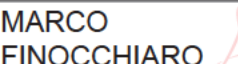




Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Stephanie Andreescu Sofia Olivero-Lora (in-training)	Time In	2:07 PM	Start Date	March 18, 2022
		Time Out	4:43 PM	End Date	March 18, 2022
Inspector's Organization	US EPA Region 2, Water Division, Water Management Branch, Wetlands Protection Section				
Organization Requesting Inspection (if different)					
Inspection Type	Evaluation	Inspection Status	Original		
Site Name	Har Shalom Cemetery				
Site Address*	44 Hillside Avenue				
City*	Airmont	County*	Rockland	State*	NY
				Zip Code*	10952
Mailing Address*	44 Hillside Avenue				
City*	Airmont	County*	Rockland	State*	NY
				Zip Code*	10952
Latitude*	41.084458	Longitude*	-74.089919		
Estimated Size of Site (acres)	19.23	Is there a home on the site?	☐ Yes ☒ No		
Inspector Signature	 Digitally signed by Andreescu, Stephanie Date: 2022.04.14 15:42:32 -04'00'			Date	4/14/22
Supervisor Signature	 MARCO FINOCCHIARO Digitally signed by MARCO FINOCCHIARO Date: 2022.04.14 16:03:06 -04'00'			Date	4/14/22

Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Har Shalom Cemetery	Start Date	March 18, 2022
		End Date	March 18, 2022
Inspection Purpose	Initial site visit		
Opening Conference			
☒ Presentation of Inspector Credentials			
Name and Title (Use N/A if owner/operator not available to join the inspection)			
Mr. Meyer Gertner, owner/operator, Har Shalom Cemetery			
☒ Opening Conference			
Name of person authorizing access if applicable			
Mr. Gertner authorized access of property during scheduling of the inspection and was present during the inspection.			
Notes from Opening Conference			
EPA explained the purpose of the inspection, its role (versus that of the Corps), and what areas would be inspected. EPA asked Mr. Gertner when the property was purchased. Mr. Gertner explained that the property was purchased around April 2021, but that they had done their due diligence for 9 months prior to the purchase.			
☐ Access Issues if Any			
Describe			
N/A			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information)			
Mr. Meyer Gertner, Har Shalom Cemetery, U.S. FOIA (b)(6), U.S. FOIA (b)(6)			
Additional Persons Present at Inspection			
Mr. David Neuman, Har Shalom Cemetery; Bruce Friedmann, Ecological Analysis, LLC			
General Site Characteristics (layout of property, etc.)			
The property is comprised of a 19.23-acre parcel shaped like a vertical "S" tetromino. At the time of the inspection, a cemetery was in the process of being constructed on the eastern half of the parcel. The western half of the parcel (hereafter, "the Site") was undeveloped and contained a deciduous forest with vernal pools and a headwater stream. At least two headwater wetlands were located on the Site			
Purpose and Need for Discharge of Dredged and/or Fill Material			
A stockpile of wood chips with some dirt and rock was spread over approximately 1.4 acres on the Site to dispose of excess/unnecessary material.			
Site Overview (Past inspections, site description, permits, etc.)			
A jurisdictional determination for two 0.2-acre wetlands at the Site is currently being reviewed at the Corps. There are no known Corps wetland permits for activities at the Site. Prior to EPA's CWA Section 404 Inspection, EPA had not inspected the property. There are no State-jurisdictional aquatic resources on the property.			

Clean Water Act Section 404: Site Visit/Case Development

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Site Name	Har Shalom Cemetery	Start Date	March 18, 2022
		End Date	March 18, 2022
Scope of Inspection (Areas inspected or not inspected)			
EPA inspected the western half of the parcel and had access to the neighboring property to the south.			

Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Har Shalom Cemetery	Start Date	March 18, 2022
		End Date	March 18, 2022
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
Temperatures were in the high 60's to low 70's; sunny/partly cloudy; precipitation the day prior			
Field Work Conducted			
During the inspection, EPA collected photographs, GPS data, and handwritten notes. Observations were recorded with the understanding that the inspection occurred outside of the growing season and that it rained the day prior. EPA started the inspection near the southern perimeter of the Site. EPA observed an ephemeral or intermittent headwater stream channel with a southern directional flow to the neighbor's property and then under Hillside Avenue. The stream was not flowing at the time of the inspection. EPA observed a likely wetland area at the southwestern portion of the Site. This area was identified as Wetland "B" (0.2 acre) in a wetland delineation submitted by the property owner to the Corps. The presumed wetland area had standing water in it. Orange wetland flagging hung by Mr. Friedmann bordered the delineated wetland. EPA then walked north and observed a second likely wetland area at the northwestern portion of the Site. This was identified as Wetland "A" in the wetland delineation. There was standing water in the presumed wetland that extended beyond the orange wetland flagging. EPA observed additional blue flagging that may have been hung during a previous wetland delineation. EPA asked Mr. Friedmann when he conducted the wetland delineation at the property. He said that he delineated in November or December 2021. Near the center of the Site, fill material consisting mainly of wood chips with some soil and rock had been spread between live trees. The material ranged from approximately two to five feet high. According to site representatives, the wood chips originated from the trees taken down on the eastern half of the parcel. EPA walked along the edge of the disturbance and recorded GPS data. Based on these data, EPA estimated that approximately 1.4 acres had been disturbed by spreading of the material. Standing water was observed in several locations surrounding the fill material. EPA dug a soil pit adjacent to the southern edge of the fill and near an area of standing water and recorded a GPS point. The soil was very dark gray or brown (10 YR 3/1 or 10 YR 3/2) but did not meet the definition of a hydric soil. Worms were observed in the soil profile. The water table measured 8 inches below the surface. EPA did not dig another soil pit, but recommended that Mr. Friedmann examine a second location for the presence of wetlands. A GPS point was taken at this location.			
Closing Conference			
Documents Received and/or Requested During the Inspection			
While EPA did not request any documents during the inspection, EPA asked the property owner to reach out to Ms. Alexandra Ryan at the U.S. Army Corps of Engineers, New York District regarding their pending jurisdictional determination and to discuss next steps in light of EPA's observations.			
Compliance Assistance Provided (If any)			
N/A			
Observations Relayed to Site Owner/Operator			
EPA relayed to the Site owner/operator and his consultant that it appeared that wetlands and streams had been undermapped at the Site, likely due to the time of year that the delineation was conducted.			

Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Har Shalom Cemetery	Start Date	March 18, 2022
		End Date	March 18, 2022
Actions Taken by Owner/Operator During the Inspection (If any) Mr. Gertner and Mr. Friedmann discussed when Mr. Friedmann could come back out to the site to re-delineate.			
Potential Issues of Concern Including Regulatory Citations A potential wetland area and stream that may have been missed during the initial delineation were potentially filled with several feet of wood chips, soil, and rock. EPA informed the landowner and consultant that they should work with the Corps to resolve potential issues with the submitted wetland delineation and filling at the property.			
Attachments*			
☒ Maps and Sketches ☒ Photographs (including location) and Photo Log ☐ Other (SSIP, Wetlands Delineation Forms, etc.)			
Map with GPS Points; Photolog			
Additional Notes			
EPA met with a neighboring landowner prior to the inspection.			

CWA 404 Inspection
Har Shalom Cemetery
44 Hillside Avenue
Airmont, Rockland County, NY

March 18, 2022



Date: 03/18/2022
Time: 2:07 PM
Photographer: SSA
Photo ID: 1 – P3180001

Description:

Stream channel at Site; not
flowing at time of inspection.



Date: 03/18/2022
Time: 2:22 PM
Photographer: SSA
Photo ID: 2 – P3180002

Description:
(1/3) Panorama

Stream exiting Wetland B



Date: 03/18/2022
Time: 2:23 PM
Photographer: SSA
Photo ID: 3 – P3180003

Description:
(2/3) Panorama

Wetland B



Date: 03/18/2022
Time: 2:23 PM
Photographer: SSA
Photo ID: 4 – P3180004

Description:
(3/3) Panorama

Wetland B



Date: 03/18/2022
Time: 2:42 PM
Photographer: SSA
Photo ID: 5 – P3180005

Description:
(1/3) Panorama

Wetland A



Date: 03/18/2022
Time: 2:42 PM
Photographer: SSA
Photo ID: 6 – P3180006

Description:
(2/3) Panorama

Wetland A



Date: 03/18/2022
Time: 2:42 PM
Photographer: SSA
Photo ID: 7 – P3180007

Description:
(3/3) Panorama

Wetland A



Date: 03/18/2022
Time: 3:14 PM
Photographer: SSA
Photo ID: 8 – P3180008

Description:

Stream channel between properties

Channel was dry at time of inspection

Channel culverted under Hillside Avenue

Photo taken facing downstream



Date: 03/18/2022
Time: 3:14 PM
Photographer: SSA
Photo ID: 9 – P3180009

Description:

Stream channel between properties

Channel was dry at time of inspection

Channel culverted under Hillside Avenue

Photo taken facing upstream



Date: 03/18/2022
Time: 3:49 PM
Photographer: SSA
Photo ID: 10 – P3180010

Description:

Soil Profile – soil was not hydric

Water table 8" below surface

GPS Point taken



Date: 03/18/2022
Time: 4:12 PM
Photographer: SSA
Photo ID: 11 – P3180011

Description:
(1/4) Panorama

Potential Wetland Area adjacent
to fill material. Standing water

GPS Point taken



Date: 03/18/2022
Time: 4:12 PM
Photographer: SSA
Photo ID: 12 – P3180012

Description:
(2/4) Panorama

Potential Wetland Area adjacent
to fill material. Standing water

GPS Point taken



Date: 03/18/2022
Time: 4:12 PM
Photographer: SSA
Photo ID: 13 – P3180013

Description:
(3/4) Panorama

Potential Wetland Area adjacent
to fill material. Standing water

GPS Point taken



Date: 03/18/2022
Time: 4:12 PM
Photographer: SSA
Photo ID: 14 – P3180014

Description:
(4/4) Panorama

Potential Wetland Area adjacent
to fill material. Standing water

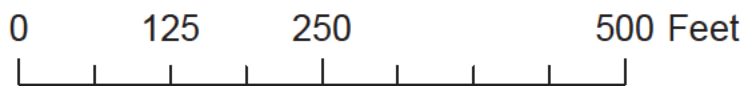
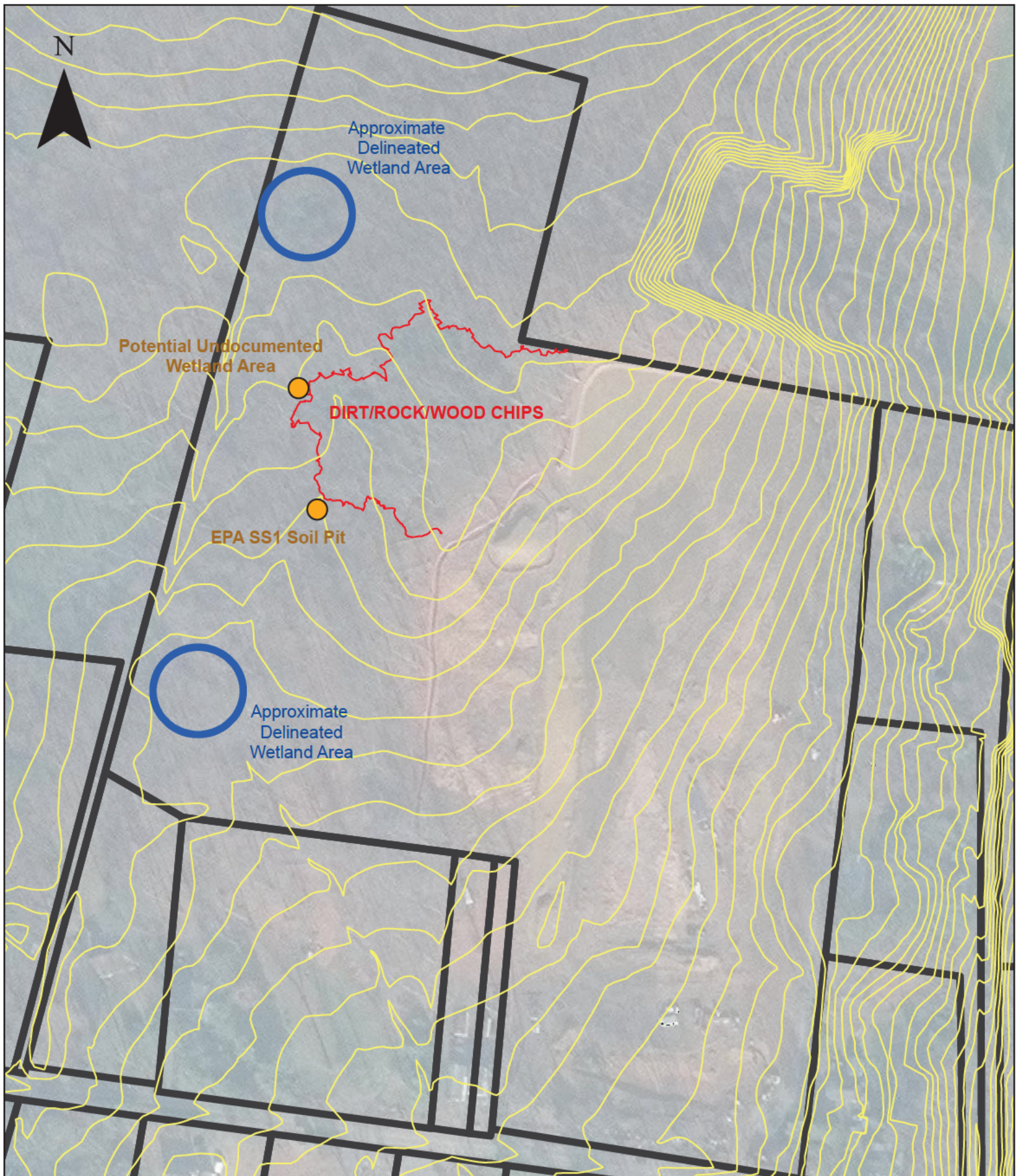
GPS Point taken



Date: 03/18/2022
Time: 4:15 PM
Photographer: SSA
Photo ID: 15 – P3180015

Description:

Standing water adjacent to fill material



- 3/18/2022 GPS Point
- 2-ft Contour
- Fill Limit of Disturbance
- Parcel Boundary