



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	Time In	11:27 AM	Start Date	November 17, 2022
	Marco Finocchiaro Austin Jepsky (in-training)	Time Out	12:50 PM	End Date	November 17, 2022
Inspector's Organization	U.S. EPA Region 2				
Organization Requesting Inspection (if different)					
Inspection Type	CWA Section 404 Inspection	Inspection Status	Original		
Site Name	Port of Albany				
Site Address*	Unnamed access road off of River Road, along Normans Kill				
City*	Bethlehem/Albany	County*	Albany	State*	NY
				Zip Code*	12202
Latitude/Longitude*	42.6063, -73.7672	Estimated Size of Site (acres)	Approximately 81 acres		
Is there a home on the site?	☐ Yes ☒ No				
Inspector Signature	 Digitally signed by STEPHANIE ANDREESCU Date: 2023.01.24 17:44:17 -05'00'			Date	1/24/23
Supervisor Signature	 MARCO FINOCCHIARO Digitally signed by MARCO FINOCCHIARO Date: 2023.01.25 15:19:58 -05'00'			Date	1/25/23

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Site Name	Port of Albany	Start Date	November 17, 2022
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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 representatives from the Albany Port District Commission (APDC) and National Grid.			
☒ Opening Conference			
Name of person authorizing access if applicable			
EPA arranged access with Steve Boisvert of McFarland Johnson via email and phone prior to the inspection. Representatives of the property owners, Albany Port District Commission and National Grid, were also present during the inspection.			
Notes from Opening Conference			
The group met in an APDC conference room to discuss activities at the Site. Representatives of APDC stated that the stone material placed on the access road had been discharged on both National Grid and APDC property. Stone removal and timber mat placement had occurred earlier that week. EPA advised the group not to proceed with any work in waters until the Corps issued a permit.			
☐ Access Issues if Any			
Describe			
N/A			
Inspection Observations and Sample Collection			
Site Owner* (Name, title and contact information)			
Albany Port District Commission, 106 Smith Boulevard, Albany, NY (contact: Roddy Yagan, U.S. FOIA (b)(6)) and National Grid (contact: Meredith Mathias, 518-521-8700).			
Additional Persons Present at Inspection			
Roddy Yagan (Albany Port District Commission), Meredith Mathias (National Grid), Steve Boisvert (McFarland Johnson), and Thomas Wirickx (McFarland Johnson)			
General Site Characteristics (layout of property, etc.)			
The Site is approximately 81 acres and located on Beacon Island along the western bank of the Hudson River. It is bordered by the Hudson River to the east, Normans Kill to the north, railroad tracks to the west, and another property to the south. The Site is the southern portion of a larger project site proposed for development in Public Notice Number NAN-2021-00948-UDA.			
Site Overview (Past inspections, site description, permits, etc.)			
At the time of EPA's inspection, the site was mostly undeveloped. At the northern end of the Site, an unnamed access road off of River Road enters from the west and makes a 90 degree turn to the north to a storage/parking area along Normans Kill. The access road follows Normans Kill east and then turns south. Overhead lines traverse portions of the Site from north to south. The northwestern corner of the Site contains emergent wetlands dominated by common reed (<i>Phragmites australis</i>). Gravel had been placed in the access road, portions of which crossed wetland areas.			

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At the time of the inspection, a Corps permit was being processed for development of the property. Public Notice Number NAN-2021-00948-UDA refers to the proposed discharge of fill material into 0.81 acres of waters of the United States, including wetlands; dredging with upland disposal and 10-year maintenance dredging; and the construction of a new wharf, a new bridge, a warehouse and manufacturing facility with attendant features. The project would expand the Port of Albany to facilitate the manufacturing and transport of offshore wind components. Active road construction was occurring on the northern portion of the Site during the inspection.			
Scope of Inspection (Areas inspected or not inspected) EPA's inspection was mostly limited to the four Fill Removal Areas depicted on the Access Road Gravel Removal drawing provided by the APDC. At these areas, gravel had been recently removed from emergent wetlands and replaced with timber mats. EPA walked the length of the unnamed access road off of River Road, between the storage/parking area and the railroad overpass. EPA also surveyed the rest of the proposed project site by car.			
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow) Mostly Cloudy, 42 degrees			

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Field Work Conducted

The purpose of the inspection was to confirm that all gravel discharged to wetlands without proper authorization from the Corps had been removed according to plan and that no additional fill material had been discharged to wetlands at the Site.

Data recorded during the inspection included photographs and handwritten notes.

EPA started the inspection at a storage/parking area located at the end of the unnamed access road off of River Road. Representatives from the APDC stated that stone removal had occurred on Monday and Tuesday of that week (November 14 and 15, 2022) and that the stone was replaced with timber matting.

EPA walked the length of the access road between the storage/parking area and the railroad overpass and observed the four Fill Removal Areas depicted on the Access Road Gravel Removal drawing provided by the APDC. EPA determined that fill removal was adequate.

During a drive around the remainder of the Site, EPA observed heavy machinery engaged in earthmoving activities and was told by APDC representatives that they were in the process of building the main road through the Site.

Closing Conference

Documents Received and/or Requested During the Inspection

N/A

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

N/A

Attachments*

☐ Maps and Sketches

☒ Photographs (including location) and Photo Log

☐ Other

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Additional Notes			

EPA CWA 404 Inspection Photolog Port of Albany Development Site

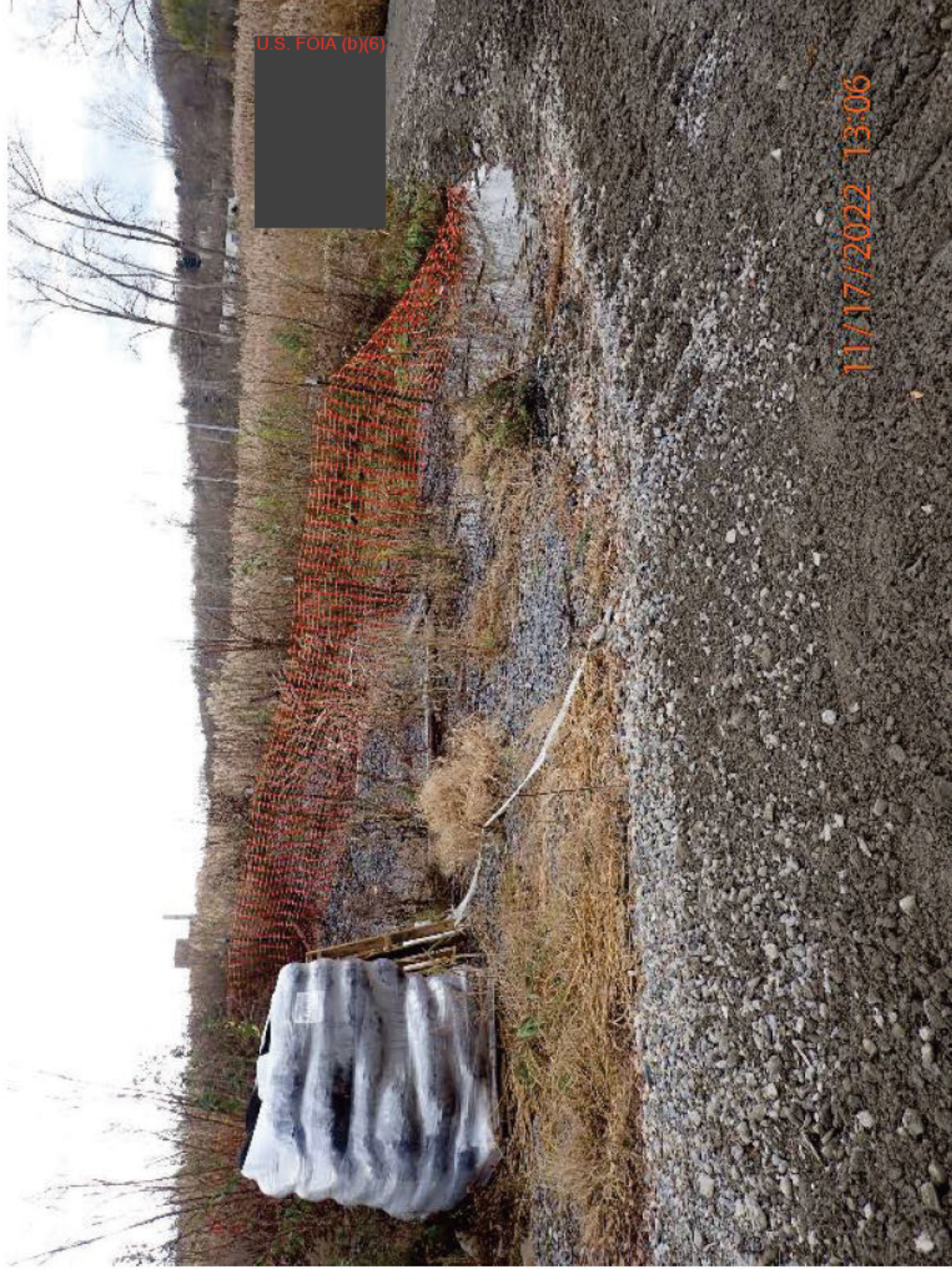
November 17, 2022



Date: 11/17/2022
Time: 12:06 PM
Photographer: M. Finocchiaro
Photo ID: 1 – PB170525

Description:

Gravel road
Back of storage/parking area
Near Fill Removal Area #1



Date: 11/17/2022
Time: 12:06 PM
Photographer: M. Finocchiaro
Photo ID: 2 – PB170526

Description:

Gravel storage area near road
Back of storage/parking area
Near Fill Removal Area #1



Date: 11/17/2022
Time: 12:08 PM
Photographer: S. Andreescu
Photo ID: 3 – PB170527

Description:
Fill Removal Area #1



Date: 11/17/2022
Time: 12:08 PM
Photographer: S. Andreescu
Photo ID: 4 – PB170528

Description:
Fill Removal Area #1

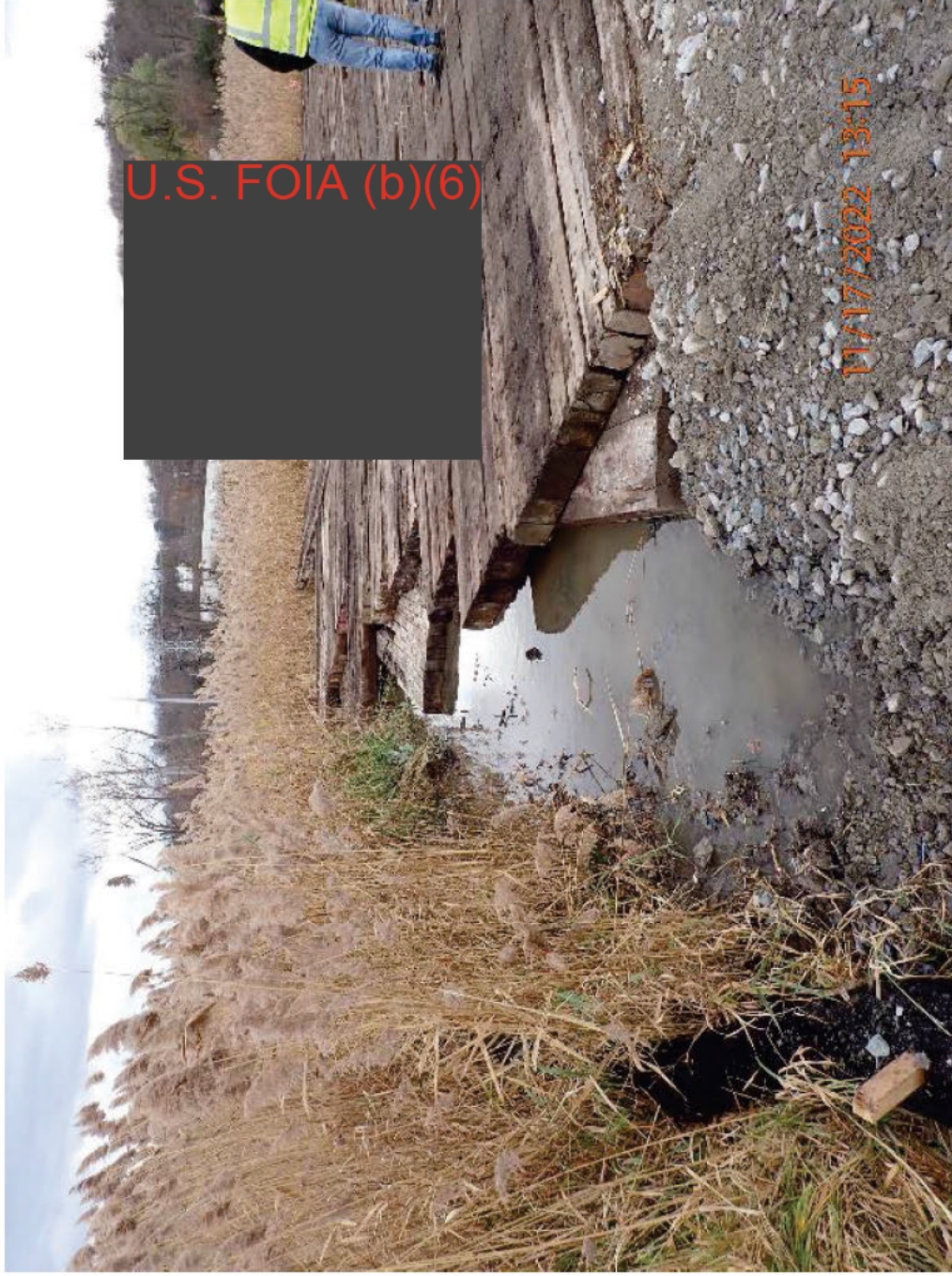


Date: 11/17/2022
Time: 12:13 PM
Photographer: S. Andreescu
Photo ID: 5 – PB170529

Description:

Timber storage in area determined to not be a wetland by applicant due to fly ash/depth to water.

Located between Fill Removal Areas #1 and #2



Date: 11/17/2022
Time: 12:15 PM
Photographer: S. Andreescu
Photo ID: 6 – PB170530

Description:
Fill Removal Area #2
Near elbow turn



Date: 11/17/2022
Time: 12:15 PM
Photographer: S. Andreescu
Photo ID: 7 – PB170531

Description:

Fill Removal Area #2

Near 90 degree elbow turn in
access road



Date: 11/17/2022
Time: 12:21 PM
Photographer: S. Andreescu
Photo ID: 8 – PB170532

Description:

Existing timber matting over gas pipeline in foreground.
Fill Removal Area #3 in background



Date: 11/17/2022
Time: 12:21 PM
Photographer: S. Andreescu
Photo ID: 9 – PB170533

Description:

Existing timber matting over gas pipeline in foreground.

Fill Removal Area #3 in background



Date: 11/17/2022
Time: 12:25 PM
Photographer: S. Andreescu
Photo ID: 10 – PB170534

Description:
Fill Removal Area #4



Date: 11/17/2022
Time: 12:26 PM
Photographer: S. Andreescu
Photo ID: 11 – PB170535

Description:
Fill Removal Area #4



Date: 11/17/2022
Time: 12:26 PM
Photographer: S. Andreescu
Photo ID: 12 – PB170536

Description:

Fill Removal Areas 4, 3, and 2
and two existing timber mat
crossings



Date: 11/17/2022
Time: 12:28 PM
Photographer: S. Andreescu
Photo ID: 13 – PB170537

Description:

Gravel fill next to Fill Removal
Area #4



Date: 11/17/2022
Time: 12:42 PM
Photographer: S. Andreescu
Photo ID: 14 – PB170538
Description:
Fill Removal Area #1



Date: 11/17/2022
Time: 12:46 PM
Photographer: A. Jepsky
Photo ID: 15 – PB170539

Description:

Active road construction work occurring on site.



Date: 11/17/2022
Time: 12:46 PM
Photographer: A. Jepsky
Photo ID: 16 – PB170540

Description:

Active road construction work occurring on site.



Date: 11/17/2022
Time: 12:47 PM
Photographer: A. Jepsky
Photo ID: 17 – PB170541

Description:

Active road construction work occurring on site.