

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

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December 4, 2024

Joseph Hasenkopf, Chairman
Town of Cairo Planning Board
512 Main Street, P.O. Box 728
Cairo, NY 12413
Emailed to: planning@townofcairo.com

**Re: DEC Comments on Blackhead Mountain
Lodge
RCBG JV Manager, LLC
Blackhead Mountain Lodge
64 Crows Nest Rd (Multiple Parcels)
Town of Cairo, Greene County**

Dear Chairman Hasenkopf and Members of the Planning Board:

The NYS Department of Environmental Conservation (DEC) has reviewed the additional project documentation circulated by Jozlyn Young of KARC Planning Consultants for the above-referenced project, which was received on November 25, 2024.

In our prior correspondence dated February 15, 2024, DEC provided you with information related to our jurisdiction and several related issues. In addition to the information provided in that letter, the DEC requested a meeting with Chairman Hasenkopf of the Town of Cairo Planning Board and the New York State Department of Health (NYSDOH) on December 3, 2024 to discuss concerns related to the additional project documentation. Due to unknown circumstances, the Chairman did not attend this meeting. As the project remains in the public comment period, DEC offers the following written comments for your consideration.

DEC was first notified of the planned development activities at the former Blackhead Mountain Country Club site in February 2024. Since that time, preliminary site activities have included the installation, development, and testing of multiple potential water supply wells to serve the proposed redevelopment project. Over this time period, DEC has been in periodic contact with multiple technical and consulting representatives of the developer, including KARC Planning Consultants, Inc. (KARC), Crawford & Associates Engineering & Land Surveying, PC (Crawford), the LRC Group (LRC), and Sterling Environmental Engineering, PC (Sterling).



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Throughout these discussions with the developers' representatives, DEC has provided guidance on the provisions and potential applicability of the Water Withdrawal Permit Program with respect to the proposed redevelopment project. The developers' representatives have consistently asserted that NYSDEC will not have jurisdiction over the proposed redevelopment project with respect to the Water Withdrawal Permit Program, as the project will fall below the threshold volume of a capacity to withdraw 100,000 gallons per day (gpd). Coordination of well investigation activities with DEC beyond preliminary notifications for new water well installations and the completion of Water Well Completion Reports has been considered a courtesy by the developers' representatives. Conventional pre-application steps for the Water Withdrawal Permit Program have either been modified or have not been followed.

The November 25, 2024 Hydrogeologic Report prepared by Sterling projects a Maximum Daily Demand (MDD) of 46,212 gpd for the project. With the potential applicability of NYSDOH source redundancy requirements for Public Water Systems (PWS), the water withdrawal system for the proposed redevelopment project may have to be designed in such a manner to be able to meet the MDD with the "best," or most productive well out of service. Per the Hydrogeologic Report, the MDD is anticipated to be met via two supply wells: Well 4 and Well 5, with each well having a 32 gpm pumping rate. Therefore, a water withdrawal system with a minimum capacity of 92,160 gpd would be necessary to meet the MDD as described in the November 25, 2024 Hydrogeologic Report. This is notwithstanding several questions DEC has regarding the projected MDD, including whether it includes the proposed permanent residences or the 3,037 gpd demand for the irrigation of landscaped features as described in a separate report prepared by LRC.

The November 25, 2024 Hydrogeologic Report describes the aquifer pumping test conducted on Well 5 at the site from October – November, 2024. As part of the 72-hour constant-rate pumping test of Well 5, off-site monitoring was conducted at only six locations (all wells located less than 1,600 feet from Well 5). Notably, DEC has been informed that many other residents wished for their potable wells to be monitored during this pump test but were reportedly not contacted/invited. Drawdown was observed at three of the six locations, ranging from 2.97 feet at the 22 Bald Hills Road N property to 21.10 feet at the 103 Bald Hills Road N property. Despite these observations from the limited monitoring well network, Sterling asserts that no adverse impact is anticipated from the proposed project (i.e., the routine operation of Well 5).

Critically, it should be noted that the 100,000 gpd threshold volume is assessed in terms of the overall capacity of a water withdrawal system and not the projected demands on the system. The projected MDD for the proposed redevelopment project only provides a narrow margin by which the water withdrawal system would be non-jurisdictional from a Water



Withdrawal permitting standpoint. DEC maintains its original position that the question of jurisdiction with regards to the Water Withdrawal Permit Program remains unresolved.

We hope that you will find the information we have provided helpful in for this important regional project. If you have any questions about the information provided in this letter, please contact me by e-mail at kristen.peek@dec.ny.gov or by telephone at (518) 357-2373 if you have any questions.

Sincerely,



Kristen Peek
Environmental Analyst 1

ecc: Clerk, Town of Cairo Planning Board
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