

ATTACHMENT 2

STORMWATER POLLUTION PREVENTION PLAN

COMPONENTS AND ADDITIONAL INFORMATION

Conceptual Sediment Basin Spacing Calculations

To protect water resources and reduce off-site transport of soil, temporary sediment basins may be utilized. The temporary basins will be shallow depression type that will allow runoff water to enter the basins and be detained in order to settle out the eroded soil from the runoff water. Basin sizing was estimated by use of the universal soil loss equation in accordance with the draft manual for Urban Stormwater Management (Blue Book), 2005. Conceptually, the basin size will be the same everywhere and the frequency or number of basins will be adjusted to account for the highly erodible soils areas.

Sediment Basin Spacing

The revised universal soil loss equation (RUSLE) was used to approximate the spacing of the sediment basins on the proposed 46 kV line. The RUSLE equation approximated the soil loss from erosion in tons per acre per year. This soil loss was converted to cubic yards of soil loss per linear foot of ROW per year (assuming a 75' wide ROW). The value 14.82 cubic yards (based on basin size of 20' x 20' x 1') was divided by the cubic yards of soil loss per linear foot of ROW per year to approximate how far apart the sediment basins should be spaced. This conceptual spacing is based upon 1 year of soil loss, while construction phasing segments of earthmoving for the Project is expected to be completed within 3 to 4 months. This Project will also utilize water bars that drain to either a settling basin or a level spreader. In some cases, these water bars will be able to take some of the sediment load that the sediment basins are designed for and replace them. Therefore, the conceptual sediment basin spacing is an over-estimate of the actual need for sediment basins on the Project.

The Revised Universal Soil Loss Equation (RUSLE) was utilized for the estimation of soil erosion that would occur to approximate the spacing of the sediment basins along the construction corridor. The RUSLE equation is as follows:

$$A = R \times K \times LS \times C \times P \quad \text{where}$$

A = Annual soil loss (tons/acre/year)

R = Rainfall factor derived from probability statistics by analyzing rainfall records of individual storms. These values were selected from an isoerodent map of Eastern US (pg. 4-41 "Designing for Effective Sediment and Erosion Control on Construction Sites", Jerald Fifield, 2001.)

K = Soil erodibility factor (tons/acre) per (100 ft tons in./ac. h) for a specific soil in continuous fallow condition on a 9% slope having a length of 22.1m (72.6 ft). These values were selected from Soil Erodibility Nomograph (Pg. 4-46 "Designing for Effective Sediment and Erosion Control on Construction Sites", Jerald Fifield, 2001), "Draft New York Standards and Specifications for Erosion and Sediment Control," date and <http://www.dec.state.ny.us/website/dow/toolbox/escstandards/index.html>

LS = Topographic factor ratio. The numerical representation of the length and slope steepness. It is the ratio of soil loss from a specific site to that from a unit site having the same soil and slope but with a length of 22.1m (72.6 ft). These values were selected from Values for Topographic Factor LS, for Freshly Prepared Construction and Other Highly Disturbed Soil Conditions With No to Little Cover (Table 3, Pg. 4-48 “Designing for Effective Sediment and Erosion Control on Construction Sites”, Jerald Fifield, 2001.)

C = Cover factor. The ratio of soil loss from an area with specified cover to that from the same area but under bare soil conditions. These values were selected from C-Factor and P-Factor Values For Construction Sites Rainfall BMPs (Graph 4-3, (Pg. 4-9 “Designing for Effective Sediment and Erosion Control on Construction Sites”, Jerald Fifield, 2001.)

P = Management practice factor. The ratio of soil loss with a given surface condition to soil loss from a hill where plowing is perpendicular to the contours. These values were selected from C-Factor and P-Factor Values For Construction Sites Rainfall BMPs (Table 4-4, Pg. 4-9 “Designing for Effective Sediment and Erosion Control on Construction Sites”, Jerald Fifield, 2001.)

The tons per acre per year value of soil erosion (A) is converted to cubic yards of soil per acre per year by multiplying by 0.4775. This calculation assumes a soil bulk density of 1.9 g/cm^3 . The cubic yards of soil per linear foot of ROW per year is calculated by dividing the cubic yards of soil per acre per year by $43,560 \text{ ft}^2/\text{acre}$, and then multiplying by 75' (ROW width). The maximum distance (ft) basins should be spaced is calculated by dividing 14.82 cubic yards (basin volume assumes a basin size of $20' \times 20' \times 1'$) by the cubic yards of soil per linear foot of ROW per year. This gives an approximate spacing for the sediment basins along the ROW for the specific soil series and specific slope. See **Table A2-1, “Sediment Basin Spacing.”** **Table A2-1** shows the maximum distance apart that basins should be spaced, based on the soil type and RUSLE equation.

Table A2-1. Sediment Basin Spacing.

Soil Type	slope	R	K	LS	C	P	A (tons/acre/ year)	A (cu yards soil/acre/year)	cubic yards of soil per linear foot of ROW per year	max distance (ft) basins should be spaced
Dawson	0-2	80	0.2	0.43	0.4	1	2.75	1.31	0.002	6550.18
Loxley	0-2	80	0.3	0.43	0.4	1	4.13	1.97	0.003	4366.78
Adams	0-3	80	0.2	0.69	0.4	1	4.42	2.11	0.004	4081.99
	3-9	80	0.2	2.6	0.4	1	16.64	7.95	0.014	1083.30
	9-15	80	0.2	5.7	0.4	1	36.48	17.42	0.030	494.14
	15-25	80	0.2	10.81	0.4	1	69.18	33.04	0.057	260.55
	25-35	80	0.2	15.5	0.4	1	99.20	47.37	0.082	181.71
Naumberg	0-8	80	0.2	2.24	0.4	1	14.34	6.85	0.012	1257.40
Colton	0-3	80	0.17	0.69	0.4	1	3.75	1.79	0.003	4802.35
	3-9	80	0.17	2.6	0.4	1	14.14	6.75	0.012	1274.47
	9-15	80	0.17	5.7	0.4	1	31.01	14.81	0.025	581.34
	15-25	80	0.17	10.81	0.4	1	58.81	28.08	0.048	306.53
	25-35	80	0.17	15.5	0.4	1	84.32	40.26	0.069	213.78
Berkshire	3-9	80	0.2	2.6	0.4	1	16.64	7.95	0.014	1083.30
	9-15	80	0.2	5.7	0.4	1	36.48	17.42	0.030	494.14
Adirondack	0-8	80	0.27	2.24	0.4	1	19.35	9.24	0.016	931.41
Potsdam	3-9	80	0.25	2.6	0.4	1	20.80	9.93	0.017	866.64
	9-15	80	0.25	5.7	0.4	1	45.60	21.77	0.037	395.31
	15-25	80	0.25	10.81	0.4	1	86.48	41.29	0.071	208.44
	25-35	80	0.25	15.5	0.4	1	124.00	59.21	0.102	145.37
Crary	3-9	80	0.4	2.6	0.4	1	33.28	15.89	0.027	541.65
	9-15	80	0.4	5.7	0.4	1	72.96	34.84	0.060	247.07
Tunbridge	0-8	80	0.4	2.24	0.4	1	28.67	13.69	0.024	628.70
	3-9	80	0.4	2.6	0.4	1	33.28	15.89	0.027	541.65
	9-15	80	0.4	5.7	0.4	1	72.96	34.84	0.060	247.07
	15-25	80	0.4	10.81	0.4	1	138.37	66.07	0.114	130.28
	25-35	80	0.4	15.5	0.4	1	198.40	94.74	0.163	90.86
Becket	9-15	80	0.2	5.7	0.4	1	36.48	17.42	0.030	494.14
	15-25	80	0.2	10.81	0.4	1	69.18	33.04	0.057	260.55
	25-35	80	0.2	15.5	0.4	1	99.20	47.37	0.082	181.71
Lyman	9-15	80	0.3	5.7	0.4	1	54.72	26.13	0.045	329.42
	15-25	80	0.3	10.81	0.4	1	103.78	49.55	0.085	173.70
	25-35	80	0.3	15.5	0.4	1	148.80	71.05	0.122	121.14
Pillsbury	0-3	80	0.3	0.69	0.4	1	6.62	3.16	0.005	2721.33
	3-9	80	0.3	2.6	0.4	1	24.96	11.92	0.021	722.20
Lyme	0-3	80	0.23	0.69	0.4	1	5.08	2.42	0.004	3549.56
	3-9	80	0.23	2.6	0.4	1	19.14	9.14	0.016	942.00
Skerry	3-9	80	0.2	2.6	0.4	1	16.64	7.95	0.014	1083.30
	9-15	80	0.2	5.7	0.4	1	36.48	17.42	0.030	494.14
	15-25	80	0.2	10.81	0.4	1	69.18	33.04	0.057	260.55

Table A2-1. Sediment Basin Spacing. Cont'd.

Assuming soil bulk density of 1.9 g/cm³

R value selected from Figure 4-41

K value selected from Figure Page 4-46/ and from DEC website

LS selected from table 3 Pg 4-48. assuming ~200' slope length

C value selected from Graph 4-3. assuming 5% weed cover

P selected from Table 4-4 Page 4-9 assuming a moderate to low level of sediment containment

14.82 cubic yards is amount of sediment that a 20'x20'x1' size basin can handle

** Data collected from Designing for Effective Sediment and Erosion Control on Construction Sites, by Jerald S. Fifield, Ph.D., CPESC. Forester Press 2001 and DEC website "Draft New York Standards and Specifications for Sediment and Erosion Control"

<http://www.dec.state.ny.us/website/dow/toolbox/esestandards/index.html>

Temporary sediment basins will be required at the toe of steep slopes and prior to the entry of the water resource buffer areas. Water resource buffer areas will be setbacks 50'-100' from the regulated areas. The distance is variable since land adjacent to the regulated areas may not be suitable for construction of the basin. Water bars will be used to avoid long erosion pathways.

Soil Types

The Tri-Lakes Reliability Project soil series listed on the St. Lawrence Soil Survey and found onsite are shown below. A variety of soil orders including spodosols, entisols, inceptisols, and histisols are found within the proposed Project boundaries. These soil series have formed from parent materials such as glacial till, glacial outwash and fluvial deposits so textural families are coarse (coarse loamy, sandy skeletal, sandy, etc.). Soil series associated with uplands and found higher up on the landscape are Adams, Naumburg, Colton, Berkshire, Potsdam, Becket, Crary, Tunbridge, Lyman, Lyme and Skerry, while the Dawson, Loxley, Adirondack, Pillsbury, and Fluvaquents series are associated with wetter areas and are typically found in the lower landscape positions such as drainageways and floodplains. The variation of the slope between all of the soils is from 0 percent to 75 percent.

Soil erosion is a function of soil texture, vegetative cover and slope. Finer textured soils tend to be more erodible than more coarse textured soils. Soils that occur only on nearly level slope may have soil textures that are highly erodible, but because the soils are nearly level the erosion hazard is very low while the erodibility may be relatively high.

Location of the soil series are shown on the EWP Maps, included as part of Attachment 1 of this document. Most of the mapping units shown on the NRCS Soil Survey Map and the EWP Maps are represented as complexes, or groupings of multiple soil series. These complexes have characteristics similar to the soil series named in the complex. Listed below are all of the individual soil series found in the complexes mapped within the Project boundaries.

Dawson Soil Series (Sandy or sandy-skeletal, mixed, dysic, frigid Terric Haplosaprists): The Dawson Series consists of very deep, very poorly drained soils formed in herbaceous organic material 16 to 51 inches thick over sandy deposits in depressions on outwash plains, lake plains or flood plains. Permeability is moderately slow to moderately rapid in the organic layers and rapid in the sandy material. Slopes range from 0 to 2 percent and the depth to bedrock is >60

inches. Dawson is listed as a hydric soil on the national NRCS hydric soil list. Dawson soils unless drained for agricultural production have only the slightest erosion hazard.

Loxley Soil Series (Dysic, frigid Typic Haplosaprists): The Loxley Series consists of very deep, very poorly drained soils formed in herbaceous organic material > 51 inches thick over sandy deposits in depressions on outwash plains, lake plains or flood plains. Permeability is moderately slow to moderately rapid in the organic layers and rapid in the sandy material. Slopes range from 0 to 2 percent and the depth to bedrock is >60 inches. Loxley is listed as a hydric soil on the national NRCS hydric soil list. Loxley soils unless drained for agricultural production have only the slightest erosion hazard.

Adirondack Soil Series (Coarse-loamy, mixed, frigid Typic Epiaquods): The Adirondack series consists of very deep somewhat poorly drained soils formed in compacted glacial till. They are on glaciated lowlands in depressions and on toe slopes. Typically, areas of Adirondack soils have very stony or bouldery surface layers. Permeability is slow. Slopes range from 0 to 15 percent. The depth to bedrock is > 72 inches. Adirondack soils have only a slight erosion hazard.

Adams Soil Series (Sandy, isotic, frigid Typic Haplorthods): The Adams series consists of very deep, somewhat excessively drained soils formed in glacio-fluvial or glacio-lacustrine sand. They are on glacial outwash plains, terraces and eskers. Permeability is rapid or very rapid. Slopes range from 0 to 70 percent. The depth to bedrock is > 72 inches. Adams soils are only slightly erodible on slopes less than 15 percent and moderately erodible on slopes steeper than 15 percent.

Naumburg Soil Series (Sandy, isotic, frigid Typic Endoaquods): The Naumburg series consists of very deep, poorly and somewhat poorly drained soils formed in sandy deltaic or glacial fluvial deposits. These soils are on low sand plains and terraces. Permeability is rapid. Slopes range from 0 to 8 percent. The depth to bedrock is >80 inches. Naumburg is listed as a hydric soil on the national NRCS hydric soil list. Naumburg soils have only a slight hazard for soil erosion.

Colton Soil Series (Sandy-skeletal, isotic, frigid Typic Haplorthods): The Colton series consists of very deep, excessively drained soils formed in glacio-fluvial deposits. They are on glacial outwash plains, terraces and eskers. Permeability is rapid or very rapid. Slopes range from 3 to 70 percent. The depth to bedrock is > 72 inches. Colton soils are only slightly erodible on slopes less than 15 percent and moderately erodible on slopes steeper than 15 percent.

Berkshire Soil Series (Coarse-loamy, isotic, frigid Typic Haplorthods): The Berkshire series consists of very deep, well drained soils formed in glacial till. They are on glaciated uplands. Permeability is moderate to moderately rapid. Slopes range from 0 to 70 percent. The depth to bedrock is >60 inches. Berkshire soils have only a slight erosion hazard on slopes less than 15 percent and are moderately erodible on slopes steeper than 15 percent.

Potsdam Soil Series (Coarse-loamy, isotic, frigid Typic Haplorthods): The Potsdam series consists of very deep, well drained soils formed in aeolian deposits over dense glacial till, with a very firm fragipan at 24 to 35 inches below the surface. They are on glaciated uplands. Permeability is moderate above the fragipan and very slow in the underlying fragipan. Slopes range from 0 to 70 percent. The depth to bedrock is > 72 inches. Potsdam soils are only slightly erodible on slopes less than 15 percent and moderately erodible on slopes steeper than 15 percent.

Crary Soil Series (Coarse-loamy, isotic, frigid Aquic Haplorthods): The Crary series consists of very deep, moderately well drained soils formed in aeolian deposits over dense glacial till, with a very firm fragipan at 18 to 24 inches below the surface. They are found on glaciated uplands. Permeability is moderate above the fragipan and very slow in the underlying fragipan. Slopes range from 0 to 15 percent. The depth to bedrock is > 72 inches. Crary soils are only slightly erodible.

Tunbridge Soil Series (Coarse-loamy, isotic, frigid Typic Haplorthods): The Tunbridge series consists of moderately deep, well drained soils formed in glacial till. They are on glaciated uplands. Permeability is moderate to moderately rapid. Slopes range from 0 to 70 percent. The depth to bedrock is 20 to 40 inches. Tunbridge soils have only a slight erosion hazard on slopes less than 15 percent and are moderately to severely erodible on slopes steeper than 15 percent.

Lyman Soil Series (Loamy, isotic, frigid Lithic Haplorthods): The Lyman series consists of shallow, well drained soils on bedrock controlled glacial till uplands. They are nearly level to extremely steep slopes and moderately permeable above the hard bedrock substratum. Slopes range from 0 to 75 percent. Bedrock is at less than 20 inches. Lyman soils are only slightly erodible on slopes less than 15 percent and are moderately to severely erodible on slopes steeper than 15 percent.

Fluvaquents Frequently Flooded Fluvaquents frequently flooded consists of areas of soil on flood plains that range from deep mucky sediments to sandy depositional areas along streams and drainageways. Fluvaquents, frequently flooded are typically poorly or very poorly drained and have a broad range of texture and permeability. Fluvaquents frequently flooded soils are on nearly level slopes and have only a slight hazard of erosion.

Lyme Soil Series (Coarse-loamy, mixed, active, acid, frigid Aeric Endoaquepts): The Lyme series consists of very deep, poorly or very poorly drained soils formed in glacial till in slightly concave areas and shallow drainageways on glaciated uplands. This series is typically very stony or bouldery. The permeability in the surface layers is moderate and slow or very slow in the very firm substratum. Slopes range from 0 to 5 percent. Lyme is listed as a hydric soil on the national NRCS hydric soil list. Lyme soils are on nearly level slopes and only a slight hazard of erosion.

Duxbury Soil Series (Sandy, isotic, frigid Typic Haplorthods): The Duxbury series consists of very deep, well drained soils on valley trains, outwash plains, eskers, kames, and terraces. They formed in sandy glaciofluvial deposits with a mantle of loamy glaciofluvial deposits. Permeability is moderately rapid in the solum and rapid or very rapid in the substratum. Slope ranges from 0 to 70 percent. The depth to bedrock is > 60 inches. Duxbury are slightly erodible on slopes less than 15 percent and moderately erodible on slopes steeper greater than 15 percent.

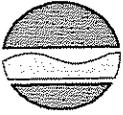
Croghan Soil Series (Sandy, isotic, frigid Aquic Haplorthods): The Croghan series consists of very deep, moderately well drained soils formed in deltaic or glacio-fluvial deposits. They are on terraces and sand plains. Permeability is moderately rapid or rapid in the surface and subsurface horizons and rapid or very rapid below. Slope ranges from 0 to 15 percent. The depth to bedrock is > 60 inches. Croghan soils are only slightly erodible.

Tughill Soil Series (Loamy-skeletal, mixed, active, nonacid, frigid Typic Endoaquepts): The Tughill series consists of very deep, very poorly drained soils formed in till derived from acid siliceous rocks. They are in depressional areas on till plains. Slope ranges from 0 to 5 percent. The depth to bedrock is > 60 inches. Tughill soils are listed as a hydric soil on the national NRCS hydric soil list. Tughill soils have only a slight hazard for soil erosion. The table below indicates the soil complex identification number and its corresponding soil complex name. The soil complex ID is used on the EWP Maps to indicate soil type. The number indicates the soil complex type, while the letter corresponds to the slope range of the complex.

Soil Complex ID	Soil Complex Name
021:	DAWSON-FLUVAQUENTS-LOXLEY COMPLEX, FREQUENTLY FLOODED
023:	LOXLEY-DAWSON COMPLEX
363A:	ADAMS SAND, 0 TO 3 PERCENT SLOPES
363B:	ADAMS SAND, 3 TO 15 PERCENT SLOPES
363D:	ADAMS SAND, 15 TO 35 PERCENT SLOPES
365:	NAUMBERG-CROGHAN COMPLEX
376A:	COLTON-DUXBURY-ADAMS COMPLEX, 0 TO 3 PERCENT SLOPES
376C:	COLTON-DUXBURY-ADAMS COMPLEX, 3 TO 15 PERCENT SLOPES
376D:	COLTON-DUXBURY-ADAMS COMPLEX, 15 TO 35 PERCENT SLOPES
380B:	COLTON-DUXBURY-DAWSON COMPLEX, 0 TO 15 PERCENT SLOPES
380D:	COLTON-DUXBURY-DAWSON COMPLEX, 15 TO 35 PERCENT SLOPES
643C:	BERKSHIRE LOAM, 3 TO 15 PERCENT SLOPES, VERY BOULDERY
644C:	BERKSHIRE-LYME COMPLEX, ROLLING, VERY BOULDERY
709B:	ADIRONDACK-TUGHILL-LYME COMPLEX, 0 TO 8 PERCENT SLOPES, VERY BOULDERY
741C:	POTSDAM-TUNBRIDGE-CRARY COMPLEX, 3 TO 15 PERCENT SLOPES, VERY BOULDERY
741D:	POTSDAM-TUNBRIDGE COMPLEX, 15 TO 35 PERCENT SLOPES, VERY BOULDERY
743C:	POTSDAM VERY FINE SANDY LOAM, 3 TO 15 PERCENT SLOPES, VERY BOULDERY
743D:	POTSDAM VERY FINE SANDY LOAM, 15 TO 35 PERCENT SLOPES, VERY BOULDERY
745C:	CRARY-POTSDAM COMPLEX, 3 TO 15 PERCENT SLOPES, VERY BOULDERY
747B:	CRARY-ADIRONDACK COMPLEX, 0 TO 8 PERCENT SLOPES, VERY BOULDERY
831C:	TUNBRIDGE-LYMAN COMPLEX, 3 TO 15 PERCENT SLOPES, VERY ROCKY
831D:	TUNBRIDGE-LYMAN COMPLEX, 15 TO 35 PERCENT SLOPES, VERY ROCKY
Ud:	UDIPSAMMENTS, DREDGED
Ue:	UDORTHENTS, SMOOTHED
W:	WATER

NOTICE OF INTENT

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



Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-02-01
 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. To properly complete this form, please refer to the Instruction Manual which can be accessed at www.dec.state.ny.us/website/dow/toolbox/instr_man.pdf

- IMPORTANT -

THIS FORM FOR MACHINE PRINT ONLY/USE OTHER FORM FOR HANDPRINT
DO NOT USE HANDWRITING ON THIS FORM

OWNER/OPERATOR MUST SIGN FORM

Owner/Operator Information

Owner/Operator (Company Name/Private Owner Name/Municipality Name)

New York Power Authority

Owner/Operator Contact Person Last Name (NOT CONSULTANT)

Suloway

Owner/Operator Contact Person First Name

John

Owner/Operator Mailing Address

123 Main Street

City

White Plains

State

NY

Zip

10601 - 3170

Phone (Owner/Operator)

914 - 287 - 3971

Fax (Owner/Operator)

914 - 681 - 6613

Email (Owner/Operator)

john.suloway@nyopa.gov

Location Information

Project Site Information

Project/Site Name

T r i - L a k e s R e l i a b i l i t y P r o j e c t

Street Address (NOT P.O. BOX)

R o u t e 3

City/Town/Village (THAT ISSUES BUILDING PERMIT)

C o l t o n

State

N Y

Zip

-

County

S t L a w r e n c e

DEC Region (if known)

6

Name of Nearest Cross Street

R o u t e 5 6 (C e n t r a l I n t e r s e c t i o n)

Distance to Nearest Cross Street (Feet)

0

Direction to Nearest Cross Street

 North South East West

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.state.ny.us/website/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 dropdown menu on the left and choose "Get Coordinates". Click on the center of your site and a small 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)

5 2 2 2 8 3

Y Coordinates (Northing)

9 0 4 3 9 7

2. What is the nature of this construction project?

 New Construction Redevelopment with increase in imperviousness Redevelopment with no increase in imperviousness

Project Site Information

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

Pre-Development Existing Land Use	Post-Development Future Land Use
<input checked="" type="radio"/> FOREST	<input type="radio"/> SINGLE FAMILY HOME
<input type="radio"/> PASTURE/OPEN LAND	<input type="radio"/> SINGLE FAMILY SUBDIVISION
<input type="radio"/> CULTIVATED LAND	<input type="radio"/> TOWN HOME RESIDENTIAL
<input type="radio"/> SINGLE FAMILY HOME	<input type="radio"/> MULTIFAMILY RESIDENTIAL
<input type="radio"/> SINGLE FAMILY SUBDIVISION	<input type="radio"/> INSTITUTIONAL/SCHOOL
<input type="radio"/> TOWN HOME RESIDENTIAL	<input type="radio"/> INDUSTRIAL
<input type="radio"/> MULTIFAMILY RESIDENTIAL	<input type="radio"/> COMMERCIAL
<input type="radio"/> INSTITUTIONAL/SCHOOL	<input type="radio"/> ROAD/HIGHWAY
<input type="radio"/> INDUSTRIAL	<input type="radio"/> RECREATIONAL/SPORTS FIELD
<input type="radio"/> COMMERCIAL	<input type="radio"/> BIKE PATH/TRAIL
<input type="radio"/> ROAD/HIGHWAY	<input type="radio"/> SUBSURFACE UTILITY
<input type="radio"/> RECREATIONAL/SPORTS FIELD	<input type="radio"/> PARKING LOT
<input type="radio"/> BIKE PATH/TRAIL	<input checked="" type="radio"/> OTHER
<input type="radio"/> SUBSURFACE UTILITY	OTHER <input type="text" value="S"/> <input type="text" value="u"/> <input type="text" value="b"/> <input type="text" value="t"/> <input type="text" value="r"/> <input type="text" value="a"/> <input type="text" value="n"/> <input type="text" value="s"/> <input type="text" value="m"/> <input type="text" value="i"/> <input type="text" value="s"/> <input type="text" value="s"/> <input type="text" value="i"/> <input type="text" value="o"/> <input type="text" value="n"/> <input type="text" value="l"/> <input type="text" value="i"/> <input type="text" value="n"/> <input type="text" value="e"/>
<input type="radio"/> PARKING LOT	
<input type="radio"/> OTHER	
OTHER <input type="text" value="l"/> <input type="text" value="o"/> <input type="text" value="c"/> <input type="text" value="a"/> <input type="text" value="l"/> <input type="text" value="d"/> <input type="text" value="i"/> <input type="text" value="s"/> <input type="text" value="t"/> <input type="text" value="."/> <input type="text" value="l"/> <input type="text" value="i"/> <input type="text" value="n"/> <input type="text" value="e"/> <input type="text" value=""/> <input type="text" value=""/>	

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

5. Is this a project which does not require coverage under the General Permit (e.g. Project done under an Individual SPDES Permit, 401 Certification or department approved remediation)? Yes No

6. Is this property owned by a state authority, state agency or local government? Yes No

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

Total Project Site Acreage	Acreage to be Disturbed	Impervious Area within Disturbed
<input type="text" value="2"/> <input type="text" value="4"/> <input type="text" value="3"/> <input type="text" value="."/> <input type="text" value="6"/>	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value="."/> <input type="text" value=""/>	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value="0"/> <input type="text" value="."/> <input type="text" value="0"/>

8. Will there be more than 5 acres disturbed at any given time? Yes No

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

A	B	C	D
<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> %	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> %	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> %	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> %

10. Is this a phased project? (if yes, The SWPPP must address all planned phases)

Yes No

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

Start Date: [][] / [][] / [][][][] - End Date: [][] / [][] / [][][][]

Receiving System(s)

12. Provide the name of the surface waterbody(ies) into which construction site runoff will discharge.

S Branch Grasse R, Oswegatchie R, Dead Crk, Windfall Brk, Cold Brk, Felton Brk, Jocks Pd Outlt, Tooley Pd Ou

For Questions 13 and 14 refer to the Instruction Manual for a subset of 303(d) segments and TMDL watersheds subject to Condition A of the permit. These waterbodies and watersheds have been identified for regulation within the stormwater program due to a pollutant of concern. The Instruction Manual can be accessed at www.dec.state.ny.us/website/dow/toolbox/instr man.pdf

13. Has the surface waterbody(ies) in question 12 been identified as a 303(d) segment?

Yes No

14. Is this project located in a TMDL Watershed?

Yes No

*NOTE: If you answered Yes to either question 13 or 14, Pursuant to Part I.D.3. (b) of the permit, you must have your SWPPP prepared and certified by a licensed/certified professional and the SWPPP is subject to a 60-business day review.

15. Does the site runoff enter a separate storm sewer system- including roadside drains, swales, ditches, culverts, etc? (if no, skip question 16)

Yes No Unknown

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

Colton, Clifton, Parishville, Piercefield

17. Does any runoff from the site enter a sewer classified as a Combined Sewer?

Yes No Unknown

Stormwater Pollution Prevention Plan (SWPPP)

18. 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

19. Does this construction activity require the development of a SWPPP that includes Water Quality and Quantity Control components (Post-Construction Stormwater Management Practices) If no, Skip question 20

Yes No

20. Have the Water Quality and Quantity Control components of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual ?

Yes No

NOTE: If you answered no to question 18 or 20, Pursuant to Part I.D.3.(b) of the permit, you must have your SWPPP prepared and certified by a licensed/certified professional and the SWPPP is subject to a 60-business day review. Please provide further details in the details/comment section on the last page of this form.

21. 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 Information (if different from Owner/Operator info)

SWPPP Preparer: The LA Group, PC

Contact Name (Last, Space, First): Pittenger Russell

Mailing Address: 40 Long Alley

City: Saratoga Springs

State: NY Zip: 12866

Phone: 518-587-8100

Fax: 518-587-0180

Email: rpittenger@thelagroup.com

Stormwater Pollution Prevention Plan (SWPPP)

Erosion and Sediment Control Practices

22. Has a construction sequence schedule for the planned management practices been prepared?

Yes No

23. 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

Other

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

Grid of empty boxes for additional information or notes.

Stormwater Pollution Prevention Plan (SWPPP)
Water Quality and Quantity Control

25. Provide the total water quality volume required and the total provided for the site.

<u>Total Water Quality Volume (WQv)</u>	
WQv Required	WQv Provided
<input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> acre-feet	<input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> acre-feet

26. Provide the following Unified Stormwater Sizing Criteria for the site.

<u>Total Channel Protection Storage Volume (CPv)</u> - Extended detention of post-developed 1 year, 24 hour storm event	
CPv Required	CPv Provided
<input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> acre-feet	<input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> acre-feet
The need to provide for channel protection has been waived because <input type="radio"/> Site discharges directly to fourth order stream or larger	
<u>Total Overbank Flood Control Criteria (Qp)</u> - Peak discharge rate for the 10 year storm	
Pre-Development	Post-development
<input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> CFS	<input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> CFS
<u>Total Extreme Flood Control Criteria (Qf)</u> - Peak discharge rate for the 100 year storm	
Pre-Development	Post-development
<input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> CFS	<input type="text"/> <input type="text"/> <input type="text"/> . <input type="text"/> <input type="text"/> <input type="text"/> CFS
The need to provide for flood control has been waived because <input type="radio"/> Site discharges directly to fourth order stream or larger <input type="radio"/> Downstream analysis reveals that flood control is not required	

IMPORTANT: For questions 27 and 28 impervious area should be calculated considering the project site and all offsite areas that drain to the post-construction stormwater management practice(s) (Total Drainage Area = Project Site + Offsite areas)

27. Pre-Construction Impervious Area - As a percent of the Total Drainage Area enter the percentage of the existing impervious areas before construction begins.

%

28. Post-Construction Impervious Area - As a percent of the Total Drainage Area enter the percentage of the future impervious areas that will be created/remain on the site after completion of construction.

%

29. Indicate the total number of permanent stormwater management practices to be installed

30. Provide the total number of stormwater discharge points from the site (include discharges to either surface waters or to separate storm sewer systems)

Other Permits

31. Select any other DEC permits that are required for this project or None

DEC Permits

- Air Pollution Control
- Stream Protection/Article 15
- Coastal Erosion
- Water Quality Certificate
- Hazardous Waste
- Dam Safety
- Long Island Wells
- Water Supply
- Mined Land Reclamation
- Freshwater Wetlands
- Other SPDES
- Tidal Wetlands
- Solid Waste
- Wild, Scenic and Recreational Rivers

Other A P A P e r m i t s - A r t 2 4 , 8 1 4 , W i l d S c e n i

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

NYR

Details/Comments

Project is linear. It is approximately 27 miles long. The new subtransmission line will be constructed within road rights of way, cross country (non developed areas), and across some private parcels.

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 also certify under penalty of law that this document and the corresponding documents were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate 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 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) days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SRPPF 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 MI

Print Last Name

Owner/Operator Signature

Date / /

**PREPARER CERTIFICATION OF COMPLIANCE WITH
FEDERAL, STATE AND LOCAL REGULATIONS**

This Construction Pollution Prevention Plan was prepared in accordance with the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-02-01), pursuant to Article 17, Titles 7, 8 and Article 70 of the Environmental Conservation Law. This SPDES General Permit implements the Federal Clean Water Act pertaining to stormwater discharges.

Construction will begin only after the requirements of SEQRA are met and any necessary Federal, State and local permits are issued.

Signature: _____

Name: _____

Title: _____

Date: _____

OWNER POLLUTION PREVENTION PLAN CERTIFICATION

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 or persons 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 210.45 of the Penal Law.

I understand that GP 02-01 requires weekly site inspections and site inspections within 24 hours after a storm event or ½ inch or greater. These inspections shall be performed by a qualified professional as defined by the General Permit.

Signature: _____

Name: _____

Title: _____

Date: _____

CONTRACTOR AND SUBCONTRACTOR CERTIFICATION

I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge stormwater. I also understand that the operator must comply with the terms and conditions 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. Contractor will be held financially responsible for any and all fines.

Signature: _____

Name: _____

Company: _____

Address: _____

Phone: _____

Responsible For: _____

Date: _____

Signature: _____

Name: _____

Company: _____

Address: _____

Phone: _____

Responsible For: _____

Date: _____

CONTRACTOR AND SUBCONTRACTOR CERTIFICATION

I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge stormwater. I also understand that the operator must comply with the terms and conditions 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. Contractor will be held financially responsible for any and all fines.

Signature: _____

Name: _____

Company: _____

Address: _____

Phone: _____

Responsible For: _____

Date: _____

Signature: _____

Name: _____

Company: _____

Address: _____

Phone: _____

Responsible For: _____

Date: _____

**Tri-Lakes Reliability Project
SWPPP INSPECTION REPORT**

Inspector Name:	Date:
Signature:	Inspection #:
Weather:	

- | YES | NO | N/A | | | |
|-----|--------------------------|--------------------------|--------------------------|---|--|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Routine Inspection. | Date of last inspection: _____ |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Inspection following rain event. | Date/time of storm ending: _____
Rainfall amount: _____
Recorded by: _____ |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is this a final site inspection? | |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Has site undergone final stabilization? | |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If so, have all temporary erosion and sediment controls been removed? | |

REPORT CHECKLIST

Complete the following report checklist and key issue items to attached site plan.

Site Disturbance (Indicate Locations on Plan)

- | YES | NO | N/A | | |
|-----|--------------------------|--------------------------|--------------------------|--|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Areas previously disturbed, but have not undergone active site work in the last 14 days? |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Areas disturbed within last 14 days? |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Areas expected to be disturbed in next 14 days? |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Do areas of steep slopes or complex stabilization issues exist?
If "YES" explain: |
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are there currently more than 5 acres of disturbed soil at the site? If so make sure there is an approval letter from NYS DEC. |

Additional Comments:

Inspection of Control Devices

- | YES | NO | N/A | | |
|-----|--------------------------|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Perimeter controls (silt fences) installed? Type: |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Silt accumulation? Amount (%): |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Inlet protection? Type: |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Silt accumulation? Amount (%): |

Additional Comments:

Stabilization

- | YES | NO | N/A | | |
|-----|--------------------------|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are all existing disturbed areas contained by control devices? Type of devices: |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are there areas that require stabilization within the next 14 days? Specify Area: |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Have stabilization measures been initiated in inactive areas? |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is there current snow cover or frozen ground conditions? |
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Rills or gullies? |
| 6. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Slumping/deposition? |
| 7. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Loss of vegetation? |
| 8. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Lack of germination? |
| 9. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Loss of mulching? |

Additional Comments:

Receiving Structures/Water Bodies (Indicate locations where runoff leaves the project site on the site plan)

YES NO N/A

- 1. Surface water swale or stream?
- 2. Municipal or community system?

Inspect locations where runoff from project site enters the receiving waters and indicate if there is evidence of:

- 3. Rills or gullies?
- 4. Slumping/deposition?
- 5. Loss of vegetation?
- 6. Undermining of structures?
- 7. Was there a discharge into the receiving water on the day of inspection?
- 8. Is there evidence of turbidity, sedimentation, or oil in the receiving waters?

Additional Comments:

General Site Condition

YES NO N/A

- 1. Have action items from previous reports been addressed?
- 2. Does routine maintenance of protection components occur on a regular basis?
- 3. Does cleaning and/or sweeping affected roadways occur, at minimum, daily?
- 4. Is debris and litter removed on a monthly basis, or as necessary?
- 5. Is the site maintained in an orderly manner?

Contractors progress over last 7 days:

Anticipated work to be begun in the next 7 days:

Additional Comments:

Visual Observations

YES NO N/A

- 1. All erosion and sediment control measures have been installed/constructed?
- 2. All erosion and sediment control measures are being maintained properly?

SUMMARY OF ACTION ITEMS

Action Reported To: _____

Company: _____

Received By: (Signature) _____

**STORM WATER POLLUTION PREVENTION PLAN
PLAN CHANGES, AUTHORIZATION, AND CHANGE CERTIFICATION**

CHANGES REQUIRED TO THE POLLUTION PREVENTION PLAN:

REASONS FOR CHANGES:

REQUESTED BY: _____

DATE: _____

AUTHORIZED BY: _____

DATE: _____

CERTIFICATION OF CHANGES:

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 or persons 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 210.45 of the penal code.

SIGNATURE: _____

DATE: _____

SWPPP Quarterly Report

The operator shall prepare a written summary of its status with respect to compliance with the general permit (SPDES) at a minimum frequency of every three months during which coverage under this permit exists. The summary should address the status of achieving each component of the SWPPP. It is required that a copy of this report be submitted to the local governing body (same as site inspection sheets).

Project Name: _____

Owner Name: _____

Contractor Name: _____

LA Group #: _____

Preparer Name: _____

Date: _____

SWPPP Inspection #'s summarized in this report _____

Summary of previous 3 months activity (status of achieving each component of the SWPPP including erosion and sediment control devices, permanent stormwater control management, etc.):

Modifications to plans or approvals? **YES** **NO**

If YES, please describe the change and what will be implemented:

Additional Comments:

Project reviewed with:

Contractor Signature: _____

Owner: **YES** **NO**



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

from

CONSTRUCTION ACTIVITY

Permit No. GP-02-01

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

Effective Date: January 8, 2003

Expiration: January 8, 2008

William R. Adriance
Chief Permit Administrator

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

Authorized Signature
William R. Adriance

Date: January 8, 2003

SPDES General Permit for Stormwater Runoff from Construction Activity, GP-02-01

Expiration: January 8, 2008

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

Preface

Pursuant to Section 402 of the Clean Water Act ("CWA"), stormwater discharges from certain construction activities to waters of the United States¹ are unlawful unless they are authorized by a NPDES (National Pollutant Discharge Elimination System) permit or by a state permit program. New York's SPDES (State Pollutant Discharge Elimination System) is a NPDES-approved program with permits issued in accordance with the Environmental Conservation Law ("ECL"). Discharges of pollutants to all other "Waters of New York State" such as groundwaters are also unlawful unless they are authorized by a SPDES permit.

A discharger, owner, or operator may² obtain coverage under this general permit by submitting a Notice of Intent ("NOI") to the Department. Copies of this General Permit and the NOI for New York are available by calling (518) 402-8109 or at any Department of Environmental Conservation (the Department) regional office (see Appendix A on Page 23). They are also available on the Department's website at:

www.dec.state.ny.us

¹ "Waters of the United States" means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; and
- (b) All interstate waters, including interstate "wetlands"; and
- (c) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) Which are used or could be used for industrial purposes by industries in interstate commerce; and
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition; and
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; and
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal areas in wetlands) nor resulted from the impoundment of waters of the United States.

² "may" refers to circumstances under which the discharger is ineligible for coverage under this general permit because of other provisions of this permit. Dischargers which are excluded from coverage under this general permit as provided for in Part I, Section C, for example, are not authorized to discharge under this permit. This also applies to possible situations in which an NOI has been submitted and/or a regulatory fee paid pursuant to Article 72 of the ECL. The submittal of an NOI and/or regulatory fee has no bearing or relevance whatsoever on the eligibility of the construction activity discharging stormwater runoff under the authority of this permit.

Local Programs of a Regulated MS4

Under the federal Phase II stormwater program, many cities, villages, towns, and other public entities in New York State which are located within "Urbanized Areas" as defined by the U.S. Census and who operate a Municipal Separate Storm Sewer System ("MS4") will be required to obtain SPDES permit coverage for stormwater discharges under their jurisdiction and control (see 40CFR Part 122 §122.26.32). Additionally, MS4s may be designated by the Department as regulated MS4s. Among other requirements, the Phase 2 NPDES stormwater regulations require regulated MS4s to address stormwater runoff from construction activities. Construction activities covered under this general permit, which are subject to stormwater runoff controls of a regulated MS4, will also need to comply with the MS4's controls.

Five (5) Day Coverage

Prior to the submission of an NOI, the owner or operator must have completed a Storm Water Pollution Prevention Plan (SWPPP) that complies with all requirements of this general permit. Submitting an NOI is an affirmation that a SWPPP has been prepared and will be implemented. If an applicant certifies that the SWPPP has been developed in conformance with the Department's technical standards, the applied-for activity may obtain coverage under this general permit in five (5) business days after the Department's receipt of the NOI provided, that the activity is eligible for coverage under this general permit and that the Department has not informed the applicant otherwise.

Sixty (60) Day Coverage

While the Department's technical standards are appropriate statewide, it is recognized that there may be situations where stormwater management goals can best be met by alternative means that are more suitable given local conditions.

For construction projects in these situations, applicants must identify in their NOI each of the deviations from the Department's technical standards that they are seeking. Applicants must also explain why the deviations are needed or desired and what impacts to water quality, if any, can be expected if the deviation were allowed. Applicants must also explain the actions, if any, that local board(s) have taken with respect to the deviation(s). For applicants which cannot certify conformance with the Department's technical standards, the SWPPP must also be certified by a licensed/certified professional that the SWPPP has been developed in a manner which will insure compliance with water quality standards and with the substantive intent of this permit.

In cases of deviations from the Department's technical standards, applicants must allow sixty (60) business days after the receipt by the Department of a completed NOI and certification before gaining coverage under this general permit and before initiating any construction activity. During this 60 day period, the Department may conduct further review of the NOI and SWPPP. If additional information is needed to complete the review, the NOI will be considered

incomplete and the applicant will be so advised. The intent of this provision is to require conformance the Department's technical standards wherever possible and appropriate. At the same time, alternative means to address stormwater control may be allowed under this general permit where they are more suitable for the site in question and where they will not diminish water quality protection.

There are other scenarios under which coverage under this general permit will not occur until 60 business days from the receipt of a completed NOI. For example, if the construction activity or post construction runoff causes the discharge of a pollutant of concern to a water identified on the 303(d) list or a watershed with an approved TMDL for that pollutant of concern, coverage under the general permit will not occur until sixty (60) business days from the receipt by the Department of a completed NOI. For these projects the operator may be required to submit the SWPPP and/or appropriate certification(s) to the Department for review. The flowchart shown in Figure 1 on page vi will help to describe the process under which certain conditions exist that require possible further analysis and water quality/quantity considerations.

Computer Tool Available For Completion of SWPPPs and NOIs Under Development

The Department is currently developing an interactive computer software tool entitled "How to Prepare SWPPPs and Notices of Intent" to assist applicants in both developing SWPPPs and completing NOIs. This will be available in the near future for use on the Department website as well as being packaged independently on compact discs. This tool will contain guidance as well as many useful links to reference materials and documents concerning erosion and sedimentation control, as well as to the design of stormwater management practices. The Department's website will contain the latest information and guidance on the various tools available.

The Department's Technical Standards

The Department's technical standards for erosion and sediment control are contained in the document, "*New York Standards and Specifications for Erosion and Sediment Control*"³ published by the Empire State Chapter of the Soil and Water Conservation Society. For the design of water quantity and water quality controls (post-construction stormwater control practices), the Department's technical standards are detailed in the "*New York State Stormwater Management Design Manual*." Both of these documents are available on the Department's website. If an applicant certifies that stormwater management practices will conform to the Department's technical standards, then coverage under the permit may occur sooner than otherwise would be the case if non-conformance with the manuals existed. See Figure 1 on page vi for more information.

³ Previously, the "*New York Guidelines for Urban Erosion and Sediment Control*", also commonly referred to as the "Blue Book".

Permit Valid for Any Size Disturbance

This permit may be used for construction activities involving any amount of disturbed acreage, provided that all other eligibility conditions in subsection B of Part I are satisfactorily met (see page 2 of this permit). Thus, this permit may apply to activities identified under 40 CFR Part 122, subsection 122.26(b)(14)(x) which are also referred to as "NPDES Phase 1 construction activities" involving soil disturbances of five (5) acres or more. This permit may also apply to activities identified under 40 CFR Part 122, subsection 122.26(b)(15) which are also referred to as "NPDES Phase 2 small construction activities" involving soil disturbances of between one (1) and five (5) acres. And, this permit may also apply to construction activities involving soil disturbances of less than one (1) acre if the Department determines that a SPDES permit is required pursuant to the ECL. In any and all cases, all of the eligibility provisions of this general permit must be met in order to gain coverage.

Notice of Termination

After construction is completed as defined in the general permit (see Part II beginning on Page 7), cancellation of coverage is accomplished by the submittal of a Notice of Termination ("NOT"). Failure to submit a NOT may result in the continued obligation to pay a yearly Regulatory Fee established pursuant to Article 72 of the ECL and/or may be cause for suspension of permit coverage.

Previous versions of NOIs, NOTs and Notices of Intent, Transfer and Termination ("NOITT"s) cannot be used in conjunction with this general permit. There is a new NOI required for obtaining coverage under this general permit. Failure to include information identified as "mandatory" entries on the new NOI form may prevent and/or delay discharge authorization being sought under this permit.

The new NOT will also include an identification of any permanent structures that are being left on the site after stabilization occurs and after termination of permit coverage under this general permit. The NOT will also include a certification that the structures were constructed as described in the SWPPP and that an Operation and Maintenance ("O&M") manual has been prepared and has been made available to the owner of such permanent structures who is expected to conduct the necessary O&M over the life of the structure(s).

Ineligible Activities

The submittal of a completed NOI and/or the payment of an annual regulatory fee by an applicant does not necessarily mean that an applicant is covered under this permit if the applicant is ineligible for coverage under this permit under the terms cited in Part I of this permit. In other words, submitting a completed NOI and paying an annual regulatory fee does not automatically gain an applicant permit coverage if the applicant is ineligible for coverage under this permit even if the Department fails to immediately inform the applicant of such ineligibility.

Permit Expiration Date

Coverage under this general permit is available January 8, 2003 and will expire five (5) years after issuance on January 8, 2008.

Activities Previously Covered Under GP-93-06

In a separate proposal, the Department is also concurrently seeking to re-issue GP-93-06 with an expiration of August 1, 2003. The purpose of this action is to provide a transition period for permittees which have had SPDES permit coverage under GP-93-06 immediately prior to January 8, 2003, the effective date of GP-02-01. **Prior to August 1, 2003**, these activities will need to:

- (1) stabilize their sites in accordance with GP-93-06 and submit an NOT; or, if necessary,
- (2) gain coverage under GP-02-01 by submitting a new NOI.

For **new** construction activities, coverage under GP-93-06 will not be available after the effective date of GP-02-01, January 8, 2003. Such discharges may be eligible for coverage under GP-02-01 (see Part I.B. on page 2 of this permit).

Water Quality Violations Not Permitted

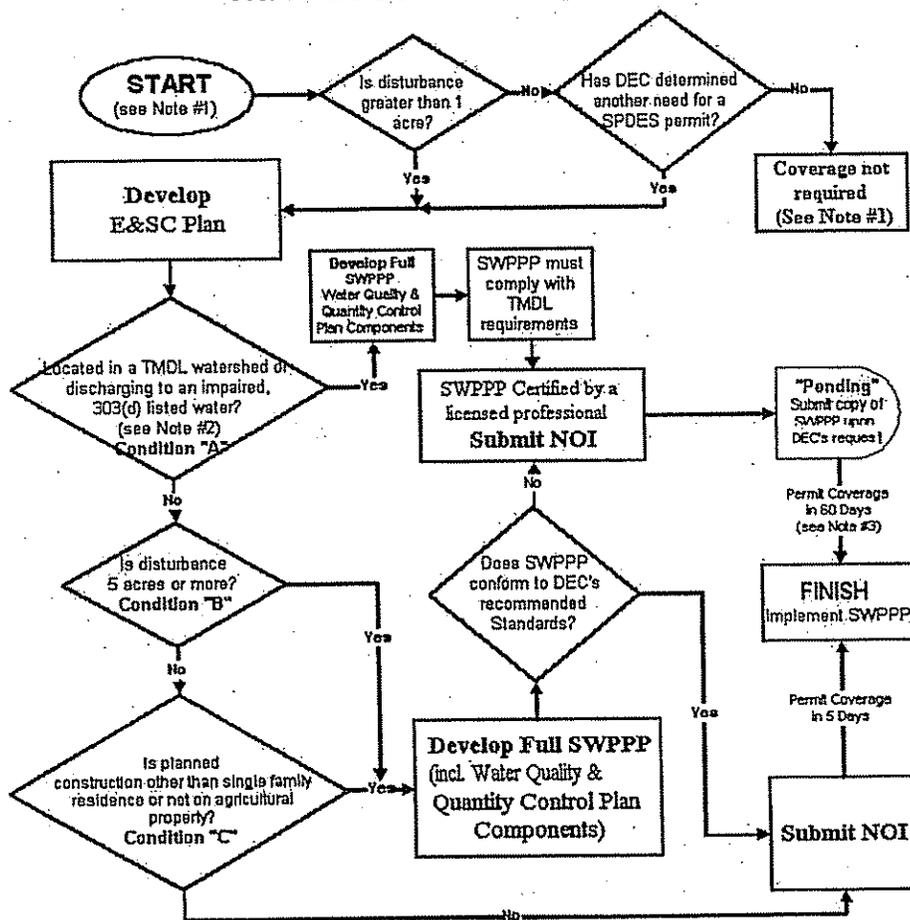
This permit does not authorize any person to cause or contribute to a condition in contravention of any water quality standards that are contained in the Rules and Regulations of the State of New York (see Part I of this permit on page 2) even if the permittee is in compliance with all other provisions of this permit. Any violations of water quality standards may be considered by the Department to be violations of this permit and/or the ECL, including its accompanying regulations.

Other Department Permits

Construction activities may also require other Department permits in addition to the coverage provided by this general permit including, but not limited to, dam safety, wetlands and stream protection. Such other Department permits must be obtained separately from coverage under this general permit. Further information concerning these permits should be sought from the Regional Permit Administrator at the appropriate Department regional office (See Appendix A on page 23).

FIGURE 1

SWPPP and Stormwater Permit Process



NOTES:

1. Under any of the above conditions other environmental permits may be required. DEC may require permit for construction disturbance < 1 acre on a case by case basis.
2. and the following exists: construction and/or stormwater discharges from the construction or post-construction site contain the pollutant of concern identified in the TMDL or 303(d) listing.
3. After receipt by DEC of completed application.

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

FROM CONSTRUCTION ACTIVITIES

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Part I. COVERAGE UNDER THIS PERMIT

A. **Maintaining Water Quality** - It shall be a violation of this general permit and the Environmental Conservation Law ("ECL") for any discharge authorized by this general permit 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 including, but not limited to:

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 and 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.

B. **Eligibility Under This General Permit**

1. This permit may authorize all discharges of stormwater from construction activity⁴ to surface waters and groundwaters except for ineligible discharges identified under subparagraph C of this Part (see below). Discharge authorization under this permit requires the submittal of a completed NOI.
2. Except for non-stormwater discharges explicitly listed in the next paragraph, this permit only authorizes stormwater discharges from construction activities.
3. Notwithstanding paragraphs B.1 and B.2 above, the following non-stormwater discharges may be authorized by this permit: discharges from fire

⁴ This includes discharges of stormwater associated with industrial activity identified under 40 CFR Part 122, subsection 122.26(b)(14)(x), small construction activities identified under 40 CFR Part 122, subsection 122.26(b)(15) or any other stormwater from construction activities that are not otherwise ineligible for coverage under this permit (See Part I, subsection B beginning on page 2).

fighting 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; springs; 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 general permit, and who discharge as noted in this paragraph, and with the exception of flows from fire fighting activities, these discharges must be identified in the SWPPP (see Part III beginning on Page 7). Under all circumstances, the permittee must still comply with water quality standards (see Part I, subsection A on Page 2).

C. Activities Which Are Ineligible for Coverage Under This General Permit - All of the following stormwater discharges from construction activities are **not** authorized by this permit:

1. Discharges after construction activities have been completed and the site has undergone final stabilization⁵;
2. Discharges that are mixed with sources of non-stormwater other than those expressly authorized under subsection B.3. of this Part (see page 3) and identified in the SWPPP required by this permit;
3. Discharges that are subject to an existing SPDES individual or general permit or which are required to obtain an individual or alternative general permit pursuant to Part V, subparagraph K (see page 21) of this permit;
4. Discharges that are likely to adversely affect a listed, or proposed to be listed, endangered or threatened species, or its critical habitat;
5. Discharges which are subject to an existing effluent (limitation) guideline addressing stormwater and/or process wastewater unless said guidelines are contained herein; or
6. Discharges which either cause or contribute to a violation of water quality standards adopted pursuant to the ECL and its accompanying regulations (See subsection A of Part I on page 2).

⁵ "Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 80% 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.

D. Authorization Under This General Permit

1. An operator⁶ must submit a completed NOI form in order to be authorized to discharge under this general permit. The NOI form shall be one which is associated with this general permit, signed in accordance with Part V. H. (see Page 19) of this permit and submitted to the address indicated on the NOI form. NOIs and NOITTs used in association with either previous or other general permits are not valid for obtaining coverage under this general permit. The submittal of an NOI is an affirmation to the operators' understanding and belief that the activity is eligible for coverage under this permit and that a SWPPP has been prepared and will be implemented in accordance with Part III of this permit.

2. All contractors and subcontractors of the operator identified under Part III.E.1 (see page 17) must provide the certification cited under Part III.E.2 (see page 17). Such certifications shall become part of the SWPPP for the construction activity covered under this general permit.

3. Unless notified by the Department to the contrary, operators who are eligible for coverage under this permit **and** who submit an NOI in accordance with the requirements of this permit, may be authorized to discharge stormwater from construction activities under the terms and conditions of this permit, and in accordance with the following timetable:

a. For construction activities which:

(1) develop a SWPPP in conformance with the Department's technical standards (See subsection D of Part III on page 10), and do not or will not discharge a pollutant of concern to an impaired water or a TMDL watershed;

or

(2) as of the effective date of this general permit; GP-02-01, have obtained coverage under, and are operating in compliance with, GP-93-06; and do not or will not discharge a pollutant of concern to an impaired water or a TMDL watershed;

authorization to discharge under this permit may occur five (5) business days after the date on which the NOI is received by the Department.

⁶ For the purposes of this permit, the term "operator" means the person, persons, or legal entity which owns or leases the property on which the construction activity is occurring. Also, see Part V., subsection H. on page 19 of this permit.

- b. For activities which do not comply with the preceding subsection (i.e. Part I.D.3.a.), authorization to discharge under this permit will begin no sooner than sixty (60) business days from the receipt of the completed NOI unless notified differently by the Department pursuant to Part V, subsection K of this permit (see page 21). For activities not satisfying Part I.D.3.a.(1) above, or for construction site runoff subject to a TMDL (see Figure I on page vi), the SWPPP must be prepared by a licensed/certified professional⁷ and include a certification stating that the SWPPP has been developed in a manner which will assure compliance with water quality standards (see Part I.A.) and with the substantive intent of this permit.
- c. For construction activities which are subject to a sixty-day period provision identified in the preceding subparagraph b., the SWPPP shall include each of the components identified in Part III.A.1.b. (see page 8).
4. At its sole discretion, the Department may deny or terminate coverage under this permit and require coverage under another SPDES permit at any time based on a review of the NOI, the SWPPP or other relevant information (see Part V, subsection K of this permit on page 21).
5. A copy of the NOI and a brief description of the project shall be posted at the construction site in a prominent place for public viewing.
6. A signed copy of the NOI, the SWPPP, and any reports required by this permit shall also be submitted concurrently to the local governing body and any other authorized agency⁸ having jurisdiction or regulatory control over the construction project.
7. New stormwater discharges from construction activities that require any other Uniform Procedures Act permit (Environmental Conservation Law, 6 NYCRR Part 621) cannot be covered under this general permit until the other required permits are obtained. Upon satisfaction of the State Environmental Quality Review Act ("SEQRA") for the proposed action and issuance of necessary permits, the applicant may submit an NOI to obtain coverage under this general

⁷ A "licensed/certified professional" means a person currently licensed to practice engineering in New York State or is a Certified Professional in Erosion and Sediment Control (CPESC).

⁸ For the purposes of this general permit, "any other authorized agency" shall include any local, regional, or state entity or agency except the Department which has authority to review stormwater discharge from the project, including authority under any approved watershed protection plan or regulations.

permit.⁹ In order to facilitate the Department's review of a multi-permitted project, an applicant should submit, at a minimum, a copy of the SWPPP which contains the information specified in Appendix B (see page 24). This information will assist the Department in determining whether or not coverage under this general permit or another SPDES permit is the more appropriate option. The Department may also require the submission of additional information in order to determine the SWPPP's conformance with the Department's technical standards.

8. Upon renewal of this general permit or issuance of a new general permit, the permittee is required to notify the Department of its intent to be covered by the new general permit. Coverage will continue under this permit for its term unless action is taken to terminate permit coverage as provided elsewhere in this permit. See also Part V. subsection B. on page 18 of this permit.

9. In the event of a transfer of ownership or responsibility for stormwater runoff, there can be no "automatic" transfer of permit coverage from one permittee to the next without appropriate notification from the dischargers. The former permittee must submit an NOT and notify the new discharger of the possible need for the new discharger to submit a new NOI (see Section E, subparagraph 2 below).

E. Deadlines for Notification

1. Operators who intend to obtain coverage under this general permit for stormwater runoff from construction activities must submit an NOI in accordance with the requirements of this Part at least five (5), or sixty (60) business days, as appropriately determined from Part I, Section D.3 (see page 4) prior to the commencement of construction¹⁰ activities.

2. For stormwater runoff from construction activities where the operator changes, a new NOI must be submitted by the new operator in accordance with the requirements of this permit. The former operator must submit a NOT in accordance with Part II (see page 7) of this permit and notify the new operator of the requirement to submit a new NOI to obtain coverage under this permit. The new operator must also review and sign the SWPPP in accordance with Part III.B.(see page 9) and continue implementation of the SWPPP as required by this

⁹ The purposes of this subsection is to assure that the requirements of SEQRA are fulfilled, if necessary, before any discharge authorization under this general permit is granted.

¹⁰ "Commencement of Construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities, or other construction activities.

permit.

Part II. TERMINATION OF COVERAGE¹¹

Where a site has been finally stabilized, the operator must submit a NOT form prescribed by the Department for use with this general permit. The NOT shall be signed in accordance with Part V. H. (see page 19) of this permit and submitted to the address indicated on the approved NOT form.

The permittee must identify all permanent stormwater management structures that have been constructed and provide the owner(s) of such structures with a manual describing the operation and maintenance practices that will be necessary in order for the structure to function as designed after the site has been stabilized. The permittee must also certify that the permanent structure(s) have been constructed as described in the SWPPP.

Part III. STORMWATER POLLUTION PREVENTION PLANS ("SWPPP"s)

A. General

1. SWPPP Preparation

a. A SWPPP shall be developed by the operator for construction activities at each site to be covered by this permit, prior to the initiation of activities requiring coverage under this permit. SWPPPs shall be prepared in accordance with sound engineering practices. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges. In addition, the SWPPP shall describe and ensure the implementation of practices which will be used to reduce the pollutants in stormwater discharges and to assure compliance with the terms and conditions of this permit. Operators are encouraged to have their SWPPP reviewed for adequacy and completeness by the local soil and water conservation district ("SWCD") and/or other professionals qualified in erosion and sediment control practices¹² and stormwater management. Moreover, if the construction activity is identified under Part I, subsection D.3.b. (See page 5), or for construction site runoff subject to a TMDL (see Figure 1 on page vi), the SWPPP must include a certification by a licensed/certified professional.

¹¹ Submittal of an NOT will terminate coverage under this general permit and will also remove the permittee from subsequent billings of the annual regulatory fee levied under Article 72 of the ECL.

¹² For example, CPESC, Inc. administers a certified program of individuals under its CPESC (Certified Professional in Erosion and Sediment Control) program which is sponsored by the International Erosion Control Association (IECA) and the Soil and Water Conservation Society (SWCS) and is endorsed by USDA - Natural Resources Conservation Service. CPESC, Inc. also administers the CPSWQ (Certified Professional in Stormwater Quality) program.

b. All SWPPPs shall include erosion and sediment controls. For construction activities meeting either Condition "A", "B" or "C" described below, the SWPPP shall also include water quantity and water quality controls (post-construction stormwater control practices).(see Part III. D.).

(1) Condition A - Construction site or post construction runoff discharging a pollutant of concern to either an impaired water identified on DEC's 303(d) list or a TMDL watershed for which pollutants in stormwater have been identified as a source of the impairment.

(2) Condition B - Construction site runoff from Phase 1 construction activities (construction activities disturbing five (5) or more acres) identified under 40 CFR Part 122, §122.26(b)(14)(x).

(3) Condition C - Construction site runoff from construction activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

2. **SWPPP Implementation** - Operators are responsible for implementing the provisions of the SWPPP and ensuring that all contractors and subcontractors who perform professional services at the site provide certification of the SWPPP in accordance with Part I.D.2. (see page 4) and Part III.E.2. (see page 17) of this permit. All contractors and subcontractors identified in the SWPPP in accordance with Part III.E.1. (see page 17) of this permit must agree to implement applicable provisions of the SWPPP and satisfy the certification requirement of Part III.E.2. (see page 17). However, contractors and subcontractors who are not operators, as defined in this permit (see page 4), are not required to submit a NOI in addition to the NOI submitted by the operator.

3. **Deadlines for SWPPP Preparation and Compliance** - The SWPPP must be developed prior to the submittal of an NOI and provide for compliance with the terms and schedule of the SWPPP beginning with the initiation of construction activities. The operator shall also certify in the SWPPP that all appropriate stormwater control measures will be in place before commencement of construction of any segment of the project that requires such measures.

4. **Local Requirements** - Developing a SWPPP that complies with the requirements listed herein does not relieve an operator from the obligation of complying with stormwater management requirements of the local government having jurisdiction over the project.

5. **Activities Previously Covered Under GP-93-06** - For construction activities which are covered by GP-93-06 as of the effective date of this permit (GP-02-01), the continued implementation of their SWPPP that was developed and implemented in accordance with GP-93-06 is acceptable until such time as:

- (a) an NOT is submitted;
- (b) the Department notifies them otherwise in accordance with this permit, including Part V, subsection K (see page 21); or
- (c) this permit expires.

B. Signature and SWPPP Review

1. The SWPPP shall be signed in accordance with Part V. H.(see page 19), and be retained at the site where the construction activity occurs in accordance with Part IV (see retention of records on page 17) of this permit.

2. The permittee shall submit a copy of the SWPPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity. The operator shall make SWPPPs available upon request to the Department and any local agency having jurisdiction; or in the case of a stormwater discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the municipal operator of the system.

3. The Department, or its authorized representative, may notify the permittee at any time that the SWPPP does not meet one or more of the minimum requirements of this permit. Such notification shall identify those provisions of the permit which are not being met by the SWPPP and identify which provisions of the SWPPP require modifications in order to meet the minimum requirements of this permit. Within seven (7) days of such notification, (or as otherwise provided by the Department) the permittee shall make the required changes to the SWPPP and shall submit to the Department a written certification that the requested changes have been made. Notwithstanding the foregoing, the Department reserves all rights to enforce the terms of the ECL.

C. **Keeping SWPPPs Current** - The permittee shall amend the SWPPP whenever:

1. There is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP; or
2. The SWPPP proves to be ineffective in:
 - a. Eliminating or significantly minimizing pollutants from sources identified in the SWPPP required by this permit, or
 - b. Achieving the general objectives of controlling pollutants in stormwater discharges from permitted construction activity.
3. Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP (see Part III.E, page 17 below). Amendments to the SWPPP may be reviewed by the Department in the same manner as provided by Part III.B (see page 9 above).

D. **General Contents of SWPPPs** -

1. **Standards for construction activities covered under this permit** - The Department's technical standards for erosion and sediment controls are detailed in the "*New York Standards and Specifications for Erosion and Sediment Control*"¹³ published by the Empire State Chapter of the Soil and Water Conservation Society. For the design of water quality and water quantity controls (post-construction stormwater control practices), the Department's technical standards are detailed in the "*New York State Stormwater Management Design Manual*."

If an operator certifies that the SWPPP has been developed in conformance with the Department's technical standards referenced above, they may obtain coverage under this general permit in five (5) business days from the Department's receipt of the NOI, provided the construction activity does not meet Condition A in Part III.A.1.b. For SWPPPs which will not conform with the Department's technical standards, the SWPPP must be prepared by a licensed/certified professional and include a certification stating that the SWPPP has been developed in a manner which will assure compliance with the State's water quality standards and with the substantive intent of this permit. In addition, coverage under this general permit will not begin until sixty (60) business days from the receipt of a completed NOI.

¹³ Previously, the "*New York Guidelines for Urban Erosion and Sediment Control*," also commonly referred to as the "Blue Book."

2. **Minimum SWPPP Components** SWPPPs prepared pursuant to this general permit shall present fully designed and engineered stormwater management practices with all necessary maps, plans and construction drawings. The SWPPP must, at a minimum, include the following:

a. For all construction activities subject to this general permit -

- (1) provide background information about the scope of the project, including the location, type and size of project.
- (2) provide a site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should 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), wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s);
- (3) provide a description of the soil(s) present at the site;
- (4) provide a construction phasing plan describing the intended sequence 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. Consistent with the New York Guidelines for Urban Erosion and Sediment Control, there shall not be more than five (5) acres of disturbed soil at any one time without prior written approval from the Department;
- (5) provide 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 storm water discharges;
- (6) provide a description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water, and spill prevention and response;
- (7) describe the temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land

clearing and grubbing to project close-out;

(8) identify and show on a site map/construction drawing(s) the specific location(s), size(s), and length(s) of each erosion and sediment control practice;

(9) provide the dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

(10) identify temporary practices that will be converted to permanent control measures;

(11) provide an implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place;

(12) provide a maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practices;

(13) provide the names(s) of the receiving water(s);

(14) provide a delineation of SWPPP implementation responsibilities for each part of the site;

(15) provide a description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and

(16) provide any existing data that describes the stormwater runoff characteristics at the site.

b. For construction activities meeting Condition A, B or C in Part III.A.1.b.

- (1) provide all the information required in Parts III.D.2.a.1 - 16 above;
- (2) provide a description of each post-construction stormwater control practice;
- (3) identify and show on a site map/construction drawing(s) the specific location(s) and size(s) of each post-construction stormwater control practice;
- (4) provide a hydrologic and hydraulic analysis for all structural components of the stormwater control system for the applicable design storms;
- (5) provide a comparison of post-development stormwater runoff conditions with pre-development conditions;
- (6) provide the dimensions, material specifications and installation details for each post-construction stormwater control practice;
- (7) provide a maintenance schedule to ensure continuous and effective operation of each post-construction stormwater control practice.

The following three subsections, Part III.D. 3. through Part III.D. 5., apply only to construction activities covered under this general permit which meet Conditions "A", "B"¹⁴ or "C" in Part III. A.1.b. Beginning with Part III.E. below (see page 17) the requirements set forth therein apply to all permittees covered under this permit.

3. Site Assessment and Inspections -

a. The operator shall have a qualified professional¹⁵ conduct an assessment of the site prior to the commencement of construction and certify in an inspection report that the appropriate erosion and sediment controls described in the SWPPP and required by Part III.D. (see page 10) of this permit have been adequately installed or implemented to ensure overall preparedness of the site for the commencement of construction. Following the commencement of construction, site inspections shall be conducted by the qualified professional at least every 7 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. During each inspection, the qualified professional shall record the following information:

- (1) On a site map, indicate the extent of all disturbed site areas and drainage pathways. Indicate site areas that are expected to undergo initial disturbance or significant site work within the next 14-day period;
- (2) Indicate on a site map all areas of the site that have undergone temporary or permanent stabilization;
- (3) Indicate all disturbed site areas that have not undergone active site work during the previous 14-day period;
- (4) Inspect all sediment control practices and record the approximate degree of sediment accumulation as a percentage of the sediment storage volume (for example, 10 percent, 20 percent, 50 percent);
- (5) Inspect all erosion and sediment control practices and record all maintenance requirements such as verifying the integrity of barrier or diversion systems (earthen berms or silt fencing) and

¹⁴ Condition "B" includes construction activities covered under GP-93-06 and, therefore, are subject to Part III.D.3 through Part III.D. 5.

¹⁵ "Qualified professional" means a person knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer, Certified Professional in Erosion and Sediment Control (CPESC), or soil scientist.

containment systems (sediment basins and sediment traps). Identify any evidence of rill or gully erosion occurring on slopes and any loss of stabilizing vegetation or seeding/mulching. Document any excessive deposition of sediment or ponding water along barrier or diversion systems. Record the depth of sediment within containment structures, any erosion near outlet and overflow structures, and verify the ability of rock filters around perforated riser pipes to pass water;
and

(6) All deficiencies that are identified with the implementation of the SWPPP.

b. The operator shall maintain a record of all inspection reports in a site log book. The site log book shall be maintained on site and be made available to the permitting authority upon request. Prior to the commencement of construction,¹⁶ the operator shall certify in the site log book that the SWPPP, prepared in accordance with Part III.D. (see page 10) of this permit, meets all Federal, State and local erosion and sediment control requirements.

The operator shall post at the site, in a publicly-accessible location, a summary of the site inspection activities on a monthly basis.

c. Prior to filing of the Notice of Termination or the end of permit term, the operator shall have the qualified professional perform a final site inspection. The qualified professional shall certify that the site has undergone final stabilization¹⁷ using either vegetative or structural stabilization methods and that all temporary erosion and sediment controls (such as silt fencing) not needed for long-term erosion control have been removed.

d. The operator shall certify that the requirements of Parts III.D.3., III.D.4. and III.D.5 of this permit have been satisfied within 48 hours of actually meeting such requirements.

¹⁶ "Commencement of construction" means the initial removal of vegetation and disturbance of soils associated with clearing, grading or excavating activities or other construction activities.

¹⁷ "Final stabilization" means that all soil-disturbing activities at the site have been completed and a uniform, perennial vegetative cover with a density of eighty (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.

4. **Stabilization**¹⁸ - The operator shall initiate stabilization measures as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. This requirement does not apply in the following instances:

a. Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable;

b. Where construction activity on a portion of the site is temporarily ceased, and earth-disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures need not be initiated on that portion of the site.

5. **Maintenance** - Sediment shall be removed from sediment traps or sediment ponds whenever their capacity has been reduced by fifty (50) percent from the design capacity.

¹⁸ "Stabilization" means covering or maintaining an existing cover over soil. Cover can be vegetative (e.g. grass, trees, seed and mulch, shrubs, or turf) or non-vegetative (e.g. geotextiles, riprap, or gabions).

E. **Contractors**

1. The SWPPP must clearly identify for each measure identified in the SWPPP, the contractor(s) and subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the SWPPP must sign a copy of the certification statement in Part III.E.2 (see below) of this permit in accordance with Part V.H.(see page 19) of this permit. All certifications must be included in the SWPPP. Additionally, new contractors and subcontractors (see subsection C.3. above) need to similarly certify.

2. **Certification Statement** - All contractors and subcontractors identified in a SWPPP in accordance with Part III.E.1 (see above) of this permit shall sign a copy of the following certification statement before undertaking any construction activity at the site identified in the SWPPP:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge stormwater. I also understand that the operator must comply with the terms and conditions 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."

The certification must include the name and title of the person providing the signature in accordance with Part V.H.(see page 19) of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

Part IV. MONITORING, REPORTING AND RETENTION OF RECORDS

A. The Department may, at its sole discretion, require monitoring of discharge(s) from the permitted construction activity after notifying the permittee in writing of the basis for such monitoring, the parameters and frequency at which monitoring shall occur and the associated reporting requirements, if any.

B. The operator shall retain copies of SWPPPs and any reports submitted in conjunction with this permit, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by the Department, in its sole discretion, at any time upon written notification.

C. The operator shall retain a copy of the SWPPP required by this permit at the construction site from the date of initiation of construction activities to the date of final

stabilization.

D. The operator shall also prepare a written summary of its status with respect to compliance with this general permit at a minimum frequency of every three months during which coverage under this permit exists. The summary should address the status of achieving each component of the SWPPP. This summary shall be handled in the same manner as prescribed for SWPPPs under Part III, subsection B (see Page 9).

E. Addresses - Except for the submittal of NOIs and NOTs, all written correspondence under this permit directed to the Department, including the submittal of individual permit applications, shall be sent to the address of the appropriate Department Office as listed in Appendix A (see page 23).

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply - The 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 permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the ECL and is grounds for an enforcement action against either the operator or the contractor/subcontractor; permit revocation 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 operator or the operator's on-site representative.

B. Continuation of the Expired General Permit - This permit expires five (5) years after issuance on January 8, 2008. However, coverage may be obtained under the expired general permit which will continue in force and effect until a new general permit is issued. After issuance of a new general permit, those with coverage under GP-02-01 will have six (6) months from the effective date of the new general permit to complete their project or obtain coverage under the new permit. Unless otherwise notified by the Department in writing, operators seeking authorization under a new general permit must submit a new NOI in accordance with the terms of such new general permit. See also Part I, subsection D.8. on page 6.

C. Penalties for Violations of Permit Conditions - There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to \$25,000 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 a permittee 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 permittee 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 permittee shall furnish any information requested by any agency with regulatory or review authority over this project for the purpose of determining compliance with this permit or compliance with any other regulatory requirements placed on the project in conjunction with this permit. Failure to provide requested information shall be a violation of this permit. Such regulating agencies include but are not limited to the Department, SWCDs,¹⁹ local planning, zoning, health, and building departments that review and approve erosion and sediment control plans, grading plans, and Stormwater Management Plans, as well as MS4s into whose system runoff from the permitted project or activity discharges. The SWPPP and inspection reports required by this general permit are public documents that the operator must make available for inspection, review and copying by any person within five (5) business days of the operator receiving a written request by any such person to review the SWPPP and/or the inspection reports. Copying of documents will be done at the requester's expense.

G. **Other Information** - When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Department, he or she shall promptly submit such facts or information.

H. **Signatory Requirements** - All NOIs, NOTs, SWPPPs, reports, certifications or information required by this permit or submitted pursuant to this permit, shall be signed as follows:

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

a. For a corporation: by (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person authorized to and who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

¹⁹ "SWCD" means Soil and Water Conservation District

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) 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 all reports required by the permit and other information requested by the Department or local agency shall be signed by a person described above 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 above and submitted to the Department.

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 manager, operator, superintendent, or 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).

c. **Certification** - Except for NOIs and NOTs, any person signing documents in accordance with this Part shall make the following certification:

"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 or persons 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 210.45 of the Penal Law."

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.

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. **Denial of Coverage Under This Permit**

1. At its sole discretion, the Department may require any person authorized by this permit to apply for and/or obtain either an individual SPDES permit or an alternative SPDES general permit. Where the Department requires a discharger authorized to discharge under this permit to apply for an individual SPDES permit, the Department shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual SPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the appropriate Department Office indicated in Appendix A of this permit. The Department may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual SPDES permit application as required by the Department under this paragraph, then the applicability of this permit to the individual SPDES permittee is automatically terminated at the end of the day specified by the Department for application submittal.

2. Any discharger authorized by this permit may request to be excluded from the coverage under this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii) and 6 NYCRR Part 621, with reasons supporting the request, to the Department at the address for the appropriate Department Office (see addresses in Appendix A on page 23 of this permit). The request may be granted by issuance of an individual permit or an alternative general permit at the discretion of the Department.

3. When an individual SPDES permit is issued to a discharger covered by this permit, or the discharger is authorized to discharge under an alternative SPDES general permit, the applicability of this permit to the individual SPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual SPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative SPDES general permit, the applicability of this permit to the individual SPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.

L. **Proper Operation and Maintenance** - The permittee 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 permittee to achieve compliance with the conditions of this permit and with the requirements of SWPPPs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

M. **Inspection and Entry** - The permittee shall allow the Department or an authorized representative of EPA, the State, 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 permittee'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).

N. **Permit Actions** - At the Department's sole discretion, this permit may, at any time, be modified, revoked, or renewed. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not stay compliance with any terms of this permit.

APPENDIX A

List of NYS DEC Regional Offices

Region	<u>Covering the following counties:</u>	DIVISION OF ENVIRONMENTAL PERMITS (DEP) <u>Permit Administrators</u>	DIVISION OF WATER (DOW) <u>Water (SPDES) Program</u>
1	Nassau and Suffolk	Bldg 40 - SUNY @ Stony Brook Stony Brook, NY 11790-2356 Tel. (631) 444-0365	Bldg 40 - SUNY @ Stony Brook Stony Brook, NY 11790-2356 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	200 White Plains Road, 5 th Floor Tarrytown, NY 10591-5805 Tel. (845) 332-1835
4	Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie	1150 North Westcott Road Schenectady, NY 12306-2014 Tel. (518) 357-2069	1150 North Westcott Road Schenectady, NY 12306-2014 Tel. (518) 357-2045
5	Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington	Route 86, PO Box 296 Ray Brook, NY 12977-0296 Tel. (518) 897-1234	232 Hudson Street Warrensburg, NY 12885-0220 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

Information Required of Construction Activities Which Are Identified Under Part I, subsection D.7. (see page 5)

- A. The location (including a map) and the nature of the construction activity;
- B. The total area of the site and the area of the site that is expected to undergo excavation during the life of the permit;
- C. Proposed measures, including best management practices, to control pollutants in storm water discharges during construction, including a brief description of applicable State and local erosion and sediment control requirements;
- D. Proposed measures to control pollutants in storm water discharges that will occur after construction operations have been completed, including a brief description of applicable State or local erosion and sediment control requirements;
- E. An estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the permit application is completed, the nature of the fill material and existing data describing the soil or the quality of the discharge; and
- F. The name of the receiving water(s).