007. The walk-over area included the immediate walkway project with visible observations, database reports and Sanborn® map reviews of the properties that adjoin the walkway property. There were no adjoining properties to be acquired at the time the site walk-over was performed. During the site walkovers apparent evidence of dumping and debris was observed. Visible evidence of stained discolored or distressed vegetation; stained soils; seepage; or recently disturbed soils were observed at the time of the site walk over. These are summarized as follows:

- West End of Bridge (Highland, NY). The area beneath the bridge had been cut and trimmed by a local tree service for viewing by bridge inspection teams. Observed debris in this area consisted of:
  - Ransom Road and West. Miscellaneous debris was observed below the bridge structure. The debris consisted of bottles, cans, plastics and minor windblown materials.

585.232.5135

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200 First Federal Plaza / 28 East Main Street / Rochester, New York 14614

Central Hudson Gas and Electric maintains a substation abutting the southwest section of the trail. The substation does not appear in the database reports and is not believed to be an impact to the walkway project.

- *Ransom Road to the River.* Two wire/cables located under the bridge in the area of Pier 9 were observed hanging from the structure. The larger wire appeared to be oil soaked and was sampled for the possible presence of PCBs. The jackets of the two wires observed were sampled for the presence of asbestos in the exterior coating.

A section located in a low lying area under the bridge contained the following; mobile home trailer, green and white trucks, a shed and 4 drums. The trucks were buried in the local growth and appeared to have been stationary for quite some time. Outside of the trailer four drums were observed on their sides. One drum appeared to contain a small amount of residual liquid. A couple of the drums were labeled Harris Concrete Construction Specialties.

Three tar buckets were identified located below the bridge. The buckets appeared to have been left from prior bridge maintenance activities.

- *Bridge Surface* (accessible portion of the span)
  - Accessible portions of the bridge were inspected for the presence of hazardous materials. Aside from the known presence of anti-decay products in the railroad ties (creosol and semi volatile compounds) a tar and white stone material was observed and sampled from the bridge surface. The tar and stones were located on the railroad ties and some over applied surfaces of the railroad plate and spike steel.
  - The bridge railing at the base is anchored to a wooden post. The post is covered in areas with a tar material. The tar was sampled for the presence of asbestos.
  - Bridge paint. Several locations along the bridge surfaces were sampled for the presence of lead and asbestos.
  - Grease Paint. Grease Paint is located on the bridge structure's east approach truss spans and was sampled by the bridge inspection team for observation and analysis. The grease paint sample was submitted to an environmental laboratory for analysis of PCB's.
- *East End of Bridge (Poughkeepsie, NY).* The area beneath the bridge was in the process of being cut and trimmed by a local tree service for viewing by bridge inspection teams.

- *Washington to Talmadge.* The area located between these two streets and under the bridge contained various wastes that appeared to be a mix of wind blown materials and items disposed of by others, over the fence and onto the ground surface below the bridge. Debris consisted of steel, plastic, glass, brick, wood, tires, trailers, batteries, empty containers, empty drums, household furniture, tiles, flooring, appliances, empty paint cans and carpet. The majority of the waste was observed in an area located between the survey stakes CP 8 and CP 11 located in the area.
- *Talmadge to Delafield.* The area located between these two streets and under the bridge has served in recent years as a community garden. Although overgrown, remnants of the garden were visible during the October 2007 site visit. The area contained a number of empty drums. The drums appeared to have been used as part of the garden operations. Many of the tops had been removed or cut off. An area of five intact white drums was observed. The drums all appeared to be empty with the exception of one. The one drum contained a residual liquid and was labeled Poison, Scav-Ox and Central Hudson Gas and Electric Corp. Newburgh, NY. There were areas in this section still in need of vegetative clearing.
- *Delafield to Dutchess.* The area located between these two streets and below the bridge was observed to contain very little debris. In one location a number of five-gallon pails had been affixed to wood planks to create bench seats. There were areas in this section still in need of vegetative clearing.
- *Dutchess to Central Hudson Property.* The area located between this street and the Central Hudson property below the bridge was observed to contain some minor miscellaneous debris. The area east of Highway 9 remained to be cleared. The area west of the highway was cleared and contained the remnants of the vegetative debris. The area accessible and bordered by Central Hudson contained what appeared to be a natural gas tank to the north and transformers to the south.
- *Central Hudson.* The area below the bridge was inaccessible for reconnaissance from the bridge pier to the waters edge.

Some miscellaneous debris was found in various areas of the corridor. Debris such as tires, scrap steel, shingles, small plastic empty containers, steel automotive parts, and some construction and demolition (C&D) materials were found. The miscellaneous debris was all located under the bridge structure.

During the October 2007 site walkover there was no visible evidence of petroleum or chemical storage tanks, fill ports or vent pipes observed on the proposed walkway property. Utilities within the area of the project included typical pole mounted utilities. Also found were signs

indicating buried utilities within close proximity to the walkway property.

Hudson River Sediments

Sediments in the Hudson River bed are known to contain Polychlorinated biphenyl's (PCB's). Remedial activities are proposed and ongoing at various sections of the river under the jurisdiction of the NYSDEC and the EPA. Rehabilitation and construction of the walkway trail on the bridge surface do not anticipate the disturbance of river sediments or contact with PCB's in the sediment. All proposed bridge rehabilitation and construction work is anticipated to be well above the waters surface at this time.

Impact of Bridge Materials on Underlying Soils

The potential for bridge material to have fallen to the ground below exists. This debris has the potential to elevate the levels of lead and asbestos in the soils below the bridge. The evaluation of these soils should be taken into account dependant on the development of the area below as public access points, and other uses.

Manufactured Gas Plant (MPG) and Coal Tar Site

Central Hudson Gas and Electric, *NYSDEC Number V00291*  
(Poughkeepsie Gas Works)  
North Water Street  
Poughkeepsie, NY

Located on the east bank of the Hudson River the bridge structure passes over this former Manufactured Gas Plant (MPG) site. Some bridge piers are located on this site. Coal tar is a by product of the gasification process. It is possible that coal tars are present within the subsurface of this property. This coal tar may also be present in the Hudson River due to subsurface leakage from the site or dumping.

**From the NYSDEC Website:** These sites often contain abandoned underground structures and pipes containing coal tar or other MGP residuals. Some of these waste materials (especially coal tars) may have migrated from existing/former structures and may be present in the subsurface. Impacts to surface water bodies and their sediments are also common since MGPs were typically located near a source of water.

It is not common to find MGP wastes exposed on the ground surface. Most of these plants have been closed for at least 50 years, and in some cases over 100 years. In many cases, subsequent redevelopment of MGP sites has removed or covered wastes that were exposed at the surface; however, exposed wastes are sometimes found, and on some sites coal tars may migrate upwards to the ground surface from below.

The power and gas generation facility layout is shown on the historic Sanborn® Fire Insurance Maps. It appears that all associated structures were located north and south of the railroad bridge. The maps do indicate the presence of the coal pile beneath the railroad bridge.

### Environmental Database Review Summary

Based on the environmental database review none of the following were identified within the Walkway Over the Hudson 0.25-mile review corridor:

- Federal Superfund Hazardous Waste Sites (NPL, Proposed NPL or CERCLIS).
- Resource Conservation and Recovery Act Sites (RECRA TSD).
- NYSDEC Brownfields Sites.
- Active landfills or solid waste disposal sites (SWF/LF).
- NYSDEC Major Oil Storage Facilities (MOSF).

The following sites of concern were identified within the 0.25-mile review corridor and adjoin or abut the proposed Walkway Over the Hudson property:

Eleven NYSDEC listed spill sites were identified as having occurred within the 0.25-mile search radius. Of the eleven sites one was located north of project area on Washington Street in Poughkeepsie, NY. The **Washington Street Sunoco** located at 128 Washington Street abuts the project site at the eastern limit of the project. The site is listed in the database report to include the presence of underground storage tanks at the site. The listing includes NYSDEC Spill #9800975. The database listing indicates the cleanup of soils at the site in 1998. No closure date for the spill was listed in the database report and the spill is assumed to still be open.

A listing for the **Poughkeepsie Gas Works – North Water Street** was identified in the EDR database. This database listing indicated that the location is included in the listing of former Manufactured Gas Plants.

### Sanborn® Fire Insurance Map Review

Bergmann Associates purchased a series of Sanborn® Fire Insurance Maps as part of a historical research component of the walkway project. A total of 24 maps were acquired from Environmental Data Resources, Inc. The maps reviewed were dated 1887, 1895, 1913, 1950, 1952, 1984 and 1990 covering bridge alignment sections within Poughkeepsie, New York only.

Of the 24 maps reviewed, 5 maps which span the reviewed timeline illustrate the layout of the **Central Hudson Gas and Electric Corporation** facility on the east bank on the Hudson River located north, south and under the railroad bridge. This Central Hudson facility appears as the Poughkeepsie Electric Light and Power Company in the map dated 1895. Prior to the site's

historical use for power and gas generation, the site was occupied by the Poughkeepsie Transportation Company's Store House, a boat builder and the Poughkeepsie Boat Club House.

The historical maps viewed of the Central Hudson site show development north and south of the railroad bridge structure. Various gas holders, oil tanks, drip oil storage, oxide storage and a tar centrifuge appear on the maps north of the bridge among varied buildings. The areas south of the bridge have historically housed transformers, switch houses, cable storage areas, boiler rooms, a generator room and a chimney on the bluff.

The area located immediately under the railroad bridge appears to historically have been undeveloped with the exception of the bridge pier structures. Four of the maps do show what appears to be the facility's coal pile located under the bridge. The 1913 map shows a definitive outline of the coal pile and a note indicating a height of 25 feet.

The historical maps reviewed also indicated the presence of filling stations located along Washington Street. Two stations appear on the 1990 and 1984 maps. The first station is located in the area identified as the current **Sunoco Station** north of the railroad bridge. The second filling station identified on the maps is south of the railroad bridge and is the current **Foreign Car Specialists** repair shop. The Sunoco station does not appear on the 1952 map. The filling station to the south appears in the 1952 and 1950 maps but is not present in the 1913 map.

The fillings station areas were covered at the time of the site walkover with sidewalks, parking lots and the paved streets and roadways. Investigation into the potential of residual subsurface impact from the two filling stations would be warranted if excavation work is to be conducted at the Washington Street section of the walkway project.

### Freedom of Information Requests

A Freedom of Information Request was sent to the NYSDEC for information regarding the following properties:

- Sunoco Station located at 128 Washington Street that abuts the walkway property along the north side of the eastern project limit.
- Foreign Car Specialists repair shop located at 124 Washington Street that abuts the walkway property along the south side of the eastern project limit.
- Central Hudson Gas & Electric aka Poughkeepsie Gas Works located on North Water Street. The walkway shares right of way and passes over this property.

The DEC responded in several letters with information. All of the responses referenced the Sunoco Station at 128 Washington Street and included the sites NYSDEC Spill Report Form, Inspection Forms, Petroleum Bulk Storage information, Notices of Violations and an Order on Consent. The Spill Report Form indicated that the spill file was last updated August 11, 2004 but there remains no closure date to the Spill Report for this site. The Order on Consent

addresses the violations at the station for failing to maintain spill prevention equipment, failing to maintain leak detection and failing to maintain stage I vapor recovery.

No information regarding the Foreign Auto Specialists or the Central Hudson Gas & Electric has been provided.

A Freedom of Information Request was sent to the City of Poughkeepsie Fire Department for information regarding potential tanks located at the Foreign Auto Specialists property. The Poughkeepsie Fire Department responded in a letter that there are no records of an aboveground /underground tank removal or installation for the 124 Washington Street location.

Screening of subsurface soils or for the potential of subsurface impacts in the areas of adjoining properties may be addressed initially during the geotechnical boring program. Depending on boring locations, findings during this phase of walkway evaluation should be able to identify potential concerns from the adjoining properties.

#### Asbestos and Lead Based Paint Containing Materials Sampling and Testing Results

The potential for encountering Asbestos Containing Materials was assessed during the October 2007 site visit. Accessible materials were evaluated. Bridge materials were collected and submitted to Paradigm Environmental Services for analysis and a Limited Asbestos Containing Materials Survey Report dated January 22, 2008 was completed.

The presence of Asbestos Containing Materials (ACM), lead and PCB's was evaluated with the collection of the following materials:

- Tars on Surfaces
- Rail Plate Insulator Pads
- Deck and Structure Paints
- Wire/Cable Jackets
- Sealants/Caulk

#### Sample Results

- *Asbestos* – The following materials tested positive for asbestos (>1% by weight).
  - Sealant – steel bridge foot to concrete or stone pier.
    - West end of Bridge - 7% Chrysotile
    - East end of the Bridge – 26% Chrysotile
  - Bridge Paint East End – 3% Actinolite/Tremolite



- Tar on Railroad Ties, Middle of Bridge – 19% Chrysotile
- Tar on Railroad Ties, West end of Bridge – 26% Chrysotile
- Tar on Wood Railing Base – 18% Chrysotile
  
- *Lead* – The following materials were confirmed as lead based paint (>0.5% by weight).
  - Bridge Paint West – 10.2% lead
  - Bridge Paint Middle – 9.8% lead
  - Bridge Paint , L36 Bottom Cord – 8.51% lead
  - Bridge Paint East – 8.96% lead
  
- *PCB's*
  - Oil Soaked Wire Jacket – Non Detect
  - Grease Paint in Bridge Structure – Non Detect

**LIMITED ASBESTOS CONTAINING MATERIALS  
SURVEY REPORT**

**“WALKWAY OVER THE HUDSON”  
CITY OF POUGHKEEPSIE AND TOWN OF LLOYD,  
DUTCHESS AND ULSTER COUNTIES, NEW YORK**

Prepared for:  
Dyson Foundation  
25 Halcyon Road  
Millbrook, NY 12545



Prepared by:  
Bergmann Associates  
200 First Federal Plaza  
28 East Main Street  
Rochester, New York 14614

January 22, 2008

Job Number: 7494.01

<u>SECTION</u>	<u>PAGE</u>
1.0 Introduction .....	1
2.0 Asbestos Survey and Sampling Methodology.....	1
3.0 Laboratory Analysis and Results.....	3
4.0 Confirmed Asbestos Containing Materials .....	3
5.0 Non-Asbestos Materials .....	4

TABLES

Table 1: Asbestos Containing Materials Summary

FIGURES

Sample Location Plan

APPENDICES

Appendix A: Bergmann Associates Asbestos License and Worker Certifications

Appendix B: Chain-of-Custody Forms and Laboratory Asbestos Analytical Reports

## 1.0 Introduction

The Dyson Foundation (Dyson) retained Bergmann Associates (Bergmann) to conduct a limited Asbestos Containing Materials (ACM) survey of the existing Poughkeepsie-Highland Railroad Bridge over the Hudson River. The Poughkeepsie-Highland Railroad Bridge is located to the north of the Mid-Hudson Bridge in between the City of Poughkeepsie and Town of Lloyd, Dutchess and Ulster Counties, New York.

Bridge construction began in 1873 and was completed in 1888. Refitting and maintenance activities span many years over the inclusion of asbestos containing materials. Bergmann conducted a limited site inspection to identify and collect bulk samples of suspect ACM, conduct laboratory analysis on suspect bulk samples to determine asbestos content and identify the location and estimated quantities of confirmed ACM as part of the Poughkeepsie-Highland Railroad Bridge survey. Materials determined to be suspect based on visual observations were sampled for confirmation analysis.

This asbestos survey was inclusive of all readily accessible bridge materials and was subject to the site plans as available at the time the survey was requested. Materials and utilities that may have been present beyond the safety railing or hung out over the Hudson River were considered inaccessible at the time of this survey and were not included. Any suspect asbestos materials encountered/identified by a contractor, that have not been identified in this report will need to be handled according to appropriate practices.

In accordance with New York State Asbestos Regulations under 12 NYCRR Part 56 (Industrial Code Rule 56) Subpart 56-5.1(g), one copy of the results of the building/structure asbestos survey shall be immediately transmitted by the building /structure owner as follows:

One copy of the completed ACM survey shall be sent by the owner or their agent to the local government entity charged with issuing a permit for demolition, renovation, remodeling or repair work under applicable State or local laws.

The completed asbestos survey for controlled demolition (as per Subpart 56-11.5) or pre-demolition asbestos projects shall also be submitted to the appropriate Asbestos Control Bureau the **Asbestos Control Bureau** district office located at **State Office Campus, Room 157, Albany, NY 12240**. The completed asbestos survey shall be kept at the construction site with the asbestos notification and variance, if required, throughout the duration of the asbestos project and any associated demolition, renovation, remodeling or repair project.

## 2.0 Asbestos Survey and Sampling Methodology

Bergmann personnel conducted a site visit to collect bulk samples of suspect ACM on October 8-10, 2007. Mr. Jim Marschner, a New York State Department of Labor certified Asbestos Inspector employed by Bergmann, performed the site visit and bulk sampling.

Site observations and bulk sampling was conducted on all visible and accessible suspect ACM. The following items were addressed as part of this ACM survey:

- Tar on Railroad Ties (With White Stone).
- Rail Plate Pad.
- Bridge Paint (various locations).
- Paint on Bridge - Steel Bottom Cord.
- Tar on Railing Post.
- Pier to Bridge Foot Sealant.
- Wire Jackets (both 2" and 1.5" diameter cables west side).

Results of the ACM survey are summarized in Table 1 and are included in this report.

Bergmann personnel conducted the Asbestos survey in accordance with applicable Federal and State regulations. These regulations include:

- New York State Department of Health (NYSDOH) 12 NYCRR Part 56.
- National Emission Standards for Hazardous Air Pollutants (NESHAPS).
- Occupational and Health Administration (OSHA) Regulation 29 CFR 1910.1101 and 29 CFR 1910.134.

During the site assessment of the bridge renovation area, representative samples of targeted suspect materials were identified.

Samples were collected in a manner to minimize damage to the surrounding area, minimize potential release of material and in a fashion to ensure the safety of the collection personnel. The Bergmann Asbestos License and Certifications of the persons that conducted the bulk sampling are provided in Appendix A.

Procedures for bulk sampling and measurements included:

- Sample collection areas were cleaned of any debris or non-suspect ACM material and were wetted with amended water as needed.
- Minimal amount of material was collected and placed into discrete plastic sample bags.
- Sample containers were labeled with a site-specific code, sample date, location and sample number.

The representative bulk samples of suspect materials were collected for laboratory analysis. The samples were transported via Chain-of-Custody protocol to Paradigm Environmental Services, a NYSDOH-certified asbestos testing laboratory for analysis. Copies of the Chain-of-Custody forms are provided in Appendix B of this report.

### **3.0 Laboratory Analysis and Results**

All samples collected for this survey were analyzed for the presence of asbestos via Polarized Light Microscopy (PLM). PLM analysis is typically sufficient on samples of friable materials. No samples were determined to be friable therefore PLM analysis was not sufficient to complete the analytical requirements for the samples.

Fourteen samples were determined to be non-friable organically bound (NOB) material. The samples were prepared by gravimetric reduction and remaining residue from each sample was analyzed. Five of the NOB samples were confirmed to be asbestos containing material via PLM-NOB.

Samples that tested negative via PLM, and determined to be NOB material, were further analyzed via Transmission Electron Microscopy (TEM). TEM analysis is required to accurately confirm the presence or absence of asbestos from NOB material with inconclusive results via PLM. TEM analysis was required on nine bulk samples collected for this survey. One of the TEM samples was confirmed to be positive and eight were confirmed to be negative for asbestos containing materials.

A copy of the laboratory analysis on the collected bulk samples are provided in Appendix B of this report.

### **4.0 Confirmed Asbestos Containing Materials**

Laboratory analysis on bulk samples detected the presence of asbestos in the following materials:

- Pier to Bridge Foot Sealant.
- Bridge Paint.
- Tar on Railroad Ties.
- Tar on Railing Post.

All quantities are required to be field verified by the asbestos abatement firm.

## 5.0 Non-Asbestos Materials

The laboratory analysis on all the remaining samples did not detect any asbestos. The following materials that were sampled were determined to be non-asbestos:

- Rail Plate Pad.
- Wire Cable Jackets.

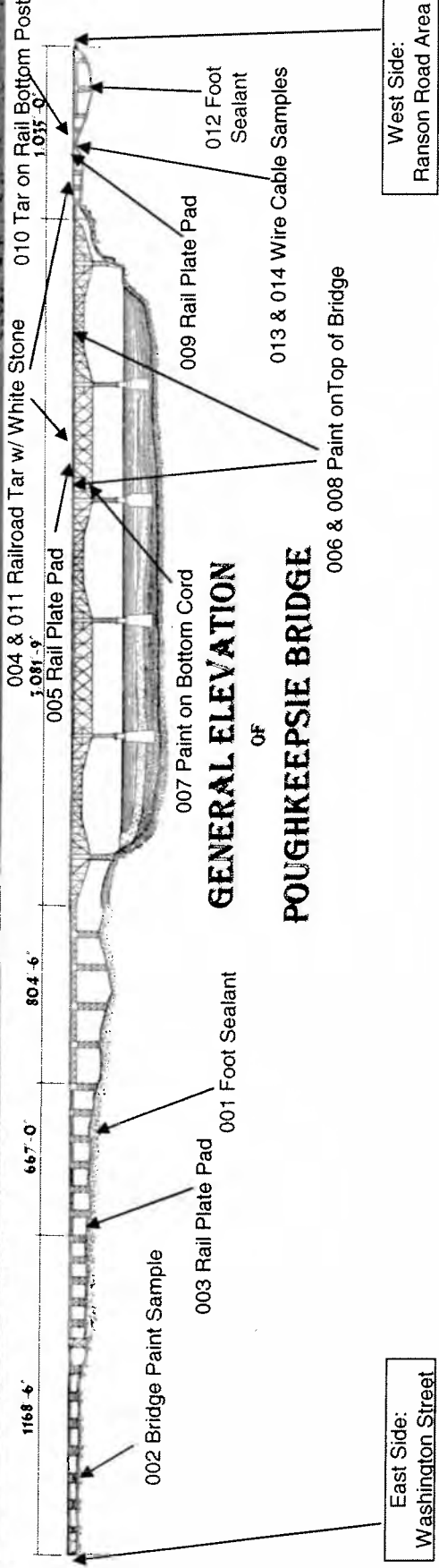
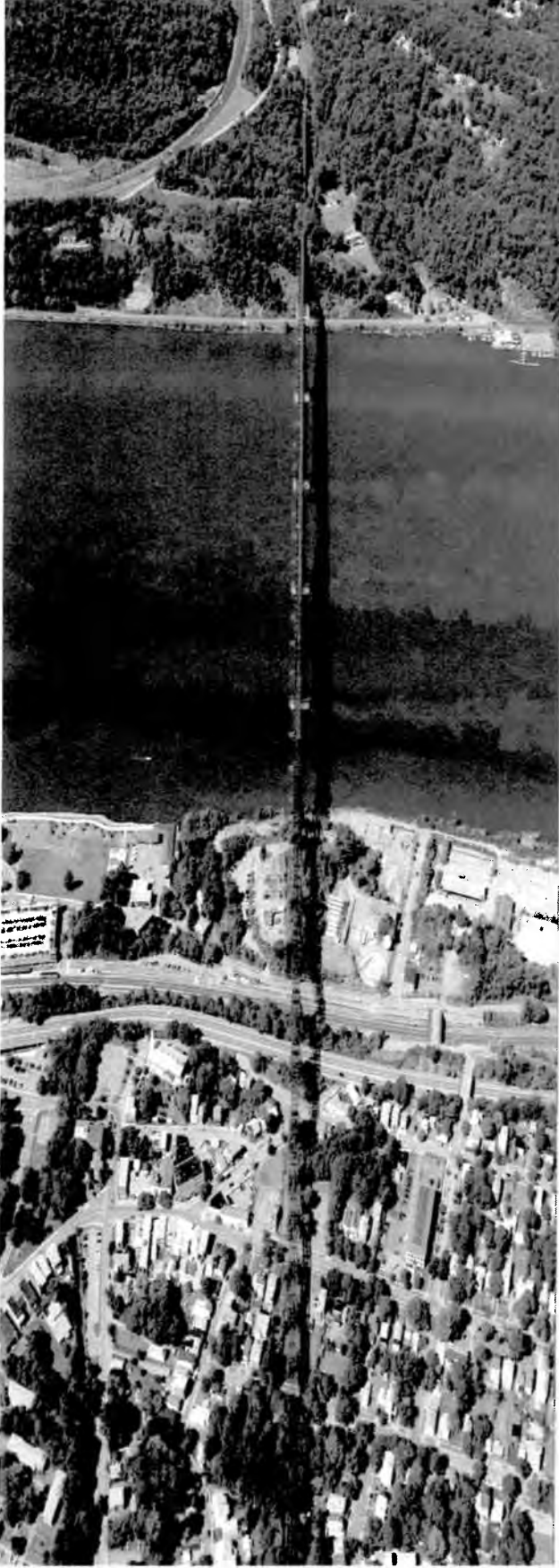
**Table 1 – Asbestos Containing Materials Summary**

<b>Sample Number</b>	<b>Sample Location</b>	<b>Sample Description</b>	<b>Laboratory Results</b>	<b>ACM Quantity *</b>
001	Pier to Bridge Foot	Black/Gray Sealant	7% Chrysotile	5,180 Lin. Ft X 4" Width
002	Bridge	Layered Paint	3% Actinolite/Tremolite	200,000 Tons of Painted Steel
004	Railroad Tie	Black Tar W/White Stones	19% Chrysotile	30,400 Sq. Feet
010	Railing Post Bottom Wood	Black Tar	18% Chrysotile	4,200 Sq. Feet
011	Railroad Tie	Black Tar W/White Stones	26% Chrysotile	Included with 004.
012	Pier to Bridge Foot	Black Sealant	26 % Chrysotile	Included with 001.

**\* Quantities subject to confirmation by an Asbestos Abatement Contractor.**

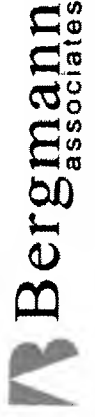
## FIGURES





Limited Asbestos Containing Materials Survey Report  
 "Walkway Over the Hudson"

Sample Location Plan



**APPENDIX A**

**BERGMANN ASSOCIATES  
ASBESTOS LICENSE AND WORKER CERTIFICATIONS**

STATE OF NEW YORK - DEPARTMENT OF LABOR  
DIVISION OF SAFETY AND HEALTH

License and Certificate Unit  
BUILDING 12, STATE CAMPUS  
ALBANY, NY 12240

ASBESTOS HANDLING LICENSE

RESTRICTED LICENSE  
Asbestos Removal Not  
Permitted

Contractor: BERGMANN ASSOCIATES  
200 FIRST FEDERAL PLAZA  
28 EAST MAIN STREET  
ROCHESTER, NY 14614

LICENSE NUMBER: 03-0147  
DATE OF ISSUE: 4/25/2007  
EXPIRATION DATE: 4/30/2008

Duly Authorized Representative: ROBERT K MCCUBBIN JR PE

This license has been issued in accordance with applicable provisions of Article 30 of the Labor Law of New York State and of the New York State Codes, Rules and Regulations (12 NYCRR Part 56). It is subject to suspension or revocation for a (1) serious violation of state, federal or local laws with regard to the conduct of an asbestos project, or (2) demonstrated lack of responsibility in the conduct of any job involving asbestos or asbestos material.

This license is valid only for the contractor named above and this license or a photocopy must be prominently displayed at the asbestos project worksite. This license verifies that all persons employed by the licensee on an asbestos project in New York State have been issued an Asbestos Certificate, appropriate for the type of work they perform, by the New York State Department of Labor.

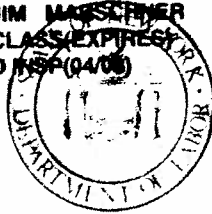
SH 432 (6-03)

Maureen Cox, Director  
FOR THE COMMISSIONER OF LABOR

STATE OF NEW YORK - DEPARTMENT OF LABOR  
ASBESTOS CERTIFICATE



JIM MASCENER  
CLASS: EXP/RES  
D: 12/19/00



CERT# 90-01819  
DMV# 711313814

MUST BE CARRIED ON ASBESTOS PROJECTS



EYES BRO  
HAIR BRO  
HGT 5' 08"

IF FOUND RETURN TO:  
NYSOL - L&C UNIT  
ROOM 290A BUILDING 12  
STATE OFFICE CAMPUS  
ALBANY NY 12240

**APPENDIX B**

**CHAIN-OF-CUSTODY FORMS**  
**AND**  
**LABORATORY ASBESTOS ANALYTICAL REPORTS**

## PLM & TEM BULK ASBESTOS REPORT

**Client:** Bergmann Associates  
**Location:** Walkway Over the Hudson  
 East Side  
**Sample Date:** 10/9/2007

**Job No.:** 19753-07  
**Page:** 1 of 2

Client ID	Lab ID	Sampling Location	Description	PLM Asbestos Fibers Type & Percentage	PLM Total Asbestos	NOB	TEM Asbestos Fibers Type & Percentage	TEM Total Asbestos	PLM Non-Asbestos Fibers Type & Percentage	PLM Matrix Material %
001	114997	Pier / Bridge Foot Sealant	Black / Gray Sealant	Chrysotile 7%	7%	√	Not Required	N/A	None Detected	93%
002	114998	Bridge Paint	Black Paint	Inconclusive No Asbestos Detected	0%	√	Actinolite/ Tremolite	3%	None Detected	100%
003	114999	Rail Plate Pad	Black Insulator	Inconclusive No Asbestos Detected	0%	√	None Detected	<1.0%	None Detected	100%



Lab Code 200530-0 for PLM Analysis

**ELAP ID No.: 10958**

New York State Department of Health, ELAP Method 198.1, 198.4 and 198.6 ("Polarized Light Microscopy and Transmission Electron Microscopy Methods for Identifying and Quantitating Asbestos in Bulk Samples and in Non-Friable Organically Bound Bulk Samples.").

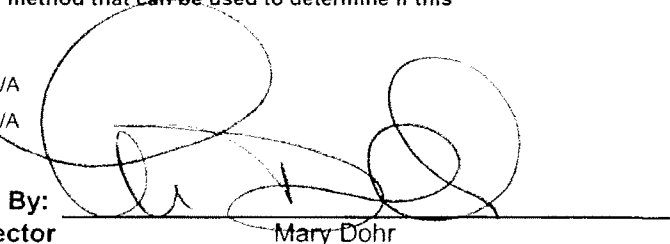
√ NOB (non-friable organically bound) Classified for Analytical Purposes Only.

 \*\* Polarized-light microscopy is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. Quantitative transmission electron microscopy is currently the only method that can be used to determine if this material can be considered or treated as non-asbestos containing.

PLM Date Analyzed: 10/15/2007  
 Microscope: Olympus BH-2 #234206  
 PLM Analyst: B. Weinman

TEM Date Analyzed: N/A  
 TEM Analyst: N/A

**Laboratory Results Approved By:**  
**Asbestos Technical Director**



Mary Dohr

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179 Lake Avenue, Rochester, NY 14608  
(585) 647-2530 \* Fax (585) 647-3311

Client Mailing Address:

28 East Main Street

Rochester, NY 14614

Client:

Bergmann Associates

Phone Number:

232-5135

Results To [jmarschner@bergmannpc.com](mailto:jmarschner@bergmannpc.com)

Date Sampled:

10/9/2007

Project Location:

Walkway Over the Hudson - East Side

Contact:

Jim Marschner

Fax Number:

232-4652

Turn Around Time:

1  2  3  5X  Other

Material Type/Quantity:

Friable NOB TEM

**CHAIN OF CUSTODY FOR PLUM/LEM BULK ASBESTOS ANALYSIS**

OFFICE USE ONLY

Job #:

1975307

Page

2 of 2

Date Logged In:

10/12/07

Logged In By:

AMH

Client ID	Lab ID	Sampling Location	Color	Material Size	Type of Material
1	14997	Pier/Bridge Foot Sealant	Black/Gray		Sealant
2	998	Bridge Paint	Rust/Orange/Black		Paint
3	999	Rail Plate Pad	Black/Gray		Insulator
4					
5					
6					
7					
8					
9					
10					

Sampled By: \_\_\_\_\_ Date: 10/9/07

Transported to Paradigm By: \_\_\_\_\_ Date: 10/11/07

Received By: *John J. [Signature]* Date: 10/14/07

All samples will be analyzed by the appropriate New York State Department of Health methods (198.1, 198.4 and 198.6) unless other methods are requested.

CHECK TO AUTOMATICALLY PERFORM TEM ON NOBS

or provide TEM contact name: *Cauw/Pan*

TOTAL NUMBER OF SAMPLES ON ALL CHAINS OF CUSTODY: \_\_\_\_\_

## PLM & TEM BULK ASBESTOS REPORT

**Client:** Bergmann Associates  
**Location:** Walkway Over the Hudson  
 Mid Bridge  
**Sample Date:** 10/8/2007

**Job No:** 19754-07  
**Page:** 1 of 2

Client ID	Lab ID	Sampling Location	Description	PLM Asbestos Fibers Type & Percentage	PLM Total Asbestos	NOB	TEM Asbestos Fibers Type & Percentage	TEM Total Asbestos	PLM Non-Asbestos Fibers Type & Percentage	PLM Matrix Material %
004	115000	Tar on RR Ties (With White Stone)	Black Fibrous Tar	Chrysotile 19%	19%	√	Not Required	N/A	None Detected	81%
005	115001	Rail Plate Pad	Black Insulator	Inconclusive No Asbestos Detected	0%	√	None Detected	<1.0%	None Detected	100%
006	115002	Paint on Top of Bridge	Black Paint	Inconclusive No Asbestos Detected	0%	√	Trace Chrysotile	<1.0%	None Detected	100%
007	115003	Paint on Bottom Cord of Main Span L36	Black Paint	Inconclusive No Asbestos Detected	0%	√	Trace Chrysotile	<1.0%	None Detected	100%

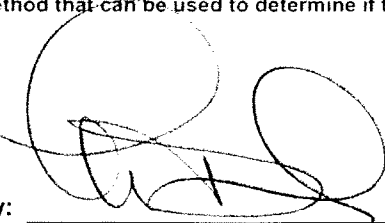
**NVLAP** Lab Code 200530-0 for PLM Analysis **ELAP ID No.: 10958**  
 New York State Department of Health, ELAP Method 198.1, 198.4 and 198.6 ("Polarized Light Microscopy and Transmission Electron Microscopy Methods for Identifying and Quantitating Asbestos in Bulk Samples and in Non-Friable Organically Bound Bulk Samples").

√ NOB (non-friable organically bound) Classified for Analytical Purposes Only.

\*\* Polarized-light microscopy is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. Quantitative transmission electron microscopy is currently the only method that can be used to determine if this material can be considered or treated as non-asbestos containing.

PLM Date Analyzed: 10/15/2007  
 Microscope: Olympus BH-2 #234206  
 PLM Analyst: B. Weinman

TEM Date Analyzed: N/A  
 TEM Analyst: N/A



**Laboratory Results Approved By:**  
**Asbestos Technical Director** Mary Dohr

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179 Lake Avenue, Rochester, NY 14608  
(585) 647-2530 \* Fax (585) 647-3311

Client Mailing Address:

28 East Main Street

Rochester, NY 14614

Client: Bergmann Associates

Phone Number: 232-5135

Results To: [jmarschner@bergmannpc.com](mailto:jmarschner@bergmannpc.com)

Date Sampled: 10/8/2007

Project Location:

Walkway Over the Hudson - Mid Bridge

Contact: Jim Marschner

Fax Number: 232-4652

Turn Around Time:

1  
  2  
  3  
  5X  
  Other

Material Type/Quantity:

Friable NOB TEM

CHAIN OF CUSTODY FOR MILLIEM DULN ADDITION ANALYSIS

OFFICE USE ONLY

Job #: 1975407

Page: 2 of 2

Date Logged In: 10/12/07

Logged In By: WAH

Client ID	Lab ID	Sampling Location	Color	Material Size	Type of Material
1	115000	Tar on RR Ties (with white stone)	Black		Tar
2	001	Rail Plate Pad	Black/Gray	3/4" x 1/2"	Insulator
3	002	Paint on top of Bridge	Rust/Orange/Black	9 1/2"	Paint
4	003	Paint on Bottom Cord of Main Span L36	Rust/Orange/Black		Paint
5					
6					
7					
8					
9					
10					

Sampled By: *[Signature]* Date: 10/18/07  
 Transported to Paradigm By: *[Signature]* Date: 10/11/07  
 Received By: *[Signature]* Date: 10/11/07

All samples will be analyzed by the appropriate New York State Department of Health methods (198.1, 198.4 and 198.6) unless other methods are requested.

CHECK TO AUTOMATICALLY PERFORM TEM ON NOBS

or provide TEM contact name: *Caru w/ Rm*

TOTAL NUMBER OF SAMPLES ON ALL CHAINS OF CUSTODY:

## PLM & TEM BULK ASBESTOS REPORT

**Client:** Bergmann Associates  
**Location:** Walkway Over the Hudson  
 West Bridge End  
**Sample Date:** 10/8-10/2007

**Job No:** 19755-07  
**Page:** 1 of 2

Client ID	Lab ID	Sampling Location	Description	PLM Asbestos Fibers Type & Percentage	PLM Total Asbestos	NOB	TEM Asbestos Fibers Type & Percentage	TEM Total Asbestos	PLM Non-Asbestos Fibers Type & Percentage	PLM Matrix Material %
008	115004	Bridge Paint (East of Wood Deck)	Black Paint	Inconclusive No Asbestos Detected	0%	√	None Detected	<1.0%	None Detected	100%
009	115005	Rail Plate Pad (Pier 8/9)	Black Insulator	Inconclusive No Asbestos Detected	0%	√	None Detected	<1.0%	None Detected	100%
010	115006	Tar on Railing Post Bottom Wood (Pier 8/9)	Black Fibrous Tar	Chrysotile 18%	18%	√	Not Required	N/A	None Detected	82%
011	115007	Rail Road Tie Tar (With White Stone) 10/10/07	Black Fibrous Tar	Chrysotile 26%	26%	√	Not Required	N/A	None Detected	74%
012	115008	Pier to Bridge Foot Sealant (Pier 14)	Black Fibrous Sealant	Chrysotile 26%	26%	√	Not Required	N/A	None Detected	74%
013	115009	2" Wire Jacket (Oil Soaked)	Black Insulator	Inconclusive Trace Chrysotile Detected	<1.0%	√	None Detected	<1.0%	None Detected	100%
014	115010	1.5" Wire Jacket	Black Insulator	Inconclusive No Asbestos Detected	0%	√	None Detected	<1.0%	None Detected	100%



Lab Code 200530-0 for PLM Analysis

**ELAP ID No.: 10958**

New York State Department of Health, ELAP Method 198.1, 198.4 and 198.6 ("Polarized Light Microscopy and Transmission Electron Microscopy Methods for Identifying and Quantitating Asbestos in Bulk Samples and in Non-Friable Organically Bound Bulk Samples").

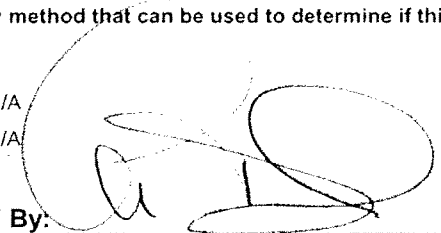
√ NOB (non-friable organically bound) Classified for Analytical Purposes Only.

 \*\* Polarized-light microscopy is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. Quantitative transmission electron microscopy is currently the only method that can be used to determine if this material can be considered or treated as non-asbestos containing.

PLM Date Analyzed: 10/15/2007  
 Microscope: Olympus BH-2 #233173  
 PLM Analyst: F. Childs

TEM Date Analyzed: N/A  
 TEM Analyst: N/A

Laboratory Results Approved By:  
 Asbestos Technical Director

  
 Mary Dohr

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**CHAIN OF CUSTODY FOR FLU/LEM BULK ASBESTOS ANALYSIS**

Client: **Bergmann Associates** Contact: **Jim Marschner**  
 Phone Number: **232-5135** Fax Number: **232-4652**  
 Results To: **Jmarschner@bergmannpc.com** Turn Around Time:  1  2  3  5  Other   
 Date Sampled: **10/8to10/2007** Material Type/Quantity: \_\_\_\_\_ NOB \_\_\_\_\_ TEM \_\_\_\_\_  
 Project Location: **Walkway Over the Hudson - West Bridge End**

Job #: **1975507**  
 Page: **2** of **2**  
 Date Logged In: **10/12/07**  
 Logged In By: **MH**

179 Lake Avenue, Rochester, NY 14608  
 (585) 647-2530 \* Fax (585) 647-3311  
 Client Mailing Address:  
**28 East Main Street**  
**Rochester, NY 14614**

Client ID	Lab ID	Sampling Location	Color	Material Size	Type of Material
008	15084	Bridge Paint (east of wood deck)	Rust/Orange/Black		Paint
009	005	Rail Plate Pad (pier 8/9)	Black/Gray		Insulator
010	004	Tar on Railing Post Bottom Wood (pier 8/9)	Black		Tar
011	007	Rail Road Tie Tar (with white stone) 10/10/07	Black		Tar
012	008	Pier to Bridge Foot Sealant (pier 14)	Black/Gray		Sealant
013	009	2" Wire Jacket (oil soaked)	Black		Insulator
014	010	1.5" Wire Jacket	Black/White		Insulator

Sampled By: \_\_\_\_\_ Date: **AS ABOVE**  
 Transported to Paradigm By: \_\_\_\_\_ Date: **10/11/07**  
 Received By: **Jim Marschner** Date: **10/11/07**

All samples will be analyzed by the appropriate New York State Department of Health methods (198.1,198.4 and 198.6) unless other methods are requested.  
**CHECK TO AUTOMATICALLY PERFORM TEM ON NOBS**  
 or provide TEM contact name: **CALL WITH PUM**  
**TOTAL NUMBER OF SAMPLES ON ALL CHAINS OF CUSTODY:** \_\_\_\_\_