

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2069 | F: (518) 357-2593

www.dec.ny.gov

February 5, 2024

Letter Transmitted Electronically

Robert J. Allen, Mayor
Village of Hoosick Falls
24 Main Street
Hoosick Falls, New York 12090
mayor@hfvillage.org

RE: **Section 401 Water Quality Certification**
DEC #4-3828-00178
Facility: Village of Hoosick Falls WWP
Town of Hoosick, Rensselaer County

Dear Mayor Allen:

The permit that you applied for is enclosed. Please read it carefully and note the conditions that are included. It is valid for only those activities authorized and is **effective February 5, 2024 and will expire on February 5, 2026**. Work beyond the scope of the permit and the approved project plans may be considered a violation and subject to appropriate enforcement action.

Please be advised that the Uniform Procedures Regulations (6 NYCRR Part 621) provide that an applicant may request a public hearing if a permit is denied or contains conditions which are unacceptable to them. Any such request must be made in writing within 30 calendar days of the date of permit issuance and must be addressed to the Regional Permit Administrator at the letterhead address. A copy should also be sent to the Chief Administrative Law Judge at NYSDEC, 625 Broadway, 1st Floor, Albany, NY 12233 1550.

Also note that this permit does not eliminate the need to obtain any other federal, state or local permits or approvals that may be required for this project. If you need additional time to complete the project, you may request a permit extension. Please reference the above DEC number, include an explanation why additional time is required and the anticipated completion date.



Department of
Environmental
Conservation

Please feel free to contact me by telephone at (518) 357-2455 or by e-mail at patrick.connally@dec.ny.gov if you have any questions or concerns.

Sincerely,

Patrick S. Connally

Patrick S. Connally
Environmental Analyst 1

Enclosures: Permit

cc (by email): S. Jazic, Honeywell
C. Angier, Saint-Gobain
D. Servetas, P.E., WSP
C. Burns, CHA
A. Labatore, USACOE
J. Demming, NYSDOH
R. Elder, Rensselaer County DOH
T. Luisi, NYSDEC R4 Regional Director
V. Ruglis, NYSDEC R4 Regional Attorney
J. Hock, NYSDEC CO DOW
I. Beilby, NYSDEC CO DER
K. Pochini, NYSDEC CO BEH
W. Buetow, NYSDEC R4 BEH
T. Brady, NYSDEC R4 BEH





PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
VILLAGE OF HOOSICK FALLS
24 MAIN ST
HOOSICK FALLS, NY 12090-2004

Facility:
Village of Hoosick Falls WWP
21260 St Rte 22
Hoosick, NY

Facility Location: in HOOSICK in RENSSELAER COUNTY

Facility Principal Reference Point: NYTM-E: 634.412 NYTM-N: 4748.669
Latitude: 42°52'43.7" Longitude: 73°21'15.1"

Authorized Activity: This Section 401 Water Quality Certification (WQC) authorizes the following activities, in accordance with the information and plans referenced in Condition Nos. 1 and 2 of this permit:

- 0.07 acres of permanent and 0.43 acres of temporary impacts to Waters of the United States (WOTUS) through activities associated with the development of LaCroix Wells 1 and 2, a well house, paved access road to the well house, and approximately 6,800 linear feet of new water main connecting the well house and LaCroix Wells 1 and 2 to the Village of Hoosick Falls Water Treatment Plant (WTP) for municipal water supply purposes.
- Water main will be connected to the well house, proceed west towards New York State Route 22 (Route 22), turn north and proceed along the eastern side of Route 22 within the New York State Department of Transportation (NYSDOT) right-of-way, east across Tax Map Parcels: 37. 2 10, 37.-2-11, and 37. 2 6.2 (Parcel 6.2), then east via directional bore under the Class C(T) Hoosick River and connected to the WTP on Tax Map Parcel: 37.7-1-1 located on the west side of the Hoosic River.

Note: Wherever used in this permit, ECL refers to New York State Environmental Conservation Law and 6 NYCRR refers to Title 6 of the New York Code, Rules, and Regulations.

Permit Authorizations

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 4-3828-00178/00004

New Permit

Effective Date: 2/5/2024

Expiration Date: 2/5/2026



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: KATE MALCOLM, Regional Permit Administrator
Address: NYSDEC Region 4 Headquarters
1130 N Westcott Rd
Schenectady, NY 12306

Authorized Signature: _____ Date : 2 / 5 / 2024

Distribution List

S. Jazic, Honeywell
C. Angier, Saint-Gobain
D. Servetas, P.E., WSP
C. Burns, CHA
A. Labatore, USACOE
J. Demming, NYSDOH
R. Elder, Rensselaer County DOH
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Permit Components

NATURAL RESOURCE PERMIT CONDITIONS
WATER QUALITY CERTIFICATION SPECIFIC CONDITION
GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS



Permit Attachments

Facility Location Map
Pages from 2024.01.30 Design Drawings from BODR

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION

1. Conformance with Plans List All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans include the following:

	Document	Description and Date
a.	2023.12.22 Wetland Impacts Figures	A three-sheet set of plans prepared by CHA, dated October 20, 2023, and received by DEC on December 22, 2023.
b.	2024.01.30 Design Drawings from BODR	A 36-sheet set of engineered plans prepared by CHA, dated October 20, 2023, and received by DEC on January 30, 2024
c.	2023.12.22 Applicant Response	A 13-page response letter submitted to DEC by WSP on December 22, 2023.

Water Quality Requirements: 6 NYCRR 608.9 Discharges prohibited without certification.

Explanation: This condition is necessary to identify what discharges are authorized by the certification. Any discharge not identified in the referenced plans is prohibited.

2. Contingency Plan for Drilling In response to the NOIA issued on 12/20/2023, applicant stated that the contingency plan detailing a survey/monitoring protocol and clean up methods for drilling fluids will be provided by the contractor prior to the start of construction. Additionally, applicant stated that the total area of disturbance, location of staging areas and placement of frac tanks/vacuum trucks and drilling fluid components including any additives will be provided by the contractor prior to the start of construction. This information will need to be provided to DEC no later than fifteen (15) days prior to the start of construction. DEC approval of these plans is required before construction can commence.

Water Quality Requirements: 6 NYCRR 608.9 Discharges prohibited without certification.

Explanation: This condition is necessary to identify what discharges are authorized by the certification. Any discharge not identified in the referenced plans is prohibited.



3. Investigational Borings At least fifteen (15) days prior to the start of construction, applicant shall provide DEC with the results of any investigational borings. This shall include a profile drawing, detailing any significant geological formations or soil compositions that may impact drilling. The depth below any wetlands and streams should also be included.

Water Quality Requirements: 6 NYCRR 608.9 Discharges prohibited without certification.

Explanation: This condition is necessary to identify what discharges are authorized by the certification. Any discharge not identified in the referenced plans is prohibited.

4. Bore Pits All bore pits shall be contained by appropriate erosion control measures.

Water Quality Standards: 6 NYCRR 703.2: Narrative water quality standards for turbidity, suspended solids, and other deleterious substances.

Explanation: This condition is necessary to ensure that upland erosion is minimized and contained during project construction, preventing contravention of the water quality standards.

5. Prevention of Contamination Any unintentional return of drilling fluid (frac out) needs to be reported to DEC within 24 hours.

Water Quality Standards: 6 NYCRR 703.2. Narrative water quality standards related to turbidity, suspended solids, toxic substances, color, and other deleterious substances.

Explanation: This condition is necessary to ensure that the permittee undertakes whatever additional measures are necessary, and not otherwise specified in the conditions of this permit, to prevent the contravention of water quality standards during the implementation of the project.

6. Department of Environmental Conservation (DEC) Site Access DEC Staff are authorized to inspect the site throughout construction.

Water Quality Standards: 6 NYCRR 608.9 Discharges prohibited without certification.

Explanation: This condition is necessary to ensure that the operation of construction equipment does not result in long-term or permanent alteration of waters, creating a discharge beyond the scope of the authorized discharge.

7. Erosion and Sediment Controls Erosion controls consisting of trenched silt fencing must be placed between the wetlands and the area of disturbance or immediately adjacent to the area of disturbance.

Water Quality Standards: 6 NYCRR 703.2. Narrative water quality standards related to turbidity, suspended solids, toxic substances, color, and other deleterious substances.

Explanation: This condition is necessary to ensure that the permittee undertakes whatever additional measures are necessary, and not otherwise specified in the conditions of this permit, to prevent the contravention of water quality standards during the implementation



8. Minimize Adverse Impacts All work must be performed in a manner which minimizes adverse impacts to wildlife, water quality and natural resources.

Water Quality Standards: 6 NYCRR 703.2. Narrative water quality standards related to turbidity, suspended solids, toxic substances, color, and other deleterious substances.

Explanation: This condition is necessary to ensure that the permittee undertakes whatever additional measures are necessary, and not otherwise specified in the conditions of this permit, to prevent the contravention of water quality standards during the implementation

9. Equipment Cleaning To prevent turbid discharges and the potential introduction of invasive species into regulated waters from other areas, all equipment used in any project work area involving regulated waters will be inspected for, and cleaned of, any visible soils, vegetation, and debris before being used in regulated waters.

Water Quality Standards: 6 NYCRR 703.2: Narrative water quality standards related to turbidity, suspended solids and other deleterious substances.

Explanation: This condition is necessary to ensure that equipment used will not contribute to a contravention of water quality standards.

10. Construction Access Construction access shall be by means that avoid aquatic sites, unless specifically authorized on the approved plans.

Water Quality Standards: 6 NYCRR 608.9 Discharges prohibited without certification.

Explanation: This condition is necessary to ensure that the operation of construction equipment does not result in long-term or permanent alteration of waters, creating a discharge beyond the scope of the authorized discharge.

11. Temporary Work Areas Temporary causeways and work pads within regulated waters shall be constructed within the confines of a water control structure and shall consist of clean non-erodible material such as stone, timber, or steel. The temporary causeways and work pads shall not be installed until the water control structure is in place and the area has been completely dewatered and shall be removed prior to removal of the water control structure. Equipment staging and lay down areas shall not be located in wetlands, unless specifically authorized on the approved plans.

Water Quality Standards: 6 NYCRR 608.9: Discharges prohibited without certification. 6 NYCRR 703.2: Narrative water quality standards related to turbidity, suspended solids, toxic substances, and other deleterious substances.

Explanation: This condition is necessary to ensure that the construction of temporary work pads and staging areas do not result in long-term or permanent alteration of waters, creating a discharge beyond the scope of the authorized discharge, or result in a contravention of water quality standards.



12. Clean Fill Only All fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, flyash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. The introduction of materials toxic to aquatic life is expressly prohibited.

Water Quality Standards: 6 NYCRR 703.2: Narrative water quality standards related to turbidity, suspended solids, garbage, cinders, ashes, oils, sludge, other refuse, toxic substances, and other deleterious substances.

Explanation: This condition is necessary to ensure that there are no unauthorized materials are discharged, and that those authorized materials do not contain any other materials that are toxic to aquatic life and, thereby, contravene water quality standards.

13. Heavy Equipment Heavy equipment working in wetlands must be placed on equipment mats, or other measures must be taken to minimize soil disturbance and compaction to the maximum extent practicable.

Water Quality Standards: 6 NYCRR 608.9 Discharges prohibited without certification.

Explanation: This condition is necessary to ensure that the operation of heavy equipment does not result in long-term or permanent alteration of waters, creating a discharge beyond the scope of the authorized discharge.

14. Stockpiles Fill or other excavated materials shall not be stockpiled in a manner conducive to erosion, or in areas with the potential to cause turbid runoff during storm events. Mats or geotextile fabric shall be placed under any temporary fill or stockpile and shall be removed following construction.

Water Quality Standards: 6 NYCRR 703.2: Narrative water quality standards for turbidity, suspended solids, and other deleterious substances.

Explanation: This condition is necessary to ensure that erosion from stockpiled materials is minimized and contained during project construction, preventing contravention of the water quality standards.

15. Water Clarity Stream reaches downstream of construction areas shall always remain as clear (non-turbid) as the reaches upstream of the construction areas.

Water Quality Standards: 6 NYCRR 703.2: Narrative water quality standards related to turbidity, suspended solids, and other deleterious substances.

Explanation: This condition is necessary to ensure that the project does not violate water quality standards related to turbidity.

16. Seed and Mulch Streambanks and Work Areas Within one week of final grading, all areas of soil disturbance from this project shall be seeded with an appropriate perennial grass seed and mulched with hay or straw, unless hydroseeded.. Mulch shall be maintained until a suitable vegetative cover is established. If seeding is impracticable due to the time of year, a temporary mulch shall be applied and final seeding shall be performed at the earliest opportunity when weather



conditions favor germination and growth, but not more than six months after project completion.

Water Quality Standards: 6 NYCRR 703.2: Narrative water quality standards for turbidity, suspended solids, and other deleterious substances.

Explanation: This condition is necessary to ensure that upland erosion is minimized after construction is completed, preventing contravention of the water quality standards.

17. Concrete leachate During construction no fresh or wet concrete or leachate shall be allowed to escape into any wetland or water of New York State, nor shall washings from ready-mix concrete trucks, mixers, or other devices be allowed to enter any waters or wetlands. Wet concrete shall not be poured to displace water within the forms. Leakage from forms must be prevented from entering any wetland or water of New York State.

Water Quality Standards: 6 NYCRR 703.2: Narrative water quality standards for turbidity, suspended solids, toxic substances and other deleterious substances.

Explanation: This condition is necessary to ensure that concrete, concrete leachate and other materials contaminated by concrete, which are toxic to aquatic life, are contained during project construction, preventing contravention of the water quality standards.

18. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

19. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

20. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

21. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such



removal or alteration.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 4 Headquarters
1130 N Westcott Rd
Schenectady, NY12306

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Water Quality Certification.



5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.



Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



**PROJECT LOCATION & NYS RESOURCES MAP**

DEC # 4-3828-00178
V. of Hoosick Falls WWP
NYS Route 22
Town of Hoosick
Rensselaer County

Date: 10/25/2023

0 360 720 1,080 1,440 Feet

1 inch = 750 feet

Legend**Regulated Freshwater Wetlands**

- Class 1 Wetland
- Class 2 Wetland
- Class 3 Wetland
- Class 4 Wetland

Freshwater Wetland Adjacent Area

- Freshwater Wetland Adjacent Area
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- Other

Water Quality Classifications

- Unprotected
- Protected

NYS ITS Geospatial Services

Disclaimer: This map was prepared by the NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.



**Department of
Environmental
Conservation**






WSP USA
33 RIVER STREET
7TH FLOOR
TROY, NY 12180



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT OR LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING A STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

VILLAGE OF HOOSICK FALLS
WATER SUPPLY PROJECT

No.	Submittal / Revision	App'd.	By	Date
	REGULATORY SUBMISSION	MBA	KMN	10/20/23
	90% DESIGN	MBA	KMN	10/02/23
	60% DESIGN	MBA	KMN	08/2023

WATER MAIN KEY PLAN

Designed By: KMN	Drawn By: KMN	Checked By: MBA
Issue Date: 10/2023	Project No: 076850	Scale: AS SHOWN

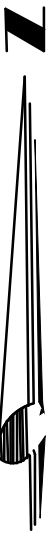
Drawing No.:

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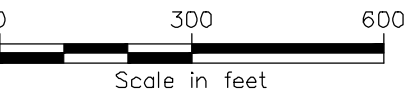


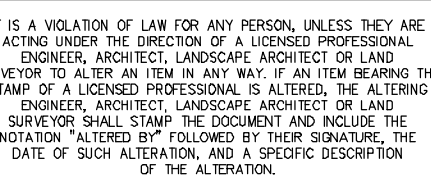
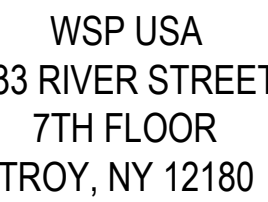
WATER MAIN KEY PLAN

SCALE: 1" = 300'



NYSDEC APPROVED PLANS

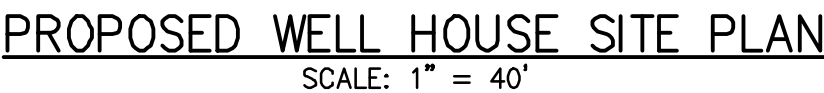


VILLAGE OF HOOSICK FALLS
WATER SUPPLY PROJECT

PROPOSED WELL HOUSE SITE PLAN

Drawing No.:

C-201



**NYSDEC
APPROVED PLANS**