



October 16, 2025

Onondaga County
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RE: Joint Permit Application - Freshwater Wetland & 401 Water Quality Certification
DEC ID: 7-3124-00615, Oak Orchard WWTP Conveyance Corridor
4300 Oak Orchard Rd, Town of Clay, Onondaga County

The New York State Department of Environmental Conservation (DEC) received the Freshwater Wetland and 401 Water Quality Certification Joint Permit Application, Wetland Delineation, and supporting documentation on September 5, 2025. Based on the initial review of the submitted information, DEC determined the application to be incomplete (6 NYCRR Part 621.6(e)) and offers the following comments. Additionally, to meet Oak Orchards construction timeframe DEC requests that a response to these comments be submitted by October 31, 2025. DEC is available to discuss the identified comments at your earliest convenience.

1. The project plans show the Proposed Conveyance Corridor. Are these also the limits of Disturbance (LOD)? Please clearly define on plans. Additionally, wetlands and adjacent areas must be placed on all plans. Please revise.
2. Please provide a disposal plan for construction debris and spoils.
3. Please include an Invasive Species Management Plan (ISMP) within the Narrative, as well as an ISMP site plan.
4. In the narrative, tree removal is stated to occur November 1 through March 31. Please place this timing restriction on project plans.
5. Please submit a Sediment and Erosion Control site plan.
6. Please submit a staging and access plan.
7. On Page 4, Section 3.2. It is stated that "maintained to prevent shrub and tree growth over the force mains" Please confirm if both forested and scrub-shrub wetlands will be converted to PEM or PSS.
8. On Page 7, Once a wetland jurisdictional letter has been issued by DEC, please update Table 1, to incorporate the wetlands that were determined jurisdictional by DEC along with their stated Wetland Class. Additionally, please add the Wetland Class to this table.

- a. Please provide impact maps and tables in the joint application to include the following: State regulated wetlands and its associated 100-foot adjacent areas for both off-site and on-site wetlands.
9. On Page 8, Sections 5.0, 5.1 & 5.2, The County must include a weighing of need against the wetland benefits which are lost as a criterion for their alternative site plans selection (6 NYCRR Part 663.5(e)(2)). The County's weighing standards narrative should describe and demonstrate how the project first avoided and then minimized wetland impacts. This should include a discussion on alignments, and how the final design was determined.
 - a. Please provide a narrative, with supporting information and plans, which applies the weighing standards at 6 NYCRR Part 663.5(e)(2) to the proposed wetland damages. Please include specific plans and details that demonstrate how the Micron projects meet the following:
 - b. the proposed activity must be compatible with the public health and welfare, be the only practicable alternative that could accomplish the applicant's objectives and have no practicable alternative on a site that is not a freshwater wetland or adjacent area.
 - c. For wetland Classes I, II, and III, the proposed activity must minimize degradation to, or loss of, any part of the wetland or is adjacent area and must minimize any adverse impacts on the functions and benefits that the wetland provides.
 - d. The analysis should consider ways to reduce the footprint of the proposed buildout or provide a detailed justification why it cannot be reduced. If these footprints cannot be reduced any further, provide a detailed elaboration as to why not. This analysis should include discussions of HDD and the compressed alignment illustrated on sheet SECTION B of the project drawings as two possible options for reducing the permanent impacts to forested wetlands and adjacent areas.
 - e. Please describe in greater detail the considerations reviewed under the no action alternative, and impracticability for alternate sites.
10. On Page 9, Section 6.1.1, states "Exposed soil will be seeded and/or mulched to minimize erosion and siltation off-site." Please submit the seed mix that will be used for the entire limits of disturbance.
11. On Page 9, Section 6.1.2, open trenching is proposed within Shaver Creek. In addition, DEC has identified two more streams that will be crossed by the project near station 38+00 and 21+50 of the project drawings. Please explain why HDD was not considered for installation. As indicated, please provide cross-sections and profiles for all stream crossing locations and the stream diversion plans to DEC.
12. On Page 14, Section 7.9, Has a survey/absence study been conducted? What is the plan if this species is found within the impacted area, or if an active nest is found within the construction area?

13. A compensatory wetland mitigation plan will be required. DEC requests that the County set up a meeting between DEC, USACE, and the consultant handling the mitigation efforts as soon as possible. The mitigation plan should include, but not be limited to the following: Objectives, site selection, site protection instrument, baseline information, mitigation work plan, performance standards, monitoring requirements, long-term management plan, and adaptive management plan.

All mitigation sites (including wetland and stream buffers) must be placed under a conservation easement. Please provide draft language to both USACE and DEC for review and discussion. DEC must review and approve this conservation easement language, prior to application completeness.

In an ongoing effort to provide mitigation ratios for connected actions associated with Micron for the purposes of planning, DEC offers the following table. Please be advised that an approved mitigation must be approved by DEC prior to consideration of a complete application.

Wetland Impact Type	Mitigation Ratio needed for compensation (Impact acres: Restoration acres) Ratios will be determined based on quality of wetlands being impacted.
Forested wetland	1:2.75 to 1:3
PSS	1:1.5 to 1:2
PEM- Fallow ag	1:1.25 to 1:2
PEM – Mature coverytype	1:2
Forest coverytype conversion	1:1.5 to 1:2
Forest conversion – 100-foot Adjacent Area	1:1
PSS Coverytype conversion – removal of shrubs maintaining as herbaceous (i.e. solar)	1:1.25
PSS Coverytype conversion- temporary, will be allowed to grow back – no grubbing/herbicide	No mitigation
PEM - temporary	No mitigation
Enhancement Ratio	One acre owed for impact: # of acres needed to compensate for credit
Ag wetlands -enhance to PEM – in soy beans/hayfield during delineations	1:2
Forest enhancement in existing forest (ReHab for Corps)	1:3 to 1:3.5 (range depends on functional lift achieved)
Forest “enhancement” in ag fields – with no existing wetland coverytype	1:2
Muck field – degraded veg, soils, hydrology	1:2

14. An invoice for your permit application fee is attached. Please submit payment following the listed instructions. Payment must be received by DEC prior to consideration of a complete application.
15. Per NYCRR Part 621.3(a)(4), 621.3(b)(4), 621.3(b)(5), 621.3(c): If a project requires more than one department permit, the applicant must simultaneously submit all the necessary applications or demonstrate to the department's satisfaction that there is good cause not to do so. Additionally, for projects requiring multiple permits that are being processed together, the entire application package is not complete until all applications can be determined complete. For the purposes of this facility, specifically the Oak Orchard SPDES and Freshwater Wetland permit applications.

If you have questions on the administration of the permit application, please contact me at 315-426-7445. Thank you.

Sincerely,



Trendon Choe
Deputy Regional Permit Administrator
Division of Environmental Permits, Region 7

CC: D. Glance – DEC R7 Director
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