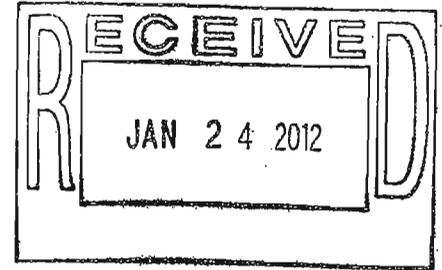




January 23, 2012



Toni Cioffi
NYDEC
Division of Water
Bureau of Water Permits, 4th Floor
625 Broadway
Albany, NY 12233-3505

Re: New York State Environmental Quality Review
Notice of Intent to Act as Lead Agency
Project: Lease by Painted Post Development, LLC to the
Wellsboro and Corning Railroad of a Portion of the Former
Ingersoll Rand site located at 350 West Water Street, Painted Post, NY 14870

Dear Ms. Cioffi:

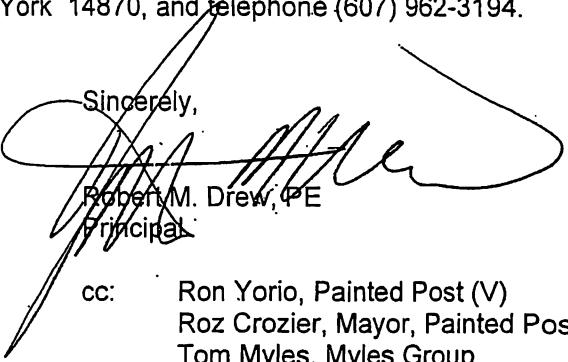
This notice letter is being transmitted on behalf of the Village of Painted Post (the "Village") concerning a proposed lease by Painted Post Development, LLC ("PPD") (of which the Village is the sole member) of a portion of the site on which the former Ingersoll Rand facility (the "Site") is located. Your agency has been identified as a potentially interested party.

Part I of the Full Environmental Assessment has been prepared and is provided as Attachment A. A location map and site plan drawing are provided in Attachment B. Based on a review of 6 NYCRR Part 617.4, the Village has determined that the proposed project is a Type I Action under the New York State Environmental Quality Review Act ("SEQRA") involving more than one agency thus requiring coordinated agency review. Please be advised that the Site is to be constructed and operated as a transloading facility by the Wellsboro & Corning Railroad, a federally-regulated railroad.

Under applicable law, including but not limited to the Interstate Commerce Commission Termination Act of 1995 and the Federal Railway Act of 1970 (collectively referred to as "ICCTA"), local and state approvals associated with the construction and operation of the Site are preempted under ICCTA, and therefore such approvals are not required. As such, the SEQRA review associated with the above-referenced action will be limited to the lease by PPD, to Wellsboro and Corning Railroad, in light of the fact that the Village is the sole member of PPD. It should be further noted that while preemption applies to local and state law concerning the construction and operation of the transloading facility on the Site, nevertheless, PPD as well as Wellsboro and Corning Railroad are seeking input from various agencies as well as from the Village Planning Board during the process to ensure that to the extent possible, the Site and its operations comply with local zoning, etc.

If you have any questions concerning this matter, including the Village's intent to act as lead agency here, please contact Ron Yorio, the Village of Painted Post attorney, at the offices of Yorio & Roche, 145 West High Street, Painted Post, New York 14870, and telephone (607) 962-3194.

Sincerely,



Robert M. Drew, PE
Principal

cc: Ron Yorio, Painted Post (V)
Roz Crozier, Mayor, Painted Post (V)
Tom Myles, Myles Group
Joe Picciotti, Harris Beach PLLC



January 23, 2012

Michael J. Montysko, PE
Chief Design Section
NYSDOH
Bureau of Water Supply Protection
547 River Street
Troy, NY 12180

Re: New York State Environmental Quality Review
Notice of Intent to Act as Lead Agency
Project: Lease by Painted Post Development, LLC to the
Wellsboro and Corning Railroad of a Portion of the Former
Ingersoll Rand site located at 350 West Water Street, Painted Post NY 14870

Dear Mr. Montysko:

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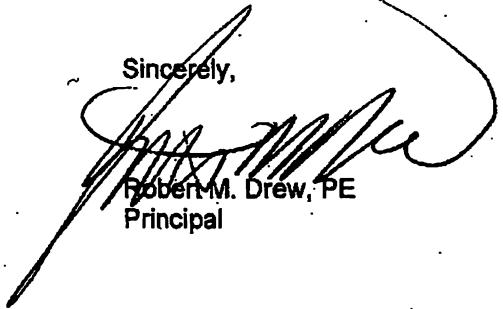
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Your agency has been identified as a potentially involved agency and if it has no objections to the Village acting as lead agency herein, please execute the enclosed consent to lead agency as soon as practicable and if possible within one week of the date of this letter and send to me the executed consent form by placing it in the enclosed addressed, prepaid envelope.

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Sincerely,

A handwritten signature in black ink, appearing to read 'R. M. Drew', written over a horizontal line.

Robert M. Drew, PE
Principal

The _____ consents to the Village of Painted Post as the lead agency for the action referenced in the _____, 2012 Lead Agency Notice for Lease by Painted Post Development, LLC to the Wellsboro and Corning Railroad of a portion of the Former Ingersoll Rand site.

By: _____

Title:



*(v) Painted Post,
Sturben Co.*

January 23, 2012

Michael J. Montysko, PE
Chief Design Section
NYSDOH
Bureau of Water Supply Protection
547 River Street
Troy, NY 12180

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Notice of Intent to Act as Lead Agency
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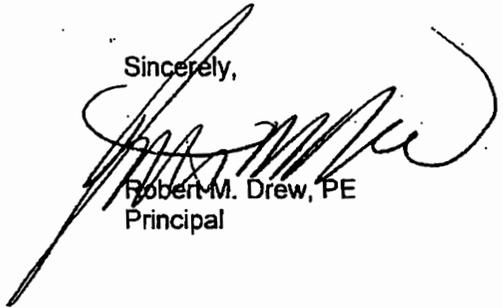
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Sincerely,

A handwritten signature in black ink, appearing to read 'R. M. Drew', written over the typed name below.

Robert M. Drew, PE
Principal

The NYS DOH consents to the Village of Painted Post as the lead agency for the action referenced in the attached, 2012 Lead Agency Notice for Lease by Painted Post Development, LLC to the Wellsboro and Corning Railroad of a portion of the Former Ingersoll Rand site.

Christina J. Jones 1/25/12
By:
Title: Public Health Engineer III



January 23, 2012

Board of Trustees of the Village of Painted Post
Attn. Anne Names, Clerk of the Village
261 Steuben Street
Painted Post NY 14870

Re: New York State Environmental Quality Review
Notice of Intent to Act as Lead Agency
Project: Lease by Painted Post Development, LLC to the
Wellsboro and Corning Railroad of a Portion of the Former
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Dear Board of Trustees of the Village of Painted Post:

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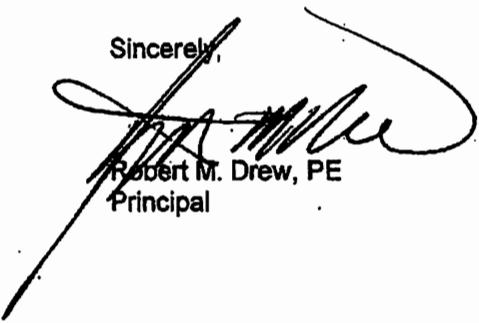
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Sincerely,

A handwritten signature in black ink, appearing to read 'R. M. Drew', is written over the word 'Sincerely,'. The signature is stylized and somewhat cursive.

Robert M. Drew, PE
Principal

The _____ consents to the Village of Painted Post as the lead agency for the action referenced in the _____, 2012 Lead Agency Notice for Lease by Painted Post Development, LLC to the Wellsboro and Corning Railroad of a portion of the Former Ingersoll Rand site.

By: _____

Title:



January 23, 2012

Tom Klaseus
NYSDOH
107 Broadway
Hornell, NY 14843

Re: New York State Environmental Quality Review
Notice of Intent to Act as Lead Agency
Project: Lease by Painted Post Development, LLC to the
Wellsboro and Corning Railroad of a Portion of the Former
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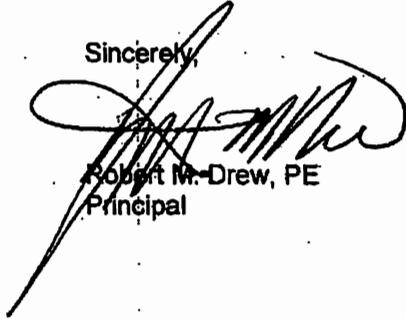
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Robert M. Drew, PE
Principal

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By:

Title:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • Fax: (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

December 5, 2011

Christina L Brush
Hunt Engineers
Airport Corporate Park
100 Hunt Center
Horseheads, NY 14845-1019

Dear Ms. Brush:

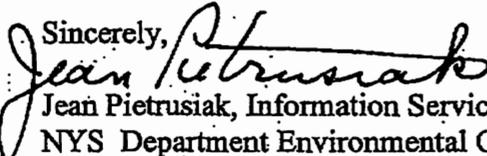
In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Re-development of portion of Old Ingersoll Rand Foundry Site, Project # 1889-010, area as indicated on the map you provided, located in the Village of Painted Post, Steuben County.

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. 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 as to 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.

The enclosed report may be included in documents that will be available to the public. However, any enclosed maps displaying locations of rare species are considered sensitive information, and are intended only for the internal use of the recipient; they should not be included in any document that will be made available to the public, without permission from the New York Natural Heritage Program.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. 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, as listed at www.dec.ny.gov/about/39381.html.

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,

Jean Pietrusiak, Information Services
NYS Department Environmental Conservation

Enc.

cc: Region 8

1175

Natural Heritage Report on Rare Species

NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935



~The information in this report includes only records entered into the NY Natural Heritage databases as of the date of the report. This report is not a definitive statement on the presence or absence of all rare species or significant natural communities at or in the vicinity of this site.

~Refer to the User's Guide for explanations of codes, ranks and fields.

~We do not provide maps for species most vulnerable to disturbance.

Natural Heritage Report on Rare Species and Ecological Communities



REPTILES

Crotalus horridus

Timber Rattlesnake hibemaculum	NY Legal Status: Threatened Federal Listing: County: Steuben Town: Corning - Town, Erwin Location: Documented within 1.5 miles of project site. Animals can move 1.5 miles or more from documented locations. For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located.	NYS Rank: S3 - Vulnerable Global Rank: G4 - Apparently secure	Office Use 2398 ESU
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Crotalus horridus

Timber Rattlesnake gestating/birthing are	NY Legal Status: Threatened Federal Listing: County: Steuben Town: Erwin Location: Documented within 1.5 miles of project site. Animals can move 1.5 miles or more from documented locations. For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located.	NYS Rank: S3 - Vulnerable Global Rank: G4 - Apparently secure	Office Use 10572 ESU
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2 Records Processed

More detailed information about many of the rare and listed animals in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, and from NYSDEC at <http://www.dec.ny.gov/animals/7494.html>.

Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935

- ~The information in this report includes only records entered into the NY Natural Heritage databases as of the date of the report. This report is not a definitive statement on the presence or absence of all rare species or significant natural communities at or in the vicinity of this site.
- ~Refer to the User's Guide for explanations of codes, ranks and fields.
- ~Location maps for certain species and communities may not be provided 1) if the species is vulnerable to disturbance, 2) if the location and/or extent is not precisely known, 3) if the location and/or extent is too large to display, and/or 4) if the animal is listed as Endangered or Threatened by New York State.

Natural Heritage Report on Rare Species and Ecological Communities



VASCULAR PLANTS

Hydrangea arborescens

Wild Hydrangea	NY Legal Status: Endangered	NYS Rank: S2 - Imperiled	Office Use 7556
	Federal Listing:	Global Rank: G5 - Secure	
	Last Report: 2002-07-22	EO Rank: Good or Fair	
	County: Steuben		
	Town: Erwin		
	Location: Painted Post Smiths Hollow		
General Quality and Habitat:	There are 54 plants in a disturbed habitat. A small ravine that flows SSW. The creek appears to be intermittent, but had a good size flow during the survey. The creek is at most a few meters wide with moderate to steep slopes on the sides of the ravine. The creek disappears into a large drain just above a residential area. The plants occur along the creek just up from this drain. The whole ravine is forested with a full canopy. The soils on the slopes have a high clay content with small rocks. The plants occur in small patches, distributed evenly throughout, on both sides of the ravine never more than a few meters up from the creek. Dominant trees in the canopy are <i>Acer saccharum</i> , <i>Quercus rubra</i> , <i>Fraxinus americana</i> , and <i>Pinus strobus</i> . Other trees present include <i>Ulmus americana</i> , <i>Tsuga canadensis</i> .		

1 Records Processed

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More detailed information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org. For descriptions of all community types, go to <http://www.dec.ny.gov/animals/29384.html> and click on Draft Ecological Communities of New York State.

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

March 5, 2012

Seth Gentile
Wellsboro Corning RR
256 Eagleview Blvd. PMB 261
Exton, PA 19341

Re: Log #19096
Painted Post Transloading Site
150 West Water Street
Painted Post, Steuben County

Dear Mr. Gentile:

The plans and specifications for the above referenced backflow prevention project have been reviewed and approved by this office subject to the following Conditions of Approval:

- A. THAT the proposed works be constructed in complete conformity with the plans and specifications approved this day or approved amendments thereto.
- B. THAT any connection made prior to the approved backflow prevention device(s) shall render this approval void.
- C. THAT within 45 days of installation, the following steps must be taken: (1) The approved device(s) must be tested by a NYSDOH certified backflow prevention device tester; (2) The completed installation must be certified by the design engineer, architect or water supplier; and (3) The form DOH 1013 "Report on Test and Maintenance of Backflow Prevention Device" must be completed and returned to the water supplier. You can find this form at <http://www.nyhealth.gov/environmental/water/drinking/cross/doh1013.pdf>.
- D. THAT a NYSDOH certified backflow prevention device tester test the approved backflow prevention device(s) at least annually and report the results to the water supplier.

A copy of the approved plans and specifications is being retained in our files, and the remaining copies are being sent to the local health department, the water supplier and your engineer. If you have any questions, please contact this office at (518) 402-7676.

Sincerely,



Michael J. Montysko, P.E.
Chief, Design Section
Bureau of Water Supply Protection

MJM/ssm

cc: Hornell District Office
Hunt Engineers, Attn. Robert M. Drew, P.E.
Village of Painted Post, Attn. Mr. Smith