

New York State Department of Environmental Conservation

Office of Environmental Permits, Region 5

1115 NYS Route 86, PO Box 296, Ray Brook, New York 12977

Phone: (518) 897-1234 • FAX: (518) 897-1394

Website: www.dec.ny.gov



Joe Martens
Commissioner

September 17, 2012

Mr. R.J. Hilarides
Environmental Affairs
Georgia Pacific, LLC
133 Peachtree Street NE, 9th Floor
PO Box 105604
Atlanta, GA 30303-5604

**Re: DEC No. 5-1552-00188/00001
Town of Willsboro, Essex County**

Dear Mr. Hilarides:

Enclosed is your permit, which was issued in accordance with the applicable provisions of the Environmental Conservation Law. Questions regarding the terms of the permit should be directed to Bill Schoch at (518) 897-1333. Should your plans change, please contact this office to determine whether modifications of the permit are required.

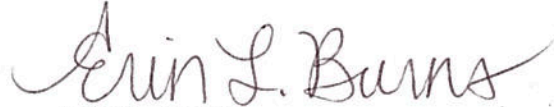
Please note that it is the responsibility of the permittee and its agents to read and comply with all permit conditions. **Carefully review the project sketches attached to this permit. Minor changes may have been made in the location or dimensions of your project, or additional materials (i.e., filter fabric or rock rip-rap) may have been included in the plans.** Further, the permit is valid only for the activity expressly authorized. Work beyond the scope of the permit shall be considered as work without a permit. Any failure to comply with these terms may be treated as a violation of the Environmental Conservation Law. Work done under this permit is subject to inspection by Forest Rangers and Environmental Conservation Officers.

THIS PERMIT DOES NOT ELIMINATE THE NEED TO OBTAIN APPROVALS FROM OTHER LOCAL OR STATE AGENCIES, OR FROM THE U. S. ARMY CORPS OF ENGINEERS (USACOE). IF YOUR PROJECT IS LOCATED WITHIN THE ADIRONDACK PARK OR LAKE GEORGE PARK, APPROVALS MAY BE REQUIRED FROM THE ADIRONDACK PARK AGENCY (APA) OR THE LAKE GEORGE PARK COMMISSION (LGPC). FOR ADDITIONAL INFORMATION ON

Mr. Paul Montney
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APA REQUIREMENTS, CONTACT THE APA AT (518) 891-4050. FOR LGPC REQUIREMENTS, CALL (518) 668-9347. FOR USACOE REQUIREMENTS CALL (518) 270-0588.

Sincerely,



Erin L. Burns
Deputy Regional Permit Administrator

ELB/bev
enclosures

cc: Bill Schoch, Fisheries
Chek Ng, Environmental Remediation
Dominic Fontana, Water
Joan Ducharme, OPP
ECO Lt. Harold Barber
Kevin Bruce, ACOE
Patricia Gabriel, ARCADIS
Ed Hatch, Supervisor, Town of Willsboro
Paul Montney, Georgia Pacific



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
GEORGIA PACIFIC LLC (GA 030)

133 PEACHTREE ST NE 9TH FL
PO BOX 105604
ATLANTA, GA 30303-5604
(404) 652-6869

Facility:
WILLSBORO BLACK ASH POND
REMEDICATION SITE
END OF SCHOOL ST|BOQUET RIVER
WILLSBORO, NY

Facility Location: in WILLSBORO in ESSEX COUNTY

Facility Principal Reference Point: NYTM-E: 628.24 NYTM-N: 4914.225
Latitude: 44°22'11.9" Longitude: 73°23'25.6"

Project Location: southeast bank of Boquet River, downstream of Willsboro Dam

Authorized Activity: This permit authorizes the placement of rock rip rap along ~1500' for bank stabilization along the Boquet River to prevent erosion in an area containing black ash. The project is required under DEC consent order for Environmental Remediation. The site remediation involves excavating, reshaping and stabilizing the riverbank berm, and placement of rock rip rap. Approximately .16 acres of federal wetland impacts, and a total of 4,800 cy will be excavated from below mean high water. Native plantings will be placed within the rock rip rap. All work shall be performed in accordance with approved plans attached to and made a part of this permit.

Permit Authorizations

Stream Disturbance - Under Article 15, Title 5

Permit ID 5-1552-00188/00001 (INHWDS 516009)
New Permit Effective Date: 9/17/2012 Expiration Date: 10/1/2014

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 5-1552-00188/00002
New Permit Effective Date: 9/17/2012 Expiration Date: 10/1/2014

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 5-1552-00188/00003
New Permit Effective Date: 9/17/2012 Expiration Date: 10/1/2014

EJB



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: ERIN L BURNS, Deputy Regional Permit Administrator
Address: NYSDEC REGION 5 HEADQUARTERS
1115 NYS ROUTE 86
PO BOX 296
RAY BROOK, NY 12977 -0296

Authorized Signature: Erin L. Burns Date 9/17/2012

Permit Components

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

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: STREAM DISTURBANCE; WATER QUALITY CERTIFICATION; EXCAVATION & FILL IN NAVIGABLE WATERS

- 1. Prohibition Period for Trout** All instream work, as well as any work that may result in the suspension of sediment, is prohibited during the trout spawning and incubation period commencing October 1 and ending April 30. A one-time extension to this work window has been granted through October 30, 2012 for this year only.
- 2. Conformance With Plans** 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 were prepared by Arcadis entitled "Willsboro Black Ash Pond Site and/or Restoration Project - Final Remediation Action Work Plan" dated August 2012, with revisions dated August 24, 2012.
- 3. Notice of Intent to Commence Work** The permittee shall submit a Notice of Intent to Commence Work to DEC's Bureau of Fisheries in Ray Brook at least 48 hours in advance of the time of commencement and shall also notify him/her promptly in writing of the completion of work.



4. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

WATER QUALITY

5. 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.

6. No Equipment in the Water Heavy equipment operation in the water is prohibited. With backhoes and similar heavy equipment, the bucket may enter the water.

7. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

EROSION CONTROLS

8. Siltation Prevention Measures Siltation prevention measures, such as silt fencing, sediment traps or settling basins, shall be installed and maintained during the project, to prevent movement of silt and turbid waters from the project site into any watercourse, stream, water body or wetland.

9. Clearing of Vegetation Clearing of natural vegetation shall be limited to that material which poses a hazard or a hindrance to the construction activity.

10. Install and Maintain Erosion Controls Staked hay or straw bales or other DEC-approved erosion control measures are to be installed on the downslope edge of any disturbed areas. This barrier to sediments is to be put in place before any disturbance of the ground occurs and is to be maintained in a functional condition until all disturbed land is heavily vegetated.

11. Materials Removed from Bed and Banks Any debris or excess materials from construction of this project shall be immediately and completely removed from the bed and banks of all water areas to an appropriate upland area for disposal.

12. Seed, Mulch Disturbed Areas All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass, and mulched with straw immediately upon completion of the project, within two days of final grading, or by the expiration of the permit, whichever is first.

13. Vegetate All Disturbed Areas The permittee shall revegetate all exposed faces and disturbed areas to prevent soil erosion prior to the project completion or expiration date of this permit, whichever comes first.

14. Temporary Mulch, Final Seeding 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.

PRE-CONSTRUCTION REQUIREMENTS

15. Filter Fabric Curtain Around Work Area A filter fabric (turbidity) curtain weighted across the bottom and suspended at the top by floats shall be positioned to enclose the work site before commencing operations. The curtain shall remain in place and in functional condition during all phases



of the operations and remain in place until turbidity inside the curtain no longer exceeds ambient levels. The turbidity curtain as shown on Plan Sheet G-207 is required to be installed.

CONSTRUCTION REQUIREMENTS

16. 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.

17. No Rock From Stream/Lake No rock for use in construction is to come from the stream bed.

18. Installation of Riprap The stone riprap (revetment) installed must contain no more than one cubic yard of rock per running foot below mean high water. The revetment shall be placed on a layer of filter material such as gravel, small rock and/or woven filter cloth to provide positive drainage and better stability. The revetment toe stone must be keyed to a depth of at least one foot below the soil/waterbody interface, below the Mean High Water Elevation or be adequately fixed to bedrock. The face of the revetment must be sloped no steeper than one foot vertical to one and one-half feet horizontal (1:1.5).

19. Plantings Plantings along the river bank as shown on Plan Sheet G-209 are required.

20. Consolidation of Armor Stone Prohibited Armor stone may not be consolidated with concrete or by any other means.

AREA RESTRICTIONS

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.

22. 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.

23. 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.



WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

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 5 HEADQUARTERS
1115 NYS ROUTE 86
PO BOX 296
RAY BROOK, NY 12977 -0296

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Stream Disturbance, Water Quality Certification, Excavation & Fill in Navigable Waters.



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
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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.



NOTICE OF INTENT TO INITIATE PROJECT CONSTRUCTION

NOTE: This notice must be mailed or faxed to the appropriate Department of Environmental Conservation Office listed below. Notice must be received by the Department at least 48 hours prior to initiation of construction activities.

The following information is to be filled out by DEC:

DEC Permit #: 5-1552-00188/00001
Permittee Name: Georgia Pacific, LLC
Address: 133 Peachtree Street NE, 9th Floor
PO Box 105604
Atlanta, GA 30303-5604
Telephone Number: (404) 652-6869

The following information must be completed by the Permittee:

I plan on initiating work on my project on _____
month/day/year

My contractor is: _____

Address: _____

Telephone: _____

Please mail or FAX this form prior to initiating project to:

NYSDEC
Natural Resources Office
PO Box 296, Route 86
Ray Brook, NY 12977-0296
(518) 897-1291
(518) 897-1370 FAX

NYSDEC
Natural Resources Office
232 Golf Course Road
Warrensburg, NY 12885-0220
(518) 623-1240
(518) 623-3603 FAX

New York State
Department of Environmental Conservation



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Regional Permit Administrator

Permit Number 5-1552-00188/00001

Expiration Date October 1, 2014


Erin L. Burns
Deputy Regional Permit Administrator

NOTE: This notice is NOT a permit