NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

October 2, 2025

Onondaga County
1100 Civic Ctr, 421 Montgomery St
Syracuse, NY 13202
OdeanDyer@ongov.net

RE: Joint Permit Application - Freshwater Wetland & 401 Water Quality Certification
DEC ID: 7-3124-00018, Oak Orchard Wastewater Treatment Plant
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, and the proposed November 11, 2025, Notice of Complete Application timeline, DEC requests that a response to these comments be submitted by October 17, 2025. DEC is available to discuss the identified comments at your earliest convenience.

Narrative

1. On Page 6 & 7, Section 4.1 & Table 1, Total disturbance within the table and narrative do not match (1.85 acres vs. 1.86 acres, etc.). Please revise to ensure consistency.
    a. A wetland jurisdictional letter has been issued by DEC on September 25, 2025, please update this table to incorporate those wetlands that were determined jurisdiction by DEC.
        i. Additionally, please add the Wetland ID, and Wetland Class to this table.
    b. Please define within Table 1, Wetland permanent and temporary impacts, as well as 100-Adjacent Area permanent and temporary impacts.
        i. The mitigation plan must contain a table with this breakout for permanent and temporary impacts and an added column to show proposed mitigation to offset these impacts.

2. On Pages 8 - 10, 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 building sizing, alignments, process, and how the final site plan 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.
e. Please describe in greater detail the considerations reviewed under the no action alternative, and impracticability for alternate sites.
f. There appears to be areas that underutilized on the site. Specifically, those areas Aeration Tanks, Anoxic Tanks, and Diversion Tanks, as well as the area surrounding Gas Storage and Gas Flare. Please explain why these areas cannot be utilized to avoid impacts to jurisdictional wetlands?

3. On Page 11, 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 entire site.

4. On Page 11, Section 6.2, 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. 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.

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 covertype	1:2
Forest covertype conversion	1:1.5 to 1:2

Forest conversion – 100-foot Adjacent Area	1:1
PSS Covertype conversion – removal of shrubs maintaining as herbaceous (i.e. solar)	1:1.25
PSS Covertype 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 covertype	1:2
Muck field – degraded veg, soils, hydrology	1:2

5. On Page 15, Section 7.5, Pied-billed grebe is migrating back into Northern habitat during early spring. The site visit of 3/25/25 is too early to survey for breeding, nesting and foraging. Has a survey been done during an appropriate time of year?

6. Please include an Invasive Species Management Plan (ISMP) within the Narrative, as well as an ISMP site plan.

7. 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 SPDES and Freshwater Wetland

8. Conservation easement – All mitigation sites (including wetland and stream buffers) should 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.

9. DEC requests that the County set up a meeting between DEC, USACE, and the consultant handling the mitigation efforts as soon as possible, in an effort to maintain aggressive schedules.

Project Plans

10. Please include a Sediment and Erosion Control Plan.
11. Please include a Staging and Access Plan.
12. Limits of Disturbance (LOD) are not clearly defined on plans. Please revise.
13. Wetland ID, and 100-Foot Adjacent Area must be included on plans.
14. Please include a planting plan for the site.
15. Figure 4 – Impacts shown on this figure again do not line up with the narrative (1.74 vs 1.73, etc.). Please revise to ensure consistency.

If you have questions on the administration of the permit application, please contact me at 315-426-7445. Please be advised that the application will remain incomplete until SEQRA has been satisfied. 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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