Stormwater Pollution Prevention Plan

DRYDEN ROAD SOLAR FARM

Dryden Road
Town of Dryden
Tomkins County, New York

June 8, 2017
Revision Date: October 31, 2017

THE Chazen COMPANIES®

Proud to Be Employee Owned

Engineers
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Environmental & Safety Professionals
Landscape Architects

Prepared for:

Delaware River Solar LLC
33 Irving Place, Suite 1090
New York, NY 10003

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PREPARER OF THE SWPPP

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that false statements made herein are punishable as a Class A misdemeanor pursuant to Section 29.45 of the Penal Law."

Name[1]: Walter J. Kubow, PE

Title: Senior Project Engineer

Date: June 8, 2017
Revision Date: October 31, 2017

[1] This is a signature of a New York State licensed Professional Engineer employed by The Chazen Companies that is duly authorized to sign and seal Stormwater Pollution Prevention Plans (SWPPPs), NOIs, and NOTs prepared under their direct supervision. Refer to Appendix H for the Chazen Certifying Professionals Letter.

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1.0 EXECUTIVE SUMMARY

This Stormwater Pollution Prevention Plan (SWPPP) has been prepared for major activities associated with construction of Ground Mounted Photovoltaic Systems at Dryden Road. This SWPPP includes the elements necessary to comply with the national baseline general permit for construction activities enacted by the U.S. Environmental Protection Agency (EPA) under the National Pollutant Discharge Elimination System (NPDES) program and all local governing agency requirements. This SWPPP must be implemented at the start of construction.

This SWPPP has been developed in accordance with the "New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity" General Permit Number GP-0-15-002, effective January 29, 2015 through January 28, 2020. The SWPPP and accompanying plans identify and detail stormwater management, pollution prevention, and erosion and sediment control measures necessary during and following completion of construction.

This SWPPP and the accompanying plans entitled "Site Plan - Dryden Road" have been submitted as a set. These engineering drawings are considered an integral part of this SWPPP. Therefore, this SWPPP is not considered complete without them. References made herein to "the plans" or to a specific "sheet" refer to these drawings.

This report considers the impacts associated with the intended development with the purpose of:

1. Maintaining existing drainage patterns as much as possible while continuing the conveyance of upland watershed runoff;
2. Controlling increases in the rate of stormwater runoff resulting from the proposed development so as not to adversely alter downstream conditions; and
3. Mitigating potential stormwater quality impacts and preventing soil erosion and sedimentation resulting from stormwater runoff generated both during and after construction.

The analysis and design completed and documented in this report is intended to be part of the application made for a commercial development project completed on behalf of the Operator.

1.1 Project Description

Delaware River Solar, LLC is proposing ground mount photovoltaic systems on a rural vacant residential lot on Dryden Road in the town of Dryden, Tomkins County. A location map of the site has been provided in Appendix G, as Figure 1.

This type of project (solar panel array installation) is not explicitly stated in Table 1 or Table 2 of Appendix B of GP-0-15-002. The DEC Central Office (Dave Gasper) has provided guidance on how solar panel array installations are permitted. In an e-mail (dated March 28, 2016) from Robert Street (DEC) forwarding Dave Gasper's guidance reads as follows:

"The following summarizes the Department's criteria for the construction of solar farms.

If the solar panels will be constructed in accordance with the following criteria, the SWPPP for this portion of the project will typically just need to address erosion and sediment controls:

- *Solar panels are constructed on post/ballast (elevated off of the ground surface),*
- *The panels are spaced apart so that rain water can flow off down gradient of the panel and reach the ground, and*
- *The ground surface below the panels will be a well-established vegetative cover.*

If the project includes the construction of any traditional impervious areas (i.e. buildings, substation pads, gravel access roads or parking areas, etc.), those portions of the project will need to address post-construction stormwater management controls in the SWPPP.

If the construction of the solar panels will include significant changes to the existing topography that alter the pre-development hydrology, the designer may have to address quantity control sizing criteria for these areas.''

The project does not include the construction of any permanent impervious areas. The construction of the solar panels will not include significant changes to the existing topography that alters the pre-development hydrology. The solar panels will be elevated off the ground, spaced apart so that rain water can flow off down gradient of the panel and reach the ground, and the ground surface below the panels will be a well-established vegetative cover. Therefore, this SWPPP only includes erosion and sediment controls.

This project is located within the Town of Dryden regulated, traditional land use control Municipal Separate Stormwater Sewer System (MS4). Therefore, an MS4 SWPPP Acceptance Form is required to accompany NOIs submitted to the NYSDEC.

Runoff from the project site will discharge to an unnamed creek and ultimately the Cayuga Lake, which is not included in the list of Section 303(d) water bodies included in Appendix E of GP-0-15-002.

Project construction activities will consist primarily of solar panel installation, and transmission line installation necessary to support the proposed development. Construction phase pollutant sources anticipated at the site are disturbed (exposed) soil, vehicle fuels and lubricants, chemicals associated with building construction, and building materials. Without adequate control there is the potential for each type of pollutant to be transported by stormwater.

1.2 Stormwater Pollution Controls

The stormwater pollution controls outlined herein have been designed and evaluated in accordance with the following standards and guidelines:

- New York State Stormwater Management Design Manual, dated January 2015 (Design Manual).
- New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016 (SSESC).

Stormwater quality will be enhanced through the implementation of temporary and permanent erosion and sediment control measures, and other construction-phase pollution controls outlined herein.

1.3 Conclusion

This project is subject to the requirements of the Town of Dryden regulated MS4, and this SWPPP has been prepared in conformance with the current Design Manual and SSESC. As such, GP-0-15-002 coverage will be effective five (5) business days from the date the NYSDEC receives the electronically submitted eNOI and signed "MS4 SWPPP Acceptance" form, or ten (10) business days from the date the NYSDEC receives the complete paper NOI and signed "MS4 SWPPP Acceptance" form.

2.0 SWPPP IMPLEMENTATION RESPONSIBILITIES

A summary of the responsibilities and obligations of all parties involved with compliance with the NYSDEC SPDES General Permit GP-0-15-002 conditions is outlined in the subsequent sections. For a complete listing of the definitions, responsibilities, and obligations, refer to the SPDES General Permit GP-0-15-002 presented in Appendix A.

2.1 Definitions

1. "General SPDES Permit" means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 authorizing a category of discharges.

2. "Owner" or "Operator" means the person, persons, or legal entity which owns or leases the property on which the *construction activity* is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications. There may be occasions during the course of a project in which there are multiple Owners/Operators, all of which will need to file and maintain the appropriate SWPPP documents and plans, including without limitation, the Notice of Intent (NOI) and Notice of Termination (NOT).

3. "Owner's/Operator's Engineer" means the person or entity retained by an Owner/Operator to design and oversee the implementation of the SWPPP.

4. "Contractor" means the person or entity identified as such in the construction contract with the Owner/Operator. The term "Contractor" shall also include the Contractor's authorized representative, as well as any and all subcontractors retained by the Contractor.

5. "Qualified Inspector" means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or other Department endorsed individual(s).

   It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that an individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

   It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

6. "Qualified Professional" means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect, or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

7. "Trained Contractor" means an employee from a contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *Trained Contractor* shall receive four (4) hours of training every three (3) years.

   It can also mean an employee from a contracting (construction) company, identified in Part III.A.6.,that meets the *Qualified Inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity.

   The "Trained Contractor(s)" will be responsible for the day to day implementation of the SWPPP.

2.2 Owner's/Operator's Responsibilities

1. Ensure that control measures are selected, designed, installed, implemented and maintained to minimize the discharge of pollutants and prevent a violation of the water quality standards, meeting the non-numeric effluent limitations in Part I.B.1.(a)-(f) of the SPDES General Permit and in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November, 2016.

2. Retain the services of a "Qualified Inspector" or "Qualified Professional" as defined under Section 2.1, to provide the services outlined in Section 2.5 "Qualified Inspector's/Qualified Professional's Responsibilities."

3. Retain the services of a "Qualified Professional," as defined under Section 2.1, to provide the services outlined in Section 2.3 "Owner's/Operator's Engineers Responsibilities."

4. Have an authorized corporate officer sign the completed NOI. A copy of the completed NOI is included in Appendix B.

5. Submit the electronic version of the NOI (eNOI) [along with the MS4 SWPPP acceptance form] using the NYSDEC's website (http://www.dec.ny.gov/chemical/43133.html) or submit the signed NOI [along with the MS4 SWPPP acceptance form] using to the following:

   NOTICE OF INTENT
   NYS DEC, Bureau of Water Permits
   625 Broadway, 4th Floor
   Albany, New York 12233-3505

   Dryden Town Hall
   93 East Main Street
   Dryden, New York 13053

6. Pay the required initial and annual fees upon receipt of invoices from NYSDEC. These invoices are generally issued in the fall of each year. The initial fee is calculated as $110.00 per acre disturbed plus $675.00 per acre of net increase in impervious cover, and the annual fee is $110.00.

7. Prior to the commencement of construction activity, identify the contractor(s) and subcontractor(s) that will be responsible for implementing the erosion and sediment control measures and stormwater management practices described in this SWPPP. Have each of these contractors and subcontractors identify at least one "Trained Contractor", as defined under Section 2.1 that will be responsible for the implementation of the SWPPP. Ensure that the Contractor has at least one "Trained Contractor" on site on a daily basis when soil disturbance activities are being performed.

8. Schedule a pre-construction meeting which shall include the Town of Dryden representative, Owner's/Operator's Engineer, Contractor, and their sub-contractors to discuss responsibilities as they relate to the implementation of this SWPPP.

9. Require the Contractor to fully implement the SWPPP prepared for the site by the Owner/Operator's Engineer to ensure that the provisions of the SWPPP are implemented from the commencement of construction activity until all areas of disturbance have achieved final stabilization and the Notice of Termination (NOT) has been submitted to the NYSDEC.

10. Forward a copy of the NOI Acknowledgement Letter received from the regulatory agency to the Owner's/Operator's Engineer for project records, and to the Contractor for display at the construction site.

11. Maintain a copy of the General Permit (GP-0-15-002), NOI, NOI Acknowledgement Letter, SWPPP, MS4 SWPPP Acceptance Form, inspection reports, Spill Prevention, Countermeasures, Cleanup ("SPCC") Plan, and all documentation in accordance with Part I.F.8.a.-d of GP-0-15-002 necessary to demonstrate eligibility with the permit at the construction site, until all disturbed areas have achieved final stabilization and the NOT has been submitted to the NYSDEC. Place documents in a secure location that must be accessible during normal business hours to an individual performing a compliance inspection.

12. Submit a Notice of Termination (NOT) form (see Appendix B) within 48 hours of receipt of the Owner's/Operator's Engineer's certification of final site stabilization to the following:

    NOTICE OF TERMINATION
    NYS DEC, Bureau of Water Permits
    625 Broadway, 4th Floor
    Albany, New York 12233-3505

    Dryden Town Hall
    93 East Main Street
    Dryden, New York 13053

13. Request and receive all SWPPP records from the Owner's/Operator's Engineer and archive those records for a minimum of five (5) years after the NOT is filed.

14. Implement the Post-Construction Inspections and Maintenance procedures outlined in Appendix F.

15. The NOI, SWPPP, and inspection reports required by GP-0-15-002 are public documents that the Owner/Operator must make available for review and copying by any person within five (5) business days of the Owner/Operator receiving a written request by any such person to review the NOI, SWPPP, or inspection reports. Copying of documents will be done at the requester's expense.

16. The Owner/Operator must keep the SWPPP current at all times. At a minimum, the Owner/Operator shall amend the SWPPP:

    a) Whenever the current provisions prove to be ineffective in minimizing pollutants in stormwater discharges from the project site;

    b) Whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the discharge of pollutants; and

    c) To address issues or deficiencies identified during an inspection by the "Qualified Inspector," the Department, or other Regulatory Authority.

2.3 Owner's/Operator's Engineer's Responsibilities

1. Prepare the SWPPP using good engineering practices, best management practices, and in compliance with all federal, state, and local regulatory requirements.

2. Prepare the Notice of Intent (NOI) form (see Appendix B), sign the "SWPPP Preparer Certification" section of the NOI, and forward to Owner/Operator for signature.

3. Provide copies of the SWPPP to the Town of Dryden once all signatures and attachments are complete.

4. Enter Contractor's information in Section 2.5 "SWPPP Participants" once a Contractor is selected by the Owner/Operator.

5. Update the SWPPP each time there is a significant modification to the pollution prevention measures or a change of the principal Contractor working on the project who may disturb site soil.

2.4 Contractor's Responsibilities

1. Sign the SWPPP Contractor's Certification Form contained within Appendix C and forward to the Owner's/Operator's Engineer for inclusion in the Site Log Book.

2. Identify at least one Trained Contractor that will be responsible for implementation of this SWPPP. Ensure that at least one Trained Contractor is on site on a daily basis when soil disturbance activities are being performed. The Trained Contractor shall inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating conditions at all times. If deficiencies are identified, the contractor shall begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.

3. Provide the names and addresses of all subcontractors working on the project site. Require all subcontractors who will be involved with construction activities that will result in soil disturbance to identify at least one Trained Contractor that will be on site on a daily basis when soil disturbance activities are being performed; and to sign a copy of the Subcontractor's Certification Form contained within Appendix C, then forward to the Owner's/Operator's Engineer for inclusion into the Site Log Book. This information must be retained as part of the Site Log Book.

4. Maintain a Spill Prevention and Response Plan in accordance with requirements outlined in Section 5.4 of this SWPPP. This plan shall be provided to the Owner's/Operator's Engineer for inclusion in the Site Log Book, prior to mobilization on-site.

5. Participate in a pre-construction meeting which shall include the Town of Dryden representative, Owner/Operator, Owner's/Operator's Engineer, and all subcontractors to discuss responsibilities as they relate to the implementation of this SWPPP.

6. If Contractor plans on utilizing adjacent properties for material, waste, borrow, or equipment storage areas, or if Contractor plans to engage in industrial activity other than construction (such as operating asphalt and/or concrete plants) at the site, Contractor shall submit appropriate documentation to the Owner's/Operator's Engineer so that the SWPPP can be modified accordingly.

7. Implement site stabilization, erosion and sediment control measures, and other requirements of the SWPPP.

8. In accordance with the requirements in the most current version of the NYS Standards and Specifications for Erosion and Sediment Control, conduct inspections of erosion and sediment

control measures installed at the site to ensure that they remain in effective operating condition at all times. Prepare and retain written documentation of inspections as well as of all repairs/maintenance activities performed. This information must be retained as part of the Site Log Book.

9. Begin implementing corrective actions within one (1) business day of receipt of notification by the Qualified Inspector/Qualified Professional that deficiencies exist with the erosion and sediment control measures employed at the site. Corrective actions shall be completed within a reasonable time frame.

10. Maintain a record of the date(s) and location(s) that soil restoration is performed in accordance with the accompanying plans and NYSDEC Division of Water's publication "Deep-Ripping and Decompaction," dated April 2008. A copy of this is publication is provided in Appendix E. The record that is to be maintained shall be a copy of the overall site grading plan delineating the area(s) and date(s) that the soil was restored.

11. Upon completion of all construction at the site, the contractor responsible for overall SWPPP Compliance shall sign the certification on their Contractor Certification Form indicating that: a.) all temporary erosion and sediment control measures have been removed from the site, b.) the on-site soils disturbed by construction activity have been restored in accordance with the SWPPP and the NYSDEC Division of Water's publication "Deep-Ripping and Decompaction,".

2.5 Qualified Inspector's/Qualified Professional's Responsibilities

1. Participate in a pre-construction meeting with the Town of Dryden representative, Owner/Operator, Contractor, and their subcontractors to discuss responsibilities as they relate to the implementation of this SWPPP.

2. Conduct an initial assessment of the site prior to the commencement of construction and certify in an inspection report that the appropriate erosion and sediment control measures described within this SWPPP have been adequately installed and implemented to ensure overall preparedness of the site.

3. Provide on-site inspections to determine compliance with the SWPPP. Site inspections shall occur at an interval of at least once every seven calendar days A written inspection report shall be provided to the Owner/Operator and general contractor within one business day of the completion of the inspection, with any deficiencies identified. A sample inspection form is provided in Appendix D.

4. Prepare an inspection report subsequent to each and every inspection that shall include/address the items listed in Part IV.C.4.a-k of GP-0-15-002. Sign all inspection reports and maintain on site with the SWPPP.

5. Notify the owner/operator and appropriate contractor or subcontractor of any corrective actions that need to be taken.

6. Prepare a construction Site Log Book to be used as a record of all inspection reports generated throughout the duration of construction. Ensure that the construction Site Log Book is maintained and kept up-to-date throughout the duration of construction.

7. Review the Contractor's SWPPP records on a periodic basis to ensure compliance with the requirements for daily reports, soil restoration, inspections, and maintenance logs.

8. Prepare the Notice of Termination (NOT). Sign the NOT Certifications VI (Final Stabilization) and, and forward the NOT to the Owner/Operator for signature on Certification VIII (Owner/Operator Certification).

9. Transfer the SWPPP documents, along with all NOI's, permit certificates, NOT's, construction Site Log Book, and written records required by the General Permit to the Owner/Operator for archiving.

2.6 SWPPP Participants

1. Operator's Engineer:

   Walter J. Kubow, PE, Senior Project Engineer
   The Chazen Companies
   547 River Street
   Troy, New York 12180
   Phone: (518) 273-0055
   Fax: (518) 273-8391

2. Operator:

   Mr. Peter Dolgos
   Delaware River Solar
   33 Irving Place
   New York, New York 10003
   Phone: (646) 998-6495

3. Contractor[2]:

   Name and Title: _____

   Company Name: _____

   Mailing Address: _____

   _____

   Phone: _____

   Fax: _____

[2] *Contractor's information to be entered once the Contractor has been selected.*

3.0 SITE CHARACTERISTICS

3.1 Land Use and Topography

The project site is located within the RA zoning district. The proposed use is permitted as a principal and accessory use subject to site plan and special use permit approval.

The overall site is slightly to very sloping, with slopes ranging from 0 to 65 percent. Site elevations range from approximately 1,310 feet above mean sea level (MSL) to 1,160 feet MSL.

3.2 Soils and Groundwater

The United States Department of Agriculture (USDA) Web Soil Survey (http://websoilsurvey.nrcs.usda.gov/app/) was used to obtain surficial soil conditions for the study area. Soil data as provided by the SCS is presented in Table 1.

Table 1: USDA Soil Data

Map Symbol & Description	Hydrologic Soil Group	Permeability (inches/hour)	Erosion Factor K	Depth to Water Table (feet)	Depth to Bedrock (inches)
BgC—Bath and Valois soils	C	0.14	0.32	2 to 3	26 to 38
BgD—Bath and Valois soils, 15 to 25 percent slopes, eroded	C	0.06 to 0.20	0.37	2 to 2.92	24 to 36
BoE—Bath and Valois soils, 25 to 35 percent slopes	C	0.06 to 0.2	0.37	2 to 3	24 to 36
EbB—Erie channery silt loam, 3 to 8 percent slopes	D	0.06 to 0.2	0.32	0.75 to 1.5	12 to 18
EbC3—Erie channery silt loam, 8 to 15 percent slopes, eroded	D	0.06 to 0.2	0.32	0.75 to 1.5	1 to 1.5
HdC—Howard gravelly loam, 5 to 15 percent simple slopes	A	0.57 to 5.95		>6.6	>80
HdD—Howard gravelly loam, 15 to 25 percent slopes	A	0.57 to 5.95		>6.6	>80
LaB—Langford channery silt loam, 2 to 8 percent slopes	D	0.06 to 0.20	0.24	1.25 to 2	15 to 28
LaC3—Langford channery silt loam, 8 to 15 percent slopes, eroded	D	0.06 to 0.2		1.25 to 2	15 to 28
Ws—Wayland soils complex, 0 to 3 percent slopes, frequently flooded	B/D	0.14 to 14.17	0.32	0 to 0.5	>80

The Soil Conservation Service defines the hydrologic soil groups as follows:

- Type A Soils: Soils having a high infiltration rate and low runoff potential when thoroughly wet. These soils consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a moderate rate of water transmission.
- Type B Soils: Soils having a moderate infiltration rate when thoroughly wet and consisting mainly of moderately deep to deep, moderately well to well drained soils with moderately fine to moderately course textures. These soils have a moderate rate of water transmission.
- Type C Soils: Soils having a low infiltration rate when thoroughly wet and consisting chiefly of soils with a layer that impedes downward movement of water and soils with moderately fine-to-fine texture. These soils have a low rate of water transmission.
- Type D Soils: Soils having a very low infiltration rate and high runoff potential when thoroughly wet. These soils consist chiefly of clays that have high shrink-swell potential, soils that have a permanent high water table, soils that have a clay pan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very low rate of water transmission.

The soils map for the study area is presented in Appendix G, as Figure 2.

3.3 Watershed Designation

The project site is not located in a restricted watershed identified in Appendix C of GP-0-15-002.

3.4 Receiving Water Bodies

The nearest natural classified water body into which runoff from the project site will discharge is an unnamed stream.

The tributary is classified by NYSDEC as a Class C water course, and is not included in the Section 303(d) list of impaired waters found in Appendix E of GP-0-15-002.

3.5 Aquifer Designation

The project site is not located over a US EPA designated Sole Source aquifer; nor is it located over a Primary or Principal aquifer listed in the NYSDEC Technical and Operational Guidance Series (TOGS) 2.1.3 (1980).

3.6 Wetlands

A search on the NYSDEC Environmental Resource Mapper and a site investigation determined that no regulated wetlands are located on or in the vicinity of the project site.

North County Ecological Services performed wetlands delineations in May and September, 2017, and determined there is one wetland onsite draining from the center of the property northwards towards Dryden Road. The proposed project has been designed to avoid impacts to the wetland.

3.7 Flood Plains

According to the National Flood Insurance Program Flood Insurance Rate Map (FIRM), Town of Dryden, New York, Community Panel Number 360846B, the project site lies within Flood Zone X, an area determined to be outside the 500-year flood-plain.

3.8 Listed, Endangered, or Threatened Species

A search was performed on the NYSDEC Environmental Resource Mapper on May 23, 2017 and determined that the project site does not contain any threatened or endangered species, or critical habitat. An Environmental Resource Map has been provided in Appendix G, as Figure 4.

Appendix I, Ecological Resources, contains the report from the Information for Planning and Conservation (IPaC) internet site of the USFWS. That report provides the unofficial list of Federal endangered and threatened species for this area (there is usually no difference between the official and unofficial list). The list indicates the potential for occurrence one species, *Myotis septentrionalis*, the northern long-eared bat (NLEB), which recently was added to the federal and state lists of threatened species. According to information made available by the NYSDEC, the NLEB hibernaculum nearest to the site is approximately 38 miles to the north-northeast, and there are no known NLEB summer roost trees within at least 15 miles. Thus, there will be no effect on this species.

3.9 Historic Places

A search on the New York State Cultural Resource Information System (CRIS) database, performed on May 23, 2017 revealed the construction activity is not located within or adjacent to an archeologically sensitive area. A printout of the historic places screening map is presented in Appendix G, as Figure 3.

4.0 CONSTRUCTION SEQUENCE

This project encompasses less than five acres of land and disturbance of additional off-site properties to facilitate construction is not anticipated. Therefore, written approval from the Town of Dryden allowing the disturbance of more than five acres of land at any one time is not required. If the Contractor's construction sequence requires the disturbance of more than five acres at any one time, written approval must be obtained from the Town of Dryden prior to disturbing more than five acres at once.

The "Erosion and Sediment Control Plan" in the accompanying drawings identifies the major construction activities that are the subject of this SWPPP. The order (or sequence) in which the major activities are expected to begin is presented on the accompanying drawings, though each activity will not necessarily be completed before the next begins. In addition, these activities could occur in a different order if necessary to maintain adequate erosion and sediment control. If this is the case, the contractor shall notify the Owner's/Operator's Engineer overseeing the implementation of the SWPPP.

The Contractor will be responsible for implementing the erosion and sediment control measures identified on the plans. The Contractor may designate these tasks to certain subcontractors as they see

fit, but the ultimate responsibility for implementing these controls and ensuring their proper function remains with the Contractor.

Refer to the accompanying plans for details and specifications regarding the construction sequencing schedule.

5.0 CONSTRUCTION-PHASE POLLUTION CONTROL

The SWPPP and accompanying plans identify the temporary and permanent erosion and sediment control measures that have been incorporated into the design of this project. These measures will be implemented during construction, to minimize soil erosion and control sediment transport off-site, and after construction, to control the quality of stormwater runoff from the developed site.

Erosion control measures, designed to minimize soil loss, and sediment control measures, intended to retain eroded soil and prevent it from reaching water bodies or adjoining properties, have been developed in accordance with the following documents:

- NYSDEC SPDES General Permit for Stormwater Discharges From Construction Activity, Permit No. GP-0-15-002 (effective January 29, 2015 through January 28, 2020)

- New York State Standards and Specifications for Erosion and Sediment Control, NYSDEC (November, 2016)

The SWPPP and accompanying plans outline the construction scheduling for implementing the erosion and sediment control measures. These documents include limitations on the duration of soil exposure, criteria and specifications for placement and installation of the erosion and sediment control measures, a maintenance schedule, and specifications for the implementation of erosion and sediment control practices and procedures.

Temporary and permanent erosion and sediment control measures that shall be applied during construction generally include:

1. Minimizing soil erosion and sedimentation by stabilization of disturbed areas and by removing sediment from construction site discharges.
2. Preservation of existing vegetation to the greatest extent practical. Following the completion of construction activities in any portion of the site, permanent vegetation shall be established on all exposed soils.
3. Site preparation activities to minimize the area and duration of soil disruption.
4. Establishment of permanent traffic corridors to ensure that “routes of convenience” are avoided.

5.1 Temporary Erosion and Sediment Control Measures

The temporary erosion and sediment control measures described in the following sections are included as part of the construction documents.

5.1.1 Stabilized Construction Entrance

Prior to construction, stabilized construction entrance(s) will be installed, per accompanying plans, to reduce the tracking of sediment onto public roadways.

Construction traffic must enter and exit the site at the stabilized construction entrance(s). The intent is to trap dust and mud that would otherwise be carried off-site by construction traffic.

The entrance(s) shall be maintained in a condition, which will control tracking of sediment onto public rights-of-way or streets. When necessary, additional aggregate will be placed atop the filter fabric to assure the minimum thickness is maintained. All sediment and/or soil spilled, dropped, or washed onto public rights-of-way must be removed immediately. Periodic inspection and needed maintenance shall be provided after each substantial rainfall event.

5.1.2 Dust Control

Water trucks shall be used as needed during construction to reduce dust generated on-site. Dust control must be provided by the Contractor(s) to a degree that is acceptable to the Owner, and in compliance with the applicable local and state dust control requirements.

5.1.3 Temporary Soil Stockpile

Materials, such as topsoil, will be temporarily stockpiled (if necessary) on the site during the construction process. Stockpiles shall be located in an area away from storm drainage, water bodies and/or courses, and will be properly protected from erosion by a surrounding silt fence barrier.

5.1.4 Silt Fencing

Prior to the initiation of and during construction activities, a geotextile filter fabric (or silt fence) will be established downgradient of all disturbed areas. These barriers may extend into non-impact areas to provide adequate protection of adjacent lands.

Clearing and grubbing will be performed only as necessary for the installation of the sediment control barrier. To facilitate effectiveness of the silt fencing, daily inspections and inspections immediately after significant storm events will be performed by the Contractor(s). Maintenance of the fence will be performed as needed.

5.1.5 Temporary Seeding

For areas undergoing clearing, grading, and disturbance as part of construction activities, where work has temporarily ceased, temporary soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the soil disturbance activity has temporarily ceased.

5.2 Permanent Erosion and Sediment Control Measures

The permanent erosion and sediment control measures described in the following sections are included as part of the construction documents.

5.2.1 Permanent Vegetation

Disturbed areas that will be vegetated must be seeded in accordance with the contract documents. The type of seed, mulch, and maintenance measures as described in the contract documents shall also be followed.

Permanent soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the soil disturbance activity has permanently ceased.

Final site stabilization is achieved when all soil-disturbing activities at the site have been completed and a uniform, perennial vegetative cover with a density of 80 percent has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas and areas not covered by permanent structures.

5.3 Other Pollutant Controls

Other necessary pollutant controls are listed below:

5.3.1 Solid and Liquid Waste Disposal

No solid or liquid waste materials, including building materials, shall be discharged from the site with stormwater. All solid waste, including disposable materials incidental to any construction activities, must be collected and placed in containers. The containers shall be emptied periodically by a licensed trash disposal service and hauled away from the site.

Substances that have the potential for polluting surface and/or groundwater must be controlled by whatever means necessary in order to ensure that they do not discharge from the site. As an example, special care must be exercised during equipment fueling and servicing operations. If a spill occurs, it must be contained and disposed of so that it will not flow from the site or enter groundwater, even if this requires removal, treatment, and disposal of soil. In this regard, potentially polluting substances should be handled in a manner consistent with the impact they represent.

5.3.2 Sanitary Facilities

Temporary sanitary facilities will be provided by the Contractor throughout the construction phase. They must be utilized by all construction personnel and will be serviced by a licensed commercial Contractor. These facilities must comply with state and local sanitary or septic system regulations.

5.3.3 Water Source

Non-stormwater components of site discharge must be clean water. Water used for construction, which discharges from the site, must originate from a public water supply or private well approved by the Health Department. Water used for construction that does not originate from an approved public supply must not discharge from the site; such water can be retained in temporary ponds/sediment traps until it infiltrates and/or evaporates.

5.4 Construction Housekeeping Practices

During the construction phase, the Contractor(s) will implement the following measures:

5.4.1 Material Stockpiles

Material resulting from clearing and grubbing operations that will be stockpiled on-site, must be adequately protected with downgradient erosion and sediment controls.

5.4.2 Equipment Cleaning and Maintenance

The Contractor(s) will designate areas for equipment cleaning, maintenance, and repair. The Contractor(s) and subcontractor(s) will utilize those areas. The areas will be protected by a temporary perimeter berm.

5.4.3 Detergents

The use of detergents for large-scale washing is prohibited (i.e., vehicles, buildings, pavement surfaces, etc.)

5.4.4 Spill Prevention and Response

A Spill Prevention and Response Plan shall be developed for the site by the Contractor(s). The plan shall detail the steps required in the event of an accidental spill and shall identify contact names and phone numbers of people and agencies that must be notified.

The plan shall include Material Safety Data Sheets (MSDS) for all materials to be stored on-site. All workers on-site will be required to be trained on safe handling and spill prevention procedures for all materials used during construction. Regular tailgate safety meetings shall be held and all workers that are expected on the site during the week shall be required to attend.

5.4.5 Material Storage

Construction materials shall be stored in a dedicated staging area. The staging area shall be located in an area that prevents negative impacts of construction materials on stormwater quality.

Chemicals, paints, solvents, fertilizers, and other toxic material must be stored in waterproof containers. Except during application, the contents must be kept in trucks or within storage facilities. Runoff containing such material must be collected, removed from the site, treated, and disposed of at an approved solid waste or chemical disposal facility.

6.0 STORMWATER MANAGEMENT PLANNING

6.1 Inspection and Maintenance Requirements

6.1.1 Pre-Construction Inspection and Certification

Prior to the commencement of construction, the Qualified Inspector/Qualified Professional shall conduct an assessment of the site and certify that the appropriate erosion and sediment control measures have been adequately installed and implemented. The Contractor shall contact the Qualified Inspector/Qualified Professional once the erosion and sediment control measures have been installed.

6.1.2 Construction Phase Inspections and Maintenance

A Qualified Inspector/Qualified Professional, as defined in Appendix A of the General Permit GP-0-15-002, shall conduct regular site inspections between the time this SWPPP is implemented and final site stabilization. Site inspections shall occur at an interval of at least once every seven (7) calendar days.

The purpose of site inspections is to assess performance of pollutant controls. Based on these inspections, the Qualified Inspector/Qualified Professional will decide whether it is necessary to modify this SWPPP, add or relocate sediment barriers, or whatever else may be needed in order to prevent pollutants from leaving the site via stormwater runoff. The general contractor has the duty to cause pollutant control measures to be repaired, modified, maintained, supplemented, or whatever else is necessary in order to achieve effective pollutant control.

Examples of particular items to evaluate during site inspections are listed below. This list is not intended to be comprehensive. During each inspection the inspector must evaluate overall pollutant control system performance as well as particular details of individual system components. Additional factors should be considered as appropriate to the circumstances.

1. Locations where vehicles enter and exit the site must be inspected for evidence of off-site sediment tracking. A stabilized construction entrance will be constructed where vehicles enter and exit. This entrance will be maintained or supplemented as necessary to prevent sediment from leaving the site on vehicles.

2. Sediment barriers must be inspected and, if necessary, they must be enlarged or cleaned in order to provide additional capacity. All material from behind sediment barriers will be stockpiled on the up slope side. Additional sediment barriers must be constructed as needed.

3. Inspections will evaluate disturbed areas and areas used for storing materials that are exposed to rainfall for evidence of, or the potential for, pollutants entering the drainage system. If necessary, the materials must be covered or original covers must be repaired or supplemented. Also, protective berms must be constructed, if needed, in order to contain runoff from material storage areas.

4. Grassed areas will be inspected to confirm that a healthy stand of grass is maintained. The site has achieved final stabilization once all areas are covered with building foundation or pavement, or have a stand of grass with at least 80 percent density. The density of 80 percent or greater

must be maintained to be considered as stabilized. Areas must be watered, fertilized, and reseeded as needed to achieve this goal.

5. All discharge points must be inspected to determine whether erosion control measures are effective in preventing significant impacts to receiving waters.

The inspection reports must be completed entirely and additional remarks should be included if needed to fully describe a situation. An important aspect of the inspection report is the description of additional measures that need to be taken to enhance plan effectiveness. The inspection report must identify whether the site was in compliance with the SWPPP at the time of inspection and specifically identify all incidents of non-compliance.

Within one (1) business day of the completion of an inspection, the Qualified Inspector/Qualified Professional shall notify the Owner/Operator and appropriate contractor or subcontractor of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one (1) business day of the notification and shall complete the corrective actions in a reasonable time frame.

In addition to the inspections performed by the Qualified Inspector/Qualified Professional, the Contractor shall perform routine inspections that include a visual check of all erosion and sediment control measures. All inspections and maintenance shall be performed in accordance with the inspection and maintenance schedule provided on the accompanying plans. Sediment removed from erosion and sediment control measures will be exported from the site, stockpiled for later use, or used immediately for general non-structural fill.

It is the responsibility of the general contractor to assure the adequacy of site pollutant discharge controls. Actual physical site conditions or contractor practices could make it necessary to install more structural controls than are shown on the accompanying plans. (For example, localized concentrations of runoff could make it necessary to install additional sediment barriers, sediment traps, etc.) Assessing the need for additional controls and implementing them or adjusting existing controls will be a continuing aspect of this SWPPP until the site achieves final stabilization.

6.1.3 Temporary Suspension of Construction Activities

For construction sites where soil disturbance activities have been temporarily suspended (e.g. Winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the frequency of Qualified Inspector/Qualified Professional inspections can be reduced to once every 30 calendar days. Prior to reducing the frequency of inspections, the Owner/Operator shall notify the NYSDEC Region 3 stormwater contact person in writing.

6.1.4 Partial Project Completion

For construction sites where soil disturbance activities have been shut down with partial project completion, all areas disturbed as of the project shutdown date have achieved final stabilization the inspections by the Qualified Inspector/Qualified Professional can stop. Prior to the shutdown, the Owner/Operator shall notify the NYSDEC Region 3 stormwater contact person in writing.

If soil disturbance activities have not resumed within two years from the date of shutdown, a Notice of Termination (NOT) shall be properly completed and submitted to the NYSDEC.

6.1.5 Post-Construction Inspections and Maintenance

Inspections and maintenance of final stabilization measures shall be performed in accordance with Appendix F, once all disturbed areas are stabilized.

6.2 Reporting Requirements

6.2.1 Inspection and Maintenance Reports

Inspection/maintenance reports shall be prepared prior to and during construction in accordance with the schedule outlined herein and in the SPDES General Permit GP-0-15-002 Part IV.C. The reports shall be prepared to identify and document the maintenance of the erosion and sediment control measures. A sample inspection form is provided in Appendix D.

Specifically, each inspection shall record the following information:

1. Date and time of inspection.

2. Name and title of person(s) performing inspection.

3. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection.

4. A description of the condition of the runoff at all points of discharge from the construction site. This shall include identification of any discharges of sediment from the construction site. Include discharges from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow.

5. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas. This shall include identification of any discharges of sediment to the surface water body.

6. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance.

7. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced.

8. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection.

9. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures.

10. Identification and status of all corrective actions that were required by previous inspection.

11. Color photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *Qualified Inspector/Qualified Professional* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *Qualified Inspector/Qualified Professional* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *Qualified Inspector/Qualified Professional* shall attach the paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.

All inspection reports shall be signed by the Qualified Inspector/Qualified Professional. Pursuant to Part II.C.2 of GP-0-15-002, the inspection reports shall be maintained on site with the SWPPP.

6.2.2 Site Log Book

The Owner/Operator shall retain a copy of the SWPPP required by GP-0-15-002 at the construction site from the date of initiation of construction activities to the date of final stabilization.

During construction, the Owner's/Operator's Engineer shall maintain a record of all SWPPP inspection reports at the site in the Site Log Book. The Site Log Book shall be maintained on-site and made available to the permitting authority, if necessary.

6.2.3 Post Construction Records and Archiving

Following construction, the Owner/Operator shall retain copies of the SWPPP, the complete construction Site Log Book, and records of all data used to complete the NOI to be covered by this permit, for a period of at least five years from the date that the site is finally stabilized. This period may be extended by the NYSDEC, at its sole discretion, at any time upon written notification.

Records shall be maintained of all post construction inspections and maintenance work performed in accordance with the requirements outlined in Appendix F.

Appendix A:
NYSDEC SPDES General Permit GP-0-15-002

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NEW YORK
STATE OF OPPORTUNITY
Department of Environmental Conservation

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

From

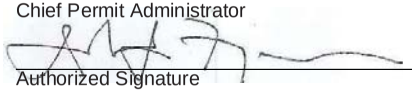
CONSTRUCTION ACTIVITY

Permit No. GP-0-15-002

Issued Pursuant to Article 17, Titles 7, 8 and Article 70
of the Environmental Conservation Law

Effective Date: January 29, 2015 Expiration Date: January 28, 2020

John J. Ferguson
Chief Permit Administrator



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Authorized Signature Date

Address: NYS DEC
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, N.Y. 12233-1750

PREFACE

Pursuant to Section 402 of the Clean Water Act ("CWA"), stormwater *discharges* from certain *construction activities* are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System ("NPDES")* permit or by a state permit program. New York's *State Pollutant Discharge Elimination System ("SPDES")* is a NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law ("ECL")*.

This general permit ("permit") is issued pursuant to Article 17, Titles 7, 8 and Article 70 of the ECL. An *owner or operator* may obtain coverage under this permit by submitting a Notice of Intent ("NOI") to the Department. Copies of this permit and the NOI for New York are available by calling (518) 402-8109 or at any New York State Department of Environmental Conservation ("the Department") regional office (see Appendix G).They are also available on the Department's website at:
http://www.dec.ny.gov/

An *owner or operator* of a *construction activity* that is eligible for coverage under this permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of "*construction activity*", as defined under 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), constitute construction of a point source and therefore, pursuant to Article 17-0505 of the ECL, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. They cannot wait until there is an actual *discharge* from the construction site to obtain permit coverage.

***Note: The italicized words/phrases within this permit are defined in Appendix A.**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES
FROM CONSTRUCTION ACTIVITIES

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Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application

This permit authorizes stormwater *discharges* to *surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;

2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants* to *surface waters of the State.*

3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

B. Effluent Limitations Applicable to Discharges from Construction Activities

*Discharge*s authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the Stormwater Pollution Prevention Plan ("SWPPP") the reason(s) for the deviation or alternative design and provide information

which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:

   (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharge*s;

   (ii) Control stormwater *discharge*s to *minimize* channel and streambank erosion and scour in the immediate vicinity of the *discharge* points;

   (iii) *Minimize* the amount of soil exposed during *construction activity*;

   (iv) *Minimize* the disturbance of *steep slopes*;

   (v) *Minimize* sediment *discharge*s from the site;

   (vi) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharge*s, unless *infeasible*;

   (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and

   (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover.

b. **Soil Stabilization**. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. See Appendix A for definition of *Temporarily Ceased*.

c. **Dewatering**. *Discharge*s from dewatering activities, including *discharge*s

from dewatering of trenches and excavations, must be managed by appropriate control measures.

d. **Pollution Prevention Measures**. Design, install, implement, and maintain effective pollution prevention measures to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:

(i) *Minimize* the *discharge* of *pollutants* from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;

(ii) *Minimize* the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a *discharge* of *pollutants*, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use) ; and

(iii) Prevent the *discharge* of *pollutants* from spills and leaks and implement chemical spill and leak prevention and response procedures.

e. **Prohibited *Discharge*s.** The following *discharge*s are prohibited:

(i) Wastewater from washout of concrete;

(ii) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

(iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;

(iv) Soaps or solvents used in vehicle and equipment washing; and

(v) Toxic or hazardous substances from a spill or other release.

f. Surface Outlets. When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion

at or below the outlet does not occur.

C. Post-construction Stormwater Management Practice Requirements

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices ("SMPs") are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

a. ***Sizing Criteria* for *New Development***

(i) Runoff Reduction Volume ("RRv"): Reduce the total Water Quality Volume ("WQv") by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible.*

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual. The remaining portion of the total WQv

that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume ("Cpv"): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or

(2) The site *discharge*s directly to tidal waters, or fifth order or larger streams.

(iv) Overbank Flood Control Criteria ("Qp"): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that overbank control is not required.

(v) Extreme Flood Control Criteria ("Qf"): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that overbank control is not required.

b. ***Sizing Criteria* for *New Development* in Enhanced Phosphorus Removal Watershed**

(i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be calculated in accordance with the criteria in Section 10.3 of the Design Manual.

(ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or

standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible.*

In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 10.3 of the Design Manual. The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

(iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
(1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or

(2) The site *discharge*s directly to tidal waters, or fifth order or larger streams.

(iv) Overbank Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that overbank control is not required.

(v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
(1) the site *discharge*s directly to tidal waters or fifth order or larger streams, or
(2) A downstream analysis reveals that overbank control is not required.

c. ***Sizing Criteria* for *Redevelopment Activity***

(i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.

(1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or
(2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or
(3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or
(4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

(ii) Channel Protection Volume (Cpv): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iii) Overbank Flood Control Criteria (Qp): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

(iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.

d. ***Sizing Criteria* for Combination of *Redevelopment Activity* and *New Development***

Construction projects that include both *New Development* and *Redevelopment Activity* shall provide post-construction stormwater management controls that meet the *sizing criteria* calculated as an aggregate of the *Sizing Criteria* in Part I.C.2.a. or b. of this permit for the *New Development* portion of the project and Part I.C.2.c of this permit for *Redevelopment Activity* portion of the project.

D. Maintaining Water Quality

The Department expects that compliance with the conditions of this permit will control *discharge*s necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any discharge to either cause or contribute to a violation of *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such as:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;

2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and

3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

If there is evidence indicating that the stormwater *discharge*s authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standards*; the *owner or operator* must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard* violation the *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharge*s authorized by this permit are causing or contributing to a violation of *water quality standards*, or

if the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharge*s will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

E. Eligibility Under This General Permit

1. This permit may authorize all *discharges* of stormwater from *construction activity* to *surface waters of the State* and *groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.

2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharge*s from *construction activities*.

3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater *discharges* may be authorized by this permit: *discharge*s from firefighting activities; fire hydrant flushings; waters to which cleansers or other components have not been added that are used to wash vehicles or control dust in accordance with the SWPPP, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated *groundwater* or spring water; uncontaminated *discharge*s from construction site de-watering operations; and foundation or footing drains where flows are not contaminated with process materials such as solvents. For those entities required to obtain coverage under this permit, and who *discharge* as noted in this paragraph, and with the exception of flows from firefighting activities, these *discharge*s must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.

4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

F. Activities Which Are Ineligible for Coverage Under This General Permit

All of the following are **not** authorized by this permit:

1. *Discharge*s after *construction activities* have been completed and the site has undergone *final stabilization*;

2. *Discharge*s that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;

3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;

4. *Construction activities* or *discharges* from *construction activities* that may adversely affect an endangered or threatened species unless the *owner or operator* has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.C.2 of this permit.

5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;

6. *Construction activities* for residential, commercial and institutional projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which disturb one or more acres of land with no existing *impervious cover*; and

   c. Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture ("USDA") Soil Survey for the County where the disturbance will occur.

7. *Construction activities* for linear transportation projects and linear utility projects:

   a. Where the *discharge*s from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and

   b. Which disturb two or more acres of land with no existing *impervious cover*; and

   c. Which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the USDA Soil Survey for the County where the disturbance will occur.

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.C.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:

   a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the construction site within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the construction site within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.

      - 1-5 acres of disturbance - 20 feet
      - 5-20 acres of disturbance - 50 feet
      - 20+ acres of disturbance - 100 feet, or

   b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
      (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
      (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
      (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
      (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or

   c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:
      (i) No Affect
      (ii) No Adverse Affect

      (iii) Executed Memorandum of Agreement, or

   d. Documentation that:
      (i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharge*s from *construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

Part II. OBTAINING PERMIT COVERAGE

A.Notice of Intent (NOI) Submittal

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed NOI form to the Department in order to be authorized to *discharge* under this permit. An *owner or operator* shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (http://www.dec.ny.gov/). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address.

   NOTICE OF INTENT
   NYS DEC, Bureau of Water Permits
   625 Broadway, 4th Floor
   Albany, New York 12233-3505

2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the "MS4 SWPPP Acceptance" form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department. An *owner or operator* shall use either the electronic (eNOI) or paper version of the NOI.

   The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the address in Part II.A.1.

(Part II.A.2)

The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.E. (Change of *Owner or Operator*) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4*.

3. The *owner or operator* shall have the SWPPP preparer sign the "SWPPP Preparer Certification" statement on the NOI prior to submitting the form to the Department.

4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

B. Permit Authorization

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.

2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:

   a. project review pursuant to the State Environmental Quality Review Act ("SEQRA") have been satisfied, when SEQRA is applicable. See the Department's website (http://www.dec.ny.gov/) for more information,

   b. where required, all necessary Department permits subject to the *Uniform Procedures Act ("UPA")* (see 6 NYCRR Part 621) have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators* of *construction activities* that are required to obtain *UPA* permits must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed in Appendix F at the time all other necessary *UPA* permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,

   c. the final SWPPP has been prepared, and

   d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.

3. An *owner or operator* that has satisfied the requirements of Part II.B.2 above

(Part II.B.3)

will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:

a. For *construction activities* that are not subject to the requirements of a *regulated, traditional land use control MS4*:

   (i) Five (5) business days from the date the Department receives a complete electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or

   (ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has not been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;

   (iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.

b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:

   (i) Five (5) business days from the date the Department receives both a complete electronic version of the NOI (eNOI) and signed "*MS4* SWPPP Acceptance" form, or

   (ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed "MS4 SWPPP Acceptance" form.

4. The Department may suspend or deny an *owner's or operator's* coverage

(Part II.B.4)

under this permit if the Department determines that the SWPPP does not meet the permit requirements. In accordance with statute, regulation, and the terms and conditions of this permit, the Department may deny coverage under this permit and require submittal of an application for an individual SPDES permit based on a review of the NOI or other information pursuant to Part II.

5. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.B. of this permit.

C. General Requirements For Owners or Operators With Permit Coverage

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination ("NOT") has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.

2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-15-002), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, and all documentation necessary to demonstrate eligibility with this permit at the construction site until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.

3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:
   a. The *owner or operator* shall

(Part II.C.3.a)

have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

   b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005.

   c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.

   d. The *owner or operator* shall install any additional site specific practices needed to protect water quality.

   e. The *owner or operator* shall include the requirements above in their SWPPP.

4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.

5. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the *regulated, traditional land use control MS4* in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice

(Part II.D)

D. Permit Coverage for Discharges Authorized Under GP-0-10-001

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-10-001), an *owner or operator* of *a construction activity* with coverage under GP-0-10-001, as of the effective date of GP-0-15-002, shall be authorized to *discharge* in accordance with GP-0-15-002, unless otherwise notified by the Department.

   An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-15-002.

E. Change of *Owner or Operator*

2. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.A.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.

Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or operator* was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

(Part III)

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

1. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*. A copy of the completed, final NOI shall be included in the SWPPP.

2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.

3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.

4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP:

   a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;

   b. whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the *discharge* of *pollutants*; and

   c. to address issues or deficiencies identified during an inspection by the *qualified inspector,* the Department or other regulatory authority.

5. The Department may notify the *owner or operator* at any time that the

SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.C.4. of this permit.

6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor.* The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

   The *owner or operator* shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*:

   > "I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharges* from *construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

   In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the

trained contractor responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the *owner or operator* shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must demonstrate *equivalence* to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:

   a. Background information about the scope of the project, including the location, type and size of project;

   b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge*(s);

   c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);

   d. A construction phasing plan and sequence of operations describing the intended order of *construction activities*, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other

activity at the site that results in soil disturbance;

e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;

f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;

g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;

h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;

i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005;

j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;

k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the construction site; and

l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. Include the reason for the deviation or alternative design

and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

The post-construction stormwater management practice component of the SWPPP shall include the following:

a. Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;

b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;

c. A Stormwater Modeling and Analysis Report that includes:

(i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;

(ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;

(iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;

(iv) Summary table, with supporting calculations, which demonstrates

that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;

(v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and

(vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;

d. Soil testing results and locations (test pits, borings);

e. Infiltration test results, when required; and

f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.

3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria,* Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

C. Required SWPPP Components by Project Type

Unless otherwise notified by the Department, *owners or operators* of *construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of this permit. *Owners or operators* of the *construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3 of this permit.

Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

A. General Construction Site Inspection and Maintenance Requirements

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.

2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York, or protect the public health and safety and/or the environment.

B. Contractor Maintenance Inspection Requirements

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.

2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.

3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. Qualified Inspector Inspection Requirements

(Part IV.C)

The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- licensed Professional Engineer,
- Certified Professional in Erosion and Sediment Control (CPESC),
- Registered Landscape Architect, or
- someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].

1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:

   a. the construction of a single family residential subdivision with 25% or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;

   b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;

   c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and

   d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:

   a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.

   b. For construction sites where soil disturbance activities are on-going and

(Part IV.C.2.b)

the *owner or operator* has received authorization in accordance with Part II.C.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.

   c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.

   d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4,* the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization,* and all temporary, structural erosion and sediment control measures have been removed*;* and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice" certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.A.1 of this permit.

   e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall

be separated by a minimum of two (2) full calendar days.

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization,* all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of *discharge* from the construction site.

4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:

a. Date and time of inspection;

b. Name and title of person(s) performing inspection;

c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;

d. A description of the condition of the runoff at all points of *discharge* from the construction site. This shall include identification of any *discharges* of sediment from the construction site. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;

e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;

f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;

g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;

h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;

i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;

j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);

k. Identification and status of all corrective actions that were required by previous inspection; and

l. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.

5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.

6. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.C.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

Part V. TERMINATION OF PERMIT COVERAGE

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.A.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.

(Part V.A.2)

2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:

   a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;

   b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational;

   c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.E. of this permit.

   d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.

3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the "*Final Stabilization*" and "Post-Construction Stormwater Management Practice certification statements on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.

4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the "MS4 Acceptance" statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector*'s final site inspection certification(s) required in Part V.A.3. of this permit.

(Part V.A.5)

5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:

   a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,

   b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),

   c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,

   d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

Part VI. REPORTING AND RETENTION OF RECORDS

A. Record Retention

The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the Department receives a complete NOT submitted in accordance with Part V. of this general permit.

B. Addresses

With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.A.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the Regional Office listed in Appendix F.

Part VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply

The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any non-compliance with this permit constitutes a violation of the Clean Water Act (CWA) and the ECL and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation, suspension or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.

B. Continuation of the Expired General Permit

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

C. Enforcement

Failure of the *owner or operator,* its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a violation of this permit. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to $37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

E. Duty to Mitigate

The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to *minimize* or prevent any *discharge* in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. Duty to Provide Information

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

G. Other Information

When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any of the documents required by this permit , or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s) changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or *impervious area*), which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information to the Department using the contact information in Part II.A. of this permit. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a violation of this permit.

H. Signatory Requirements

1. All NOIs and NOTs shall be signed as follows:

   a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

      (i) a president, secretary, treasurer, or vice-president of the

corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) the chief executive officer of the agency, or

(ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part VII.H.1. of this permit;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of *equivalent* responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named

individual or any individual occupying a named position) and,

c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.

3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.

4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4,* or by a duly authorized representative of that person.

It shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity*.

J. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K. Requirement to Obtain Coverage Under an Alternative Permit

1. The Department may require any *owner or operator* authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any *discharge*r authorized by a general permit to apply for an individual SPDES permit, it shall notify the *discharge*r in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the *owner or operator* to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from *owner or operator* receipt of the notification letter, whereby the authorization to

discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

2. When an individual SPDES permit is issued to a discharger authorized to *discharge* under a general SPDES permit for the same *discharge*(s), the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

L. Proper Operation and Maintenance

The *owner or operator* shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

M. Inspection and Entry

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, or, in the case of a construction site which *discharges* through an *MS4*, an authorized representative of the *MS4* receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the *owner's or operator's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.

4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

N. Permit Actions

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. The filing of a request by the *owner or operator* for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not limit, diminish and/or stay compliance with any terms of this permit.

O. Definitions

Definitions of key terms are included in Appendix A of this permit.

P. Re-Opener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with *construction activity* covered by this permit, the *owner or operator* of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.

2. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

Q. Penalties for Falsification of Forms and Reports

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

R. Other Permits

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

VIII. **APPENDIX A**

Definitions

Alter Hydrology from Pre to Post-Development Conditions - means the post-development peak flow rate(s) has increased by more than 5% of the pre-developed condition for the design storm of interest (e.g. 10 yr and 100 yr).

Combined Sewer - means a sewer that is designed to collect and convey both "sewage" and "stormwater".

Commence (Commencement of) Construction Activities - means the initial disturbance of soils associated with clearing, grading or excavation activities; or other construction related activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP. See definition for "*Construction Activity(ies)*" also.

***Construction Activity*(ies) -** means any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Direct Discharge (to a specific surface waterbody) - means that runoff flows from a construction site by overland flow and the first point of discharge is the specific surface waterbody, or runoff flows from a construction site to a separate storm sewer system and the first point of discharge from the separate storm sewer system is the specific surface waterbody.

Discharge(s) - means any addition of any pollutant to waters of the State through an outlet or point source.

Environmental Conservation Law (ECL) - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Equivalent (Equivalence) – means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.

Final Stabilization - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied

on all disturbed areas that are not covered by permanent structures, concrete or pavement.

General SPDES permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 and Section 70-0117 of the ECL authorizing a category of discharges.

Groundwater(s) - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Historic Property – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State
or National Registers of Historic Places.

Impervious Area (Cover) - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

Infeasible – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct *construction activities* are occurring, or will occur, under one plan. The term "plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) environmental assessment form or other documents, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that *construction activities* may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

Minimize – means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters,

ditches, man-made
channels, or storm drains):

(i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State*;*

(ii) Designed or used for collecting or conveying stormwater;

(iii) Which is not a *combined sewer*; and

(iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES) - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

New Development – means any land disturbance that does meet the definition of Redevelopment Activity included in this appendix.

NOI Acknowledgment Letter - means the letter that the Department sends to an owner or operator to acknowledge the Department's receipt and acceptance of a complete Notice of Intent. This letter documents the owner's or operator's authorization to discharge in accordance with the general permit for stormwater discharges from *construction activity*.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.

Performance Criteria – means the design criteria listed under the "Required Elements" sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf) in Part I.C.2. of the permit.

Pollutant - means dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards or guidance values adopted as provided in 6 NYCRR Parts 700 et seq .

Qualified Inspector - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or other Department endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York..

Redevelopment Activity(ies) – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is required to gain coverage under New York State DEC's SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s).

Routine Maintenance Activity - means *construction activity* that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including, but not limited to:

- Re-grading of gravel roads or parking lots,
- Stream bank restoration projects (does not include the placement of spoil material),
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

Site limitations – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

Sizing Criteria – means the criteria included in Part I.C.2 of the permit that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), Overbank Flood (Qp), and Extreme Flood (Qf).

State Pollutant Discharge Elimination System (SPDES) - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

Steep Slope – means land area with a Soil Slope Phase that is identified as an E or F, or

the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture (“USDA”) Soil Survey for the County where the disturbance will occur.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Temporarily Ceased – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

Temporary Stabilization - means that exposed soil has been covered with material(s) as set forth in the technical standard, New York Standards and Specifications for Erosion and Sediment Control, to prevent the exposed soil from eroding. The materials can include, but are not limited to, mulch, seed and mulch, and erosion control mats (e.g. jute twisted yarn, excelsior wood fiber mats).

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive on a daily basis and still meet *water quality standards*, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources, and a margin of safety (MOS).

Trained Contractor - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

The *trained contractor* is responsible for the day to day implementation of the SWPPP.

Uniform Procedures Act (UPA) Permit - means a permit required under 6 NYCRR Part

621 of the Environmental Conservation Law (ECL), Article 70.

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

APPENDIX B

Required SWPPP Components by Project Type

Table 1
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS

The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres: • Single family home not located in one of the watersheds listed in Appendix C or not *directly discharging* to one of the 303(d) segments listed in Appendix E • Single family residential subdivisions with 25% or less impervious cover at total site build-out and not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E • Construction of a barn or other agricultural building, silo, stock yard or pen.
The following construction activities that involve soil disturbances of one (1) or more acres of land: • Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains • Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects • Bike paths and trails • Sidewalk construction projects that are not part of a road/ highway construction or reconstruction project • Slope stabilization projects • Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics • Spoil areas that will be covered with vegetation • Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields), excluding projects that *alter hydrology from pre to post development* conditions • Athletic fields (natural grass) that do not include the construction or reconstruction of *impervious area* and do not *alter hydrology from pre to post development* conditions • Demolition project where vegetation will be established and no redevelopment is planned • Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with *impervious cover* • Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of less than five acres and construction activities that include the construction or reconstruction of impervious area
The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land: • All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

Table 2
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other agricultural building(e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional, includes hospitals, prisons, schools and colleges
- Industrial facilities, includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's and water treatment plants
- Office complexes
- Sports complexes
- Racetracks, includes racetracks with earthen (dirt) surface
- Road construction or reconstruction
- Parking lot construction or reconstruction
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover,* and constructed as part of an over-head electric transmission line project , wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- All other construction activities that include the construction or reconstruction of *impervious area* or *alter the hydrology from pre to post development* conditions, and are not listed in Table 1

APPENDIX C

Watersheds Where Enhanced Phosphorus Removal Standards Are Required

Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual ("Design Manual").

- Entire New York City Watershed located east of the Hudson River - Figure 1
- Onondaga Lake Watershed - Figure 2
- Greenwood Lake Watershed -Figure 3
- Oscawana Lake Watershed – Figure 4
- Kinderhook Lake Watershed – Figure 5

Figure 1 - New York City Watershed East of the Hudson

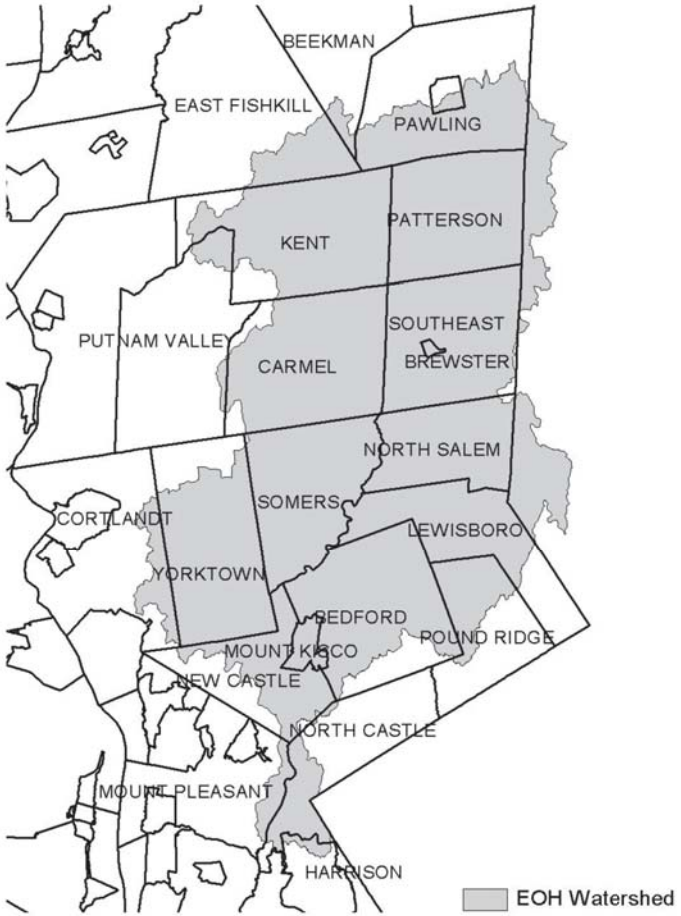


Figure 2 - Onondaga Lake Watershed

Figure 3 - Greenwood Lake Watershed

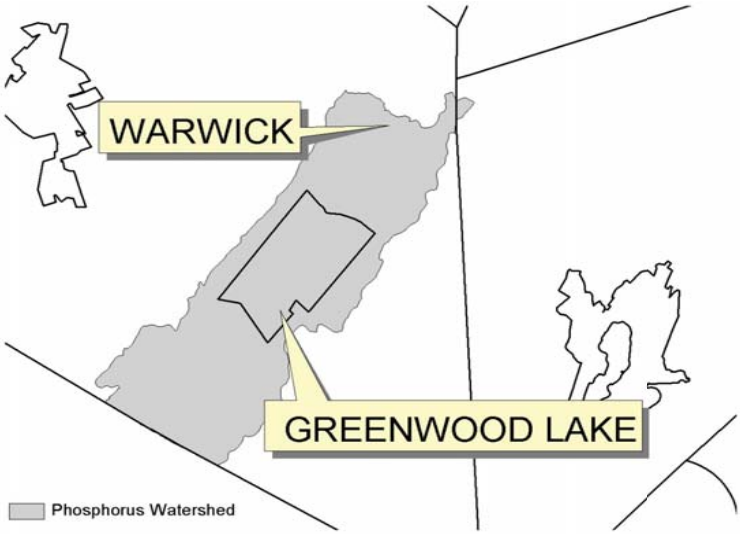


Figure 4 - Oscawana Lake Watershed

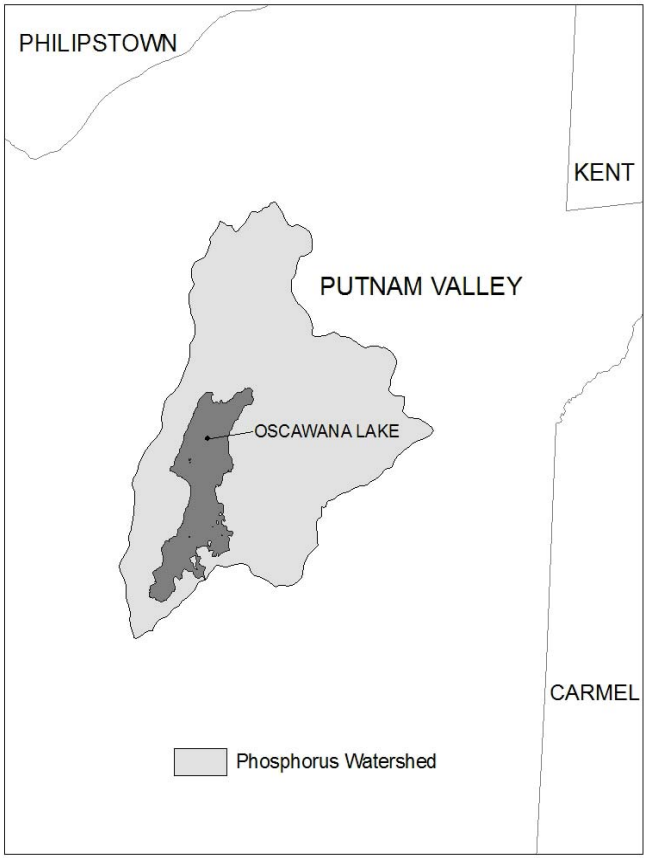
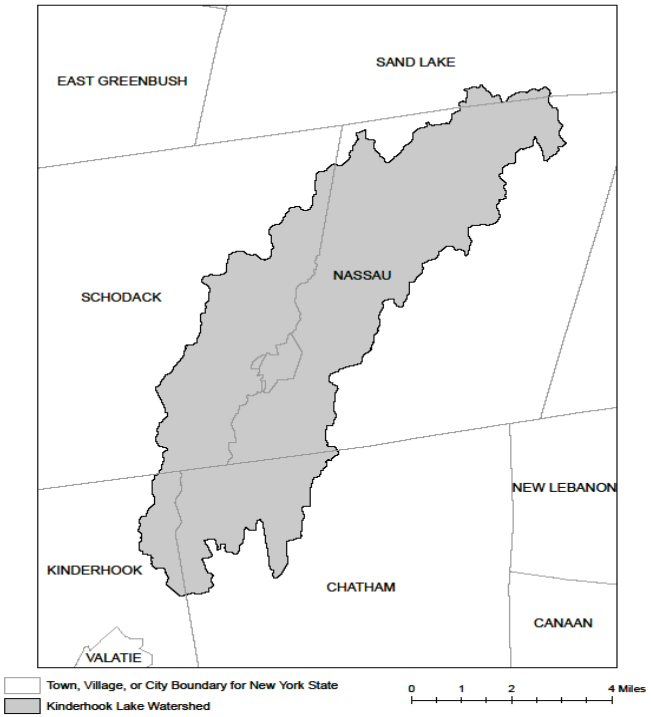


Figure 5: Kinderhook Lake Watershed



APPENDIX D

Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.

Entire New York City Watershed that is located east of the Hudson River - See Figure 1 in Appendix C

APPENDIX E

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). *Owners or operators* of single family home and single family residential subdivisions with 25% or less total impervious cover at total site build-out that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015.

COUNTY	WATERBODY	COUNTY	WATERBODY
Albany	Ann Lee (Shakers) Pond, Stump Pond	Greene	Sleepy Hollow Lake
Albany	Basic Creek Reservoir	Herkimer	Steele Creek tribs
Allegheny	Amity Lake, Saunders Pond	Kings	Hendrix Creek
Bronx	Van Cortlandt Lake	Lewis	Mill Creek/South Branch and tribs
Broome	Whitney Point Lake/Reservoir	Livingston	Conesus Lake
Broome	Fly Pond, Deer Lake	Livingston	Jaycox Creek and tribs
Broome	Minor Tribs to Lower Susquehanna (north)	Livingston	Mill Creek and minor tribs
		Livingston	Bradner Creek and tribs
Cattaraugus	Allegheny River/Reservoir	Livingston	Christie Creek and tribs
Cattaraugus	Case Lake	Monroe	Lake Ontario Shoreline, Western
Cattaraugus	Linlyco/Club Pond	Monroe	Mill Creek/Blue Pond Outlet and tribs
Cayuga	Duck Lake	Monroe	Rochester Embayment - East
Chautauqua	Chautauqua Lake, North	Monroe	Rochester Embayment - West
Chautauqua	Chautauqua Lake, South	Monroe	Unnamed Trib to Honeoye Creek
Chautauqua	Bear Lake	Monroe	Genesee River, Lower, Main Stem
Chautauqua	Chadakoin River and tribs	Monroe	Genesee River, Middle, Main Stem
Chautauqua	Lower Cassadaga Lake	Monroe	Black Creek, Lower, and minor tribs
Chautauqua	Middle Cassadaga Lake	Monroe	Buck Pond
Chautauqua	Findley Lake	Monroe	Long Pond
Clinton	Great Chazy River, Lower, Main Stem	Monroe	Cranberry Pond
Columbia	Kinderhook Lake	Monroe	Mill Creek and tribs
Columbia	Robinson Pond	Monroe	Shipbuilders Creek and tribs
Dutchess	Hillside Lake	Monroe	Minor tribs to Irondequoit Bay
Dutchess	Wappinger Lakes	Monroe	Thomas Creek/White Brook and tribs
Dutchess	Fall Kill and tribs	Nassau	Glen Cove Creek, Lower, and tribs
Erie	Green Lake	Nassau	LI Tribs (fresh) to East Bay
Erie	Scajaquada Creek, Lower, and tribs	Nassau	East Meadow Brook, Upper, and tribs
Erie	Scajaquada Creek, Middle, and tribs	Nassau	Hempstead Bay
Erie	Scajaquada Creek, Upper, and tribs	Nassau	Hempstead Lake
Erie	Rush Creek and tribs	Nassau	Grant Park Pond
Erie	Ellicott Creek, Lower, and tribs	Nassau	Beaver Lake
Erie	Beeman Creek and tribs	Nassau	Camaans Pond
Erie	Murder Creek, Lower, and tribs	Nassau	Halls Pond
Erie	South Branch Smoke Cr, Lower, and tribs	Nassau	LI Tidal Tribs to Hempstead Bay
		Nassau	Massapequa Creek and tribs
Erie	Little Sister Creek, Lower, and tribs	Nassau	Reynolds Channel, east
Essex	Lake George (primary county: Warren)	Nassau	Reynolds Channel, west
Genesee	Black Creek, Upper, and minor tribs	Nassau	Silver Lake, Lofts Pond
Genesee	Tonawanda Creek, Middle, Main Stem	Nassau	Woodmere Channel
Genesee	Oak Orchard Creek, Upper, and tribs	Niagara	Hyde Park Lake
Genesee	Bowen Brook and tribs	Niagara	Lake Ontario Shoreline, Western
Genesee	Bigelow Creek and tribs	Niagara	Bergholtz Creek and tribs
Genesee	Black Creek, Middle, and minor tribs	Oneida	Ballou, Nail Creeks
Genesee	LeRoy Reservoir	Onondaga	Ley Creek and tribs
Greene	Schoharie Reservoir	Onondaga	Onondaga Creek, Lower and tribs

APPENDIX E

List of 303(d) segments impaired by pollutants related to construction activity, cont'd.

COUNTY	WATERBODY	COUNTY	WATERBODY
Onondaga	Onondaga Creek, Middle and tribs	Suffolk	Great South Bay, West
Onondaga	Onondaga Creek, Upp, and minor tribs	Suffolk	Mill and Seven Ponds
Onondaga	Harbor Brook, Lower, and tribs	Suffolk	Moriches Bay, East
Onondaga	Ninemile Creek, Lower, and tribs	Suffolk	Moriches Bay, West
Onondaga	Minor tribs to Onondaga Lake	Suffolk	Quantuck Bay
Onondaga	Onondaga Creek, Lower, and tribs	Suffolk	Shinnecock Bay (and Inlet)
Ontario	Honeoye Lake	Sullivan	Bodine, Montgomery Lakes
Ontario	Hemlock Lake Outlet and minor tribs	Sullivan	Davies Lake
Ontario	Great Brook and minor tribs	Sullivan	Pleasure Lake
Orange	Monhagen Brook and tribs	Sullivan	Swan Lake
Orange	Orange Lake	Tompkins	Cayuga Lake, Southern End
Orleans	Lake Ontario Shoreline, Western	Tompkins	Owasco Inlet, Upper, and tribs
Oswego	Pleasant Lake	Ulster	Ashokan Reservoir
Oswego	Lake Neatahwanta	Ulster	Esopus Creek, Upper, and minor tribs
Putnam	Oscawana Lake		
Putnam	Palmer Lake	Ulster	Esopus Creek, Lower, Main Stem
Putnam	Lake Carmel	Ulster	Esopus Creek, Middle, and minor tribs
Queens	Jamaica Bay, Eastern, and tribs (Queens)		
Queens	Bergen Basin	Warren	Lake George
Queens	Shellbank Basin	Warren	Tribs to L.George, Village of L George
Rensselaer	Nassau Lake		
Rensselaer	Snyders Lake	Warren	Huddle/Finkle Brooks and tribs
Richmond	Grasmere, Arbutus and Wolfes Lakes	Warren	Indian Brook and tribs
Rockland	Congers Lake, Swartout Lake	Warren	Hague Brook and tribs
Rockland	Rockland Lake	Washington	Tribs to L.George, East Shr Lk George
Saratoga	Ballston Lake		
Saratoga	Round Lake	Washington	Cossayuna Lake
Saratoga	Dwaas Kill and tribs	Washington	Wood Cr/Champlain Canal, minor tribs
Saratoga	Tribs to Lake Lonely		
Saratoga	Lake Lonely	Wayne	Port Bay
Schenectady	Collins Lake	Wayne	Marbletown Creek and tribs
Schenectady	Duane Lake	Westchester	Lake Katonah
Schenectady	Mariaville Lake	Westchester	Lake Mohegan
Schoharie	Engleville Pond	Westchester	Lake Shenorock
Schoharie	Summit Lake	Westchester	Reservoir No.1 (Lake Isle)
Schuyler	Cayuta Lake	Westchester	Saw Mill River, Middle, and tribs
St. Lawrence	Fish Creek and minor tribs	Westchester	Silver Lake
St. Lawrence	Black Lake Outlet/Black Lake	Westchester	Teatown Lake
Steuben	Lake Salubria	Westchester	Truesdale Lake
Steuben	Smith Pond	Westchester	Wallace Pond
Suffolk	Millers Pond	Westchester	Peach Lake
Suffolk	Mattituck (Marratooka) Pond	Westchester	Mamaroneck River, Lower
Suffolk	Tidal tribs to West Moriches Bay	Westchester	Mamaroneck River, Upp, and tribs
Suffolk	Canaan Lake	Westchester	Sheldrake River and tribs
Suffolk	Lake Ronkonkoma	Westchester	Blind Brook, Lower
Suffolk	Beaverdam Creek and tribs	Westchester	Blind Brook, Upper, and tribs
Suffolk	Big/Little Fresh Ponds	Westchester	Lake Lincolndale
Suffolk	Fresh Pond	Westchester	Lake Meahaugh
Suffolk	Great South Bay, East	Wyoming	Java Lake
Suffolk	Great South Bay, Middle	Wyoming	Silver Lake

Note: The list above identifies those waters from the final New York State "2014 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy", dated January 2015, that are impaired by silt, sediment or nutrients.

APPENDIX F

LIST OF NYS DEC REGIONAL OFFICES

Region	COVERING THE FOLLOWING COUNTIES:	DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS	DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, PO BOX 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD WARRENSBURG, NY 12885-1172 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL. (716) 851-7070

Appendix B:
NYSDEC Forms

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0644089821

NOTICE OF INTENT

New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

NYR _____
(for DEC use only)

Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-0-15-002

All sections must be completed unless otherwise noted. Failure to complete all items may result in this form being returned to you, thereby delaying your coverage under this General Permit. Applicants must read and understand the conditions of the permit and prepare a Stormwater Pollution Prevention Plan prior to submitting this NOI. Applicants are responsible for identifying and obtaining other DEC permits that may be required.

-IMPORTANT-
RETURN THIS FORM TO THE ADDRESS ABOVE

OWNER/OPERATOR MUST SIGN FORM

Owner/Operator Information

Owner/Operator (Company Name/Private Owner Name/Municipality Name)
Delaware River Solar, LLC

Owner/Operator Contact Person Last Name (NOT CONSULTANT)
Dolgos

Owner/Operator Contact Person First Name
Peter

Owner/Operator Mailing Address
33 Irving Place

City
New York

State
NY

Zip
10003-____

Phone (Owner/Operator)
646-998-6495

Fax (Owner/Operator)
___-___-____

Email (Owner/Operator)
peter.dolgos@xzertaenergy.com

FED TAX ID
__-_____ (not required for individuals)

Project Site Information

Project/Site Name
DRYDEN ROAD SOLAR FARM

Street Address (NOT P.O. BOX)
Dryden Road, Dryden NY

Side of Street
○ **North** ● **South** ○ **East** ○ **West**

City/Town/Village (THAT ISSUES BUILDING PERMIT)
Town of Dryden

State NY | Zip 13053- | County Tompkins | DEC Region 7

Name of Nearest Cross Street
Irish Settlement Road

Distance to Nearest Cross Street (Feet)
1700

Project In Relation to Cross Street
○ **North** ○ **South** ● **East** ○ **West**

Tax Map Numbers
Section-Block-Parcel
47-1-8

Tax Map Numbers

1. Provide the Geographic Coordinates for the project site in NYTM Units. To do this you **must** go to the NYSDEC Stormwater Interactive Map on the DEC website at:

www.dec.ny.gov/imsmaps/stormwater/viewer.htm

Zoom into your Project Location such that you can accurately click on the centroid of your site. Once you have located your project site, go to the tool boxes on the top and choose "i"(identify). Then click on the center of your site and a new window containing the X, Y coordinates in UTM will pop up. Transcribe these coordinates into the boxes below. For problems with the interactive map use the help function.

X Coordinates (Easting): 391330

Y Coordinates (Northing): 4704844

2. What is the nature of this construction project?

● **New Construction**

○ **Redevelopment with increase in impervious area**

○ **Redevelopment with no increase in impervious area**

3. Select the predominant land use for both pre and post development conditions.
SELECT ONLY ONE CHOICE FOR EACH

Pre-Development Existing Land Use

- ○ FOREST
- ○ PASTURE/OPEN LAND
- ● CULTIVATED LAND
- ○ SINGLE FAMILY HOME
- ○ SINGLE FAMILY SUBDIVISION
- ○ TOWN HOME RESIDENTIAL
- ○ MULTIFAMILY RESIDENTIAL
- ○ INSTITUTIONAL/SCHOOL
- ○ INDUSTRIAL
- ○ COMMERCIAL
- ○ ROAD/HIGHWAY
- ○ RECREATIONAL/SPORTS FIELD
- ○ BIKE PATH/TRAIL
- ○ LINEAR UTILITY
- ○ PARKING LOT
- ○ OTHER

Post-Development Future Land Use

- ○ SINGLE FAMILY HOME
- ○ SINGLE FAMILY SUBDIVISION — Number of Lots
- ○ TOWN HOME RESIDENTIAL
- ○ MULTIFAMILY RESIDENTIAL
- ○ INSTITUTIONAL/SCHOOL
- ○ INDUSTRIAL
- ○ COMMERCIAL
- ○ MUNICIPAL
- ○ ROAD/HIGHWAY
- ○ RECREATIONAL/SPORTS FIELD
- ○ BIKE PATH/TRAIL
- ○ LINEAR UTILITY (water, sewer, gas, etc.)
- ○ PARKING LOT
- ○ CLEARING/GRADING ONLY
- ○ DEMOLITION, NO REDEVELOPMENT
- ○ WELL DRILLING ACTIVITY *(Oil, Gas, etc.)
- ● OTHER: Solar Facility

***Note**: for gas well drilling, non-high volume hydraulic fractured wells only

4. In accordance with the larger common plan of development or sale, enter the total project site area; the total area to be disturbed; existing impervious area to be disturbed (for redevelopment activities); and the future impervious area constructed within the disturbed area. (Round to the nearest tenth of an acre.)

Total Site Area	Total Area To Be Disturbed	Existing Impervious Area To Be Disturbed	Future Impervious Area Within Disturbed Area
15.7	4.6	0.0	0.0

5. Do you plan to disturb more than 5 acres of soil at any one time? ○ **Yes** ● **No**

6. Indicate the percentage of each Hydrologic Soil Group(HSG) at the site.

A	B	C	D
3 %	2 %	10 %	85 %

7. Is this a phased project? ○ **Yes** ● **No**

8. Enter the planned start and end dates of the disturbance activities.

Start Date	End Date
11/01/2017	03/01/2018

9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.

Name: Unnamed Tributary to Cayuga Lake

9a. Type of waterbody identified in Question 9?

- ○ Wetland / State Jurisdiction On Site (Answer 9b)
- ○ Wetland / State Jurisdiction Off Site
- ○ Wetland / Federal Jurisdiction On Site (Answer 9b)
- ○ Wetland / Federal Jurisdiction Off Site
- ○ Stream / Creek On Site
- ● Stream / Creek Off Site
- ○ River On Site
- ○ River Off Site
- ○ Lake On Site
- ○ Lake Off Site
- ○ Other Type On Site
- ○ Other Type Off Site

9b. How was the wetland identified?

- ○ Regulatory Map
- ○ Delineated by Consultant
- ○ Delineated by Army Corps of Engineers
- ○ Other (identify)

10. Has the surface waterbody(ies) in question 9 been identified as a 303(d) segment in Appendix E of GP-0-15-002? ○ **Yes** ● **No**

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-15-002? ○ **Yes** ● **No**

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters? ○ **Yes** ● **No**
If no, skip question 13.

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey? ○ **Yes** ○ **No**
If Yes, what is the acreage to be disturbed?

.

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area? ○ **Yes** ● **No**

15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)? ◉ Yes ○ No ○ Unknown

16. What is the name of the municipality/entity that owns the separate storm sewer system?

Town of Dryden

17. Does any runoff from the site enter a sewer classified as a Combined Sewer? ○ Yes ◉ No ○ Unknown

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law? ○ Yes ◉ No

19. Is this property owned by a state authority, state agency, federal government or local government? ○ Yes ◉ No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.) ○ Yes ◉ No

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)? ◉ Yes ○ No

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)? ○ Yes ◉ No
If No, skip questions 23 and 27-39.

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual? ○ Yes ○ No

24. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:

- ● **Professional Engineer (P.E.)**
- ○ **Soil and Water Conservation District (SWCD)**
- ○ **Registered Landscape Architect (R.L.A)**
- ○ **Certified Professional in Erosion and Sediment Control (CPESC)**
- ○ **Owner/Operator**
- ○ **Other**

SWPPP Preparer
The Chazen Companies

Contact Name (Last, Space, First)
Kubow, Walter

Mailing Address
547 River Road

City
Troy

State NY Zip 12180-

Phone 518-273-0055 Fax 518-273-8391

Email
wkubow@chazencompanies.com

SWPPP Preparer Certification

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-15-002. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

First Name Walter **MI** J

Last Name Kubow

Signature

Date / /

25. Has a construction sequence schedule for the planned management practices been prepared? ● Yes ○ No

26. Select **all** of the erosion and sediment control practices that will be employed on the project site:

Temporary Structural

- ○ Check Dams
- ● Construction Road Stabilization
- ● Dust Control
- ○ Earth Dike
- ○ Level Spreader
- ○ Perimeter Dike/Swale
- ○ Pipe Slope Drain
- ○ Portable Sediment Tank
- ○ Rock Dam
- ○ Sediment Basin
- ○ Sediment Traps
- ● Silt Fence
- ● Stabilized Construction Entrance
- ○ Storm Drain Inlet Protection
- ○ Straw/Hay Bale Dike
- ○ Temporary Access Waterway Crossing
- ○ Temporary Stormdrain Diversion
- ○ Temporary Swale
- ○ Turbidity Curtain
- ○ Water bars

Biotechnical

- ○ Brush Matting
- ○ Wattling

Vegetative Measures

- ○ Brush Matting
- ○ Dune Stabilization
- ○ Grassed Waterway
- ● Mulching
- ● Protecting Vegetation
- ○ Recreation Area Improvement
- ● Seeding
- ○ Sodding
- ○ Straw/Hay Bale Dike
- ○ Streambank Protection
- ○ Temporary Swale
- ● Topsoiling
- ○ Vegetating Waterways

Permanent Structural

- ○ Debris Basin
- ○ Diversion
- ○ Grade Stabilization Structure
- ○ Land Grading
- ○ Lined Waterway (Rock)
- ○ Paved Channel (Concrete)
- ○ Paved Flume
- ○ Retaining Wall
- ○ Riprap Slope Protection
- ○ Rock Outlet Protection
- ○ Streambank Protection

Other

Post-construction Stormwater Management Practice (SMP) Requirements

Important: Completion of Questions 27-39 is not required if response to Question 22 is No.

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.

- ○ **Preservation of Undisturbed Areas**
- ○ **Preservation of Buffers**
- ○ **Reduction of Clearing and Grading**
- ○ **Locating Development in Less Sensitive Areas**
- ○ **Roadway Reduction**
- ○ **Sidewalk Reduction**
- ○ **Driveway Reduction**
- ○ **Cul-de-sac Reduction**
- ○ **Building Footprint Reduction**
- ○ **Parking Reduction**

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).

- ○ All disturbed areas will be restored in accordance with the Soil Restoration requirements in Table 5.3 of the Design Manual (see page 5-22).
- ○ Compacted areas were considered as impervious cover when calculating the **WQv Required**, and the compacted areas were assigned a post-construction Hydrologic Soil Group (HSG) designation that is one level less permeable than existing conditions for the hydrology analysis.

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout).

Total WQv Required

			.				**acre-feet**

29. Identify the RR techniques (Area Reduction), RR techniques(Volume Reduction) and Standard SMPs with RRv Capacity in Table 1 (See Page 9) that were used to reduce the Total WQv Required(#28).

Also, provide in Table 1 the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

Note: Redevelopment projects shall use Tables 1 and 2 to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

Table 1 - Runoff Reduction (RR) Techniques and Standard Stormwater Management Practices (SMPs)

	Total Contributing Area (acres)		Total Contributing Impervious Area(acres)
RR Techniques (Area Reduction)			
○ Conservation of Natural Areas (RR-1)	___.___	and/or	___.___
○ Sheetflow to Riparian Buffers/Filters Strips (RR-2)	___.___	and/or	___.___
○ Tree Planting/Tree Pit (RR-3)	___.___	and/or	___.___
○ Disconnection of Rooftop Runoff (RR-4)	___.___	and/or	___.___
RR Techniques (Volume Reduction)			
○ Vegetated Swale (RR-5)			___.___
○ Rain Garden (RR-6)			___.___
○ Stormwater Planter (RR-7)			___.___
○ Rain Barrel/Cistern (RR-8)			___.___
○ Porous Pavement (RR-9)			___.___
○ Green Roof (RR-10)			___.___
Standard SMPs with RRv Capacity			
○ Infiltration Trench (I-1)			___.___
○ Infiltration Basin (I-2)			___.___
○ Dry Well (I-3)			___.___
○ Underground Infiltration System (I-4)			___.___
○ Bioretention (F-5)			___.___
○ Dry Swale (O-1)			___.___
Standard SMPs			
○ Micropool Extended Detention (P-1)			___.___
○ Wet Pond (P-2)			___.___
○ Wet Extended Detention (P-3)			___.___
○ Multiple Pond System (P-4)			___.___
○ Pocket Pond (P-5)			___.___
○ Surface Sand Filter (F-1)			___.___
○ Underground Sand Filter (F-2)			___.___
○ Perimeter Sand Filter (F-3)			___.___
○ Organic Filter (F-4)			___.___
○ Shallow Wetland (W-1)			___.___
○ Extended Detention Wetland (W-2)			___.___
○ Pond/Wetland System (W-3)			___.___
○ Pocket Wetland (W-4)			___.___
○ Wet Swale (O-2)			___.___

Table 2 - Alternative SMPs (DO NOT INCLUDE PRACTICES BEING USED FOR PRETREATMENT ONLY)

Alternative SMP	Total Contributing Impervious Area(acres)
○ **Hydrodynamic**	
○ **Wet Vault**	
○ **Media Filter**	
○ **Other**	

Provide the name and manufacturer of the Alternative SMPs (i.e. proprietary practice(s)) being used for WQv treatment.

Name

Manufacturer

Note: Redevelopment projects which do not use RR techniques, shall use questions 28, 29, 33 and 33a to provide SMPs used, total WQv required and total WQv provided for the project.

30. Indicate the Total RRv provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRv capacity identified in question 29.

Total RRv provided

. **acre-feet**

31. Is the Total RRv provided (#30) greater than or equal to the total WQv required (#28).

○ **Yes** ○ **No**

If Yes, go to question 36.
If No, go to question 32.

32. Provide the Minimum RRv required based on HSG.
[Minimum RRv Required = (P)(0.95)(Ai)/12, Ai=(S)(Aic)]

Minimum RRv Required

. **acre-feet**

32a. Is the Total RRv provided (#30) greater than or equal to the Minimum RRv Required (#32)?

○ **Yes** ○ **No**

If Yes, go to question 33.
Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). A detailed evaluation of the specific site limitations and justification for not reducing 100% of the WQv required (#28) must also be included in the SWPPP.
If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

33. Identify the Standard SMPs in Table 1 and, if applicable, the Alternative SMPs in Table 2 that were used to treat the remaining total WQv(=Total WQv Required in 28 - Total RRv Provided in 30).

Also, provide in Table 1 and 2 the total impervious area that contributes runoff to each practice selected.

Note: Use Tables 1 and 2 to identify the SMPs used on Redevelopment projects.

33a. Indicate the Total WQv provided (i.e. WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRv Capacity identified in question 29.

WQv Provided

[ ][ ][ ].[ ][ ][ ] **acre-feet**

Note: For the standard SMPs with RRv capacity, the WQv provided by each practice = the WQv calculated using the contributing drainage area to the practice - RRv provided by the practice. (See Table 3.5 in Design Manual)

34. Provide the sum of the Total RRv provided (#30) and the WQv provided (#33a). [ ][ ][ ].[ ][ ][ ]

35. Is the sum of the RRv provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)? ◉ **Yes** ○ **No**

If Yes, go to question 36.
If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

36. Provide the total Channel Protection Storage Volume (CPv) required and provided or select waiver (36a), if applicable.

CPv Required

[ ][ ][ ].[ ][ ][ ] **acre-feet**

CPv Provided

[ ][ ][ ].[ ][ ][ ] **acre-feet**

36a. The need to provide channel protection has been waived because:

○ Site discharges directly to tidal waters or a fifth order or larger stream.

○ Reduction of the total CPv is achieved on site through runoff reduction techniques or infiltration systems.

37. Provide the Overbank Flood (Qp) and Extreme Flood (Qf) control criteria or select waiver (37a), if applicable.

Total Overbank Flood Control Criteria (Qp)

Pre-Development

[ ][ ][ ].[ ][ ][ ] **CFS**

Post-development

[ ][ ][ ].[ ][ ][ ] **CFS**

Total Extreme Flood Control Criteria (Qf)

Pre-Development

[ ][ ][ ].[ ][ ][ ] **CFS**

Post-development

[ ][ ][ ].[ ][ ][ ] **CFS**

37a. The need to meet the Qp and Qf criteria has been waived because:

- ○ Site discharges directly to tidal waters or a fifth order or larger stream.
- ○ Downstream analysis reveals that the Qp and Qf controls are not required

38. Has a long term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed? ○ **Yes** ○ **No**

If Yes, Identify the entity responsible for the long term Operation and Maintenance

39. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required(#28). (See question 32a) This space can also be used for other pertinent project information.

40. Identify other DEC permits, existing and new, that are required for this project/facility.

- ○ Air Pollution Control
- ○ Coastal Erosion
- ○ Hazardous Waste
- ○ Long Island Wells
- ○ Mined Land Reclamation
- ○ Solid Waste
- ○ Navigable Waters Protection / Article 15
- ○ Water Quality Certificate
- ○ Dam Safety
- ○ Water Supply
- ○ Freshwater Wetlands/Article 24
- ○ Tidal Wetlands
- ○ Wild, Scenic and Recreational Rivers
- ○ Stream Bed or Bank Protection / Article 15
- ○ Endangered or Threatened Species(Incidental Take Permit)
- ○ Individual SPDES
- ○ SPDES Multi-Sector GP
- ○ Other
- ● None

41. Does this project require a US Army Corps of Engineers Wetland Permit? ○ **Yes** ● **No**
If Yes, Indicate Size of Impact. .

42. Is this project subject to the requirements of a regulated, traditional land use control MS4? ○ **Yes** ● **No**
(If No, skip question 43)

43. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI? ○ **Yes** ○ **No**

44. If this NOI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned.

Owner/Operator Certification

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

Print First Name: Peter

MI:

Print Last Name: Dolgos

Owner/Operator Signature:

Date: / /

NYS Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form

for

Construction Activities Seeking Authorization Under SPDES General Permit

*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information
1. Owner/Operator Name:
2. Contact Person:
3. Street Address:
4. City/State/Zip:
II. Project Site Information
5. Project/Site Name:
6. Street Address:
7. City/State/Zip:
III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information
8. SWPPP Reviewed by:
9. Title/Position:
10. Date Final SWPPP Reviewed and Accepted:
IV. Regulated MS4 Information
11. Name of MS4:
12. MS4 SPDES Permit Identification Number: NYR20A _____
13. Contact Person:
14. Street Address:
15. City/State/Zip:
16. Telephone Number:

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s). Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

VI. Additional Information

(NYS DEC - MS4 SWPPP Acceptance Form - January 2015)

New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505
(NOTE: Submit completed form to address above)

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity

Please indicate your permit identification number: NYR ___ ___ ___ ___ ___ ___

I. Owner or Operator Information

1. Owner/Operator Name:

2. Street Address:

3. City/State/Zip:

4. Contact Person: | 4a.Telephone:

4b. Contact Person E-Mail:

II. Project Site Information

5. Project/Site Name:

6. Street Address:

7. City/Zip:

8. County:

III. Reason for Termination

9a. □ All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. ***Date final stabilization completed** (month/year): _____

9b. □ Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR ___ ___ ___ ___ ___ ___
(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c. □ Other (Explain on Page 2)

IV. Final Site Information:

10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices? □ yes □ no (If no, go to question 10f.)

10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed? □ yes □ no (If no, explain on Page 2)

10c. Identify the entity responsible for long-term operation and maintenance of practice(s)?

_____

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity - continued

10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit? □ yes □ no

10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s):

□ Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality.

□ Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s).

□ For post-construction stormwater management practices that are privately owned, a mechanism is in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the owner or operator's deed of record.

□ For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university or hospital), government agency or authority, or public utility; policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.

10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area? _____ (acres)

11. Is this project subject to the requirements of a regulated, traditional land use control MS4? □ yes □ no

(If Yes, complete section VI - "MS4 Acceptance" statement

V. Additional Information/Explanation:

(Use this section to answer questions 9c. and 10b., if applicable)

VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative (Note: Not required when 9b. is checked -transfer of coverage)

I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.

Printed Name:	
Title/Position:	
Signature:	Date:

NOTICE OF TERMINATION for Storm Water Discharges Authorized under the SPDES General Permit for Construction Activity - continued

VII. Qualified Inspector Certification - Final Stabilization:

I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:	
Title/Position:	
Signature:	Date:

VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):

I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:	
Title/Position:	
Signature:	Date:

IX. Owner or Operator Certification

I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:	
Title/Position:	
Signature:	Date:

(NYS DEC Notice of Termination - January 2015)

Appendix C:
Contractor's Certification Form
Subcontractor's Certification Form

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Stormwater Pollution Prevention Plan
Contractor Certification Statement
(Responsible for overall SWPPP Compliance)

Dryden Road Solar Farm
Town of Dryden, Tomkins County, New York

This is to certify that the following contracting firm will be responsible for installing, constructing, repairing, inspecting and/or maintaining the erosion and sediment control practices and post-construction stormwater management control practices required by the SWPPP.

Contracting Firm Information

Name: _____

Address: _____

Telephone & Fax: _____

Trained Contractor(s) [1] **Responsible for SWPPP Implementation (**Provide name, title, and date of last training)

_____

_____

Prior to commencement of construction activity, the following certification shall be issued:

I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharges* from *construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations.

Printed Name: _____

Title/Position: _____

Signature: _____ Date: _____

Upon completion of construction activities, the following certification shall be issued, prior to issuance of the NOT:

I hereby certify that that all permanent stormwater management practices required by the SWPPP have been installed in accordance with the contract documents. I further certify that all temporary erosion and sediment control measures have been removed from the site, and that the on-site soils disturbed by construction activity have been restored in accordance with the SWPPP and the NYSDEC Division of Water's publication "Deep-Ripping and Decompaction".

Printed Name: _____

Title/Position: _____

Signature: _____ Date: _____

[1] "Trained Contractor" means an employee from a contracting (construction) company that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the "trained contractor" shall receive four (4) hours of training every three (3) years. It can also mean an employee from the contracting (construction) company that meets the "qualified inspector" qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity). The "Trained Contractor" will be responsible for the day to day implementation of the SWPPP.

[2] Signatory Requirements:

a. For a corporation, this form shall be signed by (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship, this form shall be signed by a general partner or the proprietor, respectively.

c. For a municipality, State, Federal, or other public agency, this form shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).

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Stormwater Pollution Prevention Plan
Subcontractor Certification Statement
(whose work involves soil disturbance)

Dryden Road Solar Farm
Town of Dryden, Tomkins County, New York

Each Subcontractor whose work will involve soil disturbance of any kind is required to complete and sign this Certification Statement before commencing any construction activity at the site. This completed Certification Statement(s) shall be maintained at the construction site in the Site Log Book.

Subcontracting Firm Information

Name: _____

Address: _____

_____

Telephone & Fax: _____

Trained Contractor(s)[2] Responsible for SWPPP Implementation (Provide name, title, and date of last training)

_____

_____

Prior to commencement of construction activities, the following certification shall be issued:

I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharges* from *construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations.

Printed Name: _____

Title/Position: _____

Signature: _____ Date: _____

[2] "Trained Contractor" means an employee from a contracting (construction) company that has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the "trained contractor" shall receive four (4) hours of training every three (3) years. It can also mean an employee from the contracting (construction) company that meets the "qualified inspector" qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity). The "Trained Contractor" will be responsible for the day to day implementation of the SWPPP.

[2] Signatory Requirements:

a. For a corporation, this form shall be signed by (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship, this form shall be signed by a general partner or the proprietor, respectively.

c. For a municipality, State, Federal, or other public agency, this form shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. Regional Administrators of EPA).

Appendix D:
SWPPP Inspection Report
(Sample Form)

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Stormwater Pollution Prevention Plan
Inspection Report

Dryden Road Solar Farm
Town of Dryden
Tomkins County, New York

A Qualified Inspector[1] shall prepare an inspection report subsequent to each and every inspection, as required in Part IV.C of the SPDES General Permit GP-0-15-002. All sections of this report are to be completed.

1. Inspection Information

Inspection number: _____

Date and Time of Inspection: _____

Weather Conditions: _____

Soil Conditions (e.g. dry, wet, saturated): _____

2. Inspector Information

Qualified Inspector[1]

Printed Name: _____ Date: _____

Signature: _____

Qualified Professional[1]

Printed Name _____ Date: _____

Signature: _____

3. On the included site plan, provide a sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection. Provide additional descriptions below if necessary.

_____

_____

_____

_____

[1] A Qualified Inspector means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or other Department endorsed individual(s). It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years. It can also mean a person that meets the Qualified Professional qualifications in addition to the Qualified Inspector qualifications. Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

4. In the following table, provide a description of the condition of the runoff at all points of discharge from the construction site, including conveyance systems (pipes, culverts, ditches, etc.) and overland flow. Identify any discharges of sediment from the construction site. Use additional sheets if necessary.

Description of Discharge Point	Condition of Runoff	Sediment Discharge Noted
		yes / no Estimated Quantity:
		yes / no Estimated Quantity:
		yes / no Estimated Quantity:
		yes / no Estimated Quantity:

5. For all discharge points where sediment discharge has been noted in the above table, provide detailed corrective actions that are required. Use additional sheets if necessary.

6. In the following table, provide checkmarks in the appropriate columns to indicate the condition of all erosion and sediment control practices at the site.

Erosion & Sediment Control Practice	Not Applicable	Functioning as Designed	Needs Repair or Maintenance	Not Installed Properly	Date Deficiency First Reported (If Applicable)	Deficiency Corrected? Y/N (If Applicable)
Stabilized construction entrance						
Temporary parking areas						
Construction vehicle wash areas						
Silt fence						
Temporary swales and berms						
Stone check dams						
Slope protection measures						
Dewatering operations						
Sediment traps						
Inlet protection measures						
Soil stockpiles						
Dust control measures						
Pavement sweeping						
Other:						
Other:						

7. For all erosion and sediment control practices identified in the above table as "needs repair or maintenance" or "not installed properly", provide detailed corrective actions that are required. Use additional sheets if necessary.

8. In the following table, indicate the current phase of construction of all post-construction stormwater management practices and identify all construction that is not in conformance with the SWPPP and technical standards.

SWM Practice	Current Phase of Construction	Items not in conformance with the SWPPP

9. For all post-construction stormwater management practices which are identified in the above table as including "items not in conformance with the SWPPP", provide detailed corrective action(s) that are required to correct the deficiencies. Use additional sheets if necessary.

Photo Log

Date – Item in need of repair or maintenance:	*Date – Corrected Action:*
Date – Item in need of repair or maintenance:	*Date – Corrected Action:*

Photo Log

Date – Item in need of repair or maintenance:	*Date – Corrected Action:*
Date – Item in need of repair or maintenance:	*Date – Corrected Action:*

Appendix E:
NYSDEC “Deep-Ripping and Decompaction,” April 2008

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New York State
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water

Deep-Ripping and Decompaction

April 2008

Document Prepared by:

John E. Lacey,
Land Resource Consultant and Environmental Compliance Monitor
(Formerly with the Division of Agricultural Protection and Development Services,
NYS Dept. of Agriculture & Markets)

New York State
Department of Environmental Conservation

Alternative Stormwater Management
Deep-Ripping and Decompaction

Description

The two-phase practice of 1) “Deep Ripping;” and 2) “Decompaction” (deep subsoiling), of the soil material as a step in the cleanup and restoration/landscaping of a construction site, helps mitigate the physically induced impacts of soil compression; i.e.: soil compaction or the substantial increase in the bulk density of the soil material.

Deep Ripping and Decompaction are key factors which help in restoring soil pore space and permeability for water infiltration. Conversely, the physical actions of cut-and-fill work, land grading, the ongoing movement of construction equipment and the transport of building materials throughout a site alter the architecture and structure of the soil, resulting in: the mixing of layers (horizons) of soil materials, compression of those materials and diminished soil porosity which, if left unchecked, severely impairs the soil’s water holding capacity and vertical drainage (rainfall infiltration), from the surface downward.

In a humid climate region, compaction damage on a site is virtually guaranteed over the duration of a project. Soil in very moist to wet condition when compacted, will have severely reduced permeability. Figure 1 displays the early stage of the deep-ripping phase (Note that all topsoil was stripped prior to construction access, and it remains stockpiled until the next phase – decompaction – is complete). A heavy-duty tractor is pulling a three-shank ripper on the first of several series of incrementally deepening passes through the construction access corridor's densely compressed subsoil material. Figure 2 illustrates the approximate volumetric composition of a loam surface soil when conditions are good for plant growth, with adequate natural pore space for fluctuating moisture conditions.

Fig. 1. A typical deep ripping phase of this practice, during the first in a series of progressively deeper “rips” through severely compressed subsoil.

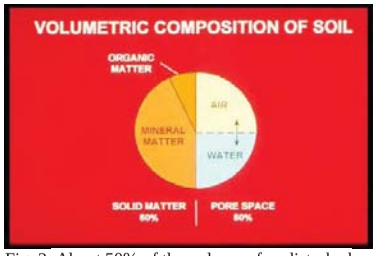

Fig. 2. About 50% of the volume of undisturbed loam surface soil is pore space, when soil is in good condition for plant growth. Brady, 2002.

Recommended Application of Practice

The objective of Deep Ripping and Decompaction is to effectively fracture (vertically and laterallly) through the thickness of the physically compressed subsoil material (see Figure 3), restoring soil porosity and permeability and aiding infiltration to help reduce runoff. Together with topsoil stripping, the “two-phase” practice of Deep Ripping and Decompaction first became established as a “best management practice” through ongoing success on commercial farmlands affected by heavy utility construction right-of-way projects (transmission pipelines and large power lines).

Fig. 3. Construction site with significant compaction of the deep basal till subsoil extends 24 inches below this exposed cut-and-fill work surface.

Soil permeability, soil drainage and cropland productivity were restored. For broader construction application, the two-phase practice of Deep Ripping and Decompaction is best adapted to areas impacted with significant soil compaction, on contiguous open portions of large construction sites and inside long, open construction corridors used as temporary access over the duration of construction. Each mitigation area should have minimal above-and-below-ground obstructions for the easy avoidance and maneuvering of a large tractor and ripping/decompacting implements. Conversely, the complete two-phase practice is not recommended in congested or obstructed areas due to the limitations on tractor and implement movement.

Benefits

Aggressive “deep ripping” through the compressed thickness of exposed subsoil before the replacement/respreading of the topsoil layer, followed by “decompaction,” i.e.: “sub-soiling,” through the restored topsoil layer down into the subsoil, offers the following benefits:

- Increases the project (larger size) area’s direct surface infiltration of rainfall by providing the open site’s mitigated soil condition and lowers the demand on concentrated runoff control structures
- Enhances direct groundwater recharge through greater dispersion across and through a broader surface than afforded by some runoff-control structural measures
- Decreases runoff volume generated and provides hydrologic source control
- May be planned for application in feasible open locations either alone or in

conjunction with plans for structural practices (e.g., subsurface drain line or infiltration basin) serving the same or contiguous areas

- Promotes successful long-term revegetation by restoring soil permeability, drainage and water holding capacity for healthy (rather than restricted) root-system development of trees, shrubs and deep rooted ground cover, minimizing plant drowning during wet periods and burnout during dry periods.

Feasibility/Limitations

The effectiveness of Deep Ripping and Decompaction is governed mostly by site factors such as: the original (undisturbed) soil's hydrologic characteristics; the general slope; local weather/timing (soil moisture) for implementation; the space-related freedom of equipment/implement maneuverability (noted above in **Recommended Application of Practice**), and by the proper selection and operation of tractor and implements (explained below in **Design Guidance**). The more notable site-related factors include:

Soil
In the undisturbed condition, each identified soil type comprising a site is grouped into one of four categories of soil hydrology, Hydrologic Soil Group A, B, C or D, determined primarily by a range of characteristics including soil texture, drainage capability when thoroughly wet, and depth to water table. The natural rates of infiltration and transmission of soil-water through the undisturbed soil layers for Group A is "high" with a low runoff potential while soils in Group B are moderate in infiltration and the transmission of soil-water with a moderate runoff potential, depending somewhat on slope. Soils in Group C have slow rates of infiltration and transmission of soil-water and a moderately high runoff potential influenced by soil texture and slope; while soils in Group D have exceptionally slow rates of infiltration and transmission of soil-water, and high runoff potential.

In Figure 4, the profile displays the undisturbed horizons of a soil in Hydrologic Soil Group C and the naturally slow rate of infiltration through the subsoil. The slow rate of infiltration begins immediately below the topsoil horizon (30 cm), due to the limited amount of macro pores, e.g.: natural subsoil fractures, worm holes and root channels. Infiltration after the construction-induced mixing and compression of such subsoil material is virtually absent; but can be restored back to this natural level with the two-phase practice of deep ripping and decompaction, followed by the permanent establishment of an appropriate, deep taproot

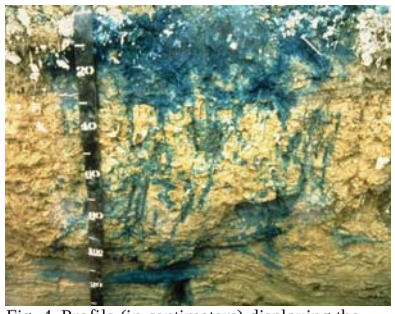

Fig. 4. Profile (in centimeters) displaying the infiltration test result of the natural undisturbed horizons of a soil in Hydrologic Soil Group C.

lawn/ground cover to help maintain the restored subsoil structure. Infiltration after construction-induced mixing and compression of such subsoil material can be notably rehabilitated with the Deep Ripping and Decompaction practice, which prepares the site for the appropriate long-term lawn/ground cover mix including deep taproot plants such as clover, fescue or trefoil, etc. needed for all rehabilitated soils.

Generally, soils in Hydrologic Soil Groups A and B, which respectively may include deep, well-drained, sandy-gravelly materials or deep, moderately well-drained basal till materials, are among the easier ones to restore permeability and infiltration, by deep ripping and decompaction. Among the many different soils in Hydrologic Soil Group C are those unique glacial tills having a natural fragipan zone, beginning about 12 to 18 inches (30 – 45cm), below surface. Although soils in Hydrologic Soil Group C do require a somewhat more carefully applied level of the Deep Ripping and Decompaction practice, it can greatly benefit such affected areas by reducing the runoff and fostering infiltration to a level equal to that of pre-disturbance.

Soils in Hydrologic Soil Group D typically have a permanent high water table close to the surface, influenced by a clay or other highly impervious layer of material. In many locations with clay subsoil material, the bulk density is so naturally high that heavy trafficking has little or no added impact on infiltration; and structural runoff control practices rather than Deep Ripping and Decompaction should be considered.

The information about Hydrologic Soil Groups is merely a general guideline. Site-specific data such as limited depths of cut-and-fill grading with minimal removal or translocation of the inherent subsoil materials (as analyzed in the county soil survey) or, conversely, the excavation and translocation of deeper, unconsolidated substratum or consolidated bedrock materials (unlike the analyzed subsoil horizons' materials referred to in the county soil survey) should always be taken into account.

Sites made up with significant quantities of large rocks, or having a very shallow depth to bedrock, are not conducive to deep ripping and decompation (subsoiling); and other measures may be more practical.

Slope
The two-phase application of 1) deep ripping and 2) decompaction (deep subsoiling), is most practical on flat, gentle and moderate slopes. In some situations, such as but not limited to temporary construction access corridors, inclusion areas that are moderately steep along a project's otherwise gentle or moderate slope may also be deep ripped and decompacted. For limited instances of moderate steepness on other projects, however, the post-construction land use and the relative alignment of the potential ripping and decompaction work in relation to the lay of the slope should be reviewed for safety and practicality. In broad construction areas predominated by moderately steep or steep slopes, the practice is generally not used.

Local Weather/Timing/Soil Moisture
Effective fracturing of compressed subsoil material from the exposed work surface, laterally and vertically down through the affected zone is achieved only when the soil material is moderately dry to moderately moist. Neither one of the two-phases, deep ripping nor decompaction (deep

subsoiling), can be effectively conducted when the soil material (subsoil or replaced topsoil) is in either a “plastic” or “liquid” state of soil consistency. Pulling the respective implements legs through the soil when it is overly moist only results in the “slicing and smearing” of the material or added “squeezing and compression” instead of the necessary fracturing. Ample drying time is needed for a “rippable” soil condition not merely in the material close to the surface, but throughout the material located down to the bottom of the physically compressed zone of the subsoil.

The “poor man’s Atterberg field test” for soil plasticity is a simple “hand-roll” method used for quick, on-site determination of whether or not the moisture level of the affected soil material is low enough for: effective deep ripping of subsoil; respreading of topsoil in a friable state; and final decompaction (deep subsoiling). Using a sample of soil material obtained from the planned bottom depth of ripping, e.g.: 20 - 24 inches below exposed subsoil surface, the sample is hand rolled between the palms down to a 1/8-inch diameter thread. (Use the same test for stored topsoil material before respreading on the site.) If the respective soil sample crumbles apart in segments no greater than 3/8 of an inch long, by the time it is rolled down to 1/8 inch diameter, it is low enough in moisture for deep ripping (or topsoil replacement), and decompaction. Conversely, as shown in Figure 5, if the rolled sample stretches out in increments greater than 3/8 of an inch long before crumbling, it is in a “plastic” state of soil consistency and is too wet for subsoil ripping (as well as topsoil replacement) and final decompaction.

Fig. 5. Augered from a depth of 19 inches below the surface of the replaced topsoil, this subsoil sample was hand rolled to a 1/8-inch diameter. The test shows the soil at this site stretches out too far without crumbling; it indicates the material is in a plastic state of consistence, too wet for final decompaction (deep subsoiling) at this time.

Design Guidance

Beyond the above-noted site factors, a vital requirement for the effective Deep Ripping and Decompaction (deep subsoiling), is implementing the practice in its distinct, two-phase process:

1) Deep rip the affected thickness of exposed subsoil material (see Figure 10 and 11), aggressively fracturing it before the protected topsoil is reapplied on the site (see Figure 12); and

2) Decompact (deep subsoil), simultaneously through the restored topsoil layer and the upper half of the affected subsoil (Figure 13). The second phase, “decompaction,” mitigates the partial recompaction which occurs during the heavy process of topsoil spreading/grading. Prior to deep ripping and decompacting the site, all construction activity, including construction equipment and material storage, site cleanup and trafficking (Figure 14), should be finished; and the site closed off to further disturbance. Likewise, once the practice is underway and the area’s soil permeability and

rainfall infiltration are being restored, a policy limiting all further traffic to permanent travel lanes is maintained.

The other critical elements, outlined below, are: using the proper implements (deep, heavy-duty rippers and subsoilers), and ample pulling-power equipment (tractors); and conducting the practice at the appropriate speed, depth and pattern(s) of movement.

Note that an appropriate plan for the separate practice of establishing a healthy perennial ground cover, with deep rooting to help maintain the restored soil structure, should be developed in advance. This may require the assistance of an agronomist or landscape horticulturist.

Implements

Avoid the use of all undersize implements. The small-to-medium, light-duty tool will, at best, only “scarify” the uppermost surface portion of the mass of compacted subsoil material. The term “chisel plow” is commonly but incorrectly applied to a broad range of implements. While a few may be adapted for the moderate subsoiling of non-impacted soils, the majority are less durable and used for only lighter land-fitting (see Figure 6).

Fig. 6. A light duty chisel implement, not adequate for either the deep ripping or decompaction (deep subsoiling) phase.

Fig. 7. One of several variations of an agricultural ripper. This unit has long, rugged shanks mounted on a steel V-frame for deep, aggressive fracturing through Phase 1.

Use a “heavy duty” agricultural-grade, deep ripper (see Figures 7,9,10 and 11) for the first phase: the lateral and vertical fracturing of the mass of exposed and compressed subsoil, down and through, to the bottom of impact, prior to the replacement of the topsoil layer. (Any oversize rocks which are uplifted to the subsoil surface during the deep ripping phase are picked and removed.) Like the heavy-duty class of implement for the first phase, the decompaction (deep subsoiling) of Phase 2 is conducted with the heavy-duty version of the deep subsoiler. More preferable is the angled-leg variety of deep subsoiler (shown in Figures 8 and 13). It minimizes the inversion of the subsoil and topsoil layers while laterally and vertically fracturing the upper half of the previously ripped subsoil layer and all of the topsoil layer by delivering a momentary, wave-like “lifting and shattering” action up through the soil layers as it is pulled.

Pulling-Power of Equipment
Use the following rule of thumb for tractor horsepower (hp) whenever deep ripping and decompacting a significantly impacted site: For both types of implement, have at least 40 hp of tractor pull available for each mounted shank/ leg.

Using the examples of a 3-shank and a 5-shank implement, the respective tractors should have 120 and 200 hp available for fracturing down to the final depth of 20-to-24 inches per phase. Final depth for the deep ripping in Phase 1 is achieved incrementally by a progressive series of passes (see Depth and Patterns of Movement, below); while for Phase 2, the full operating depth of the deep subsoiler is applied from the beginning.

The operating speed for pulling both types of implement should not exceed 2 to 3 mph. At this slow and managed rate of operating speed, maximum functional performance is sustained by the tractor and the implement performing the soil fracturing. Referring to Figure 8, the implement is the 6-leg version of the deep angled-leg subsoiler. Its two outside legs are "chained up" so that only four legs will be engaged (at the maximum depth), requiring no less than 160 hp, (rather than 240 hp) of pull. The 4-wheel drive, articulated-frame tractor in Figure 8 is 174 hp. It will be decompacting this unobstructed, former construction access area simultaneously through 11 inches of replaced topsoil and the upper 12 inches of the previously deep-ripped subsoil. In constricted areas of Phase 1) Deep Ripping, a medium-size tractor with adequate hp, such as the one in Figure 9 pulling a 3-shank deep ripper, may be more maneuverable.

Fig. 8. A deep, angled-leg subsoiler, ideal for Phase 2 decompaction of after the topsoil layer is graded on top of the ripped subsoil.

Fig. 9. This medium tractor is pulling a 3-shank deep ripper. The severely compacted construction access corridor is narrow, and the 120 hp tractor is more maneuverable for Phase 1 deep ripping (subsoil fracturing), here.

Some industrial-grade variations of ripping implements are attached to power graders and bulldozers. Although highly durable, they are generally not recommended. Typically, the shanks or "teeth" of these rippers are too short and stout; and they are mounted too far apart to achieve the well-distributed type of lateral and vertical fracturing of the soil materials necessary to restore soil permeability and infiltration. In addition, the power graders and bulldozers, as pullers, are far less maneuverable for turns and patterns than the tractor.

Depth and Patterns of Movement
As previously noted both Phase 1 Deep Ripping through significantly compressed, exposed subsoil and Phase 2 Decompaction (deep subsoiling) through the replaced topsoil and upper subsoil need to be performed at maximum capable depth of each implement. With an implement's guide wheels attached, some have a "normal" maximum operating depth of 18 inches, while others may go deeper. In many situations, however, the tractor/implement operator must first remove the guide wheels and other non essential elements from the implement. This adapts the ripper or the deep subsoiler for skillful pulling with its frame only a few inches above surface, while the shanks or legs, fracture the soil material 20-to-24 inches deep.

There may be construction sites where the depth of the exposed subsoil's compression is moderate, e.g.: 12 inches, rather than deep. This can be verified by using a ¾ inch cone penetrometer and a shovel to test the subsoil for its level of compaction, incrementally, every three inches of increasing depth. Once the full thickness of the subsoil's compacted zone is finally "pieced" and there is a significant drop in the psi measurements of the soil penetrometer, the depth/thickness of compaction is determined. This is repeated at several representative locations of the construction site. If the thickness of the site's subsoil compaction is verified as, for example, ten inches, then the Phase 1 Deep Ripping can be correspondingly reduced to the implement's minimum operable depth of 12 inches. However, the Phase 2 simultaneous Decompation (subsoiling) of an 11 inch thick layer of replaced topsoil and the upper subsoil should run at the subsoiling implements full operating depth.

Fig. 10. An early pass with a 3-shank deep ripper penetrating only 8 inches into this worksite's severely compressed subsoil.

Fig. 11. A repeat run of the 3-shank ripper along the same patterned pass area as Fig. 9; here, incrementally reaching 18 of the needed 22 inches of subsoil fracture.

Typically, three separate series (patterns) are used for both the Phase 1 Deep Ripping and the Phase 2 Decompaction on significantly compacted sites. For Phase 1, each series begins with a moderate depth of rip and, by repeat-pass, continues until full depth is reached. Phase 2 applies the full depth of Decompation (subsoiling), from the beginning.

Every separate series (pattern) consists of parallel, forward-and-return runs, with each progressive

pass of the implement's legs or shanks evenly staggered between those from the previous pass. This compensates for the shank or leg-spacing on the implement, e.g., with 24-to-30 inches between each shank or leg. The staggered return pass ensures lateral and vertical fracturing actuated every 12 to 15 inches across the densely compressed soil mass.

Large, Unobstructed Areas
For larger easy areas, use the standard patterns of movement:

- The first series (pattern) of passes is applied lengthwise, parallel with the longest spread of the site; gradually progressing across the site's width, with each successive pass.

- The second series runs obliquely, crossing the first series at an angle of about 45 degrees.

- The third series runs at right angle (or 90 degrees), to the first series to complete the fracturing and shattering on severely compacted sites, and avoid leaving large unbroken blocks of compressed soil material. (In certain instances, the third series may be optional, depending on how thoroughly the first two series loosen the material and eliminate large chunks/blocks of material as verified by tests with a ¾-inch cone penetrometer.)

Fig. 12. Moderately dry topsoil is being replaced on the affected site now that Phase 1 deep ripping of the compressed subsoil is complete.

Fig. 13. The same deep, angled-leg subsoiler shown in Fig. 7 is engaged at maximum depth for Phase 2, decompaction (deep soiling), of the replaced topsoil and the upper subsoil materials.

Corridors
In long corridors of limited width and less maneuverability than larger sites, e.g.: along compacted areas used as temporary construction access, a modified series of pattern passes are used.

- First, apply the same initial lengthwise, parallel series of passes described above.

- A second series of passes makes a broad "S" shaped pattern of rips, continually and gradually alternating the "S" curves between opposite edges inside the compacted corridor.

- The third and final series again uses the broad, alternating S pattern, but it is "flip-flopped" to continually cross the previous S pattern along the corridor's centerline. This final series of the S pattern curves back along the edge areas skipped by the second series.

Maintenance and Cost

Once the two-phase practice of Deep Ripping and Decompation is completed, two items are essential for maintaining a site's soil porosity and permeability for infiltration. They are: planting and maintaining the appropriate ground cover with deep roots to maintain the soil structure (see Figure 15); and keeping the site free of traffic or other weight loads.

Note that site-specific choice of an appropriate vegetative ground-cover seed mix, including the proper seeding ratio of one or more perennial species with a deep taproot system and the proper amount of lime and soil nutrients (fertilizer mix) adapted to the soil-needs, are basic to the final practice of landscaping, i.e: surface tillage, seeding/planting/fertilizing and culti-packing or mulching is applied. The "maintenance" of an effectively deep-ripped and decompacted area is generally limited to the successful perennial (long-term) landscape ground cover; as long as no weight-bearing force of soil compaction is applied.

Fig. 14. The severely compacted soil of a temporary construction yard used daily by heavy equipment for four months; shown before deep ripping, topsoil replacement, and decompaction.

Fig. 15. The same site as Fig. 14 after deep ripping of the exposed subsoil, topsoil replacement, decompaction through the topsoil and upper subsoil and final surface tillage and revegetation to maintain soil permeability and infiltration.

The Deep Ripping and Decompaction practice is, by necessity, more extensive than periodic subsoiling of farmland.The cost of deep ripping and decompacting (deep subsoiling), will vary according to the depth and severity of soil-material compression and the relative amount of tractor and implement time that is required. In some instances, depending on open maneuverability, two-to-three acres of compacted project area may be deep-ripped in one day. In other situations of more severe compaction and - or less maneuverability, as little as one acre may be fully ripped in a day. Generally, if the Phase 1) Deep Ripping is fully effective, the Phase 2) Decompaction should be completed in 2/3 to 3/4 of the time required for Phase 1.

Using the example of two acres of Phase 1) Deep Ripping in one day, at $1800 per day, the net cost is $900 per acre. If the Phase 2) Decompacting or deep subsoiling takes 3/4 the time as Phase 1, it costs $675 per acre for a combined total of $1575 per acre to complete the practice (these figures do not include the cost of the separate practice of topsoil stripping and replacement). Due to the many variables, it must be recognized that cost will be determined by the specific conditions or constraints of the site and the availability of proper equipment.

Resources

Publications:

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- Plaster, E.J. 1992. *Soil Science & Management. 3rd ed.* Delmar Publishers.
- Union Gas Limited, Ontario, Canada. 1984. *Rehabilitation of Agricultural Lands, Dawn-Kerwood Loop Pipeline; Technical Report.* Ecological Services for Planning, Ltd.; Robinson, Merritt & Devries, Ltd. and Smith, Hoffman Associates, Ltd.
- US Department of Agriculture in cooperation with Cornell University Agricultural Experiment Station. Various years. *Soil Survey of (various names) County, New York.* USDA.

Internet Access:

- Examples of implements:

V-Rippers. Access by internet search of *John Deere Ag -New Equipment for 915* (larger-frame model) *V-Rippe*; and, *for 913* (smaller-frame model) *V-Ripper*. Deep, angled-leg subsoiler. Access by internet search of: B*igham Brothers Shear Bolt Paratill-Subsoiler.* http://salesmanual.deere.com/sales/salesmanual/en_NA/primary_tillage/2008/feature/rippers/915v_pattern_frame.html?sbu=ag&link=prodcat Last visited March 08.

- Soils data of USDA Natural Resources Conservation Service. *NRCS Web Soil Survey.* http://websoilsurvey.nrcs.usda.gov/app/ and *USDA-NRCS Official Soil Series Descriptions; View by Name.* http://ortho.ftw.nrcs.usda.gov/cgi-bin/osd/osdname.cgi . *Last visited Jan. 08.*
- Soil penetrometer information. Access by internet searches of: *Diagnosing Soil Compaction using a Penetrometer (soil compaction tester), PSU Extension;* as well as *Dickey-john Soil Compaction Tester.* http://www.dickey-johnproducts.com/pdf/SoilCompactionTest.pdf and http://cropsoil.psu.edu/Extension/Facts/uc178pdf Last visited Sept. 07

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Appendix F:
Post-Construction Inspections and Maintenance

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POST CONSTRUCTION INSPECTIONS AND MAINTENANCE

1. SITE COVER

a. Inspections

Site cover and associated structures and embankments should be inspected periodically for the first few months following construction and then on a biannual basis. Site inspections should also be performed following all major (i.e., intense storms, thunder storms, cloud burst, etc.) storm events. Items to check for include (but are not limited to):

i. Differential settlement of embankments, cracking or erosion.

ii. Lack of vigor and density of grass turf.

iii. Accumulation of sediments or litter on lawn areas, paved areas, or within catch basin sumps.

iv. Accumulation of pollutants, including oils or grease, in catch basin sumps.

v. Damage or fatigue of storm sewer structures or associated components.

b. Mowing and Sweeping

Vegetated areas and landscaping should be maintained to promote vigorous and dense growth. Lawn areas should be mowed at least three times a year (more frequent mowing may be desired for aesthetic reasons). Resultant yard waste shall be collected and disposed of off-site.

Paved areas should be swept at least twice a year. Additional sweeping may be appropriate in the early spring for removal of deicing materials

c. Debris and Litter Removal

Accumulation of litter and debris should be removed during each mowing or sweep operation.

d. Structural Repair or Replacement

Components of the system which require repair or replacement should be addressed immediately following identification.

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Components of the system which require repair or replacement should be addressed immediately following identification.

2. LEVEL SPREADERS

a. Inspection

Level spreaders should be inspected periodically for the first few months after construction and then on an annual basis. Level spreaders should also be inspected after major storm events to verify that they are functioning correctly. Items to check for include (but are not limited to):

i. Checking the level of the spreader lip for erosion, undesirable tree and shrub growth, and the presence of burrowing animals.

ii. Evidence of erosion and formation of rills or gullies along swale and transition section side slopes.

iii. Health and vigor of vegetation surrounding and downstream of its discharge.

iv. Accumulation of sediment.

v. Ensure grass and erosion control matting are well established.

vi. Ensure contributing areas are maintained to minimize sediment entry into spreader.

b. Mowing

Vegetation surrounding the level spreader should be mowed occasionally to control weeds and encroachment of woody vegetation. Fertilization should be done as necessary to keep the vegetation surrounding the level spreader healthy and dense.

c. Structural Repairs and Replacement

If rilling has taken place surrounding the level spreader, the damage should be repaired and the area re-vegetated. If there is erosion near the ends of the level spreader, indicating stormwater has bypassed the lip, the soil shall be regraded to an elevation that is higher than the level spreader lip. Areas disturbed should be re-seeded, mulched, and watered until vegetation is well established. Provide lime and a one-time fertilizer application.

d. Sediment Removal

Sediment should be removed from behind the level spreader lip and from inside the diversion structure on an annual basis, or as necessary to ensure the continued effectiveness of the practice.

Regular Inspection and Maintenance Guidance for Porous Pavements

Regular inspection and maintenance is critical to the effective operation of porous pavement. It is the responsibility of the owner to maintain the pavement in accordance with the minimum design standards. This page provides guidance on maintenance activities that are typically required for these systems, along with the suggested frequency for each activity. Individual systems may have more, or less, frequent maintenance needs, depending on a variety of factors including the occurrence of large storm events, seasonal changes, and traffic conditions.

Inspection Activities

Visual inspections are an integral part of system maintenance. This includes monitoring pavement to ensure water drainage, debris accumulation, and surface deterioration.

ACTIVITY	FREQUENCY
Check for standing water on the surface of the pavement after a precipitation event. If standing water remains within 30 minutes after rainfall had ended, cleaning of porous pavement is recommended.	2 to 4 times per year, more frequently for high use sites or sites with higher potential for run-on
Vacuum sweeper shall be used regularly to remove sediment and organic debris on the pavement surface. The sweeper may be fitted with water jets.	
Pavement vacuuming should occur during spring cleanup following the last snow event to remove accumulated debris, at minimum.	
Pavement vacuuming should occur during fall cleanup to remove dead leaves, at minimum.	
Power washing can be an effective tool for cleaning clogged areas. This should occur at mid pressure typically less than 500 psi and at an angle of 30 degrees or less.	
Check for debris accumulating on pavement, especially debris buildup in winter. For loose debris, a power/leaf blower or gutter broom can be used to remove leaves and trash.	
Check for damage to porous pavements from non-design loads. Damaged areas may be repaired by use of infrared heating and rerolling of pavement. Typical costs may be 2,000/ day for approximately 500 ft of trench.	

Maintenance Activities

Routine preventative cleaning is more effective than corrective cleaning.

Activity	Frequency
Controlling run-on and debris tracking is key to extending the life of porous surfaces. Erosion and sedimentation control of adjacent areas is crucial. Vacuuming adjacent non porous asphalt can be effective at minimizing run-on.	Whenever vacuuming adjacent porous pavements
Repairs may be needed from cuts of utilities. Repairs can be made using standard (non-porous) asphalt for most damages. Repairs using standard asphalt should not exceed 15% of total area.	As needed
Do not store materials such as sand/salt, mulch, soil, yard waste, and other stock piles on porous surfaces.	
Stockpiled snow areas on porous pavements will require additional maintenance and vacuuming. Stockpiling on snow on porous pavements is not recommended and will lead to premature clogging.	
Damage can occur to porous pavement from non-design loads. Precautions such as clearance bars, signage, tight turning radius, high curbs, and video surveillance may be required where there is a risk off non-design loads.	
Posting of signage is recommended indicating presence of porous pavement. Signage should display limitation of design load (i.e. passenger vehicles only, light truck traffic, etc. as per pavement durability rating.)	

2/2011, University of New Hampshire Stormwater Center

CHECKLIST FOR INSPECTION OF POROUS PAVEMENTS

Location: Inspector:
Date: Time: Site Conditions:
Date Since Last Rain Event:

Inspection Items	Satisfactory (S) or Unsatisfactory (U)		Comments/Corrective Action
1. Salt / Deicing *Note complete winter maintenance guidance is available at UNHSC			
Use salt only for ice management	S	U	
Piles of accumulated salt removed in spring	S	U	
2. Debris Cleanup (2-4 times a year minimum, Spring & Fall)			
Clean porous pavement to remove sediment and organic debris on the pavement surface via vacuum street sweeper.	S	U	
Adjacent non porous pavement vacuumed	S	U	
Clean catch basins (if available)	S	U	
3. Controlling Run-On (2-4 times a year)			
Adjacent vegetated areas show no signs of erosion and run-on to porous pavement	S	U	
4. Outlet / Catch Basin Inspection (if available) (2 times a year, After large storm events)			
No evidence of blockage	S	U	
Good condition, no need for cleaning/repair	S	U	
5. Poorly Drained Pavement (2-4 times a year)			
Pavement has been pressure washed and vacuumed	S	U	
6. Pavement Condition (2-4 times a year minimum, Spring & Fall)			
No evidence of deterioration	S	U	
No cuts from utilities visible	S	U	
No evidence of improper design load applied	S	U	
7. Signage / Stockpiling (As Needed)			
Proper signage posted indicating usage for traffic load	S	U	
No stockpiling of materials and no seal coating	S	U	

Corrective Action Needed	Due Date
1.	
2.	
3.	

2/2011, University of New Hampshire Stormwater Center

Appendix G:
Figures

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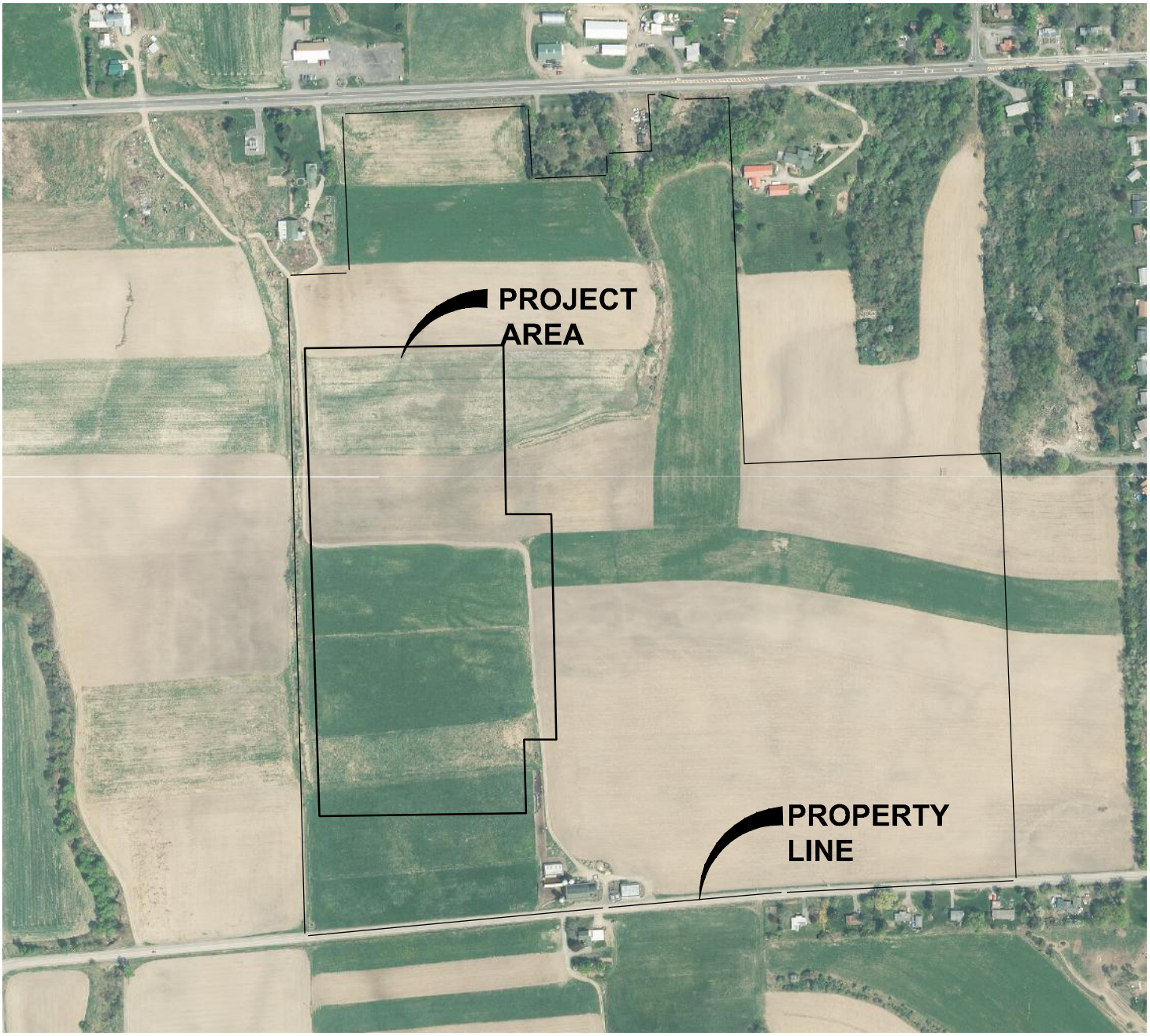

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547 River Street Troy, NY 12180
Phone: (518) 273-0055

North Country Office:
375 Bay Road Queensbury, NY 12804
Phone: (518) 812-0513

DRYDEN ROAD SOLAR FARM

SITE LOCATION MAP

TOWN OF DRYDEN, TOMPKINS COUNTY, NEW YORK

drawn KK	checked
date 10/30/17	scale 1"=500'
project no. 81622.20	
sheet no. **FIG 1**	

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS PLAN OR ANY PORTION, THEREOF IS PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE DESIGN ENGINEER, SURVEYOR, OR ARCHITECT.

Drawing Name: Z:\projects\81600-81699\81622.20 DRS Dryden Road\DWG\100_FIG1_81622-20_LOCATION.dwg Date Printed: Oct 30, 2017, 4:34pm

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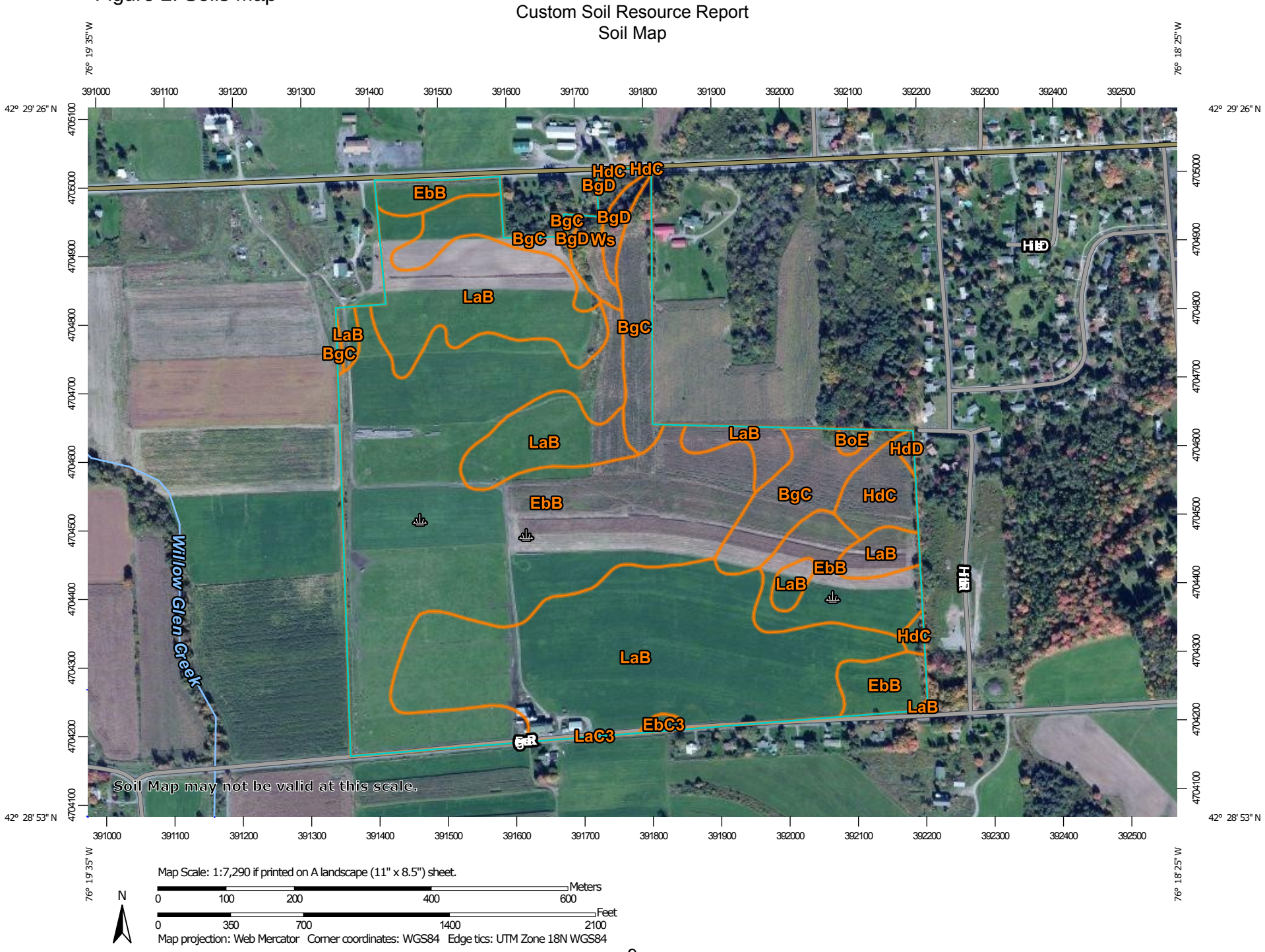
Figure 2: Soils Map



MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Tompkins County, New York
Survey Area Data: Version 11, Sep 24, 2016

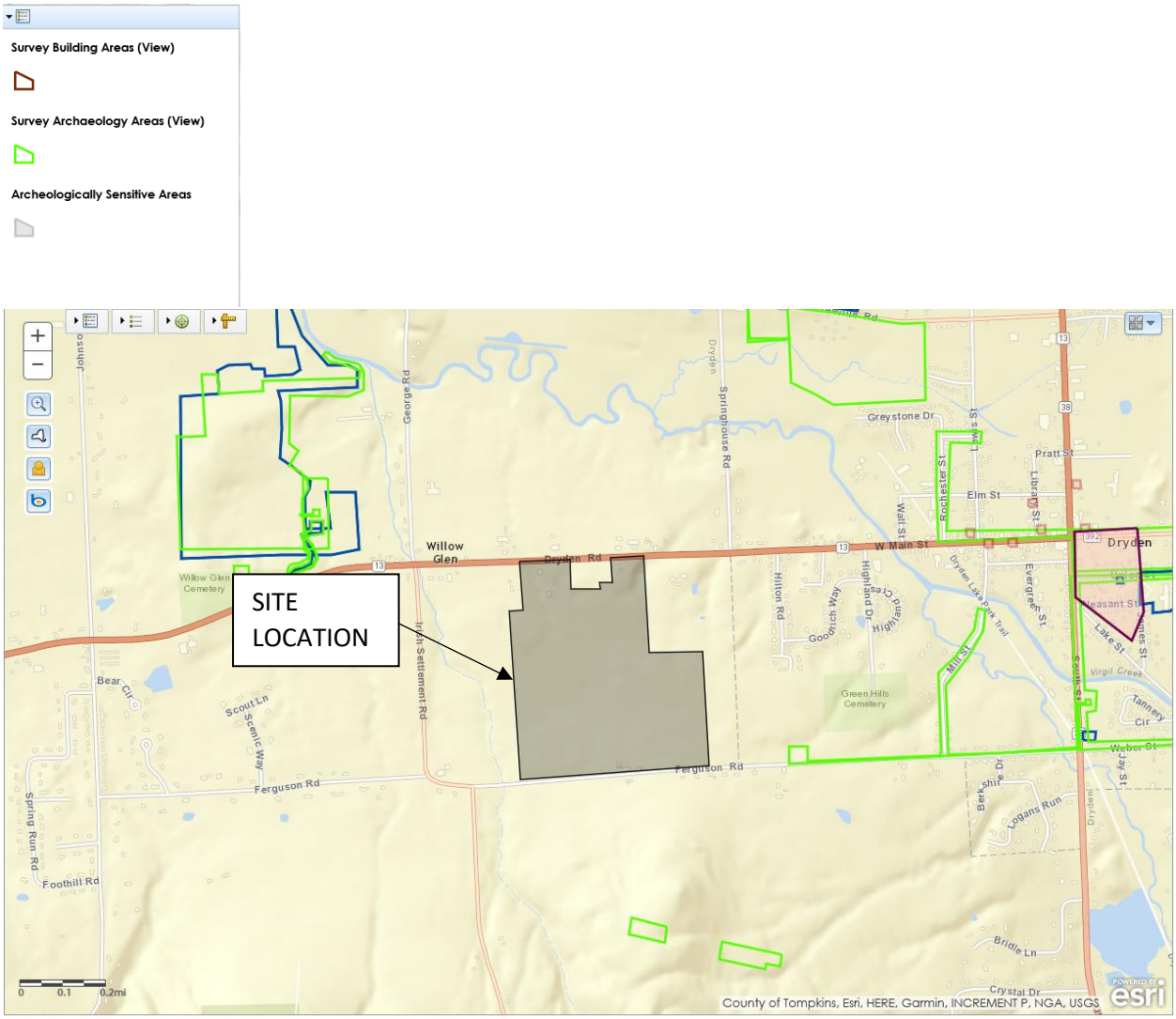
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 2, 2010—Oct 8, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Appendix G

Figure 3: Historic Places Screening Map



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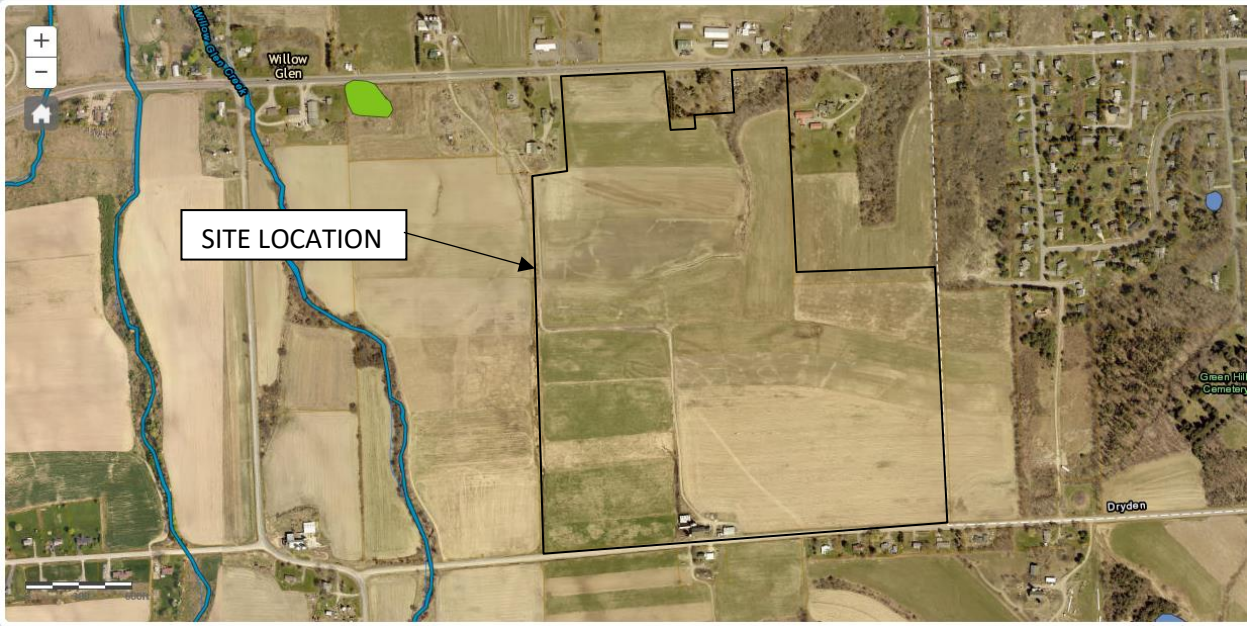
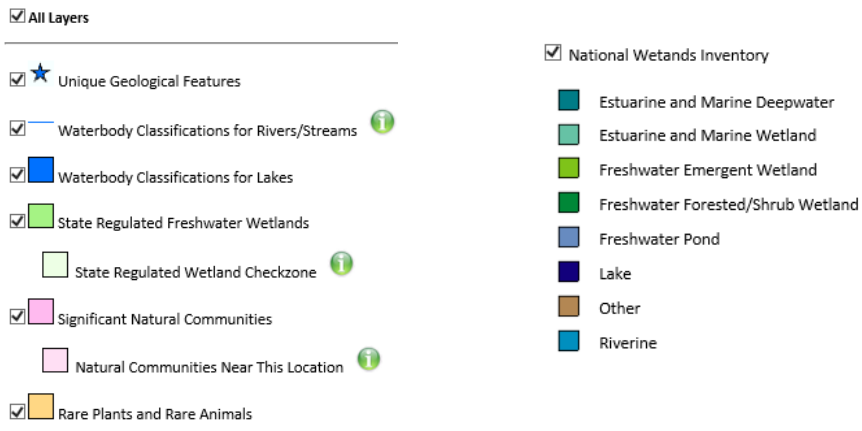
Appendix G

Figure 4: Environmental Resource Mapper





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Appendix H:
Chazen Certifying Professionals Letter

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

April 7, 2016

To Whom it May Concern:

In accordance with the NYSDEC SPDES General Permit GP-0-15-002, part VII.H.2, the New York State licensed Professional Engineers employed by The Chazen Companies and listed on the attachment to this letter are duly authorized to sign and seal Stormwater Pollution Prevention Plans (SWPPPs), NOIs, and NOTs prepared under their direct supervision.

Sincerely,

Mark Kastner, P.E.
President

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www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

Chazen Professional Engineers duly authorized to sign and seal SWPPPs, NOIs, and NOTs:

Name:	Position:	Signature:	Date:
Richard Chazen, P.E.	Senior Principal		9/23/13
Daniel Stone, P.E.	Senior Principal		9/25/13
Joseph Lanaro, P.E.	Vice President of Engineering		9/18/13
James Connors, P.E.	Senior Director		9/18/13
Chris Lapine, P.E.	Director		9/23/13
Roger Keating, P.E.	Director		9/18/13
Peter Romano, P.E.	Director		9/18/13
Walter Kubow, P.E.	Senior Project Manager		9/18/13
Eric Johnson, P.E.	Director		9/18/13
George Cronk, P.E.	Project Manager		9/23/13
Sean Doty, P.E.	Manager		4/6/2016
Michael Flanagan, P.E.	Project Manager		4/6/16

Appendix I:
Ecological Information

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IPaC **U.S. Fish & Wildlife Service**

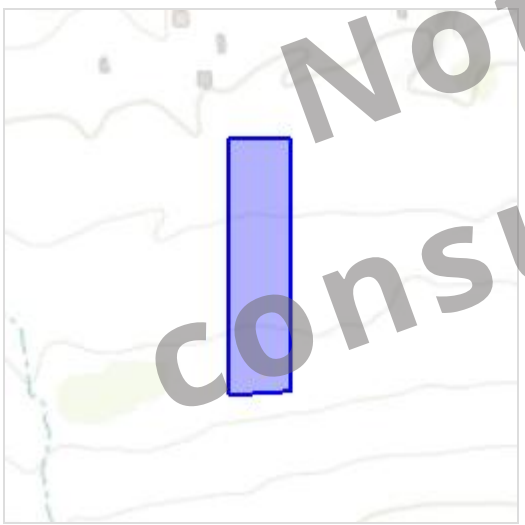
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Tompkins County, New York



Not for consultation

Local office

New York Ecological Services Field Office

(607) 753-9334
(607) 753-9699

3817 Luker Road
Cortland, NY 13045-9349

http://www.fws.gov/northeast/nyfo/es/section7.htm

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

Not for consultation

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species

[1] are managed by the Endangered Species Program of the U.S. Fish and Wildlife Service.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Northern Long-eared Bat Myotis septentrionalis No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Not for consultation

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

[1] and the Bald and Golden Eagle Protection Act[2].

Any activity that results in the take (to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service

[3]. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Conservation measures for birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Year-round bird occurrence data http://www.birdscanada.org/birdmon/default/datasummaries.jsp

The migratory birds species listed below are species of particular conservation concern (e.g. Birds of Conservation Concern) that may be potentially affected by activities in this location. It is not a list of every bird species you may find in this location, nor a guarantee that all of the bird species on this list will be found on or near this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the AKN Histogram Tools and Other Bird Data Resources. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Not for consultation

NAME	SEASON(S)
American Bittern Botaurus lentiginosus https://ecos.fws.gov/ecp/species/6582	Breeding
Bald Eagle Haliaeetus leucocephalus https://ecos.fws.gov/ecp/species/1626	Year-round
Black-billed Cuckoo Coccyzus erythropthalmus https://ecos.fws.gov/ecp/species/9399	Breeding

Blue-winged Warbler *Vermivora pinus*	Breeding
Canada Warbler *Wilsonia canadensis*	Breeding
Cerulean Warbler *Dendroica cerulea* https://ecos.fws.gov/ecp/species/2974	Breeding
Golden-winged Warbler *Vermivora chrysoptera* https://ecos.fws.gov/ecp/species/8745	Breeding
Least Bittern *Ixobrychus exilis* https://ecos.fws.gov/ecp/species/6175	Breeding
Louisiana Waterthrush *Parkesia motacilla*	Breeding
Olive-sided Flycatcher *Contopus cooperi* https://ecos.fws.gov/ecp/species/3914	Breeding
Peregrine Falcon *Falco peregrinus* https://ecos.fws.gov/ecp/species/8831	Breeding
Pied-billed Grebe *Podilymbus podiceps*	Breeding
Prairie Warbler *Dendroica discolor*	Breeding
Red-headed Woodpecker *Melanerpes erythrocephalus*	Breeding
Short-eared Owl *Asio flammeus* https://ecos.fws.gov/ecp/species/9295	Wintering
Willow Flycatcher *Empidonax traillii* https://ecos.fws.gov/ecp/species/3482	Breeding
Wood Thrush *Hylocichla mustelina*	Breeding

Not for consultation

What does IPaC use to generate the list of migratory bird species potentially occurring in my specified location?

Landbirds:

Migratory birds that are displayed on the IPaC species list are based on ranges in the latest edition of the National Geographic Guide, Birds of North America (6th Edition, 2011 by Jon L. Dunn, and Jonathan Alderfer). Although these ranges are coarse in nature, a number of U.S. Fish and Wildlife Service migratory bird biologists agree that these maps are some of the best range maps to date. These ranges were clipped to a specific Bird Conservation Region (BCR) or USFWS Region/Regions, if it was indicated in the 2008 list of Birds of Conservation Concern (BCC) that a species was a BCC species only in a particular Region/Regions. Additional modifications have been made to some ranges based on more local or refined range information and/or information provided by U.S. Fish and Wildlife Service biologists with species expertise. All migratory birds that show in areas on land in IPaC are those that appear in the 2008 Birds of Conservation Concern report.

Atlantic Seabirds:

Ranges in IPaC for birds off the Atlantic coast are derived from species distribution models developed by the National Oceanic and Atmospheric Association (NOAA) National Centers for Coastal Ocean Science (NCCOS) using the best available seabird survey data for the offshore Atlantic Coastal region to date. NOAANCCOS assisted USFWS in developing seasonal species ranges from their models for specific use in IPaC. Some of these birds are not BCC species but were of interest for inclusion because they may occur in high abundance off the coast at different times throughout the year, which potentially makes them more susceptible to certain types of development and activities taking place in that area. For more refined details about the abundance and richness of bird species within your project area off the Atlantic Coast, see the Northeast Ocean Data Portal. The Portal also offers data and information about other types of taxa that may be helpful in your project review.

About the NOAANCCOS models: the models were developed as part of the NOAANCCOS project: Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf. The models resulting from this project are being used in a number of decision-support/mapping products in order to help guide decision-making on activities off the Atlantic Coast with the goal of reducing impacts to migratory birds. One such product is the Northeast Ocean Data Portal, which can be used to explore details about the relative occurrence and abundance of bird species in a particular area off the Atlantic Coast.

All migratory bird range maps within IPaC are continuously being updated as new and better information becomes available.

Not for consultation

Can I get additional information about the levels of occurrence in my project area of specific birds or groups of birds listed in IPaC?

Landbirds:

The Avian Knowledge Network (AKN) provides a tool currently called the "Histogram Tool", which draws from the data within the AKN (latest,survey, point count, citizen science datasets) to create a view of relative abundance of species within a particular location over the course of the year. The results of the tool depict the frequency of detection of a species in survey events, averaged between multiple datasets within AKN in a particular week of the year. You may access the histogram tools through the Migratory Bird Programs AKN Histogram Tools webpage.

The tool is currently available for 4 regions (California, Northeast U.S., Southeast U.S. and Midwest), which encompasses the following 32 states: Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North, Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

In the near future, there are plans to expand this tool nationwide within the AKN, and allow the graphs produced to appear with the list of trust resources generated by IPaC, providing you with an additional level of detail about the level of occurrence of the species of particular concern potentially occurring in your project area throughout the course of the year.

Atlantic Seabirds:

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAANCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Not for consultation

Facilities

Wildlife refuges

Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGES AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Not for consultation

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Not for consultation