

Appendix 6
NYSDEC Letters

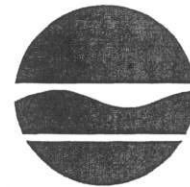
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York, 14203-2999

Phone: (716) 851-7165 • FAX: (716) 851-7168

Website: www.dec.state.ny.us



Denise M. Sheehan
Acting Commissioner

June 23, 2005

RECEIVED JUN 27 2005

Daniel Seaman, Esq.
Town Attorney
Town of Lockport
6560 Dysinger Road
Lockport, New York 14094

Dear Mr. Seaman:

**DRAFT SCOPE
WAL-MART SUPER CENTER
TRANSIT ROAD AT SHIMER ROAD
TOWN OF LOCKPORT, NIAGARA COUNTY**

This is to acknowledge receipt of your June 16, 2005 letter which requested comments regarding the above noted. Please be advised of the following:

1. The Scope document description of the proposal appears to have been modified from the description found on the Full Environmental Assessment Form dated March 25, 2004. The Draft Environmental Impact Statement (DEIS) should therefore include a brief statement of the project's evolution. This would clear issues regarding project size and the seeming lack of information regarding the previously proposed gas station associated with the project.
2. Our September 7, 2005 SEQR Lead Agency concurrence letter to Mr. Andrew Reilly listed the site as an archaeologically sensitive area per the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) mapping. Since that time, OPRHP has updated their computer data and it now appears that the designated archaeologically sensitive area has shifted to the west side of Transit Road. We have, therefore, eliminated that as one of our concerns.
3. It has been noted that the project sponsor will include evaluation of Stormwater Management in the DEIS. However, it will also be necessary to file a Notice of Intent (NOI) to obtain a State Pollutant Discharge Elimination System General Permit. The NOI form (copy enclosed) is to be sent to NYSDEC, Bureau of Water Permits, 625 Broadway, Albany, New York 12233, telephone (518) 402-8111, and the associated Stormwater Pollution Prevention Plan must be approved before project work commences.
4. If asbestos exists in the building to be demolished/renovated, the protection of workers is regulated by the New York State Department of Labor (716/847-7126) and Occupational Safety and Health Administration (OSHA) 716/684-3891. In addition, the disposal of friable (readily crumbled and brittle) asbestos is regulated by this Department under 6 NYCRR Part 360-2.17(p). For more information on the disposal of friable asbestos, please contact Mr. Mark Hans (716/851-7220) at this Department.