



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 Austin Jepsky	Time In	1:11 PM	Start Date	June 24, 2024
		Time Out	2:09 PM	End Date	June 24, 2024
Inspector's Organization	U.S. EPA Region 2				
Organization Requesting Inspection (if different)					
Inspection Type	Evaluation	Inspection Status	Original		
Site Name	Care365 Realty, LLC Property				
Site Address*	272 NY State Route 59 (Tax ID: 55.12-1-5)				
City*	Tallman	County*	Rockland	State*	NY
				Zip Code*	10901
Mailing Address*	1 Main Street				
City*	Monsey	County*	Rockland	State*	NY
				Zip Code*	10952
Latitude*	41.11250	Longitude*	-74.10256		
Estimated Size of Site (acres)	3.12	Is there a home on the site?	☐ Yes ☒ No		
Inspector Signature	 Digitally signed by STEPHANIE ANDREESCU Date: 2024.08.15 12:12:23 -04'00'			Date	8/15/24
Supervisor Signature	 Digitally signed by MARCO FINOCCHIARO Date: 2024.08.22 11:08:56 -04'00'			Date	8/22/24

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	Care365 Realty, LLC Property	Start Date	June 24, 2024
		End Date	June 24, 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) Care365 Realty, LLC/property owner was not available to join the inspection; Credentials were presented to Jim Bates, environmental consultant for the property owner			
☒ Opening Conference Name of person authorizing access if applicable EPA scheduled the inspection with Mr. Eugene Goldenberg (for Care365 Realty, LLC) and Mr. Bates.			
Notes from Opening Conference On the day of the inspection, Mr. Goldenberg was not able to join the inspection. Mr. Bates met us at the property. He stated that the previous Thursday was the first time he had been at the property.			
☐ Access Issues if Any Describe N/A			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information) Site owner: Care365 Realty, LLC managed by Eugene Goldenberg			
Additional Persons Present at Inspection Bertrand Chu - EPA intern			
General Site Characteristics (layout of property, etc.) The property is a 3.12-acre parcel with frontage along New York State Route 59. A driveway from Route 59 leads to a parking area. The parcel was the site of a restaurant that has been demolished. The northern portion of the property is undeveloped. The property slopes to the north towards a NYSDEC "Class C" stream located on a neighboring property. A small stream also flows west towards the "Class C" stream through the northeast corner of the property.			
Purpose and Need for Discharge of Dredged and/or Fill Material The purpose for the discharge of fill material is unknown. Filling activities increased fastland on the property.			
Site Overview (Past inspections, site description, permits, etc.) EPA's Wetland Protection Section has not previously inspected the property. The U.S. Army Corps of Engineers has not issued a permit for filling activities at the property.			



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	Care365 Realty, LLC Property	Start Date	June 24, 2024
		End Date	June 24, 2024
Scope of Inspection (Areas inspected or not inspected)			
EPA inspected areas along the limit of disturbance in the northeast portion of the parcel			

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)

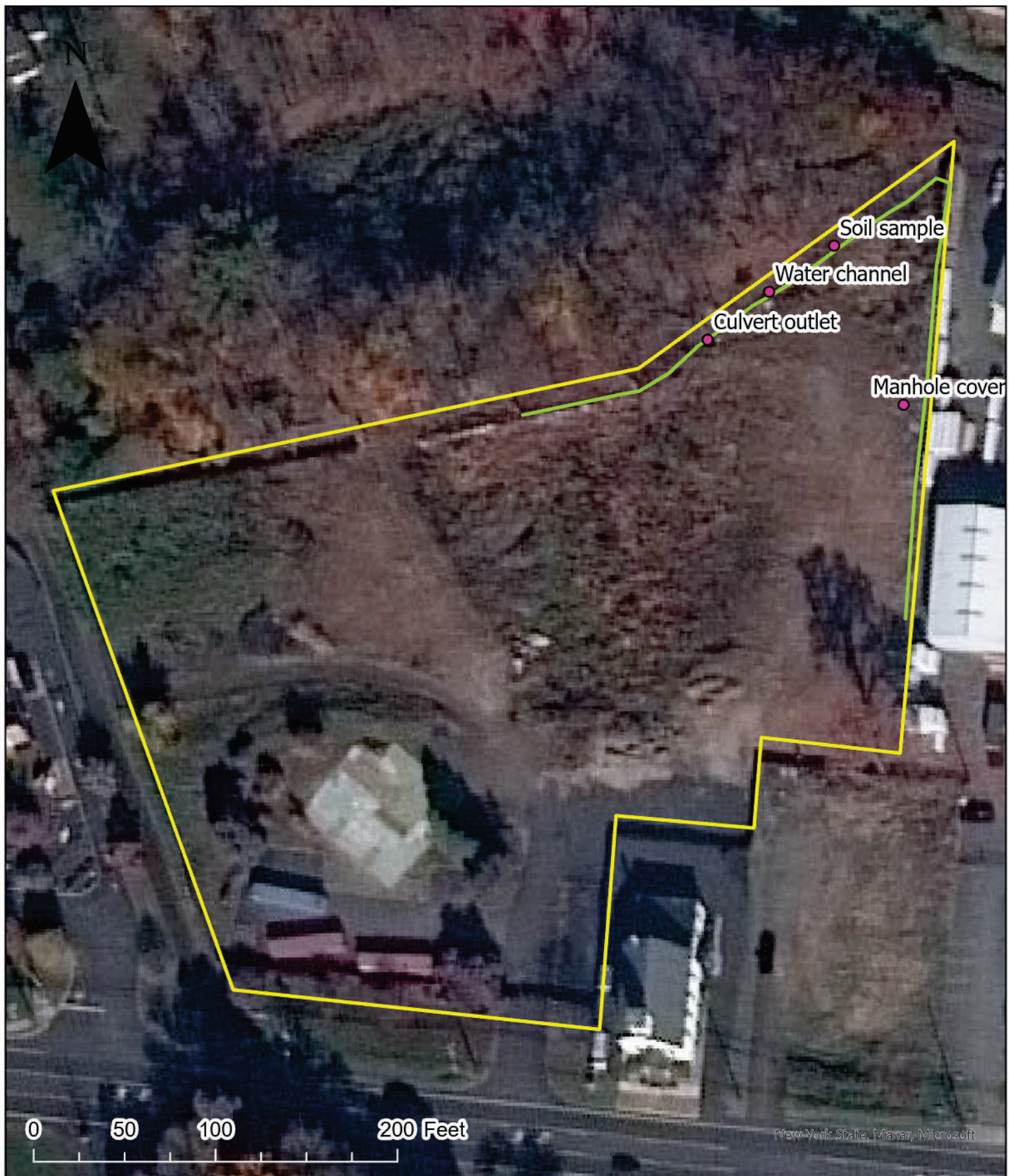
Site Name	Care365 Realty, LLC Property	Start Date	June 24, 2024
		End Date	June 24, 2024
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
Low 70's; partly sunny/cloudy			
Field Work Conducted			
The purpose of the inspection was to document whether there had been a discharge of dredged and/or fill material into waters of the United States without prior Corps authorization. Data recorded during the inspection included GPS data; handwritten notes of observations; documentation of wetland indicators; and photographs. During the inspection, EPA walked along the limit of disturbance where earthen fill material had been placed and recorded the fill limit of disturbance using an iPad with a mounted external GNSS receiver (see attached map). Earthen fill material consisted of dirt and various sized rock - boulder, cobble, and gravel. Fill extended nearly to the edge of the property boundary, which was marked with a fence. Because of this, potential soil sampling locations were limited. EPA dug a soil sampling pit (SS1) between the fence along the property boundary and the edge of the fill (see attached map for location). EPA observed a dominance of rice cutgrass, a wetland obligate, in the vicinity of the soil pit. The water table was at 8" below the soil surface. Standing water was also observed in some areas. Despite refusal of auger occurring at 10", EPA concluded that soils were hydric (see attached data sheets). Based on the presence of wetland hydrology and hydric soils, and dominance of hydrophytic vegetation, EPA determined that the soil pit was located in a wetland. A stream had also been piped into a 36" plastic corrugated culvert on the property at the northeast portion of the property. EPA observed flow from the downstream end of the pipe. The stream converged with a larger stream just north of the property line. From the inspected property, EPA was able to observe a downstream portion of the receiving stream located on the neighboring property. The receiving stream was approximately two feet wide, had a defined bed and banks, was flowing, and demonstrated substrate sorting. Stream substrate consisted of boulder, cobble, and pebble. Riparian vegetation was hydrophytic.			
Closing Conference			
Documents Received and/or Requested During the Inspection			
EPA requested relevant documents associated with filling activities at the property from Mr. Bates.			
Compliance Assistance Provided (If any)			
N/A			
Observations Relayed to Site Owner/Operator			
N/A			
Actions Taken by Owner/Operator During the Inspection (If any)			
N/A			
Potential Issues of Concern Including Regulatory Citations			
Potential issues of concern include the piping of a stream and the discharge of earthen fill material into wetlands without prior			



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	Care365 Realty, LLC Property	Start Date	June 24, 2024
		End Date	June 24, 2024
Corps authorization.			
Attachments*			
☒ Maps and Sketches			
☒ Photographs (including location) and Photo Log			
☐ Other (SSIP, Wetlands Delineation Forms, etc.)			
Attachments: Map of GPS data; Wetland Delineation Data Sheets; Photograph Log			
Additional Notes			



6/24/2024 EPA CWA 404 INSPECTION
MAP OF RECORDED GPS DATA
Care365 Realty, LLC Property
Tallman, Rockland County, NY
Tax ID: 55.12-1-5
41.11250, -74.10256

- 6/24/2024 EPA GPS Point
- 6/24/2024 EPA GPS Line: Limit of Disturbance
- Parcel Boundary

EPA CWA 404 Inspection Photolog

Care365 Realty, LLC Property
272 Route 59, Tallman, NY

June 24, 2024



Date: 6/24/2024
Time: 1:30 PM
Photographer: S. Andreescu
Photo ID: 1 – P6240560

Description:
(1/8) Panorama of site



Date: 6/24/2024
Time: 1:30 PM
Photographer: S. Andreescu
Photo ID: 2 – P6240561
Description:
(2/8) Panorama of site



Date: 6/24/2024
Time: 1:30 PM
Photographer: S. Andreescu
Photo ID: 3 – P6240562

Description:
(3/8) Panorama of site



Date: 6/24/2024
Time: 1:30 PM
Photographer: S. Andreescu
Photo ID: 4 – P6240563
Description:
(4/8) Panorama of site



Date: 6/24/2024
Time: 1:30 PM
Photographer: S. Andreescu
Photo ID: 5 – P6240564

Description:
(5/8) Panorama of site



Date: 6/24/2024
Time: 1:30 PM
Photographer: S. Andreescu
Photo ID: 6 – P6240565
Description:
(6/8) Panorama of site



Date: 6/24/2024
Time: 1:30 PM
Photographer: S. Andreescu
Photo ID: 7 – P6240566
Description:
(7/8) Panorama of site



Date: 6/24/2024
Time: 1:30 PM
Photographer: S. Andreescu
Photo ID: 8 – P6240567

Description:
(8/8) Panorama of site



Date: 6/24/2024
Time: 1:34 PM
Photographer: S. Andreescu
Photo ID: 9 – P6240568
Description:
36" plastic corrugated culvert



Date: 6/24/2024
Time: 1:34 PM
Photographer: S. Andreescu
Photo ID: 10 – P6240569

Description:

Downstream view

Stream on neighboring property



Date: 6/24/2024
Time: 1:38 PM
Photographer: S. Andreescu
Photo ID: 11 – P6240570

Description:
Grate over piped stream



Date: 6/24/2024
Time: 1:42 PM
Photographer: S. Andreescu
Photo ID: 12 – P6240571

Description:
Manhole over piped stream



Date: 6/24/2024
Time: 1:51 PM
Photographer: S. Andreescu
Photo ID: 13 – P6240572

Description:
Mucky soil sample



Date: 6/24/2024
Time: 1:52 PM
Photographer: S. Andreescu
Photo ID: 14 – P6240573
Description:
Soil pit location



Date: 6/24/2024
Time: 1:53 PM
Photographer: S. Andreescu
Photo ID: 15 – P6240574

Description:
Soil pit location



Date: 6/24/2024
Time: 1:57 PM
Photographer: S. Andreescu
Photo ID: 16 – P6240575
Description:
Limit of disturbance and
property line



Date: 6/24/2024
Time: 2:04 PM
Photographer: S. Andreescu
Photo ID: 17 – P6240576

Description:
Likely wetland on neighboring property



Date: 6/24/2024
Time: 2:06 PM
Photographer: S. Andreescu
Photo ID: 18 – P6240577

Description:

Fill material consisting of
boulder, cobble, gravel, dirt

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: Care365 Realty, LLC Property City/County: Tallman/Orange Sampling Date: 6/24/2024
Applicant/Owner: Care 365 Realty, LLC State: NY Sampling Point: SS1
Investigator(s): S. Andreescu, A. Jepsky Section, Township, Range: _____
Landform (hillside, terrace, etc.): hillside / stream valley Local relief (concave, convex, none): _____ Slope %: _____
Subregion (LRR or MLRA): LRR R Lat: 41.11267 Long: -74.102561 Datum: _____
Soil Map Unit Name: Watchaug fine sandy loam 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 _____, Soil _____, 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 <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____ If yes, optional Wetland Site ID: _____
Hydric Soil Present? Yes <u>X</u> No _____	
Wetland Hydrology Present? Yes <u>X</u> No _____	

Remarks: (Explain alternative procedures here or in a separate report.)
Refusal of auger occurred at 10", which did not allow us to identify the appropriate hydric soil indicator. However, the description of the top 10" of the soil profile matches that of the Alden soil series. Alden soils are hydric and are a component of Watchaug fine sandy loam soils, within which the soil sampling location is mapped. Due to the presence of strong hydrophytic vegetation and hydrology indicators and using best professional judgement, I concluded that the sampling location was within a wetland.

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> <u>X</u> Surface Water (A1) _____ Water-Stained Leaves (B9) <u>X</u> High Water Table (A2) _____ Aquatic Fauna (B13) _____ Saturation (A3) _____ Marl Deposits (B15) _____ Water Marks (B1) _____ Hydrogen Sulfide Odor (C1) _____ Sediment Deposits (B2) _____ Oxidized Rhizospheres on Living Roots (C3) _____ Drift Deposits (B3) _____ Presence of Reduced Iron (C4) _____ Algal Mat or Crust (B4) _____ Recent Iron Reduction in Tilled Soils (C6) _____ Iron Deposits (B5) _____ Thin Muck Surface (C7) _____ Inundation Visible on Aerial Imagery (B7) _____ Other (Explain in Remarks) _____ Sparsely Vegetated Concave Surface (B8)	<u>Secondary Indicators (minimum of two required)</u> _____ 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) <u>X</u> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes <u>X</u> No _____ Depth (inches): <u>0</u> Water Table Present? Yes <u>X</u> No _____ Depth (inches): <u>8</u> Saturation Present? Yes _____ No _____ Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> 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. _____	_____	_____	_____	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>1</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100.0%</u> (A/B)																
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
=Total Cover				Prevalence Index worksheet: <table style="width: 100%;"> <tr> <th style="width: 50%;">Total % Cover of:</th> <th style="width: 50%;">Multiply by:</th> </tr> <tr> <td>OBL species <u>130</u></td> <td>x 1 = <u>130</u></td> </tr> <tr> <td>FACW species <u>0</u></td> <td>x 2 = <u>0</u></td> </tr> <tr> <td>FAC species <u>0</u></td> <td>x 3 = <u>0</u></td> </tr> <tr> <td>FACU species <u>0</u></td> <td>x 4 = <u>0</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>130</u> (A)</td> <td><u>130</u> (B)</td> </tr> <tr> <td colspan="2" style="text-align: center;">Prevalence Index = B/A = <u>1.00</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>130</u>	x 1 = <u>130</u>	FACW species <u>0</u>	x 2 = <u>0</u>	FAC species <u>0</u>	x 3 = <u>0</u>	FACU species <u>0</u>	x 4 = <u>0</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>130</u> (A)	<u>130</u> (B)	Prevalence Index = B/A = <u>1.00</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>130</u>	x 1 = <u>130</u>																			
FACW species <u>0</u>	x 2 = <u>0</u>																			
FAC species <u>0</u>	x 3 = <u>0</u>																			
FACU species <u>0</u>	x 4 = <u>0</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>130</u> (A)	<u>130</u> (B)																			
Prevalence Index = B/A = <u>1.00</u>																				
Sapling/Shrub Stratum (Plot size: _____)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
=Total Cover																				
Herb Stratum (Plot size: <u>5</u>)																				
1. <u>Symplocarpus foetidus</u>	<u>25</u>	<u>No</u>	<u>OBL</u>																	
2. <u>Typha latifolia</u>	<u>5</u>	<u>No</u>	<u>OBL</u>																	
3. <u>Leersia oryzoides</u>	<u>99</u>	<u>Yes</u>	<u>OBL</u>																	
4. <u>Juncus effusus</u>	<u>1</u>	<u>No</u>	<u>OBL</u>																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
11. _____	_____	_____	_____																	
12. _____	_____	_____	_____																	
<u>130</u> =Total Cover																				
Woody Vine Stratum (Plot size: _____)																				
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
3. _____	_____	_____	_____																	
4. _____	_____	_____	_____																	
=Total Cover																				

Remarks: (Include photo numbers here or on a separate sheet.)

Hydrophytic Vegetation Indicators:

 1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

X 3 - Prevalence Index is ≤3.0¹

 4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

 Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators 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

SOIL

Sampling Point: SS1

[illegible]