

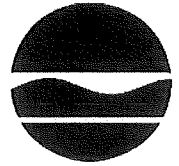
New York State Department of Environmental Conservation

Division of Water, Region 8

6274 Avon-Lima Road Avon, NY 14414-9516

Phone: (585)226-2466

Website: www.dec.ny.gov



Joe Martens
Commissioner

October 22, 2014

James McKenna
Whitetail 414 LLC
1265 Scottsville Rd.
Rochester, NY 14624

RE: Lago Resort and Casino
SPDES Permit #NYR10Y382
1101 Ridge Road
Tyre (T), NY 13165 County: Seneca

Dear Mr. McKenna:

We have received BME Associates' revised request, dated October 21, 2014, along with a revised construction sequencing and plan sheets, to disturb greater than 5 acres of soil at any one time on the above referenced construction project. Based upon the information contained in the letter and the additional information submitted, the request to disturb greater than 5 acres has been approved. Work must be done as described in your letter and comply with the following conditions as per Part II.C.3 of GP-0-10-001:

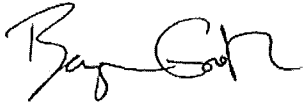
1. All erosion and sediment control features must be properly maintained during construction. A total of no more than 28.6 acres of disturbance (during Phase 3) is approved as per the phasing plan provided in the project's SWPPP.
2. The *owner or operator* shall have a *qualified inspector* conduct at least two (2) site inspections in accordance with the Permit every seven (7) calendar days for so long as greater than five (5) acres of soil remain disturbed and allow two (2) calendar days between inspections.
3. In areas where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within seven (7) days from the date the soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the most current version of the *New York State Standards and Specifications for Erosion and Sediment Control*.
4. The *owner or operator* shall install any additional measures needed to protect water quality.
5. Establish a SWPPP communication track to be followed among permittee, inspector, contractor, municipality, and this office to secure prompt (within 48 hours) corrections to site deficiencies identified by each inspection.

6. Any changes to the SWPPP must be clearly identified in the on-site SWPPP as per Part III.A.4. of the Construction Stormwater General Permit. Details on any changes in the approved phasing plan shall be sent to this office.
7. Documents related to the revisions submitted in the September 24, 2014 and October 21, 2014 letters shall be kept with the project's SWPPP.
8. The owner/operator includes the requirements above in their SWPPP (may be incorporated by inclusion of this document in site log book).
9. This site is subject to inspection for agreement with Construction Stormwater General Permit requirements and the site-specific SWPPP by the USEPA, NYSDEC, Town of Tyre and the Seneca County Soil & Water Conservation District.

This approval is valid for the SWPPP and the associated revisions as referenced above. A change in the scope of this project will require additional review, therefore rescinding this 5-Acre Waiver.

Should you have any questions regarding this letter or the requirements of our general permits, please contact me at (585) 226-5427.

Sincerely,



Benjamin Groth
Environmental Engineer I

Cc: James Cretekos / Andrew Moroz – BME Associates