Clean Water Act Section 404: Site Visit/Case Development

United States Environmental Protection Agency

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 Austin Jepsky	Time In	1:17 PM	Start Date	March 26, 2024
		Time Out	3:15 PM	End Date	March 26, 2024
Inspector's Organization	U.S. EPA Region 2				
Organization Requesting Inspection (if different)					
Inspection Type	Evaluation	Inspection Status	Original		
Site Name	John Tringali Property				
Site Address*	6 Paula Drive (103.3-4-76)				
City*	Milton	County*	Ulster	State* NY	Zip Code* 12547
Mailing Address*	6 Paula Drive				
City*	Milton	County*	Ulster	State* NY	Zip Code* 12547
Latitude*	41.64005	Longitude*	-73.96939		
Estimated Size of Site (acres)	1.54	Is there a home on the site?	☒ Yes ☐ No		
Inspector Signature	Stephanie Andreescu Digitally signed by Andreescu, Stephanie Date: 2024.04.12 14:46:52 -04'00'	Date	4/12/24		
Supervisor Signature	MARCO FINOCCHIARO Digitally signed by MARCO FINOCCHIARO Date: 2024.04.15 09:03:42 -04'00'	Date	4/15/24		

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Site Name	John Tringali Property	Start Date	March 26, 2024
		End Date	March 26, 2024
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)

Credentials were presented to Mr. John Tringali, property owner

☒ Opening Conference

Name of person authorizing access if applicable

EPA scheduled the inspection with Mr. Tringali

Notes from Opening Conference

Mr. Tringali showed EPA where a contractor with a skid steer had cleared and grubbed vegetation, including trees and shrubs, from his property. He explained to EPA that the contractor was hired by his neighbor and the work was not authorized by Mr. Tringali.

☐ Access Issues if Any

Describe

N/A

Inspection Observations and Sample Collection

Site Owner/Site Operator/Responsible Party (Name, title and contact information)

Site owners: John and Constance Tringali; email: U.S. FOIA (b)(6) ; phone: U.S. FOIA (b)(6)

Additional Persons Present at Inspection

Mr. Tringali was present during the inspection.

General Site Characteristics (layout of property, etc.)

The Tringali Property is identified as a 1.54-acre one-family residential property with land types listed by Ulster County as "Primary" (1.00 acre) and "Wetland" (0.54 acre). The property is generally rectangular in shape with a portion of the southwest quadrant removed. The property slopes to the east. A residence is located near the center of the parcel. The eastern half of the parcel is primarily the residence's front lawn. A driveway provides access to the residence from Paula Drive along the northeast property boundary. The western half of the parcel is a mix of wooded area and back lawn. A portion of the southeast quadrant along the property boundary was wooded, but had recently been cleared and grubbed. A stream is piped under much of the front lawn in a southeast direction before it daylights near Paula Drive.

Purpose and Need for Discharge of Dredged and/or Fill Material

Fill material was discharged on the Tringali property in the process of grubbing vegetation and removing woody debris. According to Mr. Tringali, the activity encroached onto his property from the Marquis property located at 26 Evy Lane, Milton, NY.

Site Overview (Past inspections, site description, permits, etc.)

EPA's Wetland Protection Section has not previously inspected the Tringali property but did previously inspect the Marquis

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Site Name	John Tringali Property	Start Date	March 26, 2024
		End Date	March 26, 2024

property located at 26 Evy Lane, Milton, NY on September 9, 2022.
The U.S. Army Corps of Engineers has not issued a permit for grubbing/filling activities at the Tringali property.

Scope of Inspection (Areas inspected or not inspected)

EPA inspected areas along the southeastern boundary of the property where clearing and grubbing activities had occurred.

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Site Name	John Tringali Property	Start Date	March 26, 2024
		End Date	March 26, 2024

Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)

low 50's, overcast, no precipitation during or in 2+ days leading up to inspection

Field Work Conducted

The purpose of the inspection was to document whether there had been a discharge of dredged/fill material into waters of the United States without proper Corps authorization.

Data recorded during the inspection included GPS data; handwritten notes of observations; and photographs.

During the inspection, EPA observed disturbance to vegetation and soil near the property's southeast boundary. It appeared that the clearing and grubbing work that had been performed on the neighboring property had encroached on the Tringali property. Mr. Tringali stated that this was done by his neighbor's contractor without his authorization. EPA recorded GPS lines at the limit of disturbance for clearing and the limit of disturbance for grubbing (see attached map). While several larger trees remained, smaller trees and shrubs had been removed with their stumps and roots. A pile of dirt, woody debris, and roots was observed just over the border on the 26 Evy Lane property.

EPA sampled for the presence of wetlands where grubbing had occurred. While all vegetation had been cleared, EPA observed that some hydrophytic (wetland) vegetation including skunk cabbage (Symplocarpus foetidus) was beginning to grow back. A soil sampling pit near the property boundary showed that the water table was approximately 9" below the soil surface. Soils were found to be hydric (wetland soils). Vegetation, soils, and hydrology data from the sampling location confirmed that it was within a wetland.

EPA concluded the inspection at the property by observing a portion of the stream that flows southeast and is piped under the front lawn of the residence. The stream daylights near Paula Drive then flows south, off of the property. EPA observed that the stream had recently been deepened and widened. Mr. Tringali stated that this was done by his neighbor's contractor. Water was flowing in the stream despite a lack of precipitation in the preceding 2+ days. Mr. Tringali stated that the stream was overflow from a pond on his neighbor's property to the north.

Closing Conference

Documents Received and/or Requested During the Inspection

EPA requested any photos or videos related to potential wetland filling on his property.

Compliance Assistance Provided (If any)

N/A

Observations Relayed to Site Owner/Operator

EPA confirmed that there were wetlands on the property and that grubbing had occurred.

Actions Taken by Owner/Operator During the Inspection (If any)

N/A

Potential Issues of Concern Including Regulatory Citations

Potential issues of concern included the discharge of fill material (via grubbing and earthmoving) into wetlands without prior Corps authorization.

United States Environmental Protection Agency

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Site Name	John Tringali Property	Start Date	March 26, 2024
		End Date	March 26, 2024

Attachments*

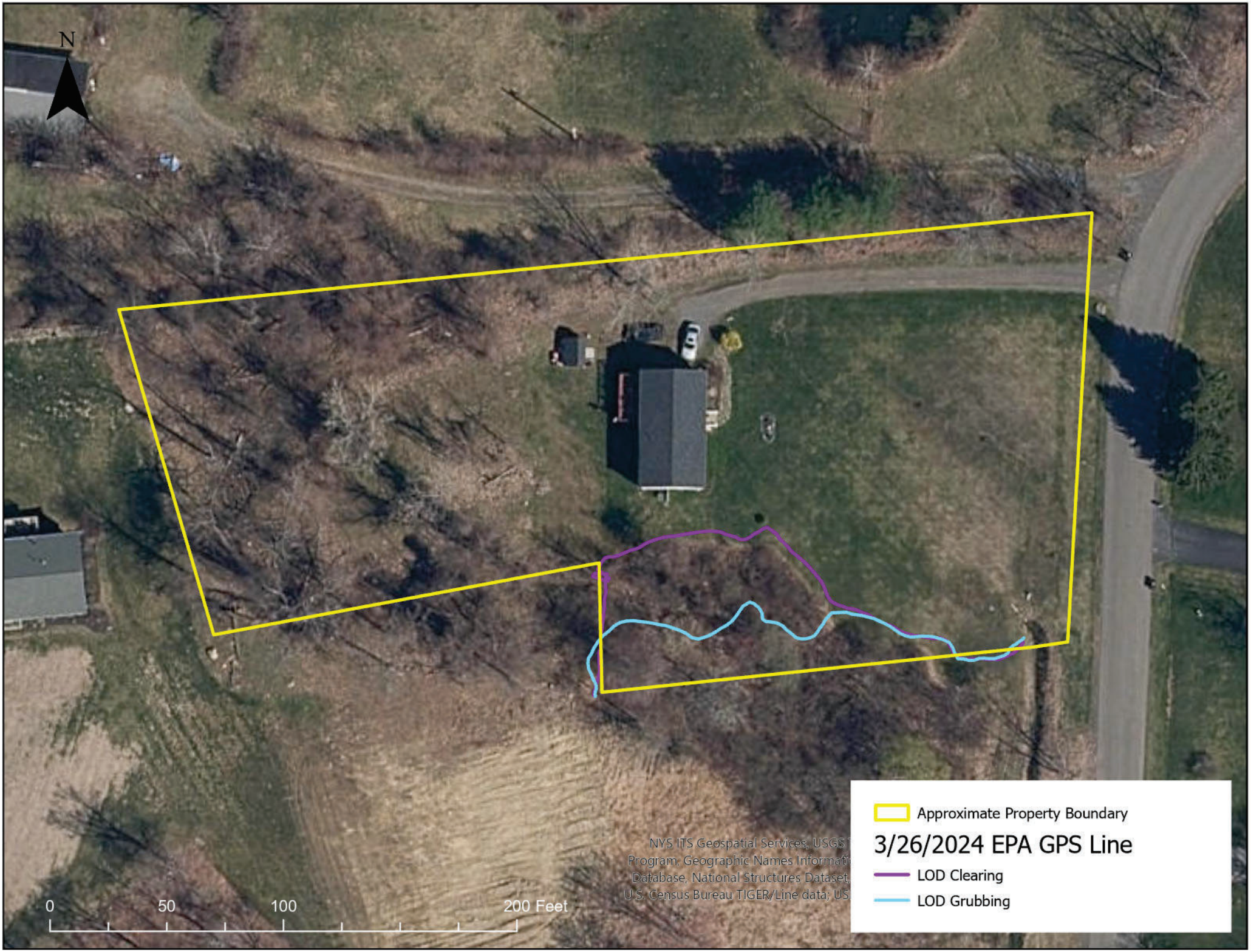
☒ Maps and Sketches

☒ Photographs (including location) and Photo Log

☐ Other (SSIP, Wetlands Delineation Forms, etc.)

Attachments: Map of GPS data; Photograph Log

Additional Notes


N
0
50
100
200 Feet
Approximate Property Boundary
3/26/2024 EPA GPS Line
LOD Clearing
LOD Grubbing

EPA CWA 404 Inspection Photolog
John Tringali Property
Milton, Ulster County, NY

March 26, 2024

Date: 3/26/2024
Time: 2:11 PM
Photographer: S. Andreescu
Photo ID: 1 – P3260348

Description:

Soil Sampling Location within grubbed area

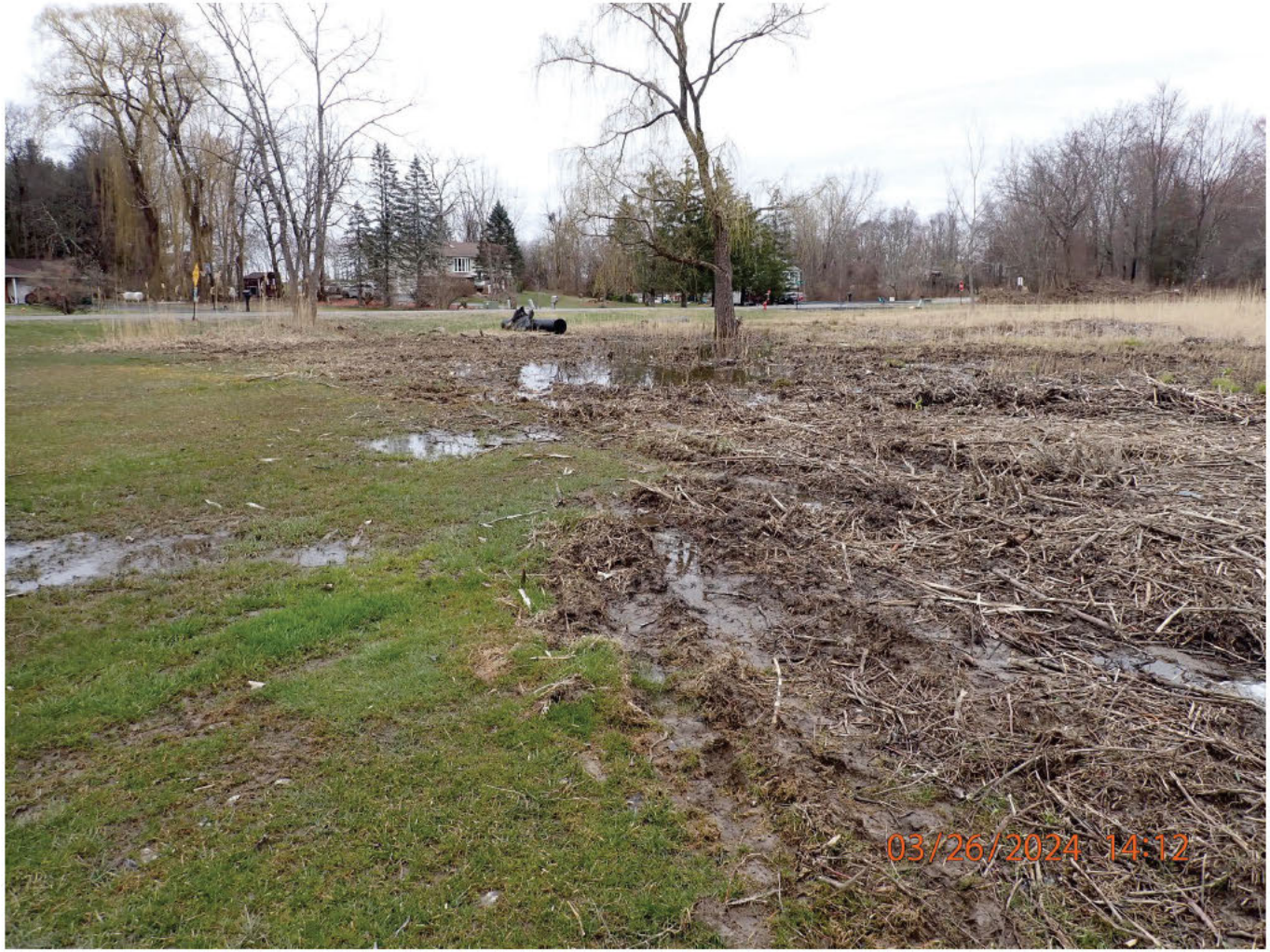
Water table at 9” below soil surface

Date: 3/26/2024
Time: 2:11 PM
Photographer: S. Andreescu
Photo ID: 2 – P3260349

Description:

Soil Sampling Location within grubbed area

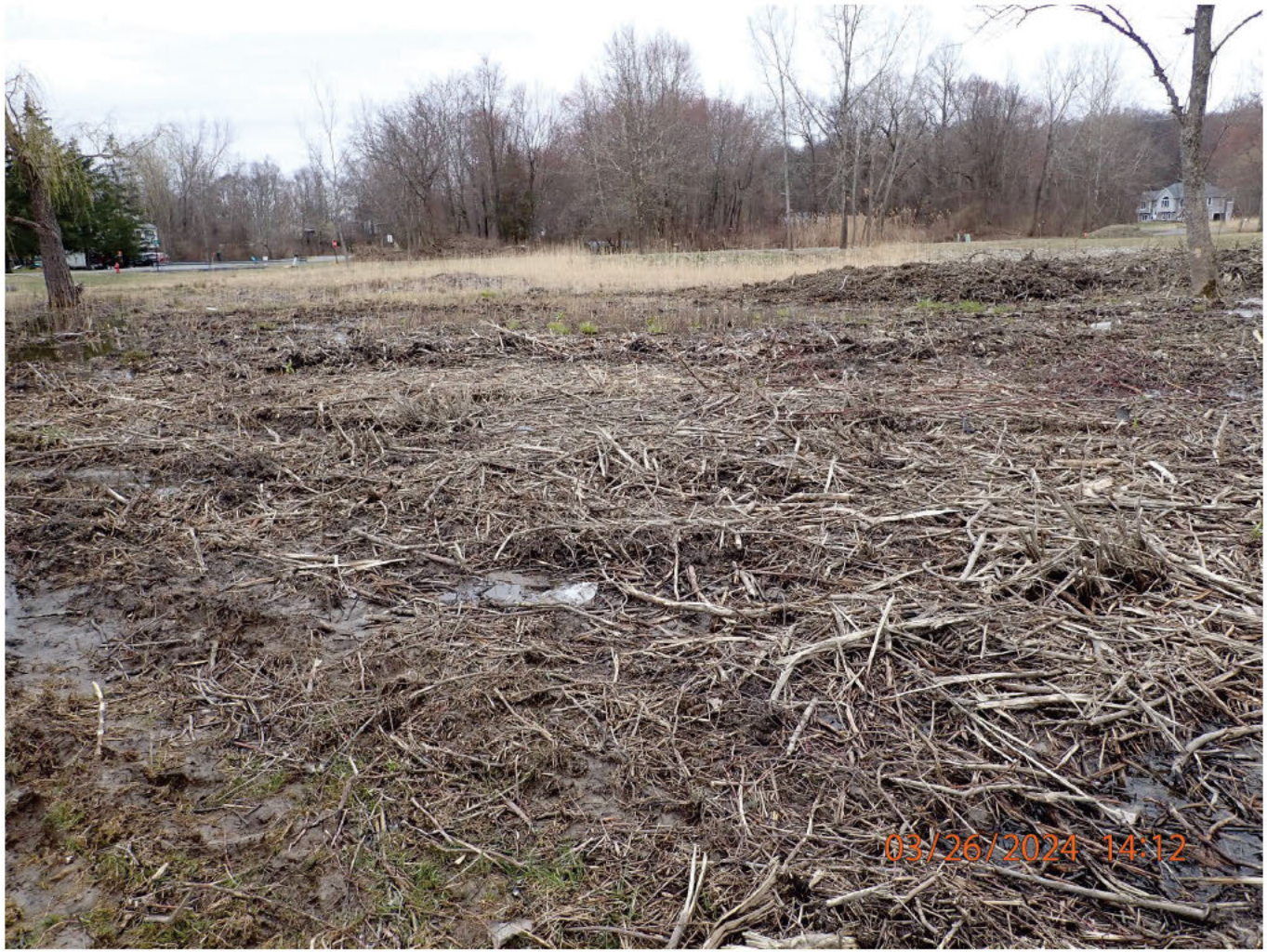
Soil profile



Date: 3/26/2024
Time: 2:12 PM
Photographer: S. Andreescu
Photo ID: 3 – P3260350

Description:

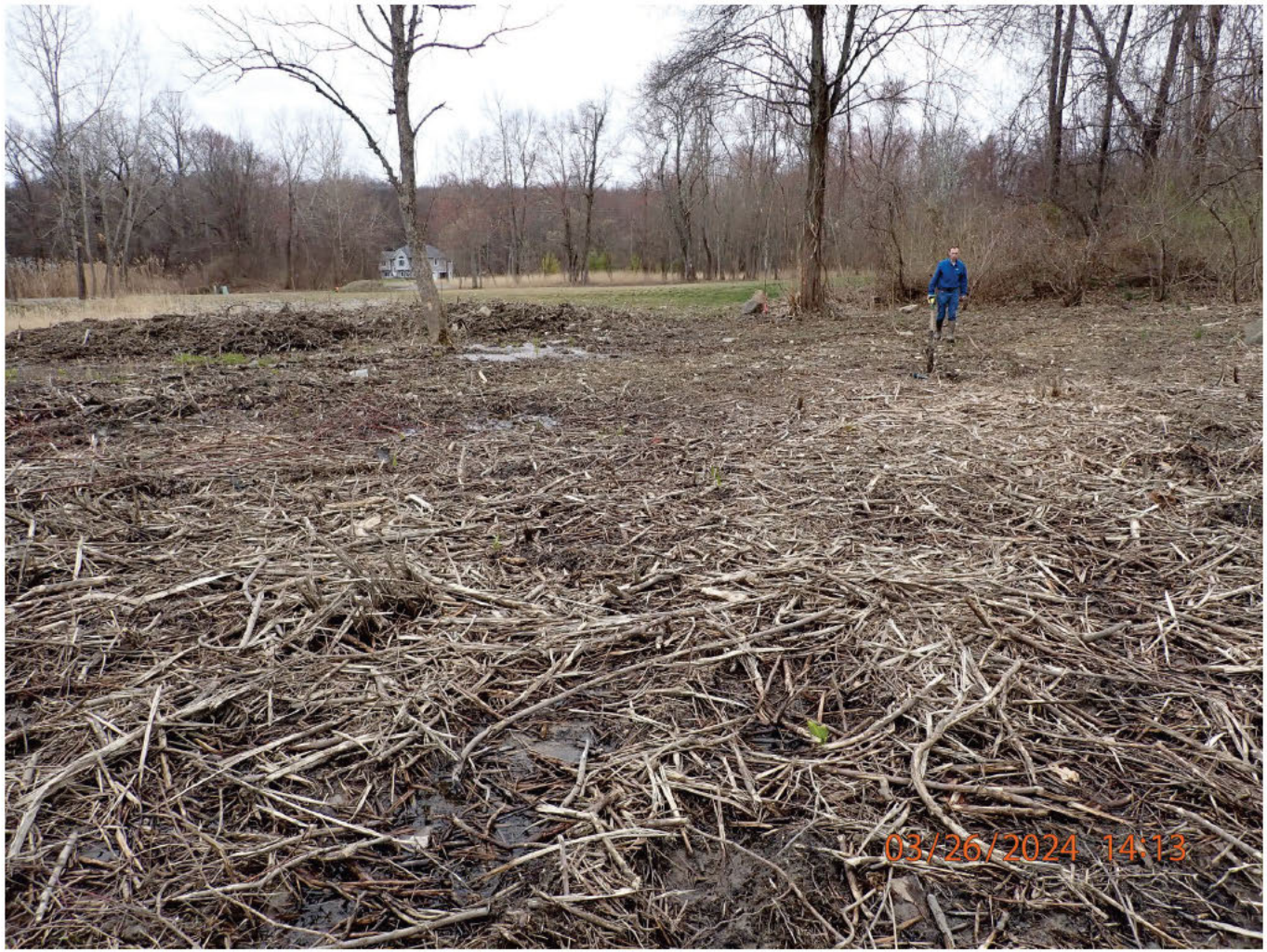
(1/4) Panorama of vegetation clearing and grubbing



Date: 3/26/2024
Time: 2:12 PM
Photographer: S. Andreescu
Photo ID: 4 – P3260351

Description:

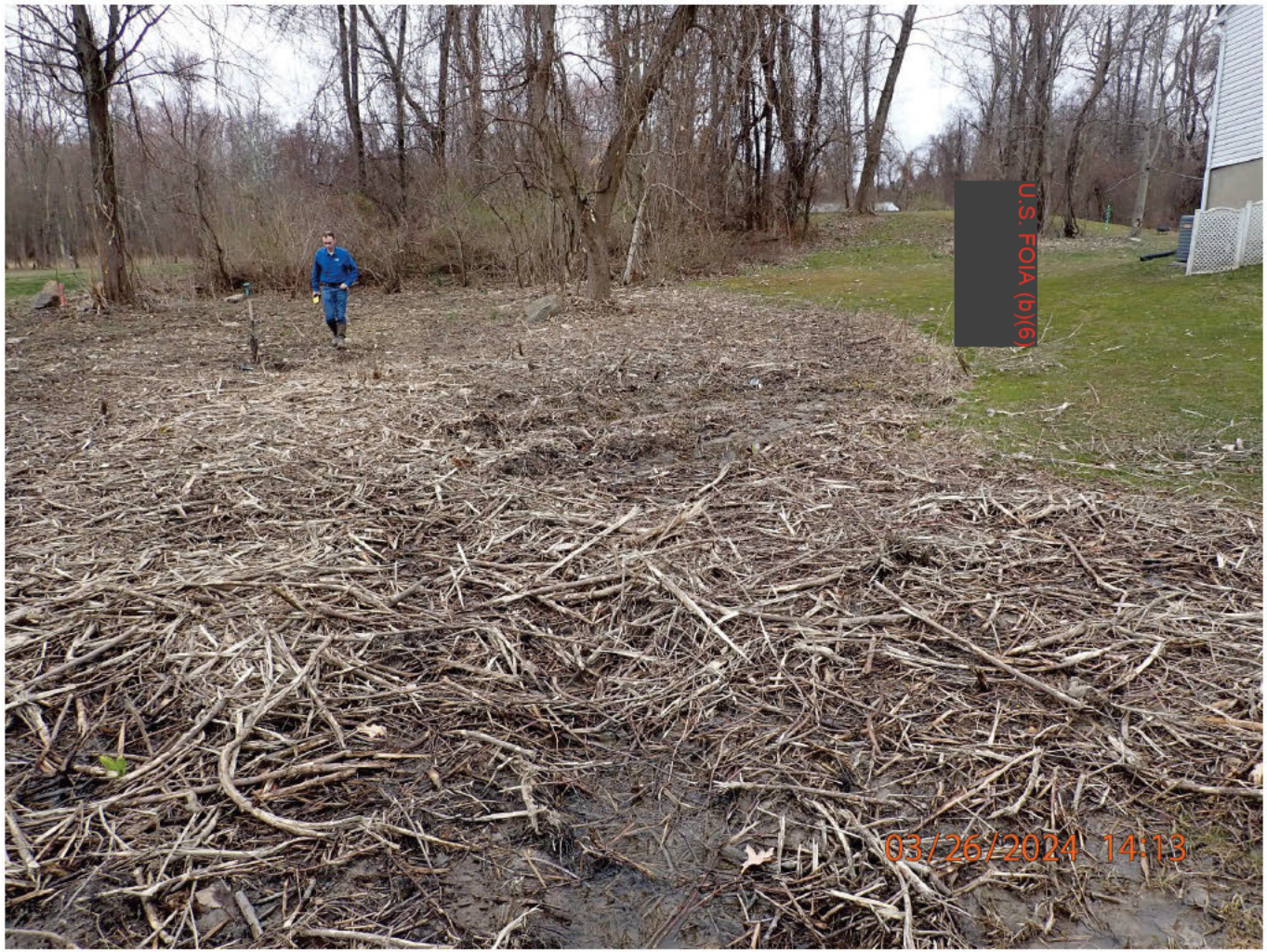
(2/4) Panorama of vegetation clearing and grubbing



Date: 3/26/2024
Time: 2:13 PM
Photographer: S. Andreescu
Photo ID: 5 – P3260352

Description:

(3/4) Panorama of vegetation clearing and grubbing



Date: 3/26/2024
Time: 2:13 PM
Photographer: S. Andreescu
Photo ID: 6 – P3260353

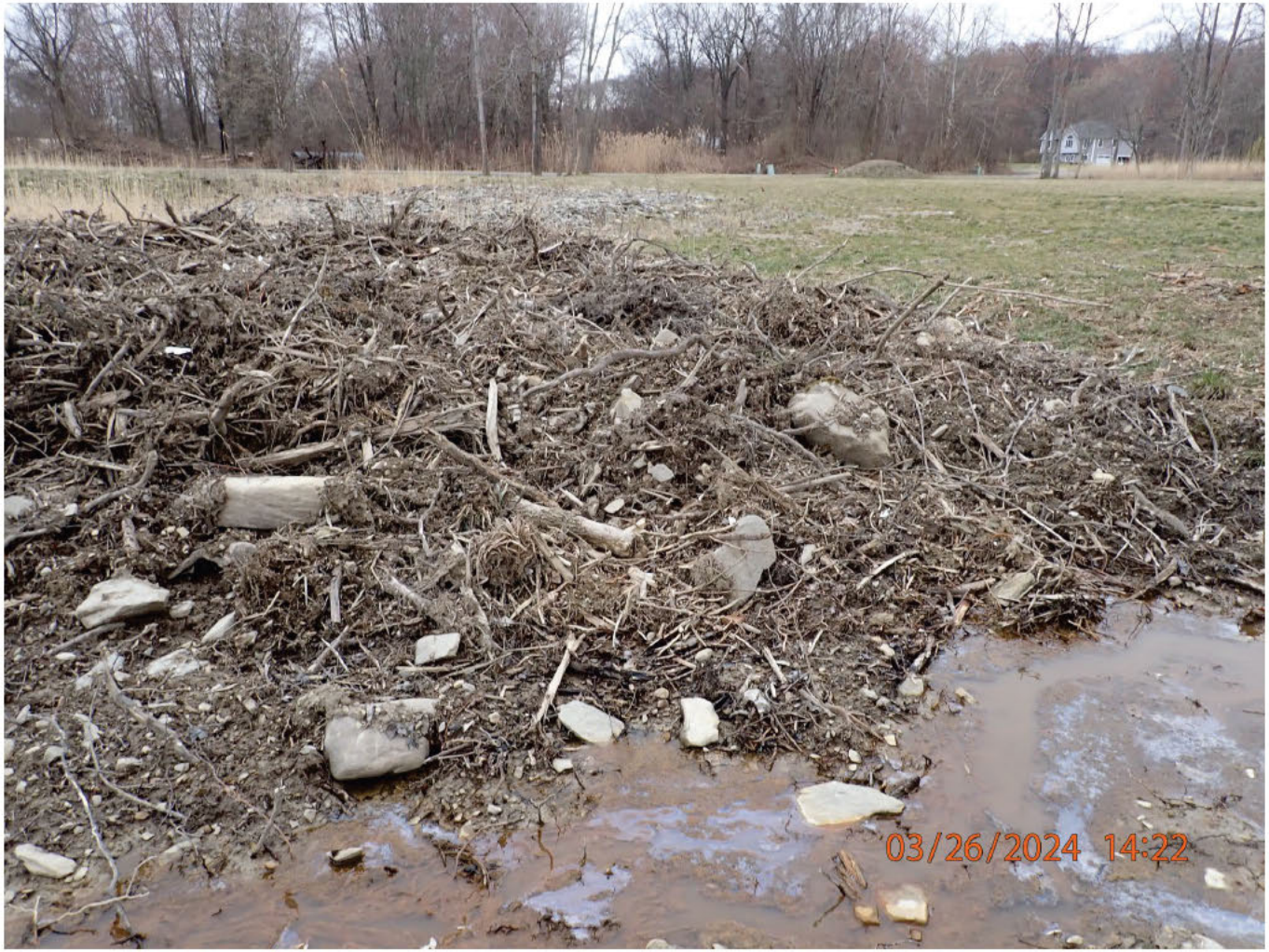
Description:

(4/4) Panorama of vegetation clearing and grubbing

Date: 3/26/2024
Time: 2:21 PM
Photographer: S. Andreescu
Photo ID: 7 – P3260354

Description:

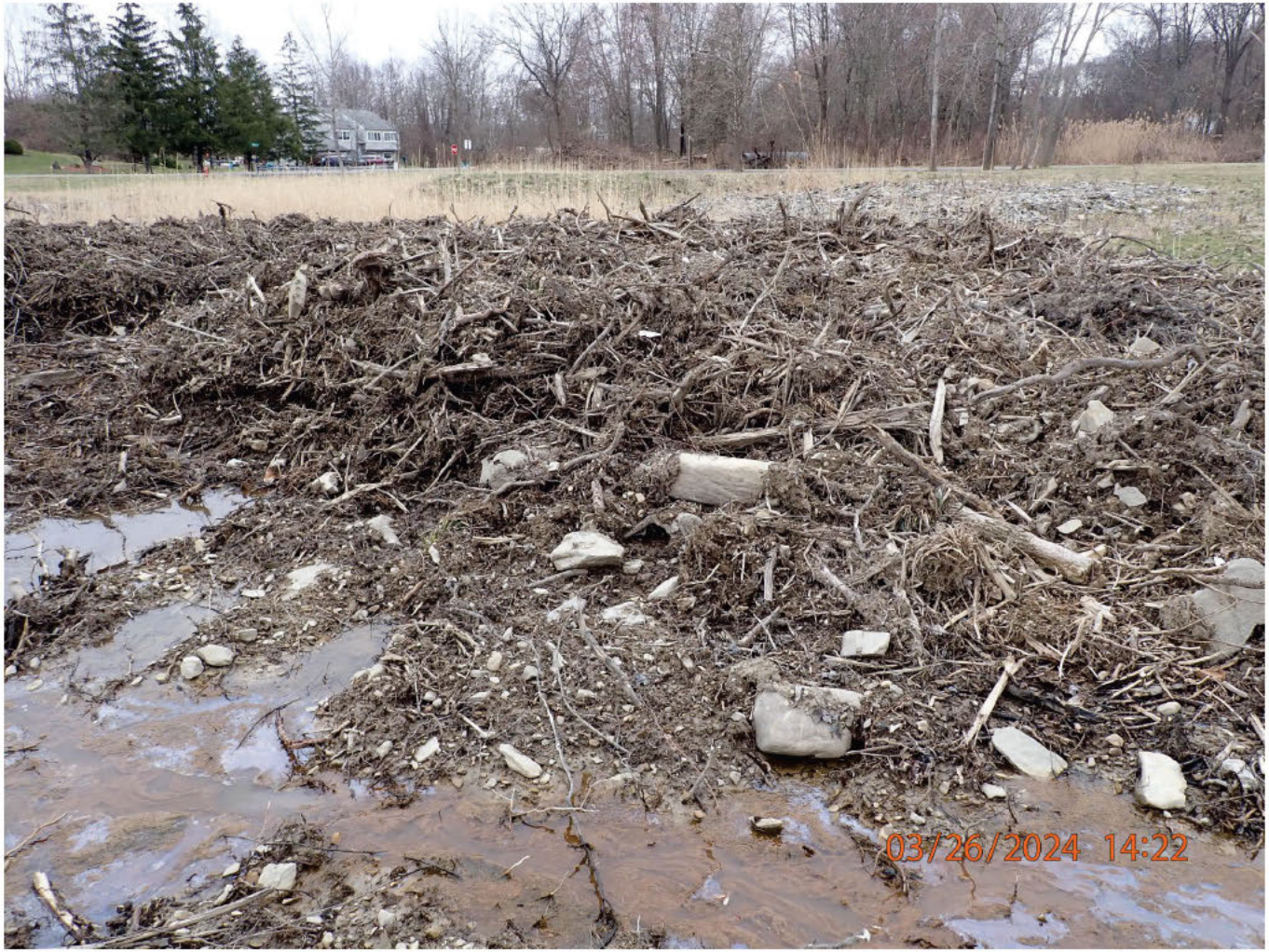
Skunk cabbage growing near sampling location



Date: 3/26/2024
Time: 2:22 PM
Photographer: S. Andreescu
Photo ID: 8 – P3260355

Description:

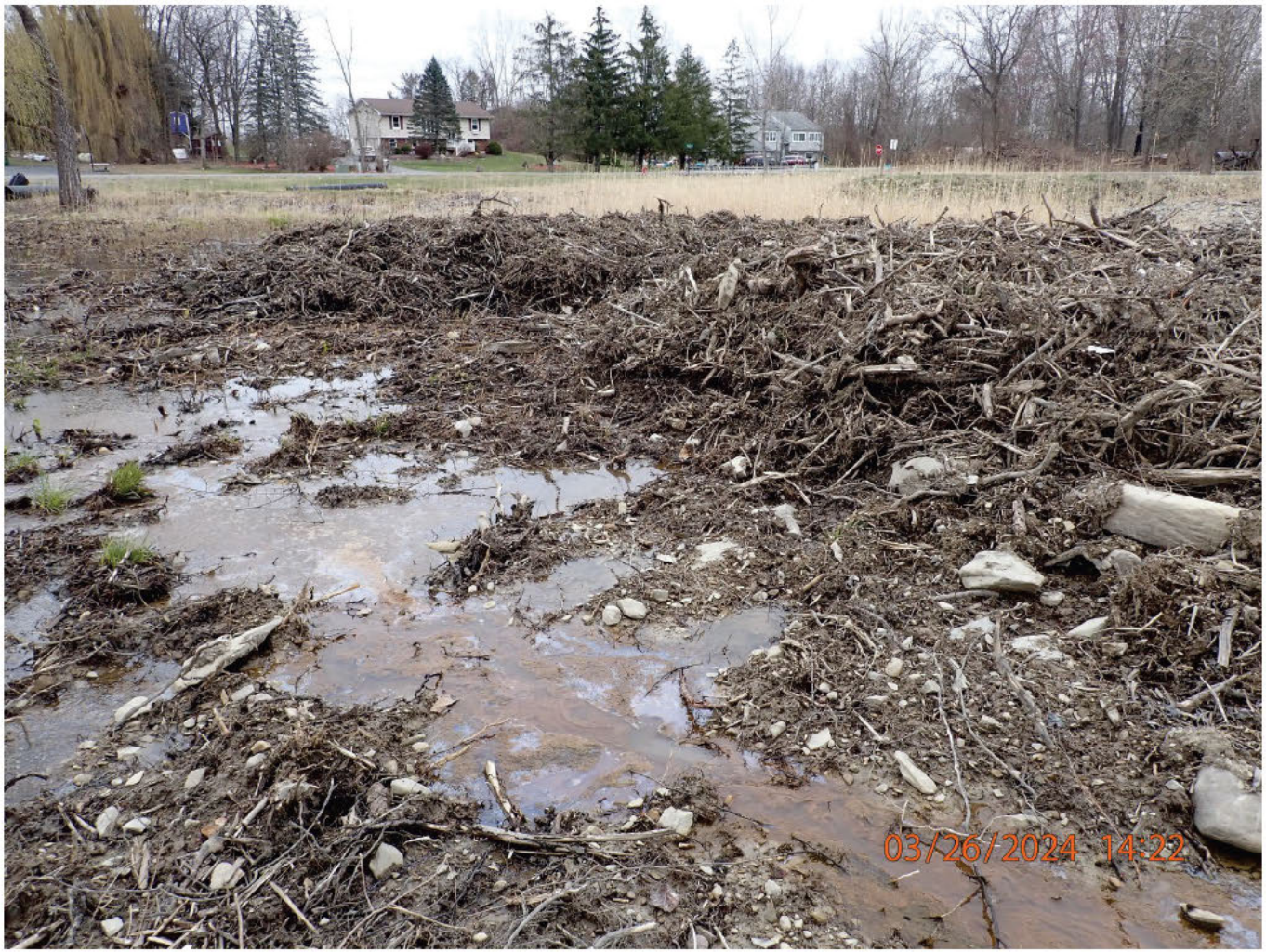
(1/3) Woody debris, roots, and branches from the cleared and grubbed areas piled onto neighboring property (26 Evy Lane)



Date: 3/26/2024
Time: 2:22 PM
Photographer: S. Andreescu
Photo ID: 9 – P3260356

Description:

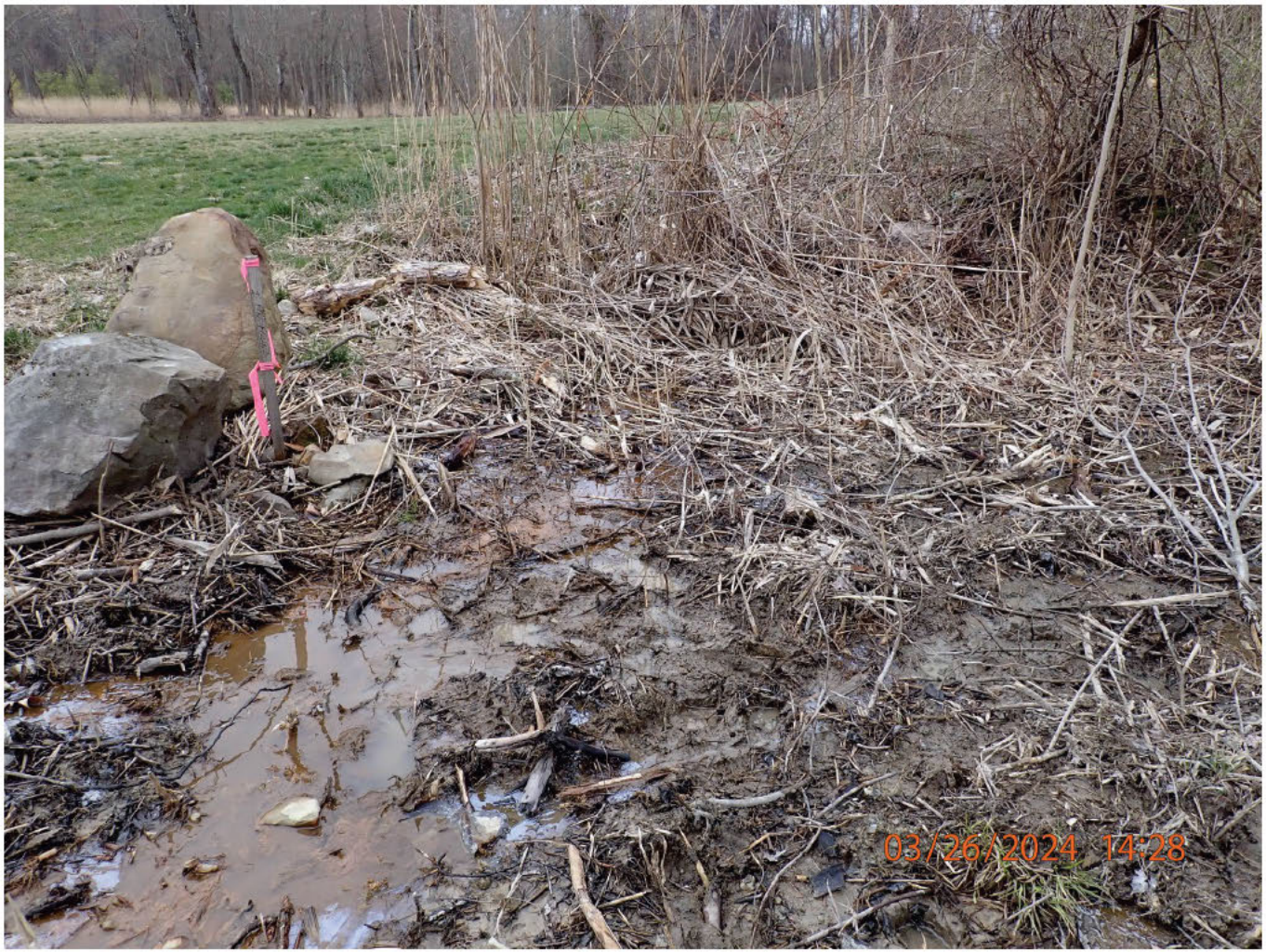
(2/3) Woody debris, roots, and branches from the cleared and grubbed areas piled onto neighboring property (26 Evy Lane)



Date: 3/26/2024
Time: 2:22 PM
Photographer: S. Andreescu
Photo ID: 10 – P3260357

Description:

(3/3) Woody debris, roots, and branches from the cleared and grubbed areas piled onto neighboring property (26 Evy Lane)



Date: 3/26/2024
Time: 2:28 PM
Photographer: S. Andreescu
Photo ID: 11 – P3260358

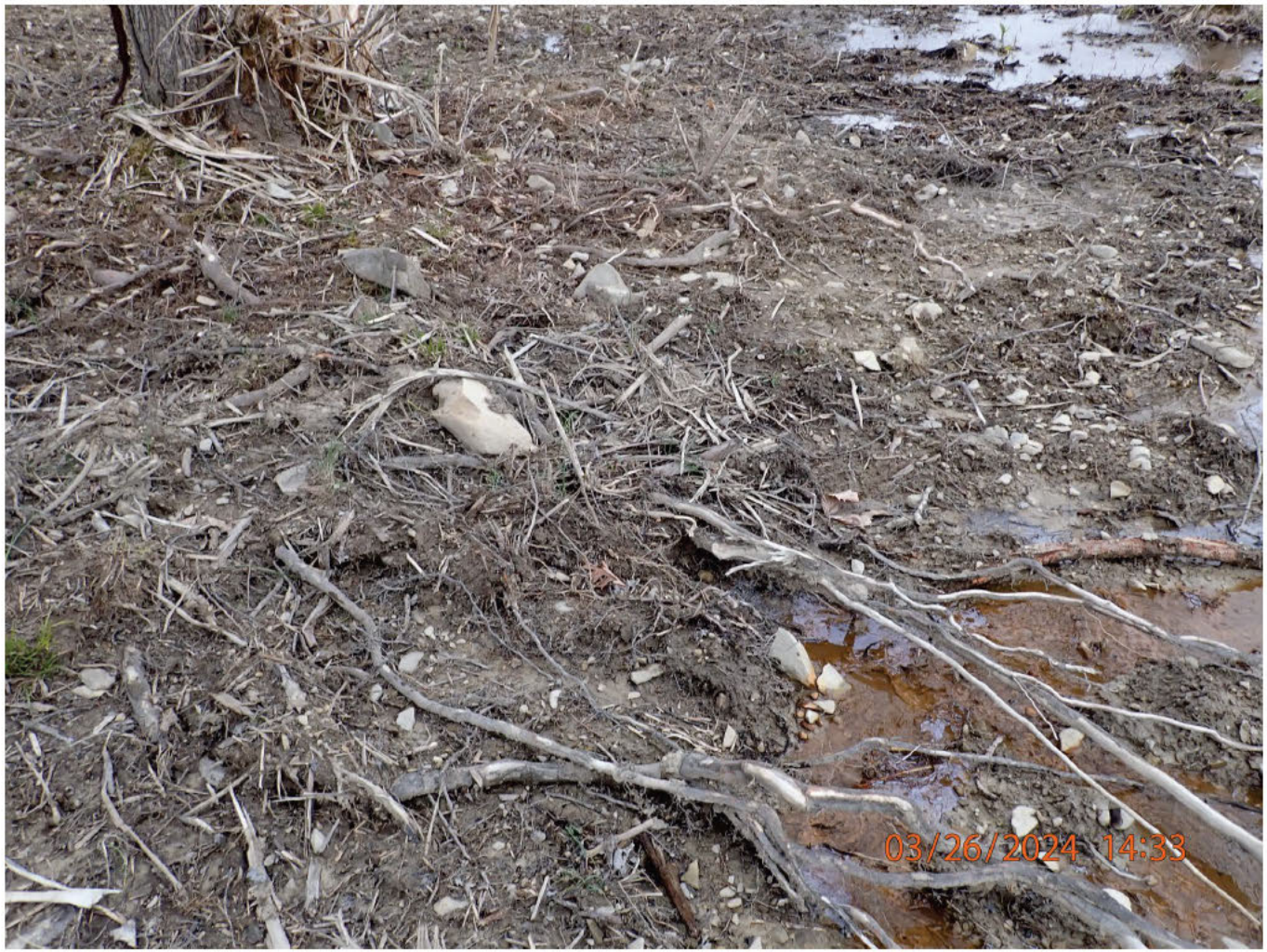
Description:

(1/2) Water seeping from hillside and collecting on property

Date: 3/26/2024
Time: 2:28 PM
Photographer: S. Andreescu
Photo ID: 12 – P3260359

Description:

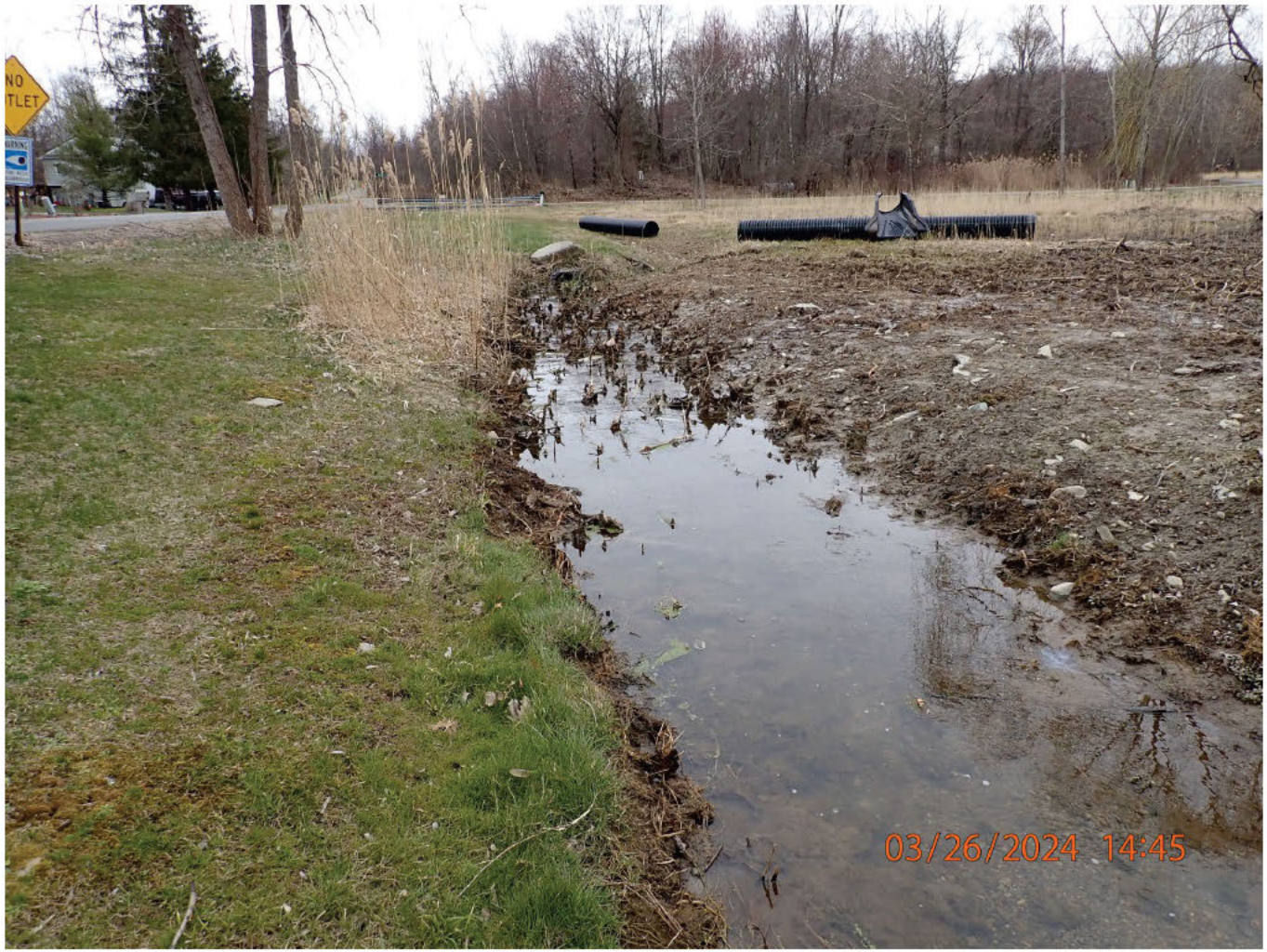
(2/2) Water seeping from hillside and collecting on property



Date: 3/26/2024
Time: 2:33 PM
Photographer: S. Andreescu
Photo ID: 13 – P3260360

Description:

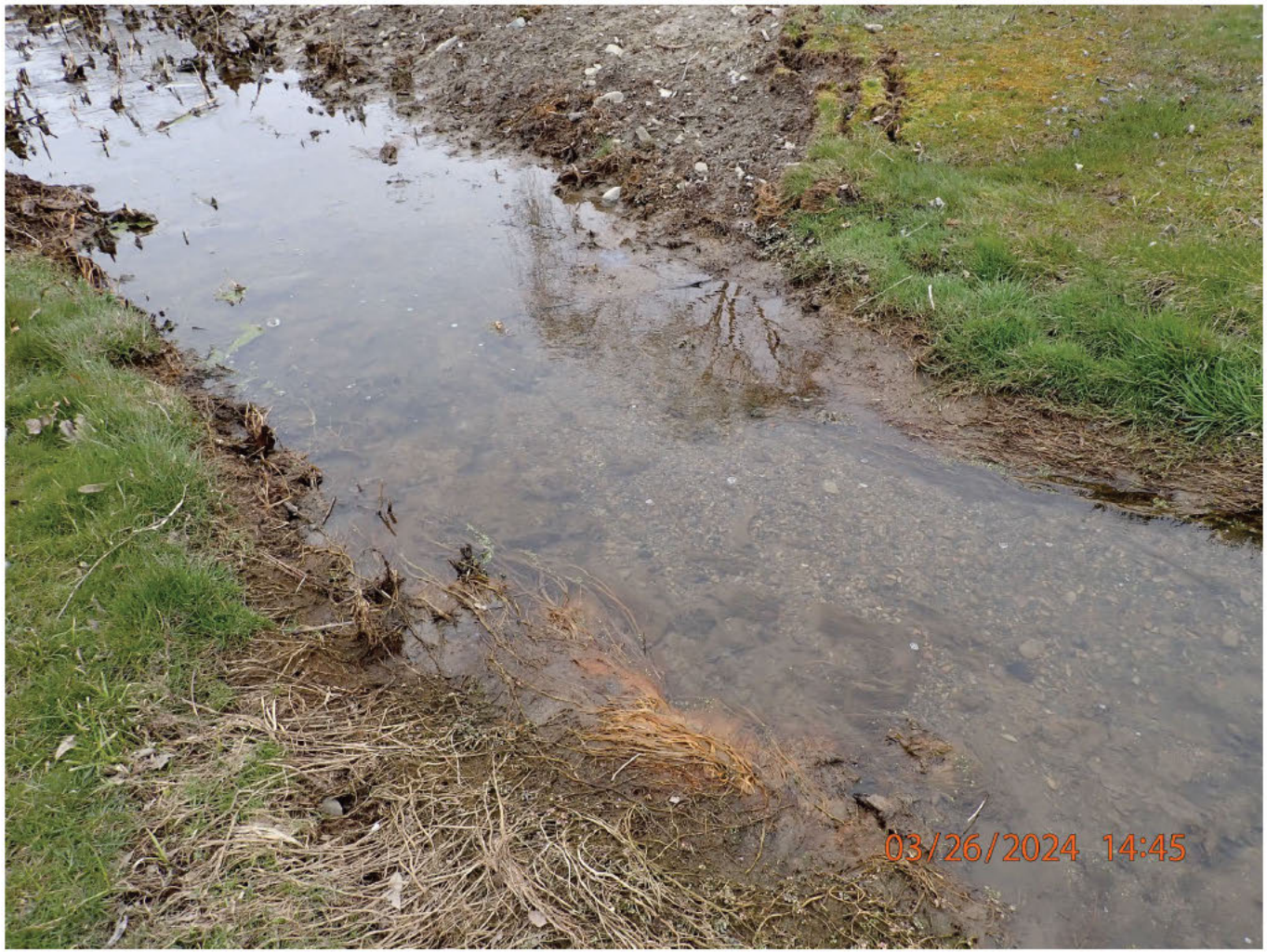
Exposed tree roots on Tringali property



Date: 3/26/2024
Time: 2:45 PM
Photographer: S. Andreescu
Photo ID: 18 – P3260365

Description:

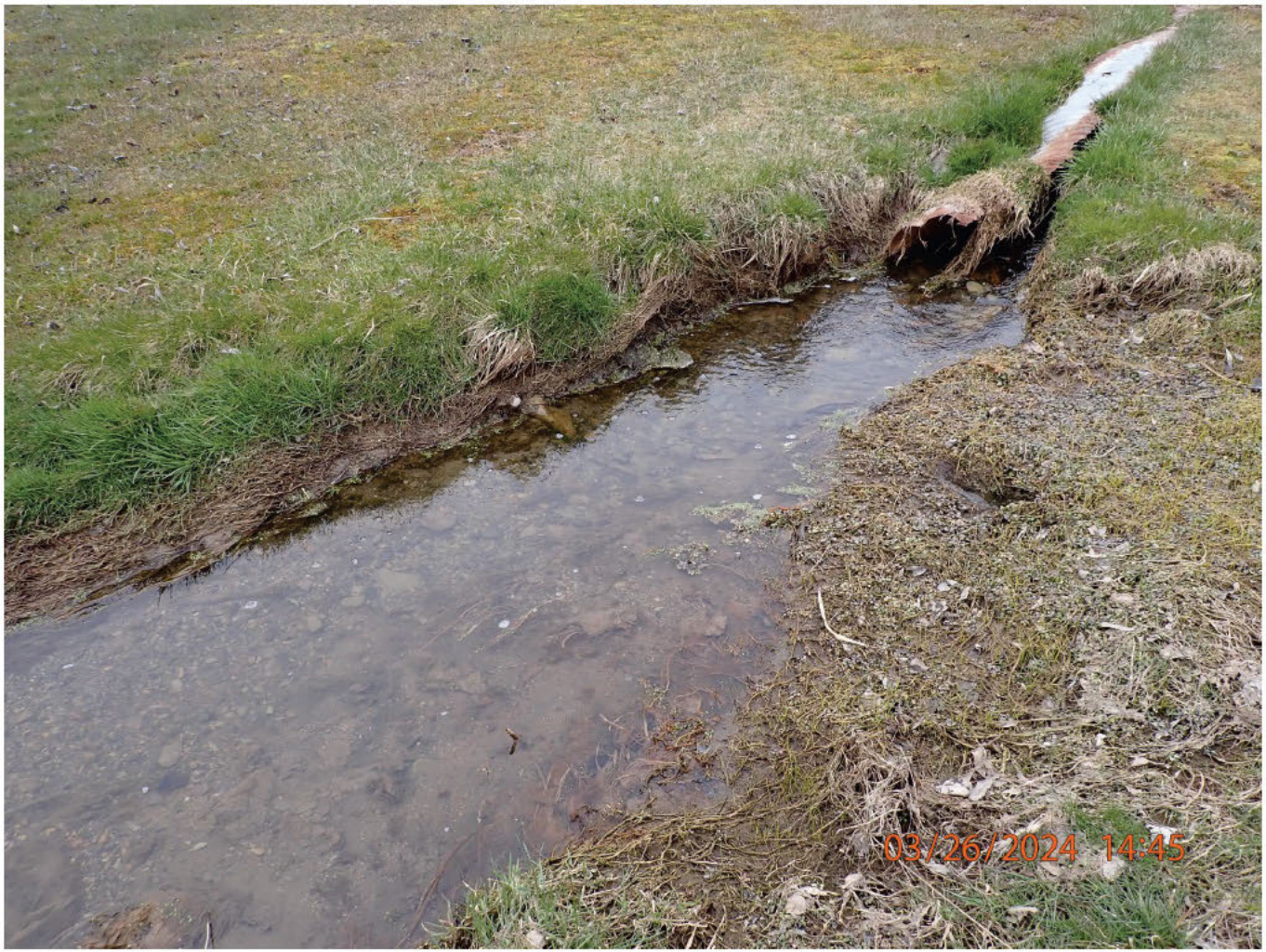
(1/4) Stream piped under Tringali property front lawn



Date: 3/26/2024
Time: 2:45 PM
Photographer: S. Andreescu
Photo ID: 19 – P3260366

Description:

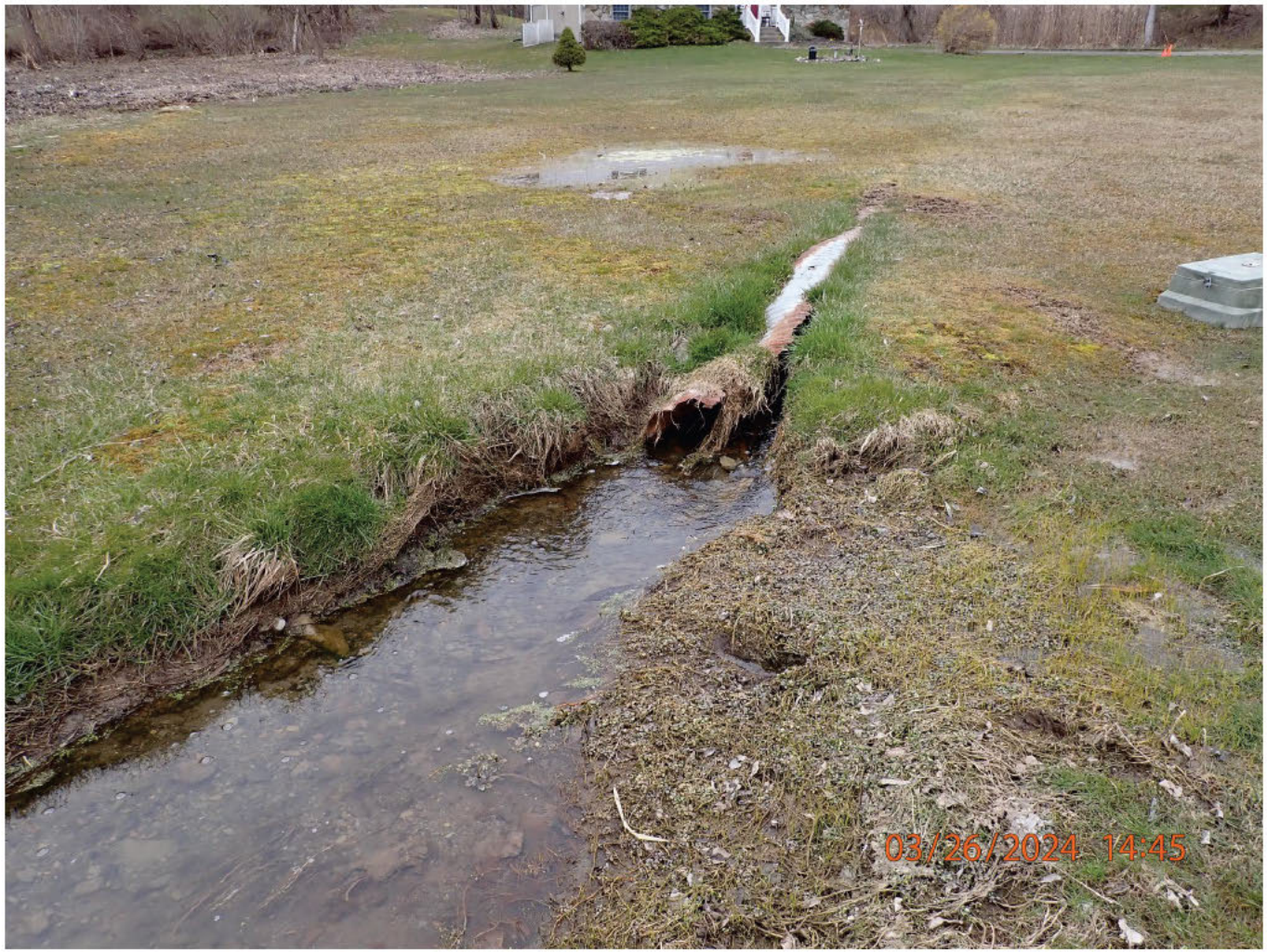
(2/4) Stream piped under Tringali property front lawn



Date: 3/26/2024
Time: 2:45 PM
Photographer: S. Andreescu
Photo ID: 20 – P3260367

Description:

(3/4) Stream piped under Tringali property front lawn



Date: 3/26/2024
Time: 2:45 PM
Photographer: S. Andreescu
Photo ID: 21– P3260368

Description:

(4/4) Stream piped under Tringali property front lawn

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Northcentral and Northeast Region
See ERDC/EL TR-12-1; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 11/30/2024
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: Tringali Property City/County: Ulster Sampling Date: 3/26/2024

Applicant/Owner: John and Constance Tringali State: NY Sampling Point: SS1

Investigator(s): Stephanie Andreescu and Austin Jepsky Section, Township, Range:

Landform (hillside, terrace, etc.): Local relief (concave, convex, none): Slope %:

Subregion (LRR or MLRA): LRR R Lat: 41.64005 Long: -73.96939 Datum: NAD83

Soil Map Unit Name: Volusia gravelly silt loam, 0 to 3 percent slopes (VoA) NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)

Are Vegetation X, Soil X, or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes X No

Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No	**Is the Sampled Area**
Hydric Soil Present?	Yes X	No	**within a Wetland?** **Yes** X **No**
Wetland Hydrology Present?	Yes X	No	If yes, optional Wetland Site ID:

Remarks: (Explain alternative procedures here or in a separate report.)
Recent grubbing of smaller trees and shrubs; removal of woody debris and top layer of soil

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- X High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- X Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- X FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes	No	Depth (inches):
Water Table Present?	Yes X	No	Depth (inches): 9
Saturation Present? (includes capillary fringe)	Yes	No	Depth (inches):

Wetland Hydrology Present? **Yes** X **No**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION – Use scientific names of plants.

Sampling Point: SS1

Tree Stratum (Plot size:)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	=Total Cover		
Sapling/Shrub Stratum (Plot size:)			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	=Total Cover		
Herb Stratum (Plot size: 5)			
1. *Symplocarpus foetidus*	1	Yes	OBL
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	1 =Total Cover		
Woody Vine Stratum (Plot size:)			
1.			
2.			
3.			
4.			
	=Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	1	x 1 =	1
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column Totals:	1 (A)		1 (B)

Prevalence Index = B/A = 1.00

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

X 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? **Yes** X **No** ___

Remarks: (Include photo numbers here or on a separate sheet.)
Recent clearing and grubbing has removed all vegetation. Some skunk cabbage (Symplocarpus foetidus) was observed growing back.

SOIL

Sampling Point: SS1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-14	10YR 3/1	98	7.5YR 5/8	2	C	PL	Loamy/Clayey	Prominent redox concentrations

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Mesic Spodic (A17) **(MLRA 144A, 145, 149B)**
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
- ___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**)
- ___ High Chroma Sands (S11) (**LRR K, L)**
- ___ Loamy Mucky Mineral (F1) (**LRR K, L**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- X Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) (**LRR K, L**)
- ___ Red Parent Material (F21) **(MLRA 145)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
- ___ Polyvalue Below Surface (S8) (**LRR K, L**)
- ___ Thin Dark Surface (S9) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
- ___ Red Parent Material (F21) **(outside MLRA 145)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** X **No** ___

Remarks: