



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**

NYS Dept of Environmental Conservation  
625 Broadway  
ALBANY, NY 12207

**Facility:**

Utica City Dump Remediation  
LELAND Ave|East of Leland Ave  
Utica, NY

**Facility Application Contact:**

Brianna L Scharf  
Environmental Remediation  
625 Broadway  
Albany, NY 12233  
(518) 402-5987

**Facility Application Contact:**

Kyle W Buelow  
Ramboll  
333 West Washington St  
Syracuse, NY 13202

**Facility Location:** in UTICA in ONEIDA COUNTY **Village:** Utica

**Facility Principal Reference Point:** NYTM-E: 484.240025195627 NYTM-N:  
4772.38305860171

Latitude: 43°06'14.4" Longitude: 75°11'37.3"

**Project Location:** North of the OHSWA plant



**Authorized Activity:** Remediation of the former Utica City Dump located east of Leland Avenue, between the Barge Canal and Mohawk River. The dump will be consolidated from 126 acres down to 103 acres. An evapotranspiration (ET) cover system will be installed to cover the 103 acres. The ET cover system will be composed of 18" of dredge spoils sourced from the Barge Canal, and 6" of topsoil placed over the dredge spoils. 18.2 acres of wetland restoration/construction will occur on the site perimeter. An on-site existing incinerator and surrounding structures will be demolished and disposed of at an approved solid waste management facility. Fencing will be installed along the perimeter of the site. Approximately 1.64 acres of temporary disturbance, and .12 acres of permanent disturbance will occur within a NYS Regulated Freshwater Wetland. Approximately 22.92 acres of disturbance will occur within the 100 foot Regulated Adjacent Area of the NYS Regulated Freshwater Wetland.

**Permit Authorizations**

**Water Quality Certification - Under Section 401 - Clean Water Act**

Permit ID 6-3016-00264/00001

New Permit

Effective Date: 10/17/2025

Expiration Date: 10/16/2030

**Freshwater Wetlands - Under Article 24**

Permit ID 6-3016-00264/00002

New Permit

Effective Date: 10/17/2025

Expiration Date: 10/16/2030

**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: TODD J PHILLIPS, Deputy Regional Permit Administrator

Address: NYSDEC Region 6 Utica Sub-Office  
State Office Bldg - 207 Genesee St  
Utica, NY 13501 -2885

Authorized Signature: Todd J Phillips Date 10/17/2025

**Distribution List**

Brianna L Scharf  
Kyle W Buelow  
US ARMY CORPS OF ENGINEERS - BUFFALO DISTRICT  
Law Enforcement  
City of Utica  
STEVE O CASE, JR



**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**

Drawings/Blueprints	4/4/2025
Site Plan	4/4/2025

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION; FRESHWATER WETLANDS**

- 1. Notify DEC of Commencement of Work and Completion of Work** The permittee shall notify the Department at least seven days prior to project commencement and within seven days of project completion. Each notification is to be made by e-mailing the region's Bureau of Ecosystem Health at [R6BEH@dec.ny.gov](mailto:R6BEH@dec.ny.gov) or by telephone at 315-793-2404 during the Department's normal business hours (8:30 am to 4:45 pm), and providing the name of the permittee and the Permit ID(s) as listed in the Permit Authorization section of this permit.
- 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 Ramboll and received April 4, 2025.
- 3. Failure to Meet Permit Conditions** Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.
- 4. Minimize Adverse Impacts to Wetlands, Wildlife, Water** All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.
- 5. Silt Screen Around Wetland Area** Prior to commencement of any construction activities, a continuous line of silt screen (maximum opening size of U.S. Sieve #20) shall be staked along the upland edge of the wetland adjacent area.
- 6. Maintain Silt Screen** The screen shall be maintained, repaired and replaced as often as necessary to ensure proper function, until all disturbed areas are permanently vegetated. Sediments trapped by the screen shall be removed to an approved upland location before the screen is removed.



**7. Stabilize Disturbed Areas** All areas of soil disturbance resulting from this project shall be stabilized immediately following project completion or prior to permit expiration, whichever comes first. The approved methodologies are as follows:

- a. Stabilization of the entire disturbed area with appropriate vegetation (grasses, etc.).
- b. Stabilized as per specifications identified on approved plans.
- c. Temporarily stabilized with straw mulch or jute matting or other similar natural fiber matting within 1 week of final grading. Temporary stabilization shall be maintained until a mature vegetative cover is established.

**8. Disposal of Material** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated waterbody or wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area; and must be disposed of in accordance with all local, state, and federal statutes, regulations, or ordinances.

**9. Floodplain Regulations** The project must meet all local and federal floodplain regulations.

**10. Human or Archaeological Remains** If any human remains or archaeological remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify

Regional Permit Administrator  
NYSDEC Region 6 Headquarters  
State Office Building - 317 Washington St  
Watertown, NY13601

Work shall not resume until written permission to do so has been received from the Department.

**11. 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.

## 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 6 Utica Sub-Office  
State Office Bldg - 207 Genesee St  
Utica, NY13501 -2885

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, 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.

## **AGREEMENT FOR THE TRANSFER OF EXCAVATED MATERIALS**

For the mutual considerations set forth below, the New York State Canal Corporation (“NYSCC”) and the New York State Department of Environmental Conservation (“NYSDEC”) recite and agree as follows:

1. NYSCC has jurisdiction over the State’s Canal System, as defined in New York State Canal Law, and is responsible for efficiently maintaining the Canal System to ensure it remains in good condition.
2. Pursuant to that responsibility, NYSCC prepares annual dredge plans identifying locations to be dredged within the Canal System and submits them to NYSDEC for review and approval.
3. NYSCC’s dredging activities and the disposal of the dredged materials are authorized under, and subject to the conditions within, a Water Quality Certification (“WQC”) issued by NYSDEC (NYSDEC ID: 0-9999-00272) (“Dredge Permit”).
4. In accordance with the Dredge Permit and NYSCC’s annual dredge plans, NYSCC disposes of dredged materials at various upland disposal sites along and within the vicinity of the canal.
5. At issue in this Agreement is the future use and ownership of certain excavated dredge material located within NYSCC’s Upland Disposal Site (“UDS”) 4-26.
6. NYSDEC has requested to remove 432,500+/- of the excavated dredge material from UDS 4-26 (hereafter “the Material”) and, upon removal, assume ownership of the Material for reuse at its sole discretion.
7. NYSCC endeavors to preserve upland disposal site capacity at UDS 4-26 by transferring ownership of the Material to NYSDEC and allowing for NYSDEC to remove and reuse the Material at its discretion.
8. NYSCC’s transfer to NYSDEC would preserve capacity for future excavated dredge material at UDS 4-26 and avoid the substantial cost of removing and transporting the Material from UDS 4-26 to a recycling or landfill facility.
9. NYSDEC is uniquely positioned to reuse the Material in a manner that benefits the public welfare, and is also willing to indemnify, defend, and hold harmless NYSCC pursuant to paragraph 12 of this agreement.
10. In consideration for the indemnity set forth below, NYSCC consents and agrees that, upon issuance and adherence to NYSCC occupancy and work permits, NYSDEC may enter Canal property and take ownership of the Material, and all interests therein, “AS IS, WHERE IS,” subject to the following conditions:
  - a. Prior to assuming ownership of the Material, NYSDEC will issue a Beneficial Use Determination for the Material pursuant to 6 NYCRR Part 360.
  - b. NYSDEC will be exclusively responsible for obtaining and adhering to any additional federal, state, and local permits needed to remove and reuse the Material.
  - c. NYSDEC’s decision to begin removal of the Material will constitute NYSCC’s compliance with conditions 24 and 30 of the Dredge Permit.

- d. This Agreement is conditioned upon the Parties first satisfying their SEQRA obligations prior to engaging in any physical alteration at UDS 4-26. NYSDEC will serve as lead agency for conducting the environmental review required by the State Environmental Quality Review Act for the actions described in this Agreement. If NYSDEC determines the activities within this Agreement to be an Unlisted action, it will conduct a coordinated review and include NYSCC as an involved agency. NYSDEC will provide documentation of its SEQRA determination prior to removing the Material.
  - e. NYSDEC agrees to accept the Material "AS IS, WHERE IS," and will have sole ownership of and responsibility for the Material.
  - f. NYSCC does not in any way warrant the fitness of the Material for any particular use and disclaims any other representations or warranties, express or implied, including, but not limited to, the quality, quantity, character, performance, or condition of the Material.
11. To the maximum extent permitted by applicable law, particularly the New York State Court of Claims Act and Section 17 of the New York State Public Officers Law, NYSDEC hereby agrees to indemnify and hold harmless NYSCC, including its officials and employees, against any and all causes of actions in law or equity arising directly from the negligence of NYSDEC or its employees, to the extent attributable to said negligence, connected to the transfer of the Material or the performance of any work under this agreement. In accordance with New York State Finance Law Section 41, said responsibility of NYSDEC is limited to the availability of lawful appropriations. NYSDEC, for and on behalf of its employees, hereby releases NYSCC from any liability directly arising from the transfer of the Material or the performance of any work under this agreement, to the extent said liability is directly attributable to the negligence of the NYSDEC or its employees. It is further understood and agreed that in the performance of the purpose aforesaid, the NYSDEC is an independent contractor, and its servants and employees shall at no time be considered employees of NYSCC. In addition to NYSDEC's obligation to defend and indemnify NYSCC pursuant to paragraph 12 of this agreement, but not in substitution thereof, NYSDEC will arrange for each of its contractors to procure and maintain during the entire term of this agreement comprehensive general liability insurance coverage, in an amount of at least \$1,000,000 per occurrence and naming NYSCC as an additional insured thereunder, for the transfer of the Material or the performance of any work under this agreement. Each of NYSDEC's contractors transporting dredge material will procure and maintain during the entire term of this agreement business automobile insurance coverage, in an amount of at least \$1,000,000 per occurrences and naming NYSCC as an additional insured. NYSDEC's contractors shall also provide NYSCC with proof of workers' compensation insurance coverage. NYSDEC will provide NYSCC with the identity of any contractors that will be working on the transfer of the Material and copies of the insurance certificates, additional insured endorsements, waiver of subrogation endorsement and evidence of workers' compensation from the contractors.

12. The Material must be removed within two (2) years of this agreement being fully executed, and NYSDEC must also adhere to all conditions in the forthcoming occupancy permit.

Dated: 01/14/2026

For the New York State Department of Environmental Conservation

Andrew Guglielmi

Andrew Guglielmi (Jan 14, 2026 10:15:04 EST)

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Signature

Andrew Guglielmi

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Name and Title

For the New York State Canal Corporation

John L. Canale

John L. Canale (Jan 6, 2026 13:35:06 EST)

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Signature

John L. Canale SVP SSM

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Name and Title

**INSTRUCTIONS TO THE APPLICANT**

1. This application shall be completed and filed in conformance with the provisions of the Building Code for the City of Utica, N.Y. and other applicable codes and ordinances.
2. No application will be accepted unless accompanied by cash, check or money order in the amount of the permit fee.
3. In the event that the application is not approved, the applicant shall be entitled to a refund of 50% of the fee paid provided no work has commenced.
4. **IMPORTANT** – Complete all items. Mark boxes where applicable. Please print all answers.

To the Director of Codes Enforcement: The undersigned hereby requests approval of a Building Permit for the following improvements.

LOCATION OF BUILDING – Number and Street \_\_\_\_\_

OWNERSHIP – Name: \_\_\_\_\_ Address: \_\_\_\_\_

**TYPE OF IMPROVEMENT**

- Alteration       Addition       Demolition       Repair       New Structure       Replacement       Swimming Pools  
 Change of Occupancy       Other \_\_\_\_\_

Describe in detail the type of improvement that is indicated above: \_\_\_\_\_

**CLASSIFICATION OF EXISTING BUILDING**

- Business       Mercantile       Factory       Storage       Assembly       Garage       Mixed Occupancy  
 Institutional       Miscellaneous       Multiple Dwelling       One or Two Family

Describe in detail the present occupancy of the building. If vacant, indicate the last occupancy. \_\_\_\_\_

**CHANGE IN OCCUPANCY**

Will any change in occupancy occur as a result of the proposed improvements?       Yes       No

Describe in detail any new occupancy or use. \_\_\_\_\_

**TYPE OF CONSTRUCTION**

- Fire-resistive      Non-combustible      Ordinary      Heavy Timber      Wood Frame  
 1a       2a       2b       3       4       5

AREA \_\_\_\_\_ Sq. Ft.

For an addition to the existing structure indicate the total area (as defined in the Building Code) required for the calculation of the building permit fee.

ESTIMATED VALUE OF PROJECT	CONTRACTORS
General Construction.....	General Contractor.....
Electrical.....	Electrical.....
Plumbing.....	Plumbing.....
Heating and Air Conditioning.....	Heating and Air Conditioning.....
Other (Elev., etc.).....	Others.....
Total Cost _____	.....

DESIGN IDENTIFICATION      Name \_\_\_\_\_ Address \_\_\_\_\_

Architect \_\_\_\_\_

Engineer \_\_\_\_\_

Other \_\_\_\_\_

**GENERAL COMMENTS**

DATE: \_\_\_\_\_

APPLICANT'S NAME (TITLE) \_\_\_\_\_

CELL # \_\_\_\_\_ HOME# \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**THIS SIDE FOR OFFICE USE ONLY**

Location of Building \_\_\_\_\_

CTM: Book \_\_\_\_\_ Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Ward \_\_\_\_\_

Owner's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

Zoning District \_\_\_\_\_

Data Verification: Estimate Cost \_\_\_\_\_ Area \_\_\_\_\_ Volume \_\_\_\_\_

APPROVALS	YES	NO	REMARKS	SIGNATURE
<b>General Requirements</b>				
ZONING				
BUILDING CODE				
1. Code Requirements				
2. Plans and Specifications				
3. Plot Plans				
4. Deed				
ELECTRICAL				
PLUMBING				
ENGINEERING				

<b>Special Requirements</b>				
STATE LABOR DEPARTMENT				
PLANNING BOARD				
1. Scenic & Historic				
2. Other				
ZONING BOARD OF APPEALS				
COMMON COUNCIL				
OTHER				

Fee Paid \_\_\_\_\_

Permit No. \_\_\_\_\_

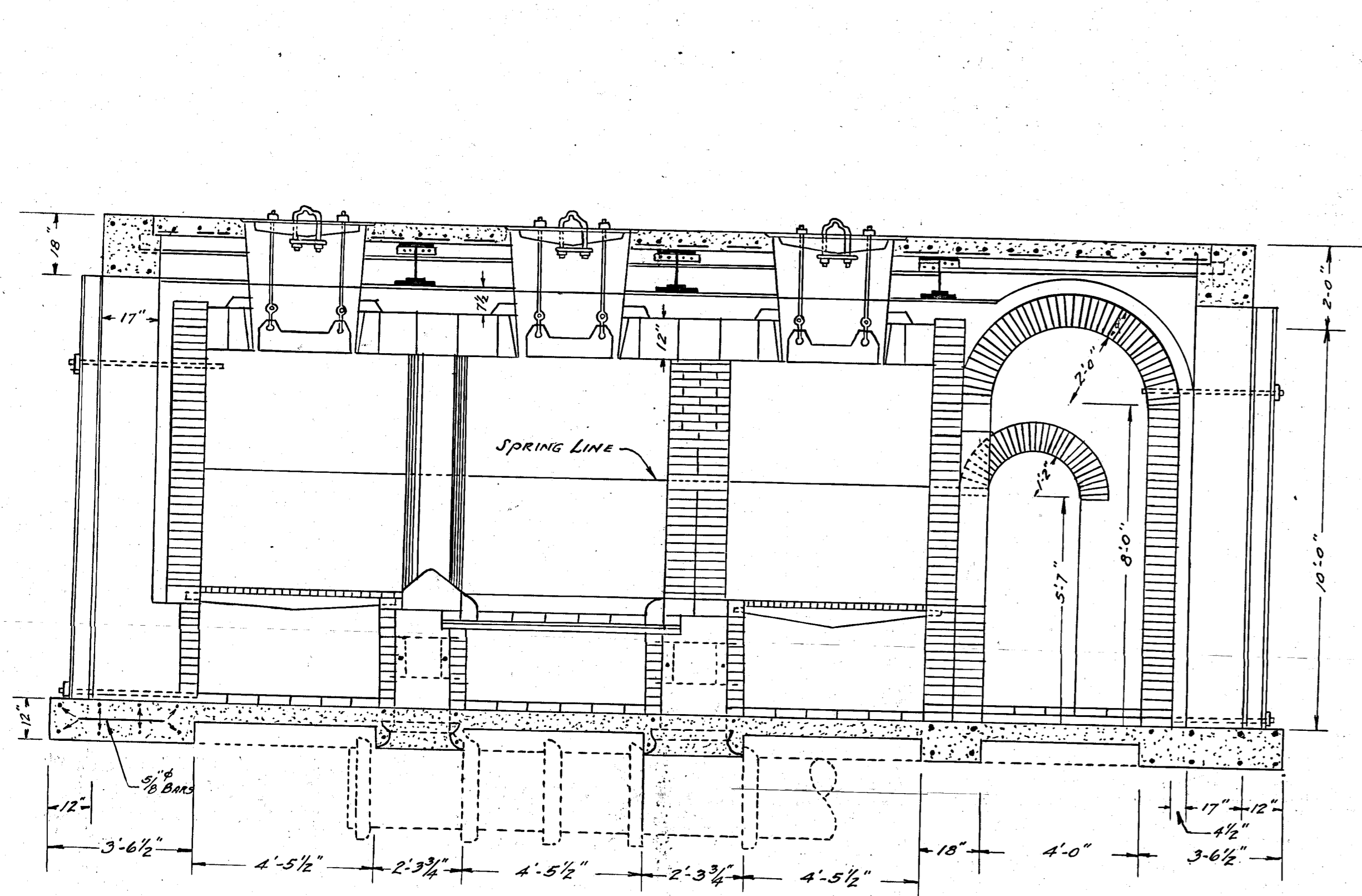
Date Issued \_\_\_\_\_

Date Disapproved \_\_\_\_\_

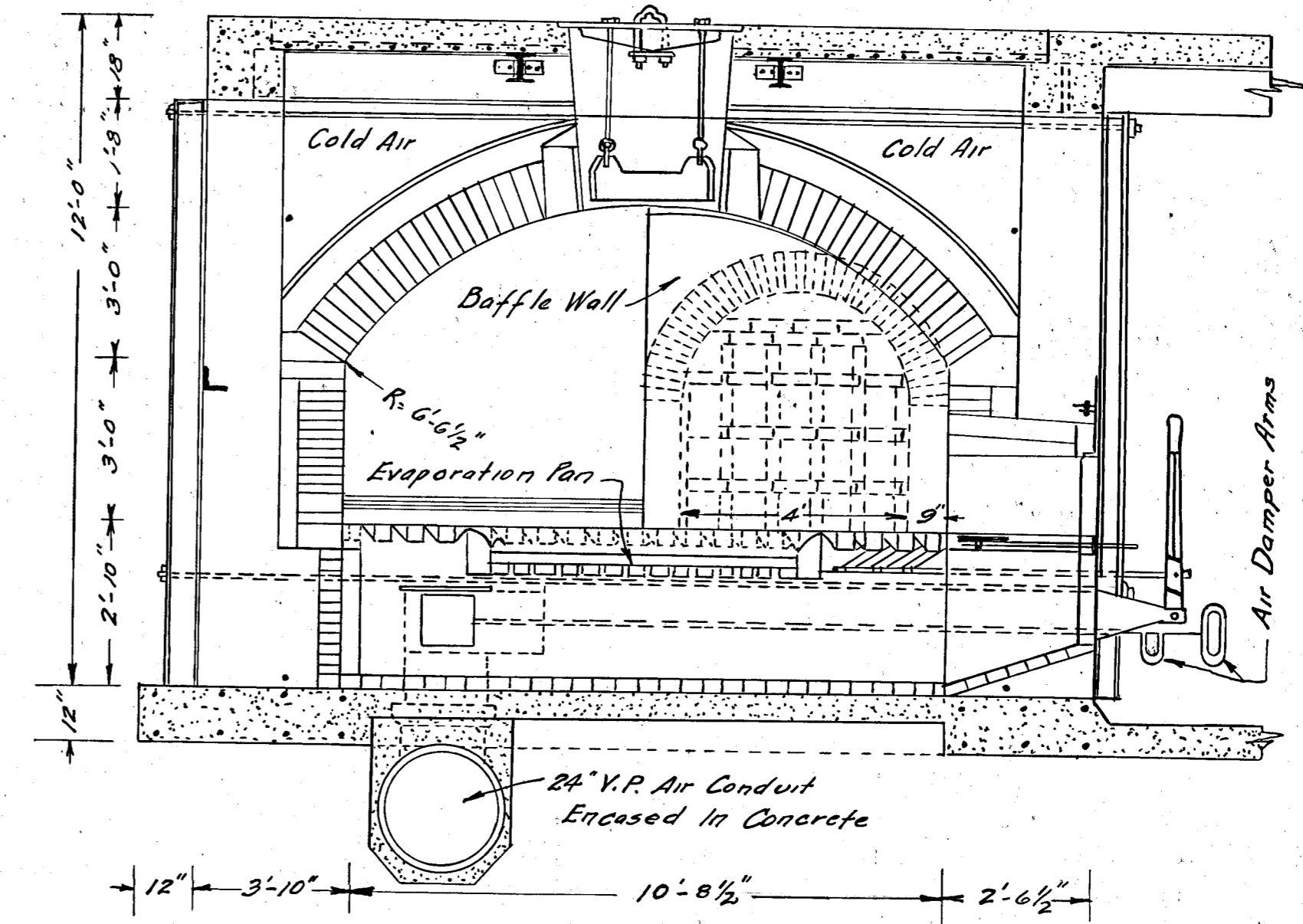
General Comments \_\_\_\_\_

\_\_\_\_\_

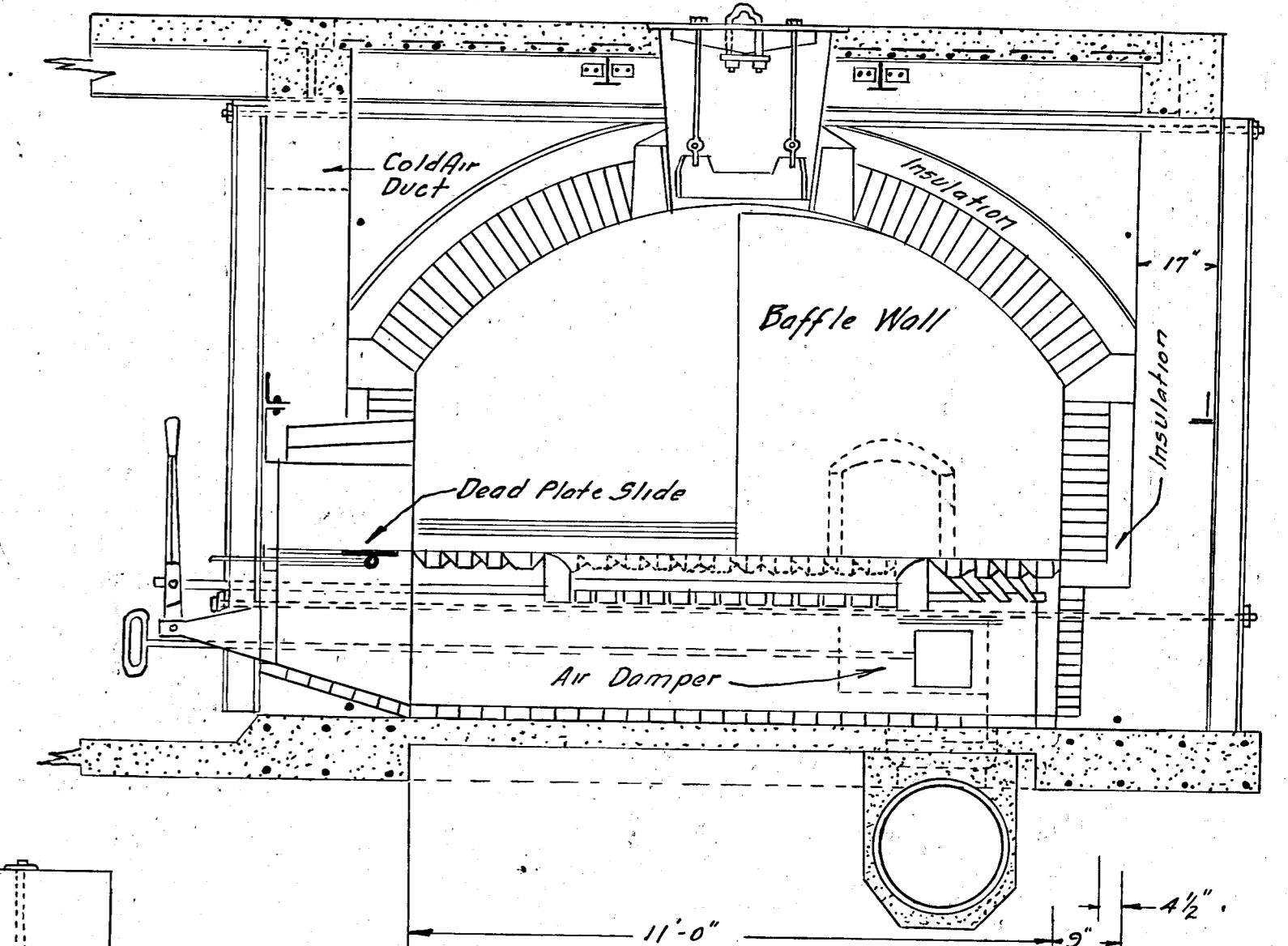
\_\_\_\_\_



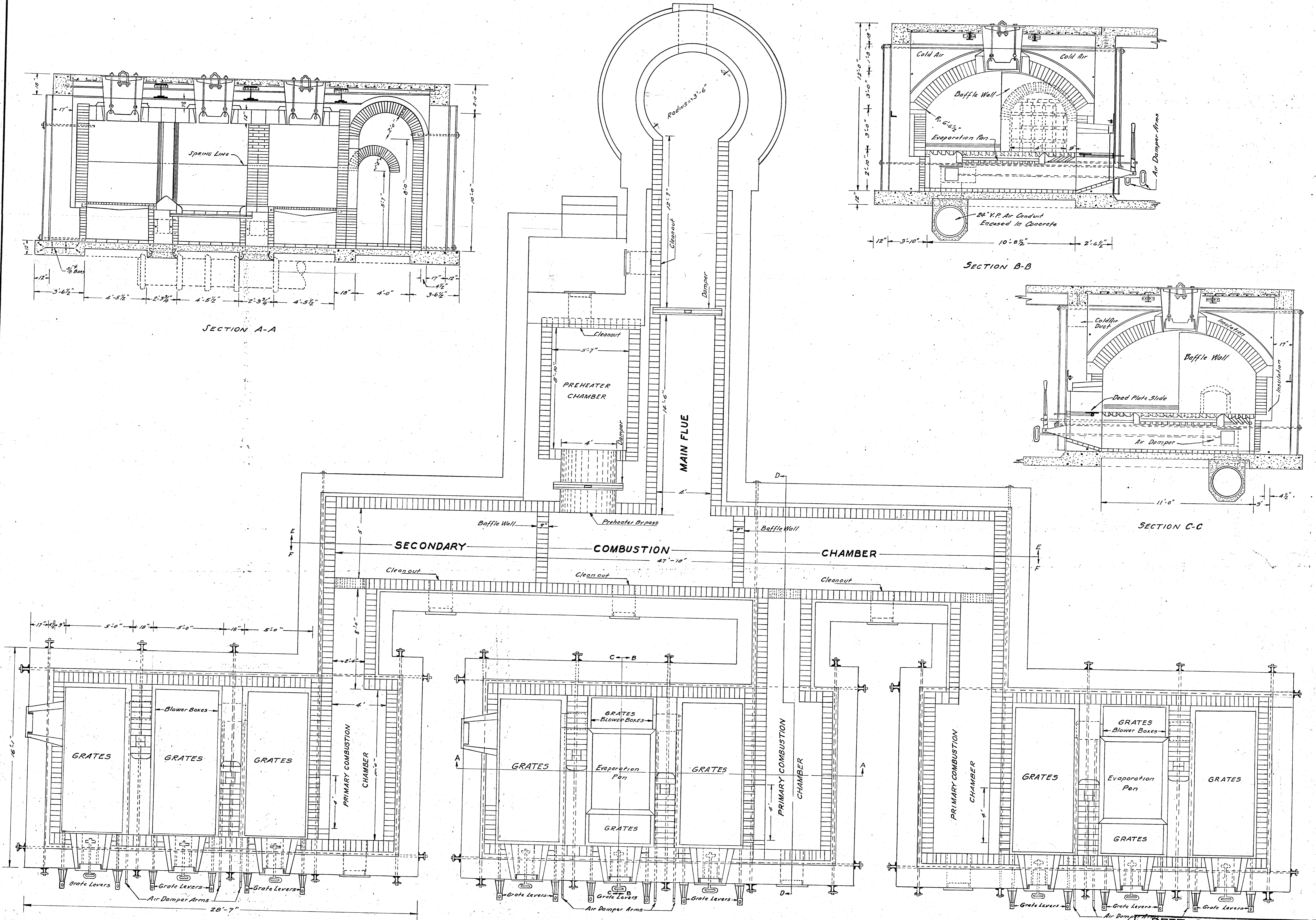
SECTION A-A



SECTION B-B



SECTION C-C



DEPT. OF ENGINEERING  
 UTICA, N. Y.  
**INCINERATOR PLANT**  
 PLAN OF FURNACES AT GRATELINE  
 4 1/2" INSULATION BETWEEN ALL FIRE  
 BRICK AND COMMON BRICK WALLS

Scales	3/8" = 1 Foot	Drawn by	
Reference		Traced by	A.S.B.
Date	Before 1944	Checked by	
Approved		Drawing No.	5927
		City Engineer	Dep. City Engineer

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau E  
625 Broadway, 12th Floor, Albany, NY 12233-7017  
P: (518) 402-9813 | F: (518) 402-9722  
www.dec.ny.gov

January 9, 2023

City of Utica  
1 Kennedy Plz  
Utica, NY 13502

Subject: NYSDEC Site No. 633015  
Utica City Dump  
Incinerator Road  
Tax Map ID No's. 319.7-1-5; 319.6-1-2; 319.6-1-3; 319.6-1-4; 319.6-1-5;  
319.6-1-6; 319.6-1-7; 319.6-1-8

To Whom It May Concern:

The New York State Department of Environmental Conservation (DEC) is investigating hazardous waste contamination on or near your premises. Pursuant to Environmental Conservation Law (ECL) Article 27 §§ 1309(3)-(4) and 1313(8), DEC and its contractors have the authority to enter onto property for these purposes.

DEC, acting through its officers, employees, agents, and contractors, requires access to your real property, above specified, to conduct inspection, investigation, remediation, operation, and/or maintenance, and monitoring. In order to complete this work, DEC may need to take samples of various media, including soil or groundwater. Sampling methods may include, soil borings, test pits, monitoring wells and geophysical studies.

DEC is available to answer any questions you may have regarding this work at any time. DEC will provide advance notice of scheduled work and will work to accommodate your schedule, to the extent possible. DEC will make every effort to minimize any adverse impact of its entry on and occupancy of your property. DEC would prefer to act in cooperation with private parties. Therefore, it is requested that you sign the attached form acknowledging and consenting to DEC's right of entry onto your property.

Nothing contained herein constitutes a waiver by the Department of any rights under applicable state and federal law nor does it constitute a release of any party from obligations under those same laws.

Please feel free to direct any questions you may have on this matter to me at (518) 402-9903 or via email at [samantha.salotto@dec.ny.gov](mailto:samantha.salotto@dec.ny.gov).

Sincerely,



**Samantha Salotto, PE**  
Professional Engineer 1  
Remedial Section A, Remedial Bureau E  
Division of Environmental Remediation



Department of  
Environmental  
Conservation

New York State Department Environmental Conservation

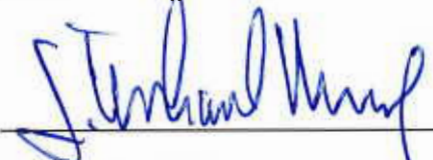
Property Owner Acknowledgment/Consent Form

I J. Michael Mahoney hereby acknowledge and consent to the  
Print Name

Department's right of entry for purposes of remedial activities associated with the Utica City Dump, Site No. 633015 onto the premises described below:

Tax Map ID #'s: 319.7-1-5; 319.6-1-2; 319.6-1-3; 319.6-1-4; 319.6-1-5;  
319.6-1-6; 319.6-1-7; 319.6-1-8

Address: Incinerator Road

Signature  , Deputy City Engineer

Date March 6, 2023

Daytime Phone Number (315) 792-0152

**Use/Disclosure of Data:** The Department may conduct sampling at or near the premises to inform its investigation/remediation of the site referenced herein. Sampling data obtained by the Department is subject to disclosure under the New York State Freedom of Information Law (Article 6 of the Public Officers Law). Please note that any identifying information related to sampling from the premises, including names, addresses, and personal emails/phone numbers, will not be disclosed by the Department.

Keep This Copy for Your Records

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
P: (518) 402-9706 | F: (518) 402-9020  
[www.dec.ny.gov](http://www.dec.ny.gov)

TRANSMITTED VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

March 7, 2023

Lily H. Weaver  
The Meadows  
Middle Settlement Rd, Apt D108  
New Hartford, NY 13413

Subject: NYSDEC Site No. 633015  
Utica City Dump  
Incinerator Road  
Site Tax Map ID No. 319.7-1-5, 319.6-1-2, 319.6.1-3, & 319.6-1-4  
Subject Property Tax Map ID No. 319.5-1-34

Dear Ms. Lily H. Weaver:

The New York State Department of Environmental Conservation (DEC) is preparing to investigate hazardous waste contamination related to the Utica City Dump site (Site No.633015) located in the City of Utica. Our records indicate that you are the owner of the property located near the site area identified on the County of Oneida Tax Map, City of Utica, Tax Map ID No. 319.5-1-34.

Environmental Conservation Law (ECL) Article 27 §§ 1309(3)-(4) and 1313(8) authorizes DEC or its authorized agents to enter upon any site, areas near such site, or area on which it has reason to believe that contaminants were disposed or discharged for purposes of inspection, sampling and testing, implementing a remedial program, long-term operation and maintenance, and temporary occupancy. This letter is to notify you of DEC's intent to exercise its right to access your property, above specified, pursuant to the cited statutory authority. This is not a notice that DEC intends to acquire the above specified property nor is it an offer to acquire it.

At this time, we do not know if your property is or will become part of a hazardous waste disposal site. Therefore, DEC currently regards you as potentially liable for a remedial program and/or for payment of costs incurred by the State in performing a remedial program at the site. Responsible parties under the ECL include current and past owners or operators, and persons who generated the hazardous wastes or were involved in transport, treatment, or disposal of such wastes and others who may be liable under applicable principles of law. Responsible parties are jointly and severally liable for money expended by the State for necessary corrective action at a site, including but not limited to investigation, planning, cleanup and enforcement. If you, or anyone representing you,

delay DEC's officers, employees, agents and/or contractors from entering upon your real property, you may be assessed the costs incurred by DEC for the delay.

DEC requests your cooperation in entering upon your real property, above specified. DEC, acting through its officers, employees, agents and contractors and subcontractors are hereby designated, as authorized pursuant to the Environmental Conservation Law (ECL) to enter this inactive hazardous waste disposal site, and areas near such site, to implement the required investigation and remediation. Those designated persons must comply with the requirements set forth in the ECL. The DEC has retained Ramboll to perform the required work. The contractor will be entering your real property at any time on or after March 17, 2023 for the purpose of investigation.

This work requires the collection of samples of various environmental media. In order to take such samples, DEC may use or cause to be used such sampling methods as it determines to be necessary including, but not limited to, soil sampling, soil borings, test pits, monitoring wells and geophysical studies.

DEC will make every effort to cooperate with you so that any adverse impact of its entry on and occupancy of your property will be minimized. Accordingly, DEC will pay the cost of the work to be conducted on your property and will return the ground surface of the property to its condition before it entered your property, unless you otherwise agree.

Nothing contained herein constitutes a waiver by DEC or the State of New York of any rights held pursuant to any applicable state and/or federal law or a release for any party from any obligations held under those same laws.

Any questions or concerns about DEC's operations on your property should be directed to Samantha Salotto, Project Manager, at (518) 402-9903. Any questions regarding DEC's legal authority should be directed to the Office of General Counsel at (518) 402-9521.

Sincerely,

*Andrew Guglielmi*

Andrew O. Guglielmi, Director  
Division of Environmental Remediation

ec: M. Cruden, NYSDEC [Michael.cruden@dec.ny.gov](mailto:Michael.cruden@dec.ny.gov)  
J. Brown, NYSDEC [Janet.brown@dec.ny.gov](mailto:Janet.brown@dec.ny.gov)  
S. Salotto, NYSDEC [Samantha.salotto@dec.ny.gov](mailto:Samantha.salotto@dec.ny.gov)  
B. Rung, NYSDEC [Benjamin.rung@dec.ny.gov](mailto:Benjamin.rung@dec.ny.gov)  
K. McCarthy, NYSDEC [Kieran.mccarthy@dec.ny.gov](mailto:Kieran.mccarthy@dec.ny.gov)

MICHAEL P. GALIME, MAYOR  
CITY OF UTICA



DEPARTMENT OF CODES ENFORCEMENT  
COMMISSIONER MARQUES J. PHILLIPS  
1 KENNEDY PLAZA  
UTICA, NEW YORK 13502  
PHONE: (315) 792-0100 X 5  
FAX: (315) 734-9250

**Date:** October 17, 2025

To Whom It May Concern:

**Subject: Notice of Condemnation – Former Incinerator Building, Mohawk Flats Property**

This letter serves as official notice that the structure identified as the *former incinerator building*, located on the Mohawk Flats property within the City of Utica, has been deemed unsafe and unfit for human occupancy or use under the authority vested in the Office of Codes Enforcement pursuant to the applicable sections of the City of Utica Property Maintenance Code and New York State Property Maintenance Law.

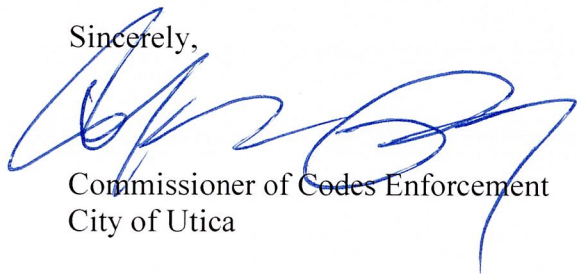
Based upon site evaluations, reports from inspection personnel, and available historical documentation, the structure exhibits extensive and progressive deterioration. Conditions of concern include, but are not limited to, failure of foundational elements, compromised masonry and brickwork, and degradation of mechanical and structural systems. In addition, the building has remained vacant and inaccessible for several decades, with indications of potential environmental and air quality hazards consistent with prolonged disuse and industrial-era construction materials.

Due to the restricted access to the site and the absence of a safe means of entry, this determination has been made on the basis of observable conditions and professional assessments provided by qualified staff. These findings collectively establish that the building represents a significant public safety and environmental risk if entry or disturbance were to occur.

Accordingly, the structure is hereby condemned and declared uninhabitable. No individual shall enter, occupy, or conduct any activity within or upon the premises except as authorized by the appropriate State or municipal authority. This order shall remain in effect until such time as the property is abated, remediated, or otherwise brought into compliance with applicable safety and environmental standards.

Should further investigation or remediation be required, the responsible agencies will be notified in accordance with state environmental and safety protocols.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above the typed name.

Commissioner of Codes Enforcement  
City of Utica

# ARTICLE V

## DISCHARGE RESTRICTIONS

<i>SECTION 501</i>	<i>PROHIBITED MATERIALS, SUBSTANCES AND WASTES</i>
<i>SECTION 502</i>	<i>PROHIBITED TOXIC SUBSTANCES AND PATHOGENIC ORGANISMS</i>
<i>SECTION 503</i>	<i>PERMISSIBLE CONCENTRATIONS OF TOXIC SUBSTANCES</i>
<i>SECTION 504</i>	<i>MATERIALS, SUBSTANCES AND WASTES REQUIRING APPROVAL</i>
<i>SECTION 505</i>	<i>MODIFICATION TO DISCHARGE LIMITS</i>
<i>SECTION 506</i>	<i>EXCLUSION OF UNPOLLUTED WATERS</i>
<i>SECTION 507</i>	<i>ACTION BY THE COMMISSIONER</i>
<i>SECTION 508</i>	<i>AFFIRMATIVE DEFENSES</i>

### § 501. PROHIBITED MATERIALS, SUBSTANCES AND WASTES

**(a) General Prohibitions:** No person may introduce into the POTW any pollutant(s) or wastewater that will pass through or interfere with the operation or maintenance of the POTW. These general prohibitions as defined or modified in 40 CFR 403.5(a), and the specific prohibitions in paragraph (b) and (c) of this Section apply to each person discharging pollutant(s) or wastewater into the POTW whether or not that person is subject to other pretreatment standards or any other Federal, State or local pretreatment requirements.

**(b) Specific Prohibitions:** Without limiting the generality of the foregoing, the following substances, as listed or modified in 40 CFR 403.5(b), shall not be introduced into the POTW:

- (1)** pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
- (2)** pollutants that will cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 5.0 or greater than 12.5;
- (3)** solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW resulting in interference;
- (4)** any pollutant, including oxygen demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration that will cause pass through or interference with the POTW;
- (5)** heat in amounts that will inhibit biological activity in the POTW resulting in pass through or interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 104 degrees F (40 degrees C);

(6) petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(7) pollutants that result in the presence of malodorous, noxious or toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and

(8) any trucked or hauled pollutants, except as permitted at discharge points designated by the Commissioner.

**(c) Additional POTW-Specific Prohibitions:** Except as hereinafter provided, no person shall discharge or cause to be discharged into any County interceptor sewer or public sewer tributary thereto, or any private sewer connecting with a public sewer, any of the following materials, substances or wastes:

(1) solid or viscous substances, in quantities or of such size or state capable of causing obstruction to the flow in sewers, or interference with the proper operation of the POTW. Such prohibited substances include, but are not limited to: fats, oils, greases, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, plastics, wood, unground garbage, whole blood, paunch manure, feathers, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders; unless explicitly allowable by written permit and provided such discharge does not cause pass through or interference at the POTW or problems within the County's interceptor sewers or public sewers tributary thereto;

(2) any solids, liquids or gases that, either singly or by interaction with other substances, are or may be sufficient to cause fire or explosion, or be injurious or interfere in any way with the POTW, or to constitute a hazard to humans or animals, or to create a public nuisance, or to create any hazards in the receiving waters of a sewage treatment plant effluent, or exceed the limitation set forth in a Categorical Pretreatment Standard. Such prohibited materials include, but are not limited to: gasoline, fuel oil, kerosene, naphtha, benzene, ethylbenzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substances that the County, State or USEPA has determined to be a fire hazard, or hazard to the POTW or its personnel; unless explicitly allowable by written permit and provided such discharge does not cause pass through or interference at the POTW or cause a fire or explosive hazard;

(3) any substances that may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation processes. In no case, shall a substance discharged to the POTW be permitted to cause the POTW to be in noncompliance with its sludge use or disposal process pursuant to the Clean Water Act, Solid Waste Disposal Act, the Toxic Substances Control Act, or other Federal or State criteria applicable to the sludge management method being used; and

(4) any substance that will cause the POTW to violate its SPDES permit limitations, the receiving water quality standards, or any other regulations or permit conditions imposed on the POTW by regulatory agencies.

## **§ 502. PROHIBITED TOXIC SUBSTANCES AND PATHOGENIC ORGANISMS**

**(a)** The following is a partial list of toxic substances and pathogenic organisms, the discharge of which into the County interceptor sewer system or public sewers tributary thereto is hereby prohibited, unless their concentration:

**(1)** is reduced by treatment at the source to a point that will meet the objectives stated in Sections 102 and 103 of this Law or come within the applicable standards set forth elsewhere in this Article;

**(2)** will not adversely affect any of the biological, chemical or physical POTW processes; or

**(3)** will not adversely affect the receiving water after discharge from any point in the POTW:

- (a)** antibiotics;
- (b)** arsenic and arsenicals;
- (c)** benzene, ethylbenzene, toluene and xylene;
- (d)** bromine, iodine, chlorine;
- (e)** copper and copper salts;
- (f)** cresols or creosotes;
- (g)** fluorides;
- (h)** formaldehyde;
- (i)** mercury and mercurials;
- (j)** phenolic compounds;
- (k)** silver and silver compounds;
- (l)** sulfonamides, toxic dyes (organic or mineral);
- (m)** zinc compounds;
- (n)** all strong oxidizing agents such as chromates, dichromates, permanganates, peroxides, etc.;
- (o)** chemical compounds producing toxic, flammable or explosive gases, either upon acidification, alkalization, oxidation, or reduction;
- (p)** strong reducing agents such as nitrites, sulfides, sulfites, thiosulphates, etc.;
- (q)** wastes from industrial processes or hospital procedures containing viable pathogenic organisms;
- (r)** NYSDEC Substances of Concern;
- (s)** RCRA Listed or Characteristic Hazardous Waste (40 CFR Parts 261-272); and
- (t)** CWA Priority Pollutants.

**(b)** The above list shall not be deemed all-inclusive and the Commissioner may add or revise the same whenever he deems it advisable.

### § 503. PERMISSIBLE CONCENTRATIONS OF TOXIC SUBSTANCES

(a) The daily average concentration in sewage of any of the following toxic substances shall not exceed those concentrations judged by the Commissioner to be toxic to biological sewage treatment processes or to the biota of the receiving waters, and shall not, in any case, exceed the limits specified below, as measured in a daily 24-hour composite sample of a continuous discharge, a grab sample of a batch discharge, or a composite sample representing the normal wastewater generation for discharges that are not continuous. These limits apply at the point where the wastewater is discharged to the sewer. These limits may be made more stringent by the Commissioner whenever operating experience indicates that this is necessary or are superseded by Federal Categorical Pretreatment Standards when and if such Federal standards are more stringent. These limits shall not be applicable to scavenger wastes from domestic septage.

<u>Toxic Substance</u>	<u>Permissible Concentration</u>
Arsenic	1.0 mg/l
Bis(2-ethylhexyl)phthalate	*
Cadmium	1.0 mg/l
Chromium, total	5.0 mg/l
Copper	3.0 mg/l
Cyanide	3.0 mg/l
Lead	5.0 mg/l
Mercury	*
Nickel	2.0 mg/l
Silver	5.0 mg/l
Zinc	4.0 mg/l

\* Specific discharge limits shall be set in individual user permits based upon maximum allowable headworks loadings (MAHLs) for the POTW. Permissible concentrations shall be allocated to industrial users in proportion to each industrial user's current loading .

(b) The method and type of sampling shall be determined by the Commissioner based on the industry's type of operation and the sampling and analysis requirements of the National Pretreatment Program as listed in 40 CFR 403.12(b)(5).

(c) To assure that the above noted limitations are not violated, the Commissioner shall issue permits to Significant Industrial Users specifying limits for the discharge of the substances noted above and any other pollutants of concern specifically related to the industrial activities conducted by the user. Industries subject to Categorical Standards shall comply with the more stringent of the Categorical Standards and the limits set forth above.

### § 504. MATERIALS, SUBSTANCES AND WASTES REQUIRING APPROVAL

(a) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes unless it is the opinion of the Commissioner that such discharge will not

adversely affect the POTW, POTW treatment plant, sewage treatment processes, receiving stream, sludge disposal options, or otherwise endanger human and animal life, limb, public property, or constitute a nuisance. The substances, materials and wastes listed below are subject to the approval of the Commissioner.

**(1)** Wastes from the following industrial processes may require pretreatment and/or approval before discharge into the County interceptor sewer system and public sewers tributary thereto: baking, brewing, distilling, public laundering, laundromats, soap making, glue manufacturing, meat packing, food processing, wool scouring, bleaching and dyeing, munitions manufacturing, oil refining, wool washing, rubber production, salt works, slaughterhouses, dairies, dairy products, sugar refining, fat rendering, manufacture of syrups, jam or jelly, cotton textile manufacture or processing, or any industrial process producing wastes with strong acid or alkaline reactions or that will form deposits in or cause damage to the POTW. Refer to Section 601 of this Law for additional users subject to pretreatment requirements. The process or processes employed in the pretreatment of such wastes shall in each case be satisfactory to, and shall have the written approval of, the Commissioner, as set forth under Article IX.

**(2)** Wastes generated from underground storage tank (UST) remediation can only be discharged after approval of the Commissioner. The contents of a leaking UST may have to be hauled away, with on-site treatment of the surrounding groundwater. The treated groundwater may be accepted for discharge into the County sewer system at the discretion of the Commissioner, provided that:

**(a)** the waste is not prohibited as set forth in this Article;

**(b)** the headspace lower explosive limit (LEL) of the treated groundwater is less than 10%; and

**(c)** the total toxic organics (TTO) and/or the benzene-ethylbenzene-toluene-xylene (BETX) is less than 2 mg/l.

**(3)** Wastes from automotive service areas and car washes may require pretreatment to keep the oil and grease levels below 100 mg/l and to prevent excessive discharges of inert solids. The process or processes employed in the pretreatment of such waste must be satisfactory to meet all effluent requirements imposed by the Commissioner.

**(4)** Wastes from Superfund site cleanup operations may be accepted at the discretion of the Commissioner provided that documentation is provided that the waste is no longer classified hazardous or toxic and meets all the requirements of this Law. The POTW will not accept, under any circumstance, RCRA defined hazardous or toxic waste by truck, rail or dedicated pipe.

**(5)** any liquid, solid, vapor or gas having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade) or any liquid, solid or vapor that will cause the temperature of the influent to the POTW treatment plant to be greater than 104 degrees F (40 degrees C). The

Commissioner reserves the right, in certain instances, to prohibit wastes at temperatures lower than 150 degrees F (65 degrees C).

**(6)** any commercial, industrial or institutional waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l, or containing substances that may solidify or become appreciably viscous at temperatures between 32 degrees and 150 degrees F (0 and 65 degrees C).

**(7)** any waters or wastes containing strong acid metal pickling waste, or concentrated plating solutions, whether neutralized or not.

**(8)** any waters or wastes containing toxic substances, pathogenic organisms, or similar objectionable material, as specified under Section 502 of this Law.

**(9)** any waters or wastes containing phenols, or other taste or odor producing substances, in concentrations exceeding limits as may be established by the Commissioner.

**(10)** any radioactive wastes, fission products or isotopes except as approved by the Commissioner, and in compliance with applicable State and Federal regulations. The active elements and their local concentration permitted to be discharged into the public sewers shall be based upon the latest knowledge available in this technology and be at all times within limits set by this and other County, State and Federal agencies.

**(11)** Materials that contain or cause:

**(a)** concentrations of inert suspended solids greater than that found in normal sewage, such as but not limited to, Fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to, sodium chloride and sodium sulfate;

**(b)** excessive discoloration of the POTW or in the receiving waters, such as but not limited to, dye wastes and vegetable tanning solutions; or

**(c)** suspended solids, biochemical oxygen demand, chemical oxygen demand, ammonia, total Kjeldahl nitrogen, or chlorine demand, in concentrations exceeding those found in normal sewage, except as provided for elsewhere in this Article.

**(12)** waters or wastes containing substances that are not amenable to treatment or reduction in concentration by the sewage treatment plant processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge to the receiving waters.

**(13)** any slug discharges.

**(14)** any wastes that give a combustible gas meter reading of greater than 10% of the lower explosive limit (LEL) for the average of at least four consecutive grab samples taken in a

24-hour period, or a single reading of greater than 15% of the LEL. This is a head space measurement made subsequent to vigorous agitation of a 500 ml bottle that is halfway filled with waste. The Commissioner reserves the right to prohibit waste at lower LEL readings.

(15) any waste with a total toxic organic concentration greater than 2.0 mg/l calculated as the sum of all detectable Clean Water Act Priority Pollutant organics present individually at levels greater than 0.010 mg/l.

## § 505. MODIFICATION TO DISCHARGE LIMITS

**(a) Combined Wastestream Formula:** Where the process effluent of an industrial process subject to Categorical Pretreatment Standards is mixed, prior to treatment, with wastewaters other than those generated by the regulated process(es), fixed alternative discharge limits may be derived by the Commissioner or by the industrial user with the written concurrence of the Commissioner, in accordance with the procedures described in 40 CFR 403.6(e). These modified discharge limits shall be applied to the mixed effluent discharge.

**(b) Fundamentally Different Factors Variance:** Where the Commissioner deems it necessary, the limits defined by Categorical Pretreatment Standards may be adjusted on a case-by-case basis, making them either more or less stringent. This may be done if data specific to the industrial user indicates it presents factors fundamentally different from those considered by USEPA in developing the limit at issue. Modification to concentration limits for fundamentally different factors shall be as prescribed in 40 CFR 403.13. Applications for fundamentally different variances must be submitted to USEPA Region 2 in accordance with 40 CFR 403.13 (g) and (h).

**(c) Net/Gross Determination:** Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with 40 CFR 403.15. Any industrial user wishing to obtain credit for intake pollutants shall make application to the Commissioner, and the applicable pretreatment standard may be calculated on a net basis, provided that the requirements and provisions of the Act are met.

### **(d) General Modifications:**

- (1) When the volume or character of a single industrial waste discharge, the combined industrial waste discharge, or a group of industries within a single contributory area is such that it raises a question of the ultimate concentration or mass of pollutants discharged to the POTW, and whether they will be effectively removed by the POTW treatment plant without causing deleterious effects to the POTW, receiving waters or sludge disposal options, the Commissioner may impose separate or special discharge limits upon the contributors of such discharge.
- (2) Limitations on wastewater strength contained in Sections 501, 502, 503 and 504 of this Law may be supplemented with more stringent limitations or limits for additional pollutants not listed in said Sections when, in the opinion of the Commissioner:

- (a) the limitations in this Law are not sufficient to protect the POTW;
- (b) the limitations in this Law are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's SPDES permit;
- (c) the POTW sludge will be rendered unacceptable for treatment, processing, disposal or reuse as the County desires;
- (d) POTW workers or the public will be endangered; or
- (e) air pollution and/or groundwater pollution will be generated.

### **§ 506. EXCLUSION OF UNPOLLUTED WATERS**

(a) No person shall discharge or cause to be discharged into any County interceptor sewer system or public sewer tributary thereto any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water except as provided in Article IV of this Law.

### **§ 507. ACTION BY THE COMMISSIONER**

(a) If any waters or wastes are discharged or are proposed to be discharged to the County interceptor sewers or public sewers tributary thereto, that contain the substances or the characteristics enumerated in Section 504 of this Article, and that, in the judgement of the Commissioner may have a deleterious effect upon the sewage works, processes, equipment, receiving waters or sludge disposal options, or that may otherwise create a hazard to life, or constitute a public nuisance, the Commissioner may:

- (1) reject the waters or waste;
- (2) initiate an enforcement action;
- (3) require pretreatment to an acceptable condition for discharge to the public sewers;
- (4) require control over the quantities and rates of discharge;
- (5) require payment to cover the added cost of handling and treating the waters or wastes; and/or
- (6) issue a wastewater discharge permit stating specific requirements for discharge to the POTW.

Notes: See Article IX, "Discharge Permits and Reporting Requirements."

See Article XI, Section 1103 " Sewerage Surcharge."

## **§ 508. AFFIRMATIVE DEFENSES**

**(a)** A user shall have an affirmative defense in any action brought against it alleging a violation of the prohibitions established in Sections 501(a) or 501(b)(3) through (7) of this Law, where the user can demonstrate that:

**(1)** it did not know or have reason to know that its discharge, alone or in conjunction with discharge(s) from other sources, would cause pass through or interference at the POTW; and

**(2)** a local limit designed to prevent pass through or interference, as the case may be, was developed in accordance with 40 CFR 403.5(c) for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference at the POTW.

**(3)** a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed in accordance with 40 CFR 403.5(c) for the pollutant(s) that caused the pass through or interference, and the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

**END OF ARTICLE V**

**CITY OF UTICA  
Department of Legislation  
Common Council**

August 27<sup>th</sup>, 2025

Sponsored by: Councilmembers Burmaster, Williamson

**AMENDING THE ZONING OF THE FORMER CITY DUMP  
FROM LAND CONSERVATION (LC) TO INDUSTRIAL (I)**

WHEREAS, for several decades in the mid-1900’s, the City of Utica operated a municipal landfill and trash incinerator on approximately 126 acres off of Incinerator Road. Due to this use, environmental investigations have determined that extensive contamination exists at the site, including in the groundwater and in the soil to depths extending up to as much as twenty-five (25) feet below the surface; and

WHEREAS, the administration has taken the proactive steps to work with the New York State Department of Environmental Conservation (NYSDEC) to develop a risk-based remedial solution that protects human health and the environment while considering the potential future productive use of the property; and

WHEREAS, an engineered cover has been deemed to be the most cost-effective and appropriate remedy for the site. Such a remedy, however, requires that the site (see attached map) be re-zoned from its current Land Conservation (LC) zoning to Industrial (I).

ORDAINED that the Common Council has considered and evaluated the potential impacts to the environment that this proposed rezoning would have, as required by the State Environmental Quality Review Act (SEQRA). At its June 4, 2025 meeting, the Common Council declared its intent to act as lead agent for the purposes of SEQRA review. The Common Council also determined the proposed rezoning to be a Type I action given the size of the area involved in the rezoning. The Common Council also directed staff of the City’s Department of Urban & Economic Development to assist in reaching out to involved and affected agencies for their concurrence on the Council’s intent to act as lead agent and to seek comments on potential impacts from the proposed action. Given the comments received as a result and the Council’s consideration of the Full Environmental Assessment Form (FEAF), the Common Council of the City of Utica hereby grants a Negative Declaration for the proposed action.

FURTHER ORDAINED that the Common Council has considered the opinion of the Utica Planning Board as well as Oneida County Planning, pursuant to Section 239-l, m and n of General Municipal Law. As a result, the Common Council at this time seeks to move forward with the protection of public health that will be achieved through this rezoning and hereby approves of rezoning the site from its current Land Conservation (LC) designation to Industrial (I) and that such change be effective immediately.

**Yeas: Aiello, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 8**

**Nays: 0**

**Adopted.**

STATE OF NEW YORK, CITY OF UTICA )  
City Clerk’s Office ) ss.

) I hereby certify that I have compared the foregoing copy of a Ordinance of the Common Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Ordinance.  
In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 28<sup>th</sup> day of August, 2025

*Melissa R. Sciortino*

Melissa R. Sciortino, City Clerk



**LEGEND**

- Scenic & Historic District
- Zoning Districts**
- Central Business District (CBD)
- Urban Mixed-Use (UMU)
- Neighborhood Mixed-Use (NMU)
- Residential Mixed (RM)
- Residential Single (RS)
- Industrial (I)
- Industrial Mixed-Use (IMU)
- Planned Development (PD)
- Mixed-Use Campus (MUC)
- Land Conservation/Parks (LC)

**CITY OF UTICA ZONING MAP**

UTICA CITY DUMP  
 SITE # 432015  
 UTICA, NY  
 REGION 6, ONEIDA COUNTY

**EXHIBIT A**

RAMBOUL AMERICA'S ENGINEERING SOLUTIONS, INC.





**New York State  
Parks, Recreation and  
Historic Preservation**

**KATHY HOCHUL**  
Governor

**RANDY SIMONS**  
Commissioner *Pro Tempore*

March 20, 2024

Samantha Salotto  
Professional Engineer 1  
NYSDEC  
625 Broadway  
Albany, NY 12233

Re: DEC  
Utica City Dump (NYSDEC Site #6-33-015)  
City of Utica, Oneida County , NY  
23PR01269

Dear Samantha Salotto:

Thank you for continuing to consult with the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project.

We have reviewed the project description, proposed plans, and sections, dated January 19, 2024. It is the OPRHP's opinion that the proposed work, as described will have No Adverse Impact on historic and archaeological resources, provided the following conditions are met:

1. All temporary work should be executed with care, ensuring that everything returns to its previous condition.
2. The canal infrastructure must not be disrupted.
3. After completing the work, remove the concrete and refill the area with the same material as before this intervention.

If you have any questions, you can e-mail me at the contact information below.

Sincerely,

A handwritten signature in black ink, appearing to read "Mariana Staines".

Mariana Staines  
Historic Site Restoration Coordinator  
[mariana.montesstaines@parks.ny.gov](mailto:mariana.montesstaines@parks.ny.gov)

cc: K. Buelow – Rambol  
M. Dreimiller - Ramboll  
L. Hoopes – NYPA

**Division for Historic Preservation**

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • [parks.ny.gov](http://parks.ny.gov)

● 518-237-8643 ● <https://parks.ny.gov/shpo> ●



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS BUFFALO DISTRICT  
478 MAIN STREET  
BUFFALO, NY 14202-3278

January 6, 2026

Regulatory Branch

SUBJECT: Application No. LRB-2024-00127, Nationwide Permit No. 38 as Published in the Federal Register, Volume 86, No. 8 on Jan. 13, 2021 and No. 245 on Dec. 27, 2021, New York State Department of Environmental Conservation No. 6-3016-00264/00001 & 6-3016-00264/00002.

Brianna L Scharf  
NYS Dept of Environmental Conservation  
625 Broadway  
Albany, New York 12207

Dear Brianna Scharf:

This pertains to your proposal to discharge dredged and fill material associated with the remediation of the former Utica City Dump located east of Leland Avenue, between the Barge Canal and Mohawk River, in the City of Utica, Oneida County, New York. The project includes the following: approximately 325 CY of stone riprap installed within approximately 6,220 SF (0.14 acre) of the Barge Canal, installation of a 148.75 foot by 28.75-foot dock of which 17 feet is over the Ordinary High Water mark, and 0.24 acres of permanent loss of wetland and 1.64 acres of temporary impacts to wetland.

I have evaluated the impacts associated with your proposal and have concluded that they are authorized by the enclosed Nationwide Permit (NWP) provided that the attached conditions are satisfied.

Verification of the applicability of this NWP is valid until March 14, 2026 unless the NWP is modified, suspended, revoked, or the activity complies with any subsequent permit modification. Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this NWP expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the NWP program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

Regulatory Branch

SUBJECT: Application No. LRB-2024-00127, Nationwide Permit No. 38 as Published in the Federal Register, Volume 86, No. 8 on Jan. 13, 2021 and No. 245 on Dec. 27, 2021, New York State Department of Environmental Conservation No. 6-3016-00264/00001 & 6-3016-00264/00002.

Your initiation of work as authorized by the enclosed NWP acknowledges your acceptance of the general and special conditions contained therein. This affirmation is limited to the attached NWP and associated WQC and does not obviate the need to obtain any other project specific Federal, state, or local authorization. Specifically, you may need to obtain Article 15 (Protection of Water), Article 24 (Freshwater Wetland), and/or Article 34 (Coastal Erosion Management) authorization from the New York State DEC.

In addition to the general conditions attached to the NWP, your attention is directed to the following Special Conditions which are also appended at the end of the NWP.

1. The Section 401 Water Quality Certification issued for this project by the State of New York, attached to this permit as Appendix A, is hereby part of this Department of the Army permit pursuant to Section 401(d) of the Clean Water Act. Noncompliance with any limitations or requirements stated in the certification may be a basis for suspension, revocation, or modification of this permit.
2. As per the letter dated March 20, 2024, the NYSOPRHP concluded the project will have No Adverse Impact on historic resources provided the following conditions are met:
  - All temporary work should be executed with care, ensuring that everything returns to its previous condition.
  - The canal infrastructure must not be disrupted.
  - After completing the work, remove the concrete and refill the area with the same material as before this intervention.

Questions pertaining to this matter should be directed to me at 716-336-6489 by writing to the following address: U.S. Army Corps of Engineers Regulatory Branch 478 Main Street, Buffalo, NY 14202, or by e-mail at: Zachary.s.adams@usace.army.mil.

Sincerely,  
*Zachary S Adams*  
Zachary S Adams  
Biologist

Enclosures: Kyle Buelow – Ramboll

COMPLETION FORM / COMPLIANCE CERTIFICATION

Each permittee who receives a Nationwide Permit (NWP) verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any compensatory mitigation.

APPLICANT:  
Brianna L Scharf  
NYS Dept of Environmental  
Conservation  
625 Broadway  
Albany, New York 12207

POINT OF CONTACT:

File No.: LRB-2024-00127  
File Closed: January 5, 2026  
NWP No.: 38

**Upon completion of the activity authorized by this permit and any required compensatory mitigation sign this certification and return it to the address listed below within 30 days of project completion.**

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, revocation, and/or assessment of administrative penalties.

The permittee shall certify the completion of the authorized work and mitigation:

- a. The authorized work was done in accordance with the NWP authorization, including any general, regional, or activity specific conditions.
- b. The implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, this certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits.

\_\_\_\_\_  
Brianna L. Scharf

\_\_\_\_\_  
Date

Permittee Telephone Number: \_\_\_\_\_

Project location: former Utica City Dump located east of Leland Avenue, between the Barge Canal and Mohawk River, in the City of Utica, Oneida County, New York

Project Description: Landfill remediation

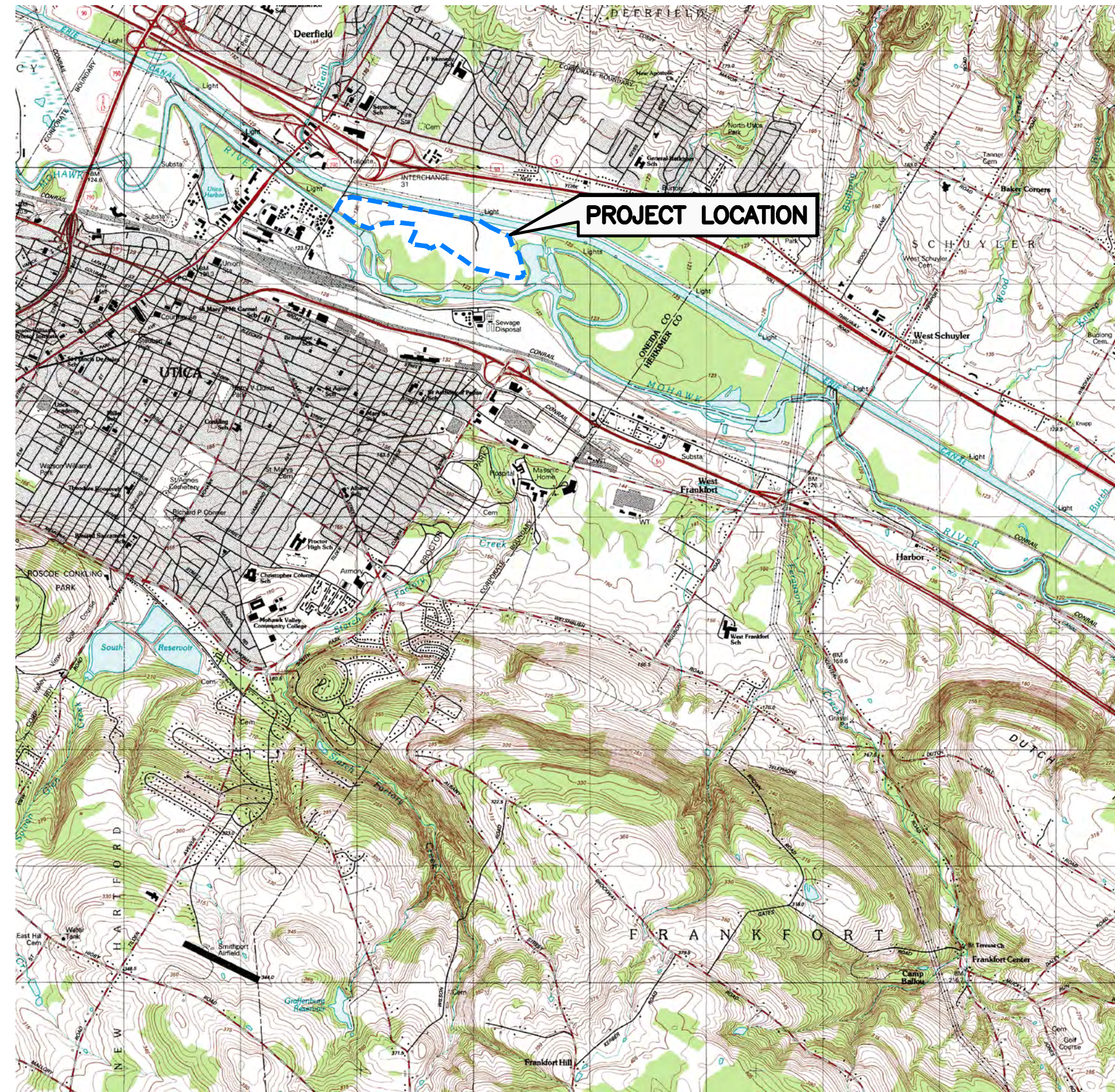
Authorized Impacts (Waters of the U.S. Impacted by Project): Permanent impacts to 0.24 acres of wetlands and temporary impacts to 1.64 acres of wetlands.

Waterway and/or Project Setting: wetlands adjacent to Barge Canal/Mohawk River

Return completed form to: [LRB.Regulatory.PermitCompliance@usace.army.mil](mailto:LRB.Regulatory.PermitCompliance@usace.army.mil) (Preferred)

**Or Mail to: Compliance Coordinator  
Regulatory Branch  
U.S. Army Corps of Engineers  
478 Main St  
Buffalo, NY 14202**

SAVED:



CONTRACT DRAWINGS - NYSDEC CONTRACT NO. D013645

# FORMER UTICA CITY DUMP - REMEDIAL DESIGN NYSDEC SITE NO. 633015

## CITY OF UTICA, ONEIDA COUNTY, NEW YORK



NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
625 BROADWAY  
ALBANY, NEW YORK 12233-001

MARCH 2025



PRELIMINARY  
NOT FOR  
CONSTRUCTION  
DATE: 03/17/2025

CERTIFICATE OF AUTHORIZATION: 21291

RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC  
333 WEST WASHINGTON STREET  
SYRACUSE, NEW YORK



NYS Department of Environmental Conservation  
D/A Permit No: LRB-2024-00127  
Oneida County, New York  
Sheet 1 of 39

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C:\DW\UTICA\_DUMP\DESIGN DRAWINGS\1940101207.rxdwg

1087815:1940101207

GENERAL NOTES - ALL DRAWINGS:

- 1. EXISTING SITE AND SUBSURFACE INFORMATION PRESENTED SHOULD BE CONSIDERED APPROXIMATE ONLY.
2. EXACT DIMENSIONS AND LOCATIONS OF ALL STRUCTURES AND UTILITIES ARE CONSIDERED APPROXIMATE ONLY AND SHALL BE VERIFIED AS REQUIRED IN THE FIELD BY THE CONTRACTOR.
3. OTHER UNDERGROUND UTILITIES MAY EXIST, THE LOCATIONS, DEPTHS AND EXTENT OF WHICH ARE UNKNOWN. THE CONTRACTOR SHALL DETERMINE THE LOCATION AND ELEVATION OF ALL UTILITIES IN THE FIELD AS IT MAY PERTAIN TO THE CONTRACTORS WORK PRIOR TO CONSTRUCTION.
4. ROADWAYS ARE TO REMAIN OPEN AT ALL TIMES.
5. PROPER EROSION CONTROL TECHNIQUES SHALL BE IMPLEMENTED AS REQUIRED IN ACCORDANCE WITH THE CONTRACTOR'S APPROVED EROSION AND SEDIMENT CONTROL PLAN.
6. THESE DRAWINGS WERE DEVELOPED IN COLOR. REPRODUCTION IN BLACK AND WHITE (B/W) MAY NOT REPRESENT THE DATA AS INTENDED.

SURVEY NOTES:

- 1. SURVEY INFORMATION SHOWN WAS PROVIDED BY M.J. ENGINEERING AND LAND SURVEYING, P.C. 1533 CRESENT ROAD, CLIFTON PARK, NY 12065.
2. NORTH IS ORIENTED TO GRID NORTH FROM GPS OBSERVATION.
3. THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
4. THE HORIZONTAL DATUM IS ON NORTH AMERICAN DATUM OF 1983, NEW YORK STATE PLANE CENTRAL ZONE 3102.
5. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON SURFACE EVIDENCE AND PROVIDED RECORD MAPPING. THIS MAPPING DOES NOT PURPORT TO SHOW ALL UNDERGROUND UTILITIES ON SITE AND IS SUBJECT TO FIELD VERIFICATION.
6. INFORMATION SHOWN HEREON IS FROM FIELD SURVEYS COMPLETED BY M.J. ENGINEERING AND LAND SURVEYING, P.C. ON APRIL 22, APRIL 25, MAY 25 2022 AND PHOTOGRAMMETRICS SURVEY COMPLETED ON APRIL 22, 2022 AND NOVEMBER 16, 2023.
7. CONTOURS GENERATED FROM APRIL 22 2022 PHOTOGRAMMETRIC SURVEY. CONTOUR INTERVAL = 1 FOOT.

LEGEND

- GRAVEL DRIVE
PROPERTY LINE
EXISTING CONTOUR
PROPOSED CONTOUR
CHECK DAM
SILT FENCE
COMPOSITE FILTER SOCK
BENCHMARK
CONTROL BASELINE
SANITARY MANHOLE
UNKNOWN MANHOLE
UTILITY POLE
MONITORING WELL LOCATION
TEST PIT LOCATION
SPOT ELEVATION
MINOR CONTOUR
MAJOR CONTOUR
SANITARY LINE
OVERHEAD ELECTRIC LINE
EDGE OF WATER
VEGETATION
DELINEATED WETLAND
WETLAND IDENTIFICATION
AREA OF EXCAVATION
SURVEY GROUND CONTROL POINT

ABBREVIATIONS

- APPROX APPROXIMATE
BGCS BELOW GROUND SURFACE
BOT BOTTOM
CLF CHAIN LINK FENCE
CONC CONCRETE
CFS COMPOSITE FILTER SOCK
CY CUBIC YARD
DIA DIAMETER
DR DIMENSION RATIO
E EASTING
EL ELEVATION
ET EVAPOTRANSPIRATION
EXIST EXISTING
HDPE HIGH-DENSITY POLYETHYLENE
HORIZ HORIZONTAL
ID INSIDE DIAMETER
IN INCH
INV INVERT
IPS IRON PIPE SIZE
LBS POUNDS
MANUF MANUFACTURER
MAX MAXIMUM
MH MANHOLE
MIN MINIMUM
MISC MISCELLANEOUS
N NORTHING
NO NUMBER
OC ON CENTER
OH OVERHEAD
OZ OUNCE
PSI POUNDS PER SQUARE INCH
REQD REQUIRED
SDR STANDARD DIMENSION RATIO
SHT SHEET
SICPP SMOOTH INTERIOR CORRUGATED PLASTIC PIPE
TYP TYPICAL
VERT VERTICAL
W/ WITH
Ø DIAMETER

INDEX TO DRAWINGS

Table with columns: Sheet Number, Sheet Title. Lists drawing sheets from G-000 to S-501, including titles like 'TITLE SHEET', 'EXISTING SITE PLAN - FORMER UTICA DUMP', 'EXCAVATION PLAN SHEET 1 OF 6', etc.



NYS Department of Environmental Conservation
D/A Permit No: LRB-2024-00127
Oneida County, New York
Sheet 2 of 39

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THIS DRAWING WAS PREPARED AT THE SCALE INDICATED. INACCURACIES IN THE STATED SCALE MAY BE INTRODUCED WHEN DRAWINGS ARE REPRODUCED BY ANY MEANS. USE THE GRAPHIC SCALE BAR TO DETERMINE THE ACTUAL SIZE. DRAWING IS NOT SCALABLE IF NO SCALE BAR IS PRESENT.

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Table with columns: NO., DATE, REVISION, INT.

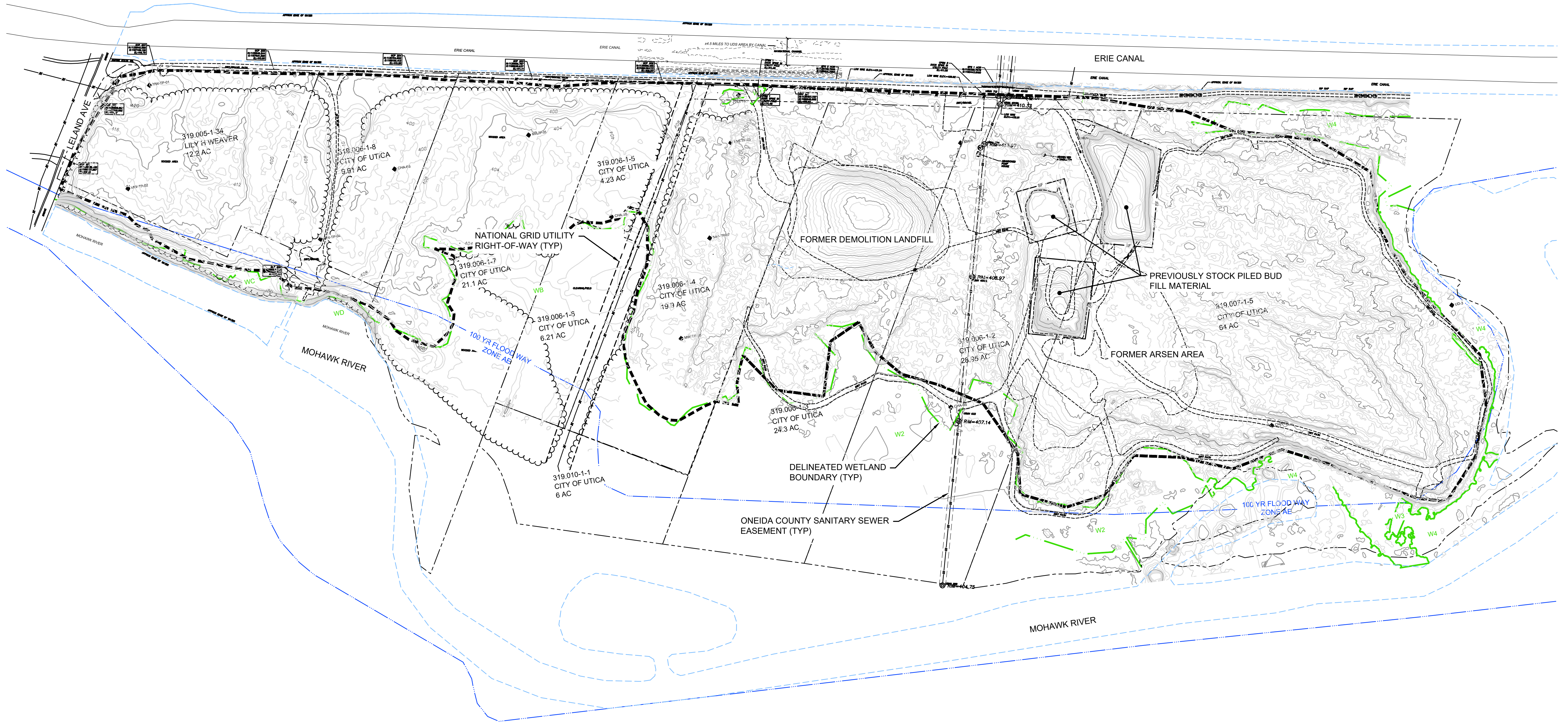
DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE: BRADLEY A. KUBIAK
DESIGNED BY: MWH
CHECKED BY: VJW
DRAWN BY: MWH
PROJECT NO: 1087815:1940101207
DATE: MARCH 2025

CERTIFICATE OF AUTHORIZATION: 21291
RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.
333 WEST WASHINGTON STREET
SYRACUSE, NY
RAMBOLL logo

PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN
ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION: INDEX TO DRAWINGS, GENERAL NOTES, LEGEND AND ABBREVIATIONS
DRAWING LOCATION: FORMER UTICA CITY DUMP

G-001



### EXISTING SITE PLAN - FORMER UTICA DUMP



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 3 of 39**

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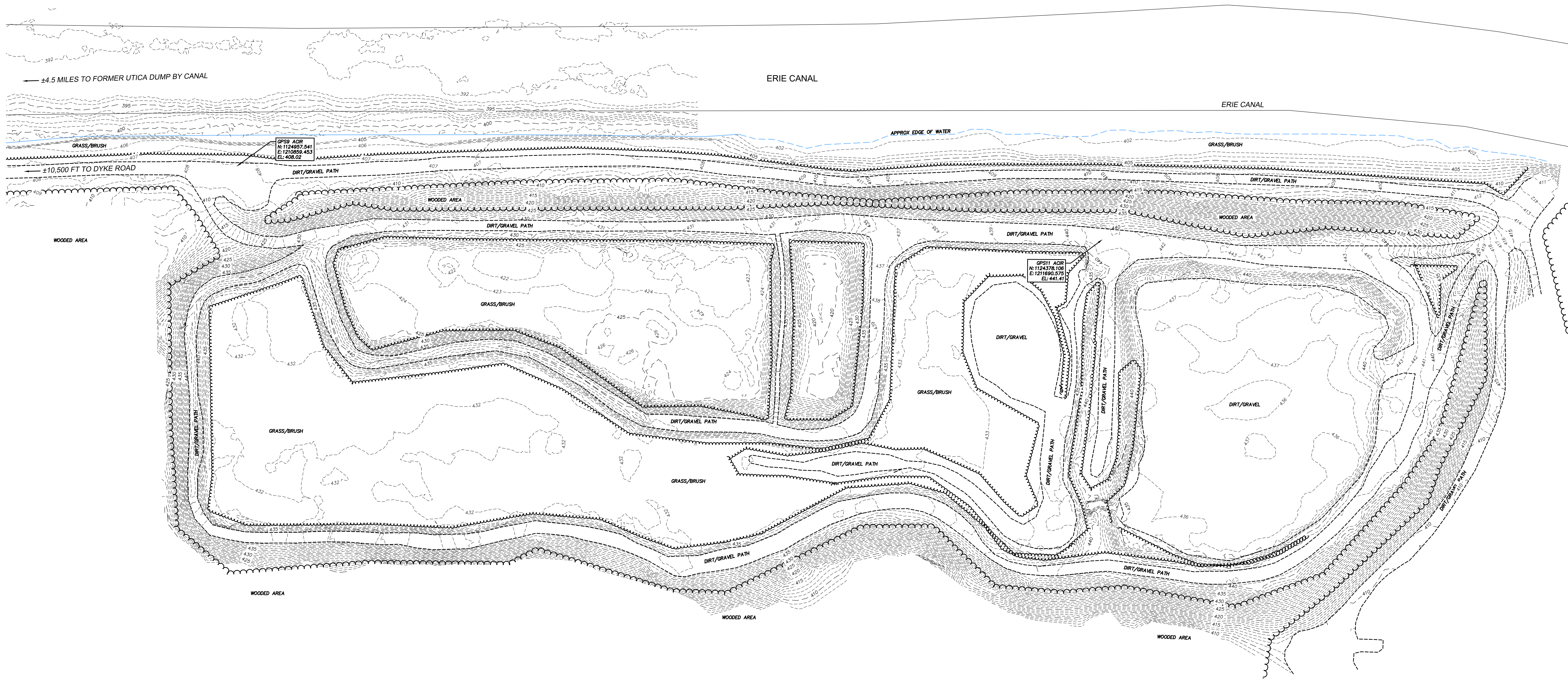
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DESIGNED BY	PROJECT NO.
MWH	1087815:1940101207
CHECKED BY	DATE
VJW	MARCH 2025
DRAWN BY	
MWH	

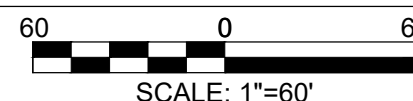
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**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**EXISTING SITE PLAN - FORMER UTICA DUMP**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



### EXISTING SITE PLAN - UDS AREA



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 4 of 39**

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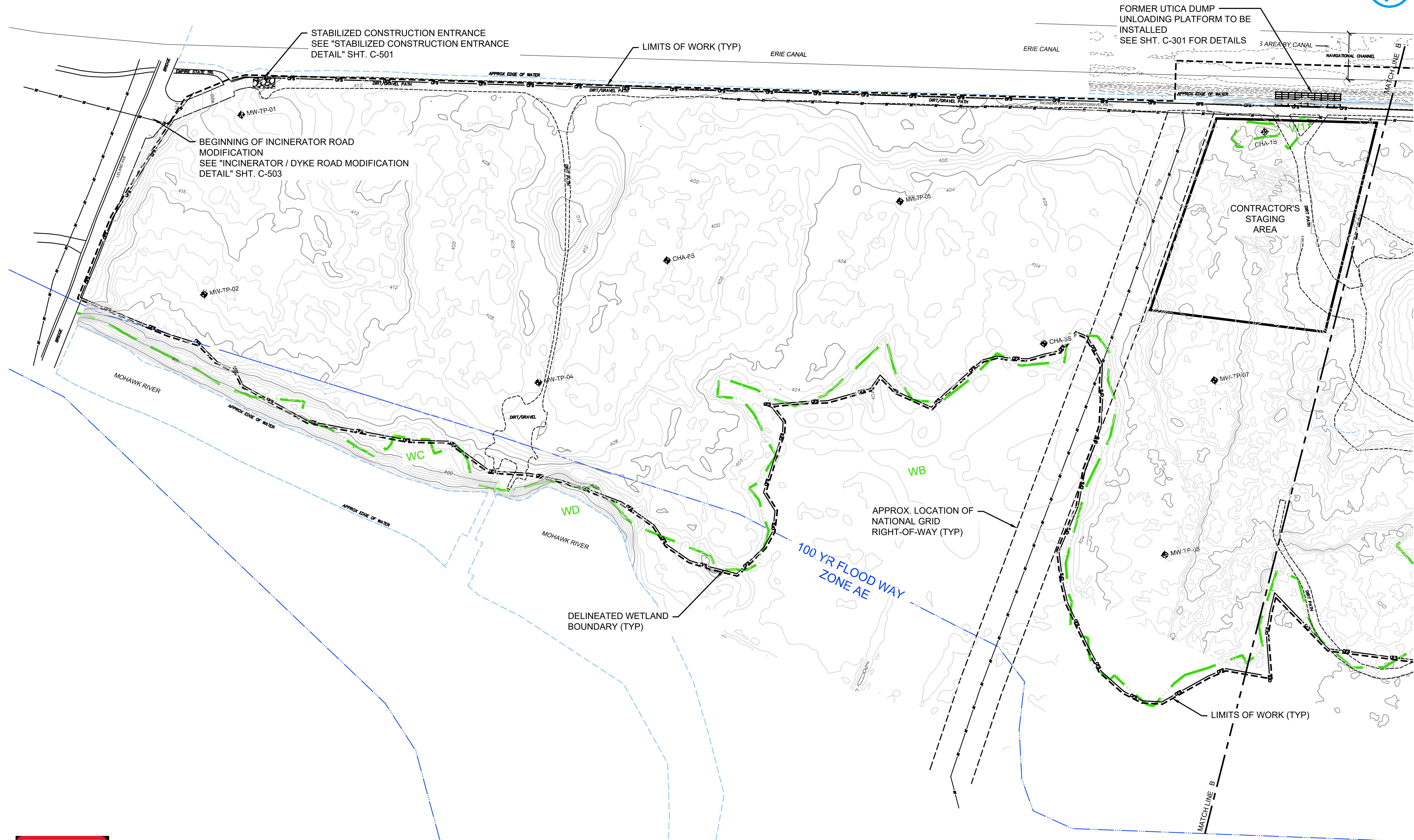
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DRAWN BY	
MWH	

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 333 WEST WASHINGTON STREET  
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PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**EXISTING SITE PLAN - UDS AREA**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



- SITE PREPARATION NOTES:**
1. INCINERATOR ROAD SHALL BE MODIFIED FROM LELAND AVE TO THE LIMITS SHOWN ON SHT. C-103. SEE "INCINERATOR / DYKE ROAD MODIFICATION DETAIL" SHT. C-503.
  2. THE LIMITS OF EROSION AND SEDIMENT CONTROL ARE REPRESENTED HERE BY THE LOCATIONS OF COMPOSITE FILTER SOCK. THE LIMITS SHOWN ARE APPROXIMATE ONLY. REFER TO SPECIFICATION SECTION 31 25 00 EROSION AND SEDIMENT CONTROL.
  3. REFER TO SHT. C-501 FOR EROSION AND SEDIMENT CONTROL DETAILS.



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 5 of 39**

**PARTIAL SITE PREPARATION PLAN - FORMER UTICA DUMP - SHEET 1 OF 2**



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DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE  
**BRADLEY A. KUBIAK**

DESIGNED BY: MWH  
 CHECKED BY: VJW  
 DRAWN BY: MWH

PROJECT NO: 1087815:1940101207  
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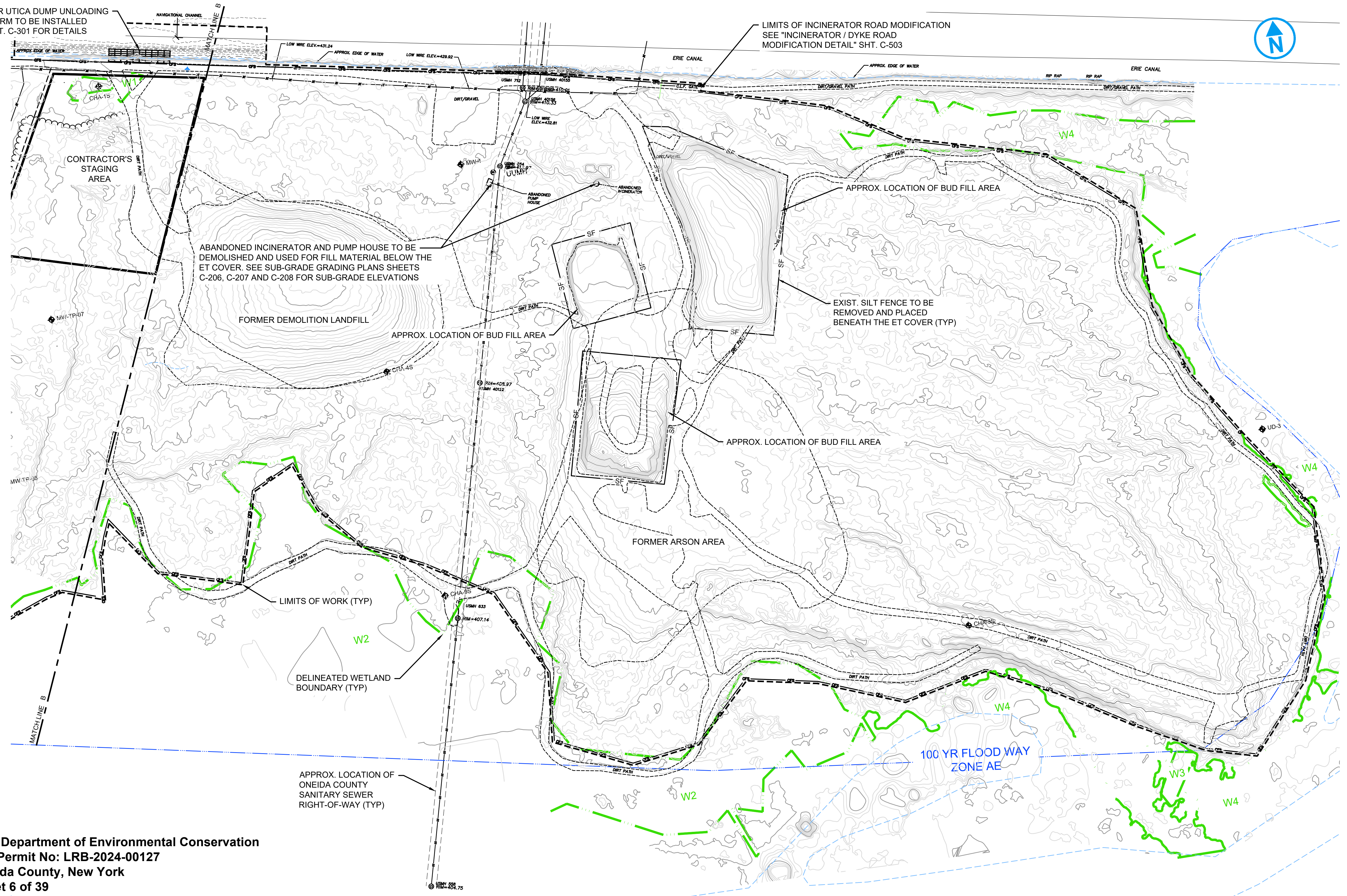
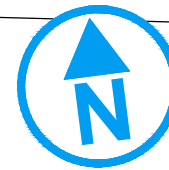
**RAMBOLL**

PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
 ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**PARTIAL SITE PREPARATION PLAN - FORMER UTICA DUMP - SHEET 1 OF 2**  
 DRAWING LOCATION: FORMER UTICA CITY DUMP

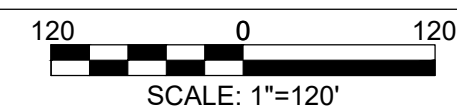
FORMER UTICA DUMP UNLOADING PLATFORM TO BE INSTALLED SEE SHT. C-301 FOR DETAILS

LIMITS OF INCINERATOR ROAD MODIFICATION SEE "INCINERATOR / DYKE ROAD MODIFICATION DETAIL" SHT. C-503



**NYS Department of Environmental Conservation**  
D/A Permit No: LRB-2024-00127  
Oneida County, New York  
Sheet 6 of 39

### PARTIAL SITE PREPARATION PLAN - FORMER UTICA DUMP - SHEET 2 OF 2



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**BRADLEY A. KUBIAK**

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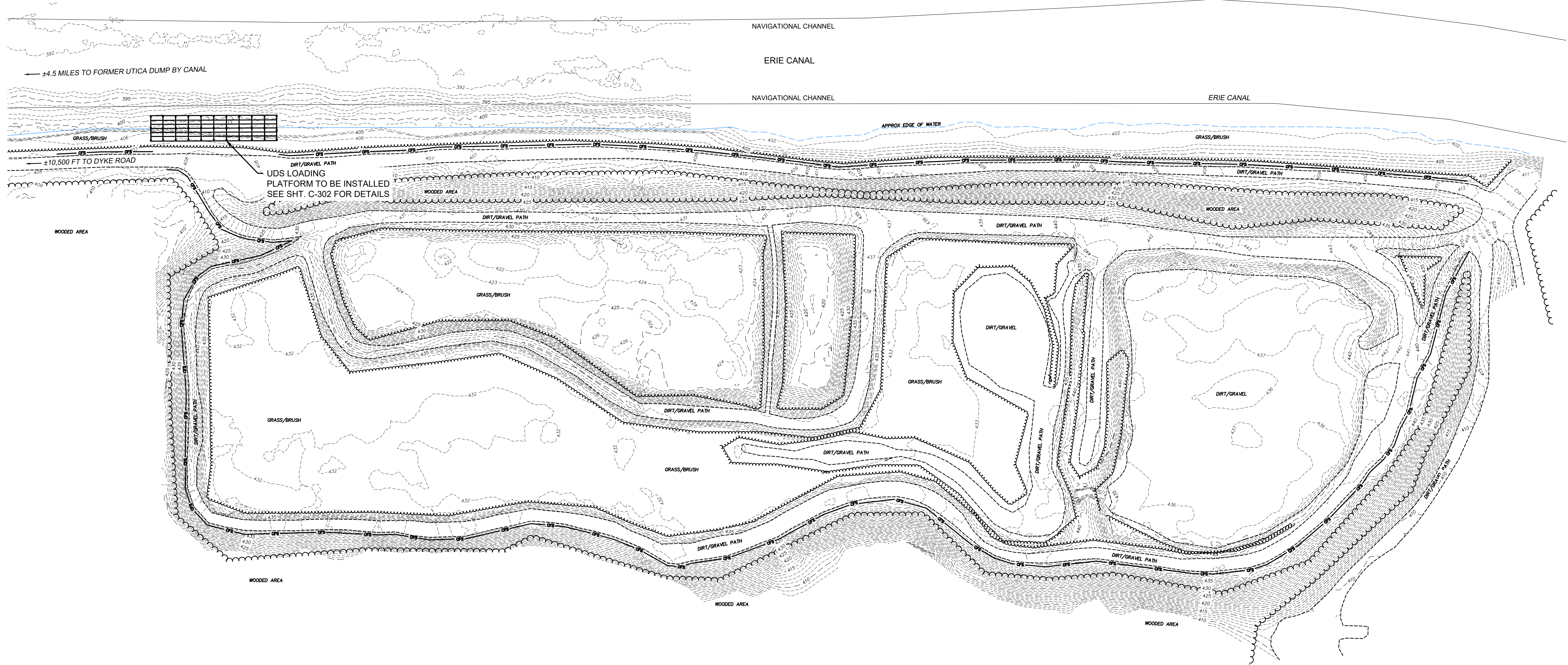
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333 WEST WASHINGTON STREET  
SYRACUSE, NY

**RAMBOLL**

PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION: PARTIAL SITE PREPARATION PLAN - FORMER UTICA DUMP - SHEET 2 OF 2  
DRAWING LOCATION: FORMER UTICA CITY DUMP



### SITE PREPARATION PLAN - UDS AREA



#### SITE PREPARATION NOTES:

1. GRAVEL ACCESS ROAD SHALL BE MODIFIED FROM DYKE ROAD TO UDS AREA. SEE "INCINERATOR / DYKE ROAD MODIFICATION DETAIL" SHT. C-503.
2. THE LIMITS OF EROSION AND SEDIMENT CONTROL ARE REPRESENTED HERE BY THE LOCATIONS OF COMPOSITE FILTER SOCK. THE LIMITS SHOWN ARE APPROXIMATE ONLY. REFER TO SPECIFICATION SECTION 31 25 00 EROSION AND SEDIMENT CONTROL.
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**NYS Department of Environmental Conservation**  
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**Oneida County, New York**  
**Sheet 7 of 39**

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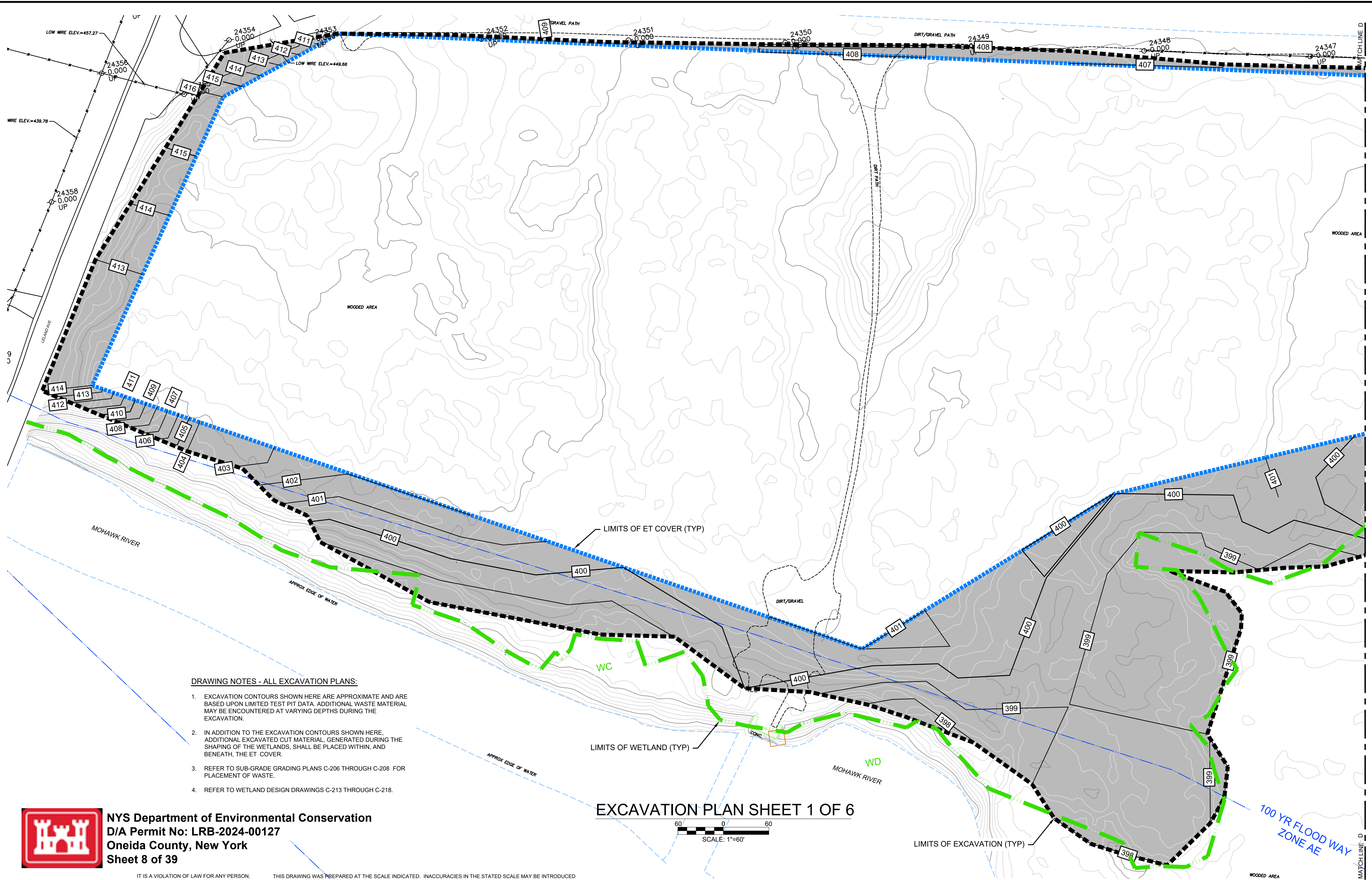
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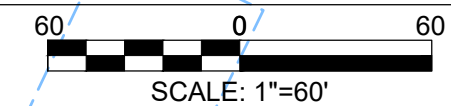
SHEET DESCRIPTION  
**SITE PREPARATION PLAN - UDS AREA**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



**DRAWING NOTES - ALL EXCAVATION PLANS:**

1. EXCAVATION CONTOURS SHOWN HERE ARE APPROXIMATE AND ARE BASED UPON LIMITED TEST PIT DATA. ADDITIONAL WASTE MATERIAL MAY BE ENCOUNTERED AT VARYING DEPTHS DURING THE EXCAVATION.
2. IN ADDITION TO THE EXCAVATION CONTOURS SHOWN HERE, ADDITIONAL EXCAVATED CUT MATERIAL, GENERATED DURING THE SHAPING OF THE WETLANDS, SHALL BE PLACED WITHIN, AND BENEATH, THE ET COVER.
3. REFER TO SUB-GRADE GRADING PLANS C-206 THROUGH C-208 FOR PLACEMENT OF WASTE.
4. REFER TO WETLAND DESIGN DRAWINGS C-213 THROUGH C-218.

**EXCAVATION PLAN SHEET 1 OF 6**



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 8 of 39**

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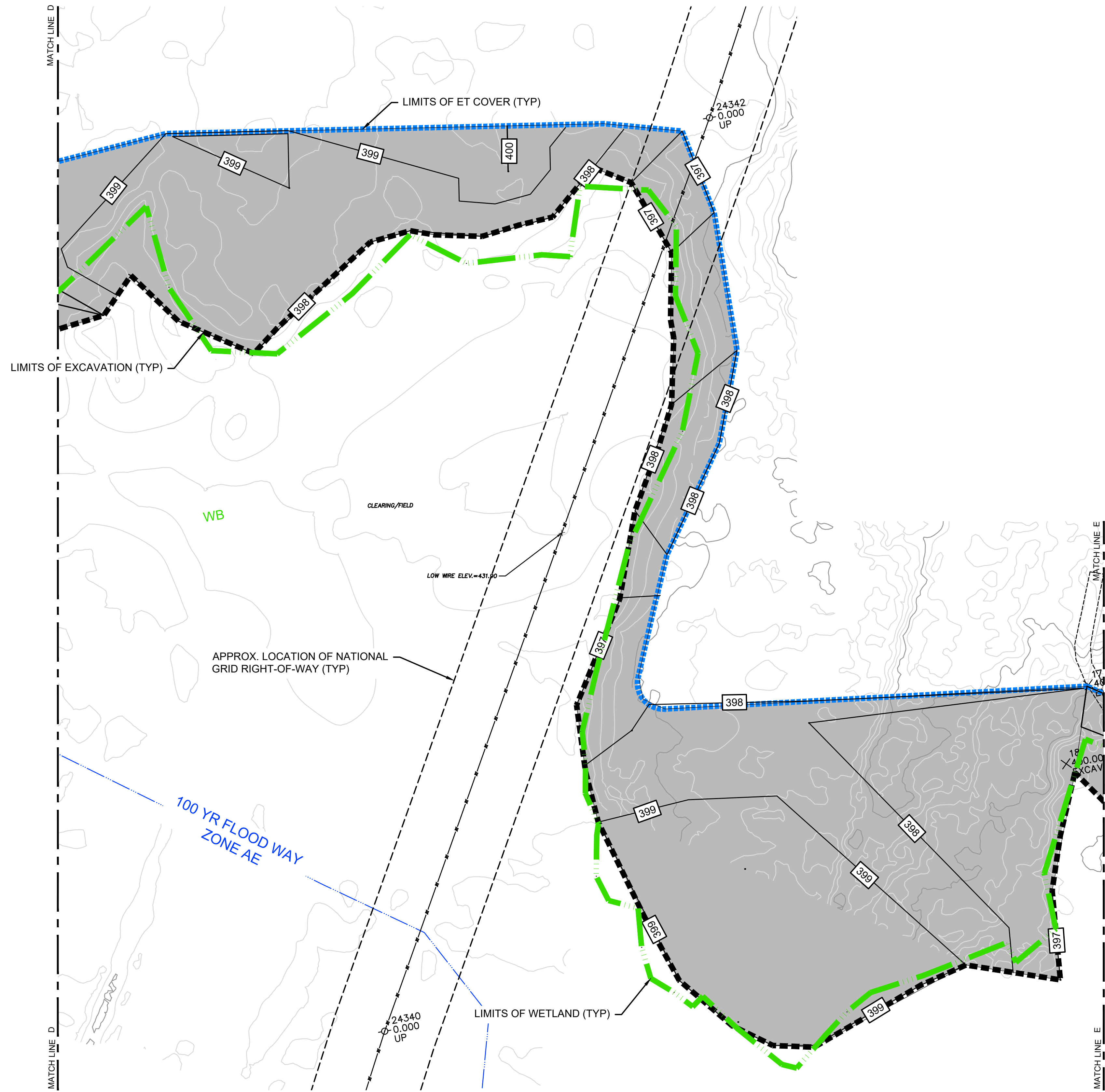
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 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

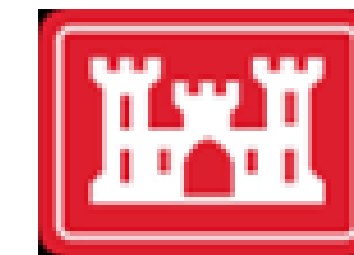
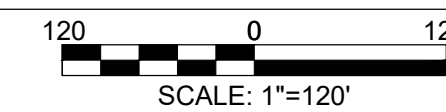
PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**EXCAVATION PLAN SHEET 1 OF 6**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP

C-200



### EXCAVATION PLAN SHEET 2 OF 6



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 9 of 39**

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THIS DRAWING WAS PREPARED AT THE SCALE INDICATED. INACCURACIES IN THE STATED SCALE MAY BE INTRODUCED WHEN DRAWINGS ARE REPRODUCED BY ANY MEANS. USE THE GRAPHIC SCALE BAR TO DETERMINE THE ACTUAL SIZE. DRAWING IS NOT SCALABLE IF NO SCALE BAR IS PRESENT.

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**  
DATE: 03/17/2025



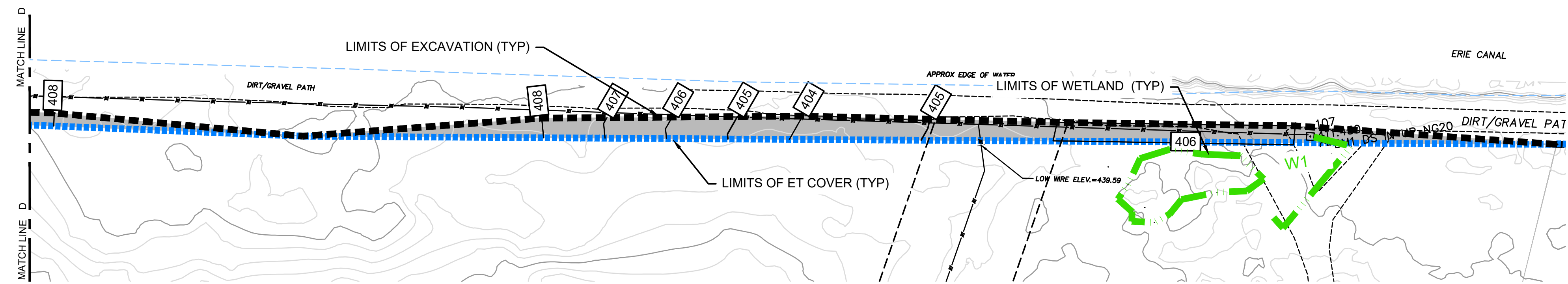
NO.	DATE	REVISION	INT.
B	11/15/24	ISSUED FOR NYSDEC 90% REVIEW	
A	4/12/24	ISSUED FOR NYSDEC 60% DESIGN REVIEW	

DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE <b>BRADLEY A. KUBIAK</b>	
DESIGNED BY MWH	PROJECT NO. 1087815:1940101207
CHECKED BY VJW	DATE MARCH 2025
DRAWN BY MWH	

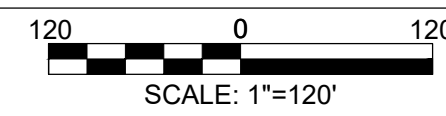
CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**EXCAVATION PLAN SHEET 2 OF 6**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



### EXCAVATION PLAN SHEET 3 OF 6



**NYS Department of Environmental Conservation**  
 D/A Permit No: LRB-2024-00127  
 Oneida County, New York  
 Sheet 10 of 39

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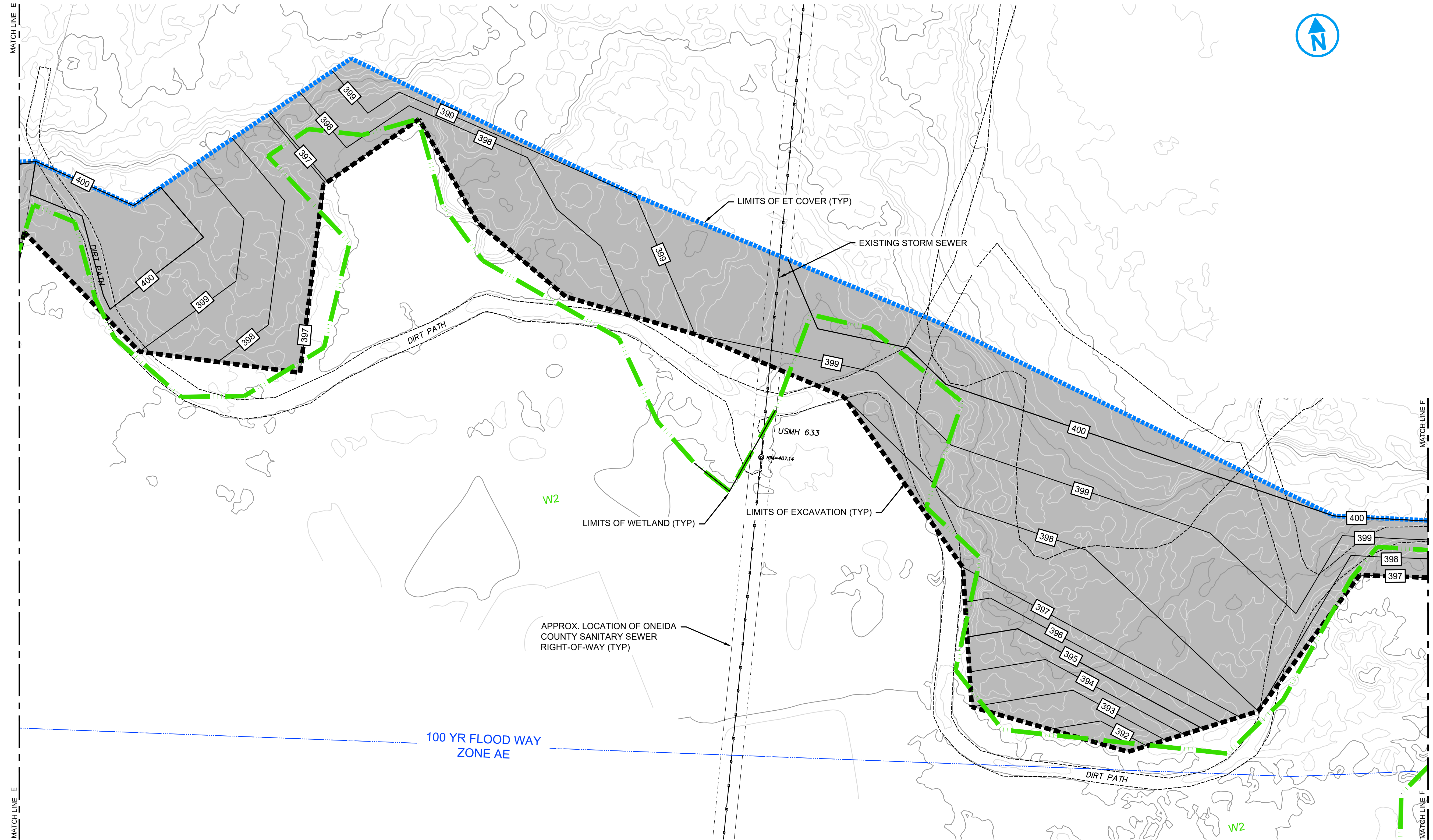
NO.	DATE	REVISION
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DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE <b>BRADLEY A. KUBIAK</b>	
DESIGNED BY MWH	PROJECT NO. 1087815:1940101207
CHECKED BY VJW	DATE MARCH 2025
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**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

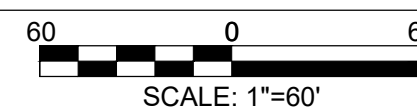
PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**EXCAVATION PLAN SHEET 3 OF 6**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 11 of 39**

**EXCAVATION PLAN SHEET 4 OF 6**



**PRELIMINARY  
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 DATE: 03/17/2025

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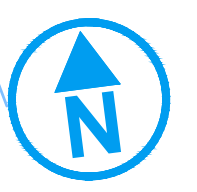
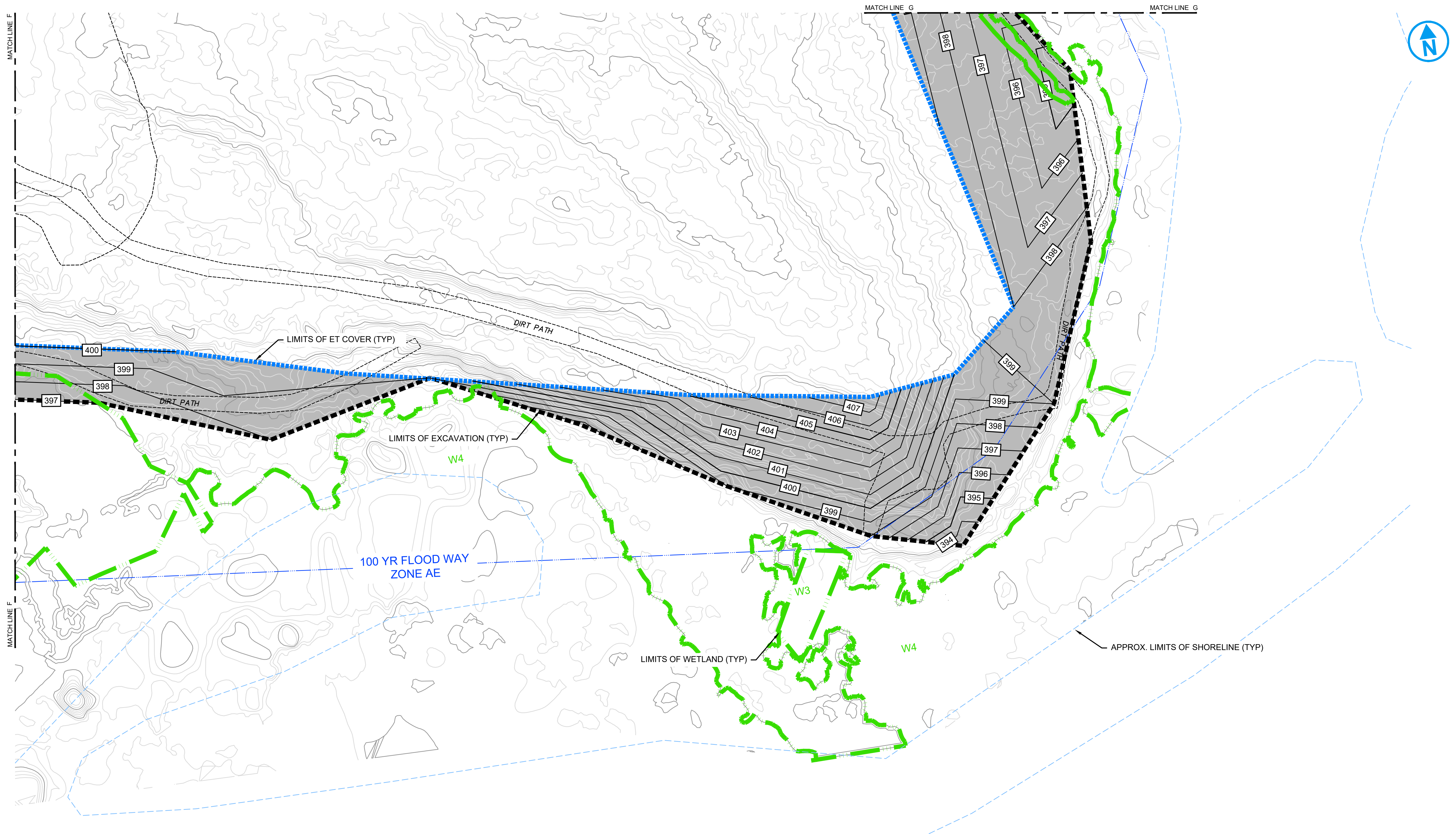
NO.	DATE	REVISION	INT.
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DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE  
**BRADLEY A. KUBIAK**  
 DESIGNED BY  
 MWH  
 CHECKED BY  
 VJW  
 DRAWN BY  
 MWH

CERTIFICATE OF AUTHORIZATION: 21291  
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 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

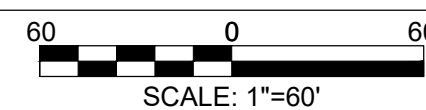
PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**EXCAVATION PLAN SHEET 4 OF 6**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



**NYS Department of Environmental Conservation**  
 D/A Permit No: LRB-2024-00127  
 Oneida County, New York  
 Sheet 12 of 39

**EXCAVATION PLAN SHEET 5 OF 6**



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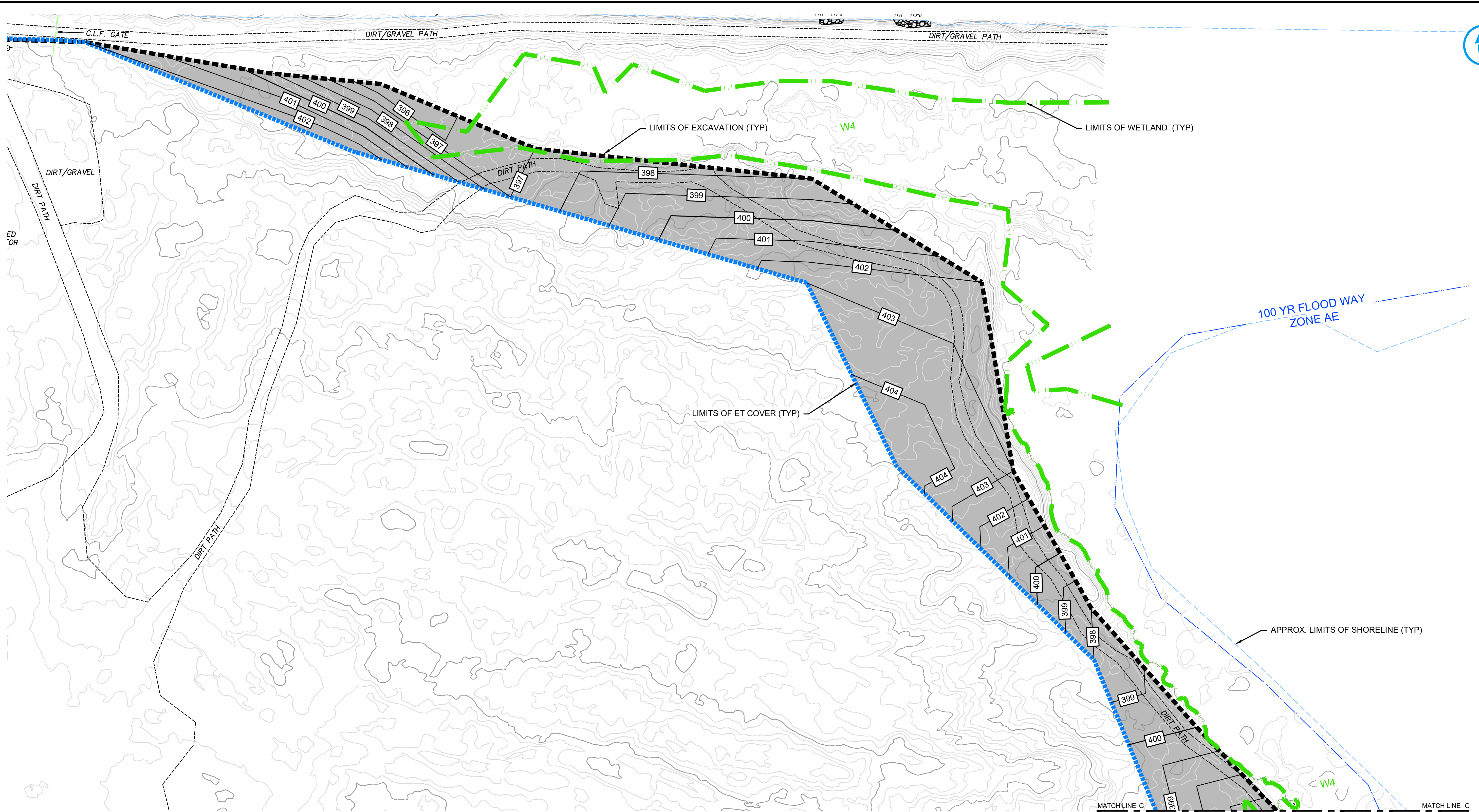
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**BRADLEY A. KUBIAK**  
 DESIGNED BY  
 MWH  
 CHECKED BY  
 VJW  
 DRAWN BY  
 MWH  
 PROJECT NO.  
 1087815:1940101207  
 DATE  
 MARCH 2025

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**EXCAVATION PLAN SHEET 5 OF 6**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP

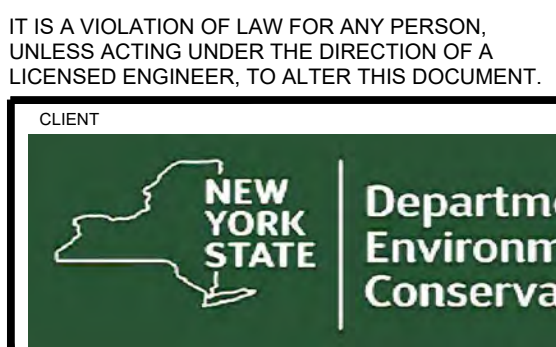


**NYS Department of Environmental Conservation**  
 D/A Permit No: LRB-2024-00127  
 Oneida County, New York  
 Sheet 13 of 39

**EXCAVATION PLAN SHEET 6 OF 6**



**PRELIMINARY  
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DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE  
**BRADLEY A. KUBIAK**

DESIGNED BY: MWH  
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 DRAWN BY: MWH

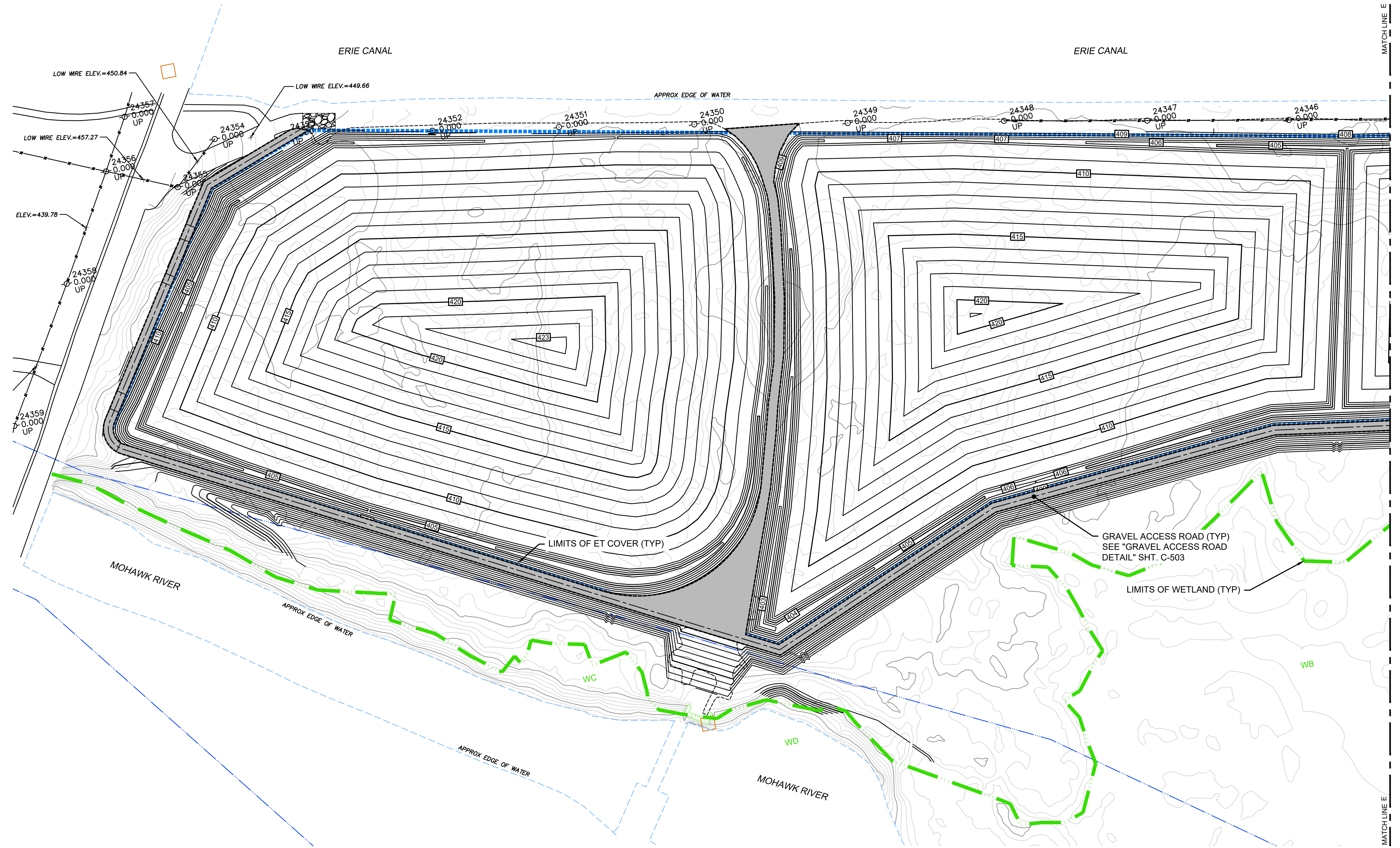
PROJECT NO: 1087815:1940101207  
 DATE: MARCH 2025

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
 ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION: EXCAVATION PLAN SHEET 6 OF 6  
 DRAWING LOCATION: FORMER UTICA CITY DUMP

C-205



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 14 of 39**

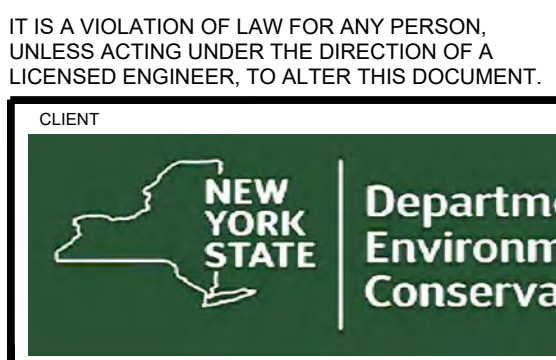
**GENERAL NOTES - ALL SUBGRADE GRADING PLANS:**

1. TEMPORARY OFFICE FACILITIES, SOIL STOCKPILES, MATERIAL DRYING BEDS AND EQUIPMENT STAGING AREAS ARE NOT SHOWN FOR CLARITY.

**SUBGRADE GRADING PLAN SHEET 1 OF 3**



**PRELIMINARY**  
**NOT FOR**  
**CONSTRUCTION**  
 DATE: 03/17/2025



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DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE  
**BRADLEY A. KUBIAK**

DESIGNED BY  
 MWH

CHECKED BY  
 VJW

DRAWN BY  
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PROJECT NO.  
 1087815:1940101207

DATE  
 MARCH 2025

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

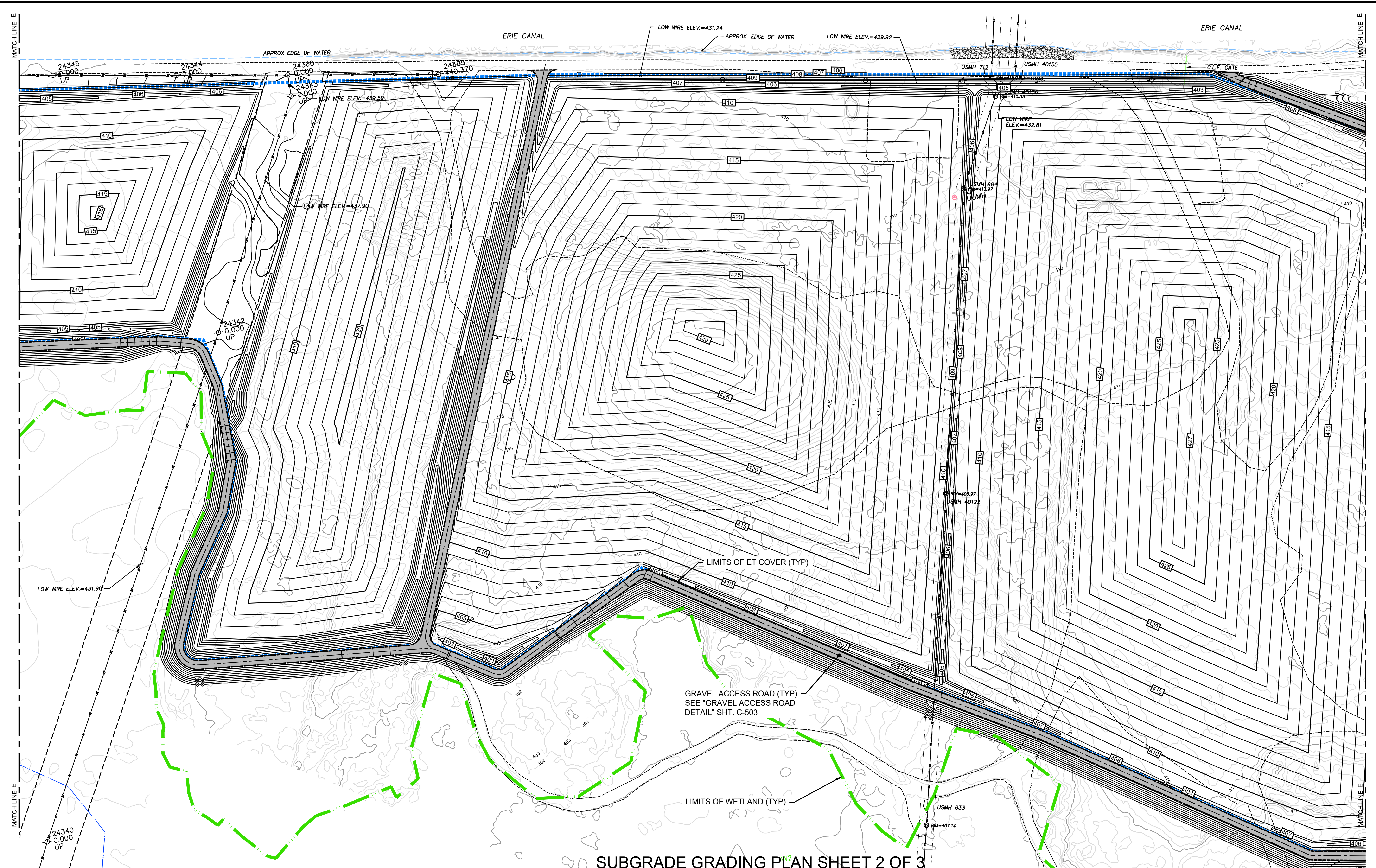
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PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**

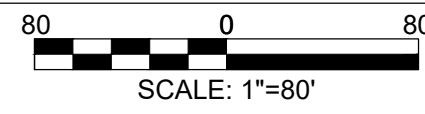
ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**SUBGRADE GRADING PLAN**  
**SHEET 1 OF 3**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP

**C-206**



### SUBGRADE GRADING PLAN SHEET 2 OF 3



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DATE: 03/17/2025



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A	3/17/23	ISSUED FOR NYSDEC 30% DESIGN REVIEW	

DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE <b>BRADLEY A. KUBIAK</b>	
DESIGNED BY MWH	PROJECT NO. 1087815:1940101207
CHECKED BY VJW	DATE MARCH 2025
DRAWN BY MWH	

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

**RAMBOLL**

PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**

ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**SUBGRADE GRADING PLAN  
 SHEET 2 OF 3**

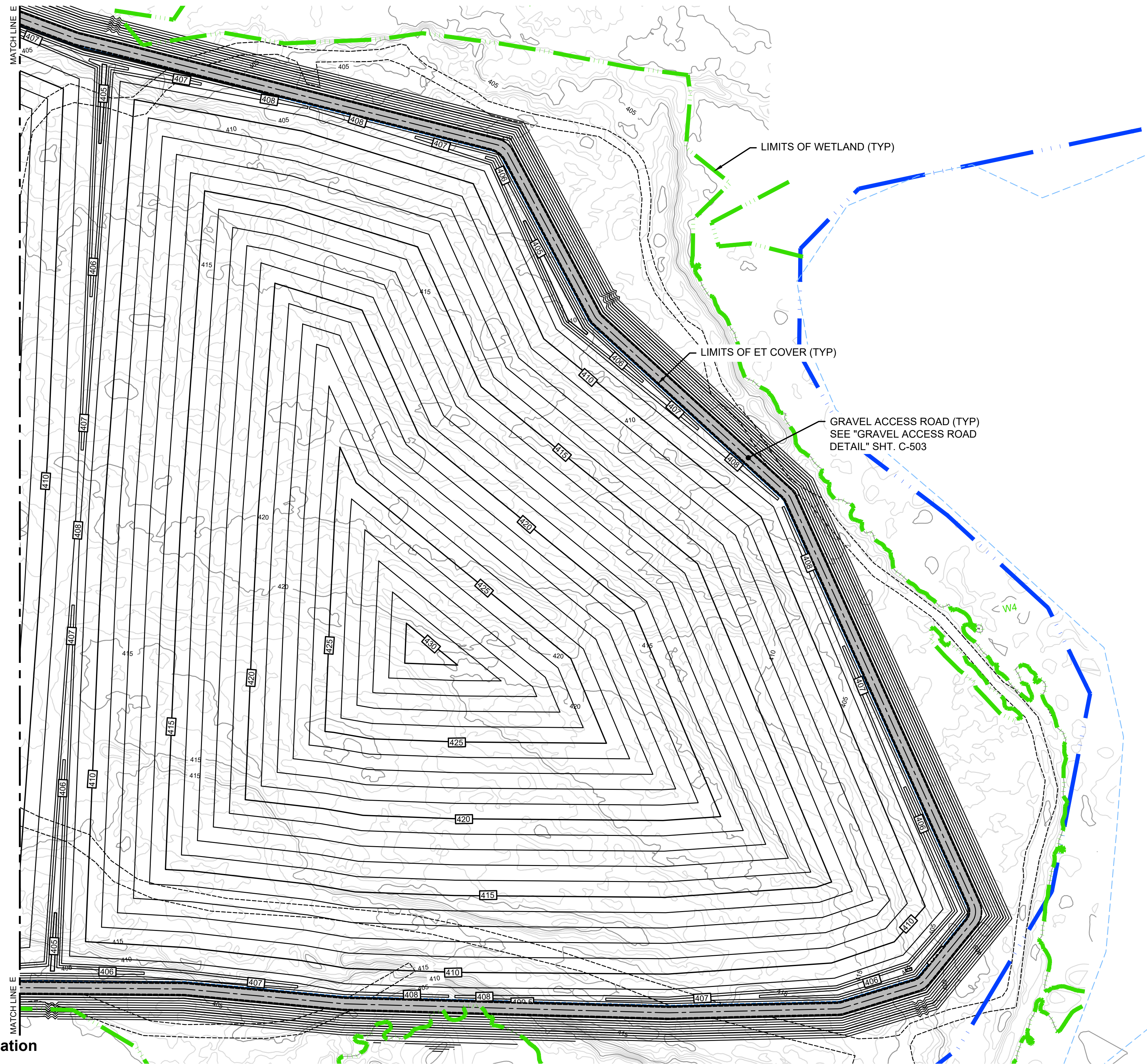
DRAWING LOCATION  
 FORMER UTICA CITY DUMP

C-207



NYS Department of Environmental Conservation  
 D/A Permit No: LRB-2024-00127  
 Oneida County, New York  
 Sheet 15 of 39





**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 16 of 39**

**SUBGRADE GRADING PLAN SHEET 3 OF 3**



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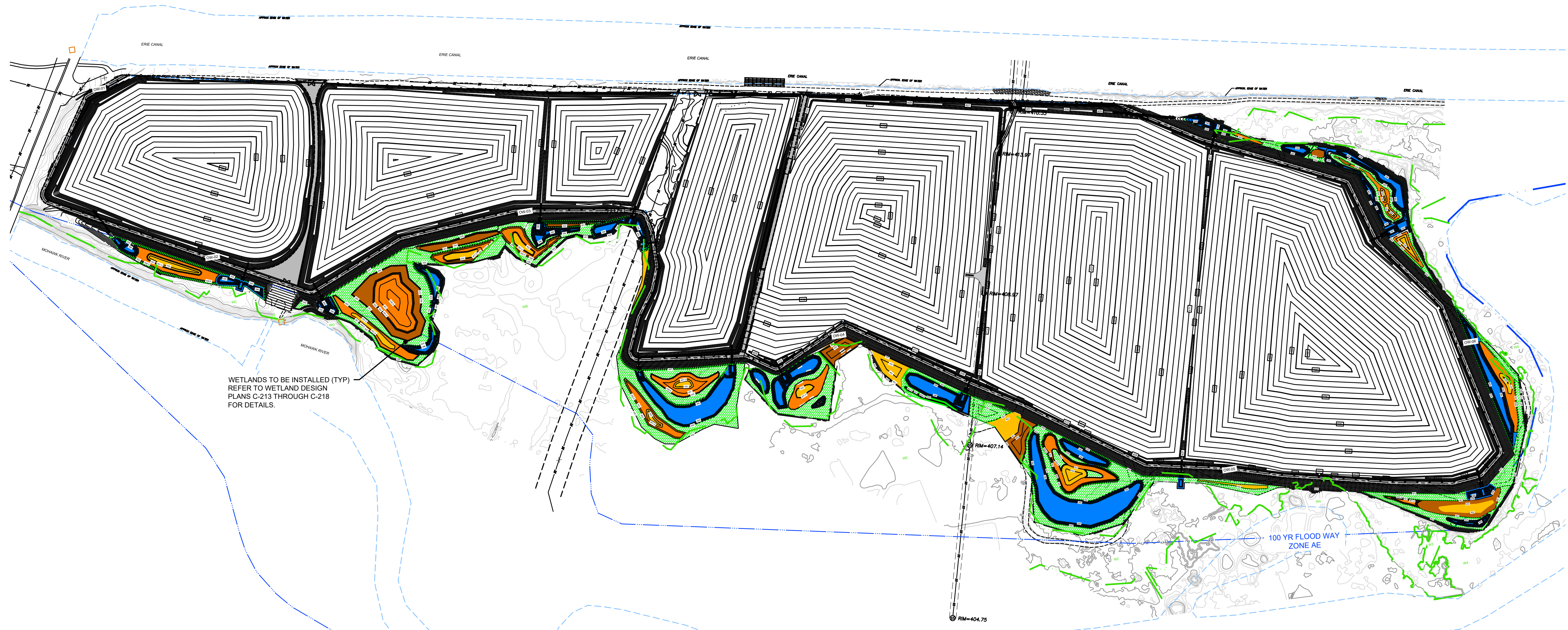
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BRADLEY A. KUBIAK	
DESIGNED BY	PROJECT NO.
MWH	1087815:1940101207
CHECKED BY	DATE
VJW	MARCH 2025
DRAWN BY	
MWH	

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**SUBGRADE GRADING PLAN**  
**SHEET 3 OF 3**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP

C-208



### FINAL GRADING PLAN SHEET 1 OF 4



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 17 of 39**

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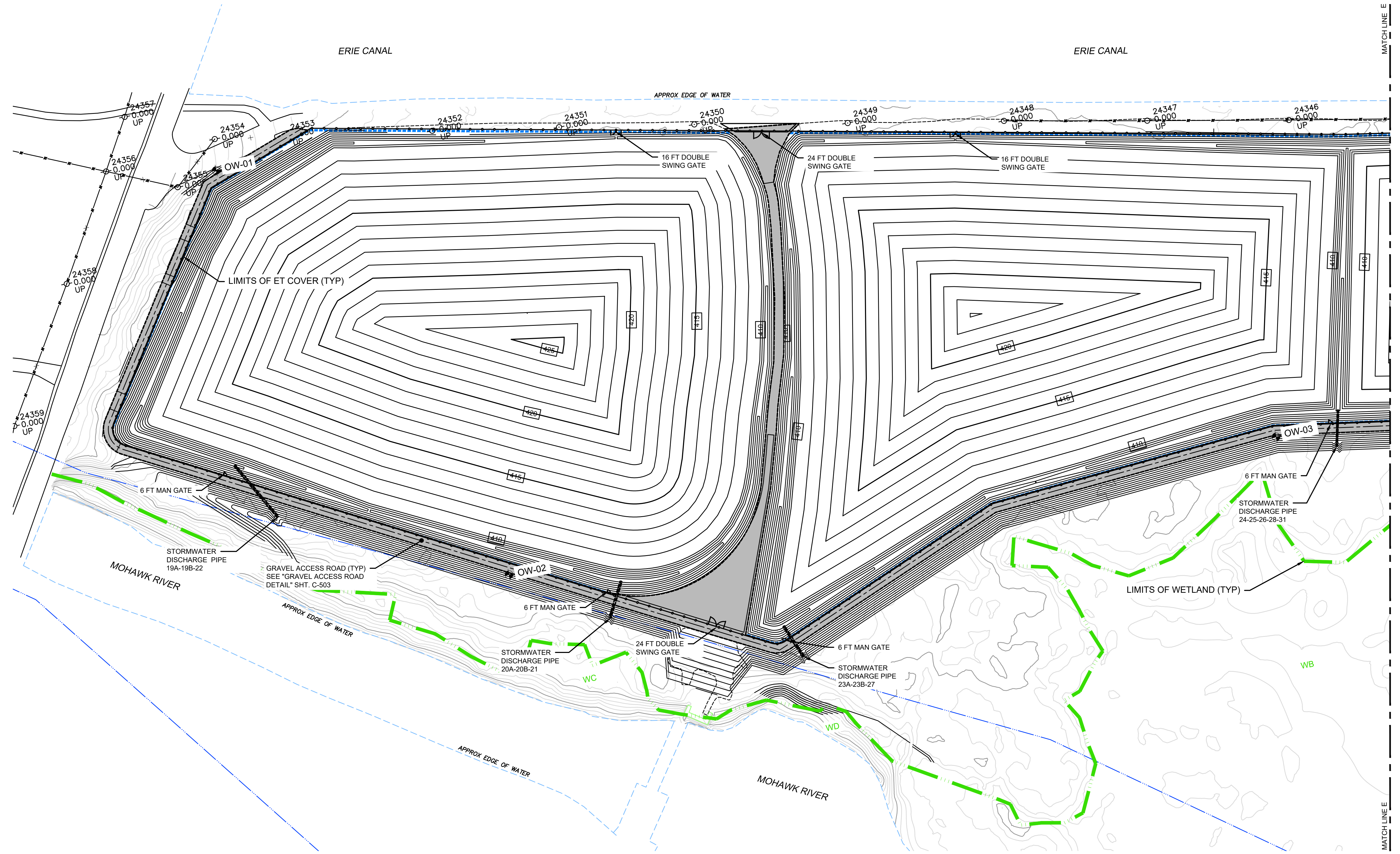
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**BRADLEY A. KUBIAK**  
 DESIGNED BY: MWH  
 CHECKED BY: VJW  
 DRAWN BY: MWH  
 PROJECT NO: 1087815:1940101207  
 DATE: MARCH 2025

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT: **FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS: **CITY OF UTICA, ONEIDA COUNTY, NEW YORK**

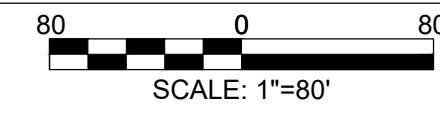
SHEET DESCRIPTION: **FINAL GRADING PLAN SHEET 1 OF 4**  
 DRAWING LOCATION: **FORMER UTICA CITY DUMP**

C-209



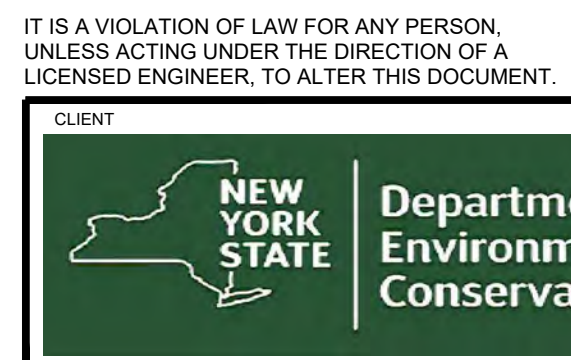
**NYS Department of Environmental Conservation**  
 D/A Permit No: LRB-2024-00127  
 Oneida County, New York  
 Sheet 18 of 39

**FINAL GRADING PLAN SHEET 2 OF 4**



- GENERAL NOTES - ALL FINAL GRADING PLANS:**
1. WETLAND DESIGN IS NOT SHOWN HERE FOR CLARITY. REFER TO WETLAND DESIGN PLANS C-213 THROUGH C-218 FOR DETAILS.
  2. REFER TO DRAWING C-504 FOR "STORMWATER DISCHARGE PIPE SCHEDULE" FOR PIPE SIZES, LENGTHS AND INVERT ELEVATIONS.
  3. SEE "CHAIN LINK FENCE" AND GATE DETAILS" SHEET C-503

**PRELIMINARY  
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PROJECT  
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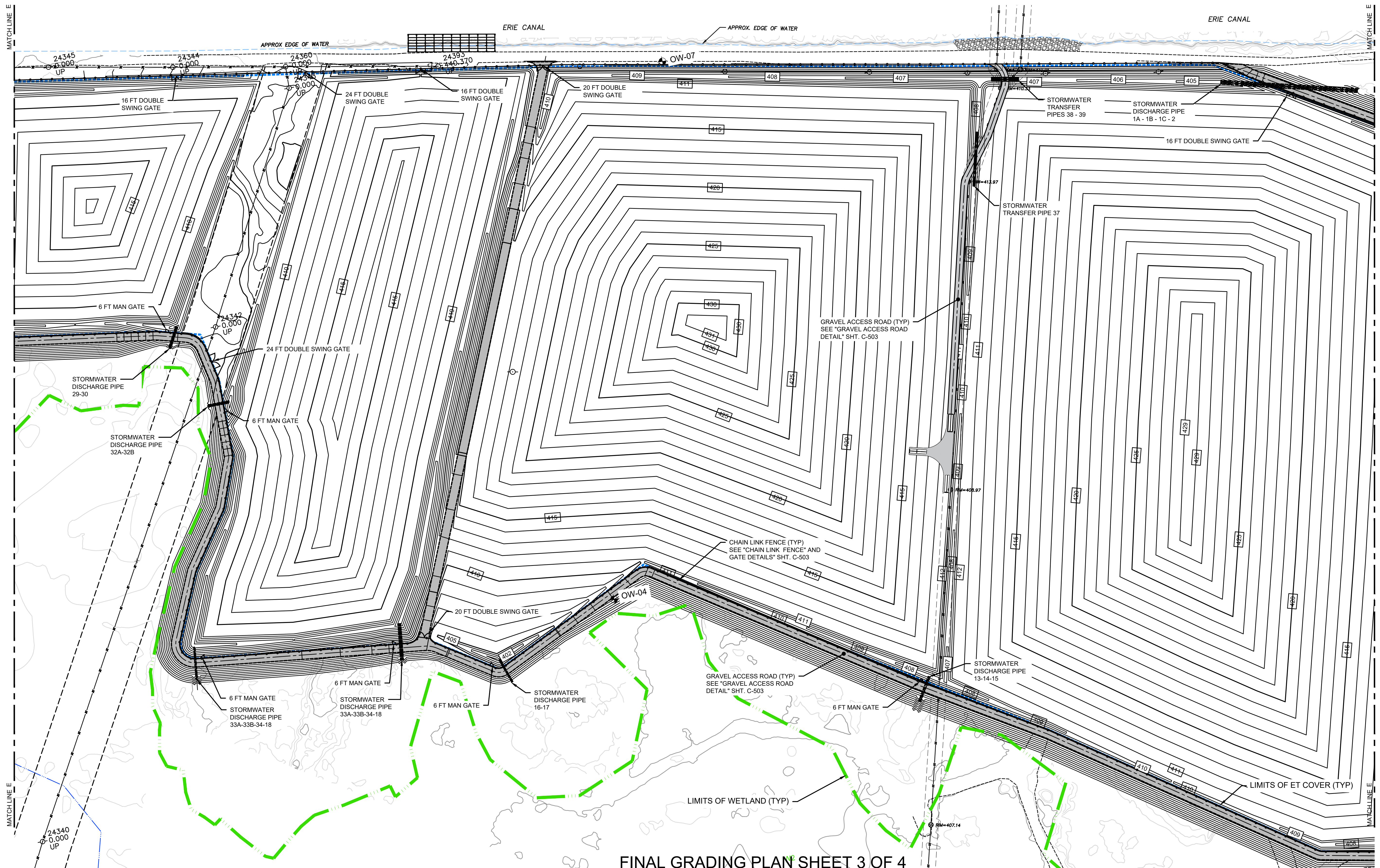
ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**FINAL GRADING PLAN SHEET 2 OF 4**

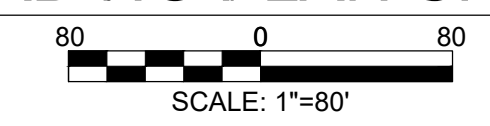
DRAWING LOCATION  
 FORMER UTICA CITY DUMP

**C-210**

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### FINAL GRADING PLAN SHEET 3 OF 4



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DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE  
**BRADLEY A. KUBIAK**

DESIGNED BY  
MWH

CHECKED BY  
VJW

DRAWN BY  
MWH

PROJECT NO.  
1087815:1940101207

DATE  
MARCH 2025

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
333 WEST WASHINGTON STREET  
SYRACUSE, NY

**RAMBOLL**

PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**

ADDRESS  
CITY OF UTICA, ONEIDA COUNTY, NEW YORK

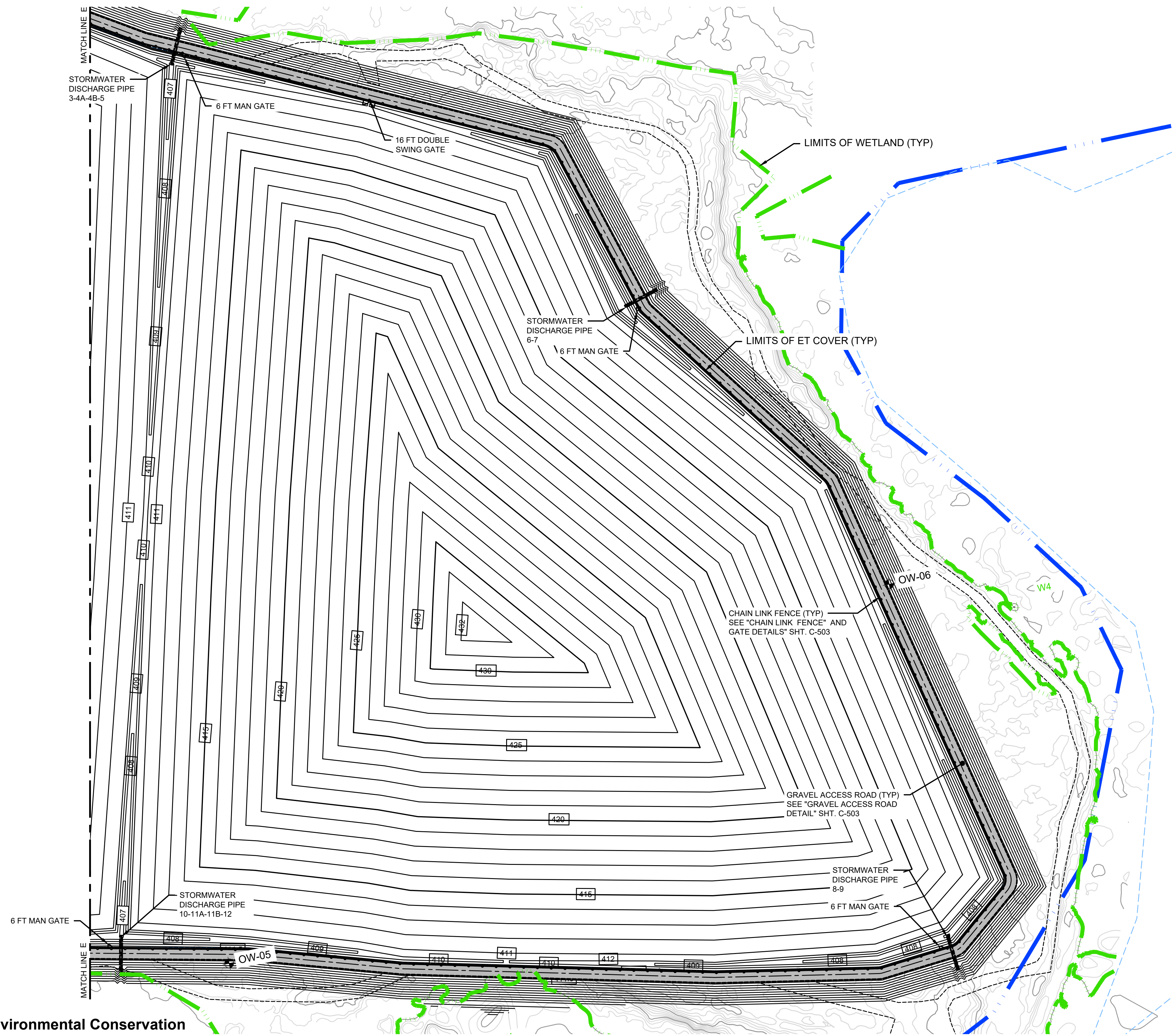
SHEET DESCRIPTION  
**FINAL GRADING PLAN SHEET 3 OF 4**

DRAWING LOCATION  
FORMER UTICA CITY DUMP

**C-211**



NYS Department of Environmental Conservation  
D/A Permit No: LRB-2024-00127  
Oneida County, New York  
Sheet 19 of 39

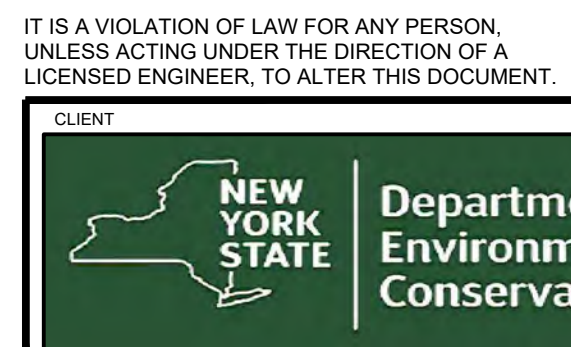


**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 20 of 39**

**FINAL GRADING PLAN SHEET 4 OF 4**



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 DATE: 03/17/2025



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NO.	DATE	REVISION	INT.
C	11/15/24	ISSUED FOR NYSDEC 90% REVIEW	
B	4/12/24	ISSUED FOR NYSDEC 60% DESIGN REVIEW	
A	3/17/23	ISSUED FOR NYSDEC 30% DESIGN REVIEW	

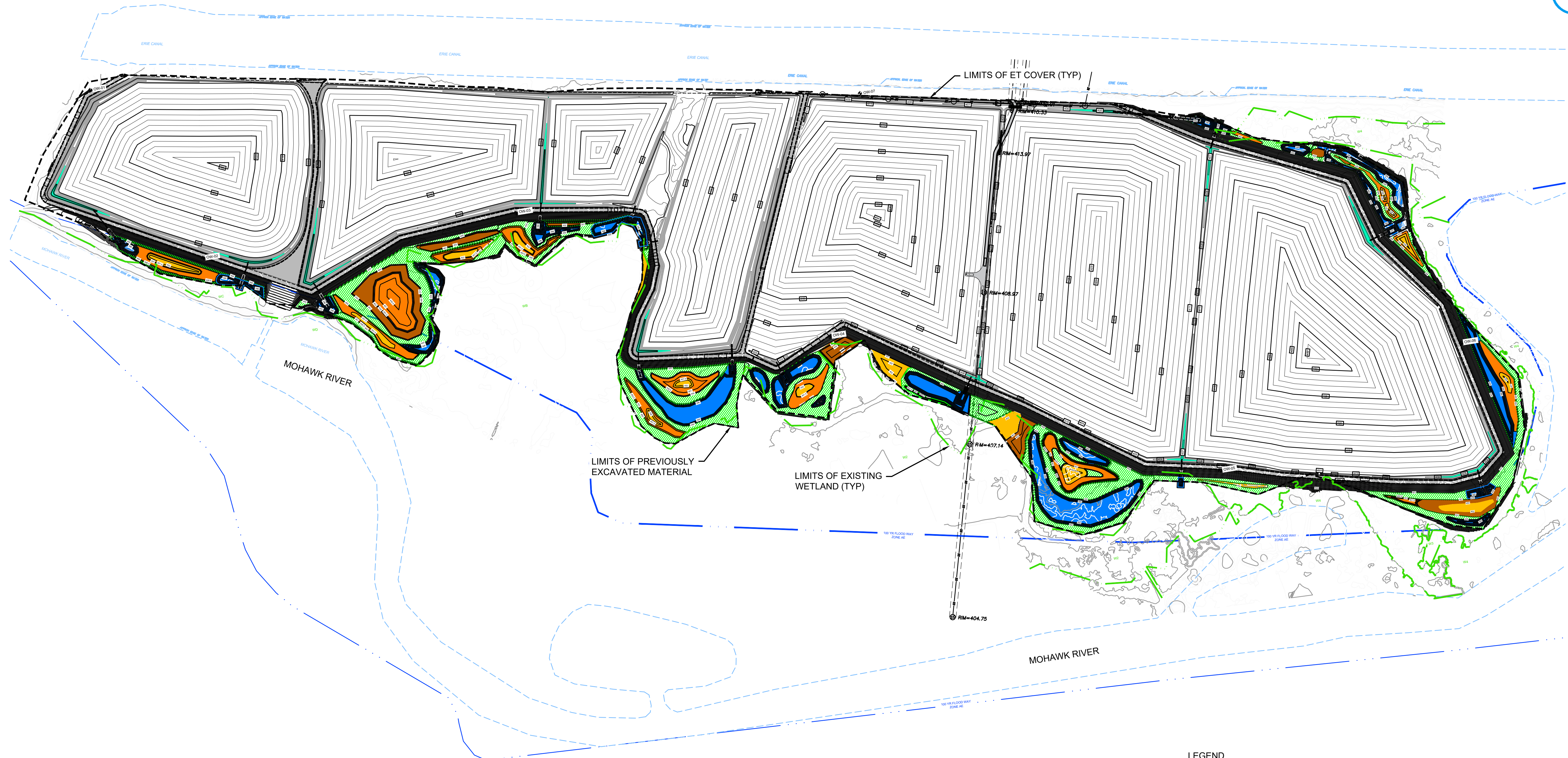
DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE	
BRADLEY A. KUBIAK	
DESIGNED BY	PROJECT NO.
MWH	1087815:1940101207
CHECKED BY	DATE
VJW	MARCH 2025
DRAWN BY	
MWH	

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
 ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION: FINAL GRADING PLAN SHEET 4 OF 4  
 DRAWING LOCATION: FORMER UTICA CITY DUMP

C-212



**LEGEND**

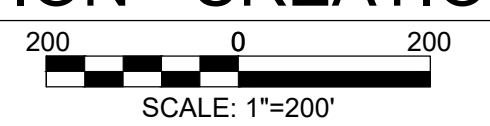
	ZONE A - SHALLOW EMERGENT MARSH
	ZONE B - WET MEADOW
	ZONE C - SCRUB SHRUB WETLAND
	ZONE D - FLOODPLAIN FOREST
	ZONE E - SUBAQUEOUS WETLAND
	VERNAL POOL
	DELINEATED WETLAND (RAMBOLL 2023)
	PREVIOUS LIMITS OF EXCAVATION

- GENERAL NOTES - ALL WETLAND DESIGN PLANS:**
- REFER TO DRAWING C-504 FOR "RIP-RAP LINED SWALE DETAIL" AND "ROCK CHUTE APRON DIMENSION TABLE".
  - VEGETATIVE COVER TYPES SHOWN HERE SHALL BE INSTALLED IN ACCORDANCE WITH THE VEGETATIVE SPECIES IDENTIFIED FOR THE RESPECTIVE RESTORATION ZONES SPECIFIED IN SECTION 32 72 00 "HABITAT RESTORATION" AND THE "WETLAND DETAILS" SHOWN ON SHT. C-502.
  - ADDITIONAL EXCAVATED CUT MATERIAL GENERATED DURING THE SHAPING OF THE WETLANDS SHALL BE PLACED WITHIN, AND BENEATH, THE ET COVER.



**NYS Department of Environmental Conservation**  
 D/A Permit No: LRB-2024-00127  
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 Sheet 21 of 39

**WETLAND RESTORATION - CREATION PLAN SHEET 1 OF 6**



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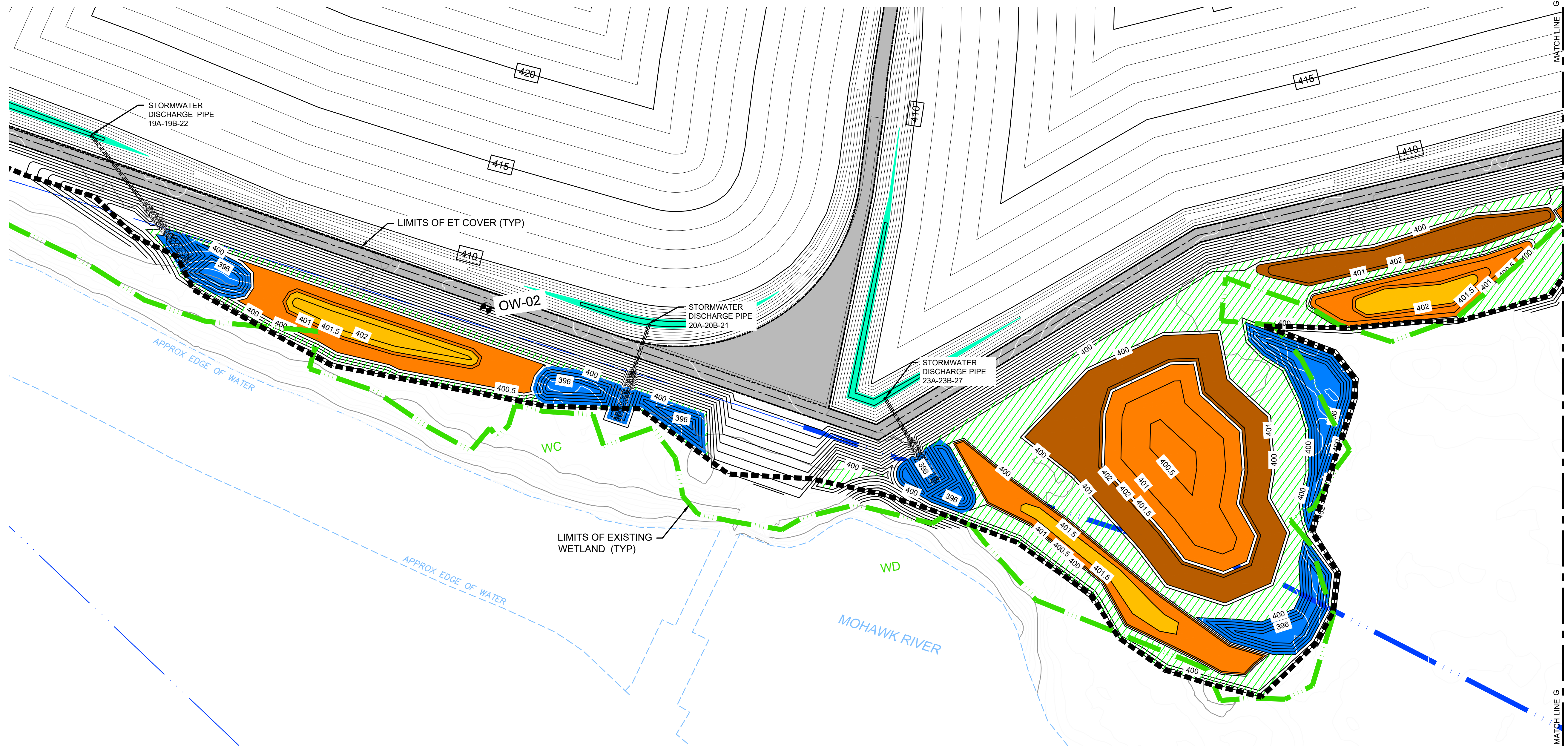
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A	4/12/24	ISSUED FOR NYSDEC 60% DESIGN REVIEW

DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE  
**BRADLEY A. KUBIAK**  
 DESIGNED BY: KB  
 CHECKED BY: VJW  
 DRAWN BY: MWH

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**WETLAND RESTORATION - CREATION PLAN SHEET 1 OF 6**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



- LEGEND**
- ZONE A - SHALLOW EMERGENT MARSH
  - ZONE B - WET MEADOW
  - ZONE C - SCRUB SHRUB WETLAND
  - ZONE D - FLOODPLAIN FOREST
  - ZONE E - SUBAQUEOUS WETLAND
  - VERNAL POOL
  - DELINEATED WETLAND (RAMBOLL 2023)
  - PREVIOUS LIMITS OF EXCAVATION



**NYS Department of Environmental Conservation**  
 D/A Permit No: LRB-2024-00127  
 Oneida County, New York  
 Sheet 22 of 39

**WETLAND RESTORATION - CREATION PLAN SHEET 2 OF 6**



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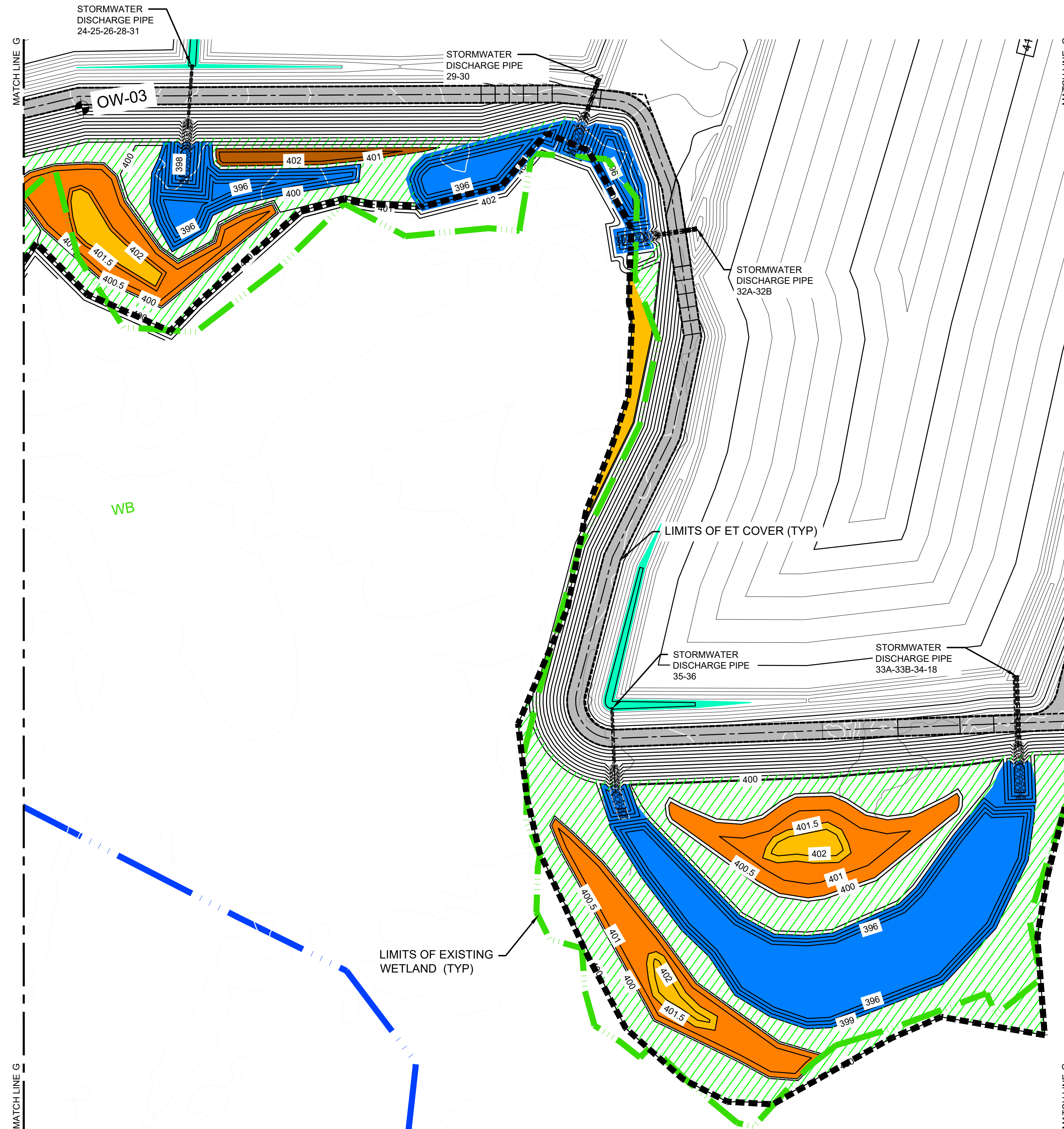
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 DRAWN BY: MWH  
 PROJECT NO: 1087815:1940101207  
 DATE: MARCH 2025

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
 ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION:  
**WETLAND RESTORATION - CREATION  
PLAN SHEET 2 OF 6**  
 DRAWING LOCATION:  
 FORMER UTICA CITY DUMP



- LEGEND**
- ZONE A - SHALLOW EMERGENT MARSH
  - ZONE B - WET MEADOW
  - ZONE C - SCRUB SHRUB WETLAND
  - ZONE D - FLOODPLAIN FOREST
  - ZONE E - SUBAQUEOUS WETLAND
  - VERNAL POOL
  - DELINEATED WETLAND (RAMBOLL 2023)
  - PREVIOUS LIMITS OF EXCAVATION



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 23 of 39**

**WETLAND RESTORATION - CREATION PLAN SHEET 3 OF 6**



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 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
 ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION:  
**WETLAND RESTORATION - CREATION**  
**PLAN SHEET 3 OF 6**  
 DRAWING LOCATION:  
 FORMER UTICA CITY DUMP



- LEGEND**
- ZONE A - SHALLOW EMERGENT MARSH
  - ZONE B - WET MEADOW
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  - ZONE D - FLOODPLAIN FOREST
  - ZONE E - SUBAQUEOUS WETLAND
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  - DELINEATED WETLAND (RAMBOLL 2023)
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**NYS Department of Environmental Conservation**  
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**Sheet 24 of 39**

**WETLAND RESTORATION - CREATION PLAN SHEET 4 OF 6**



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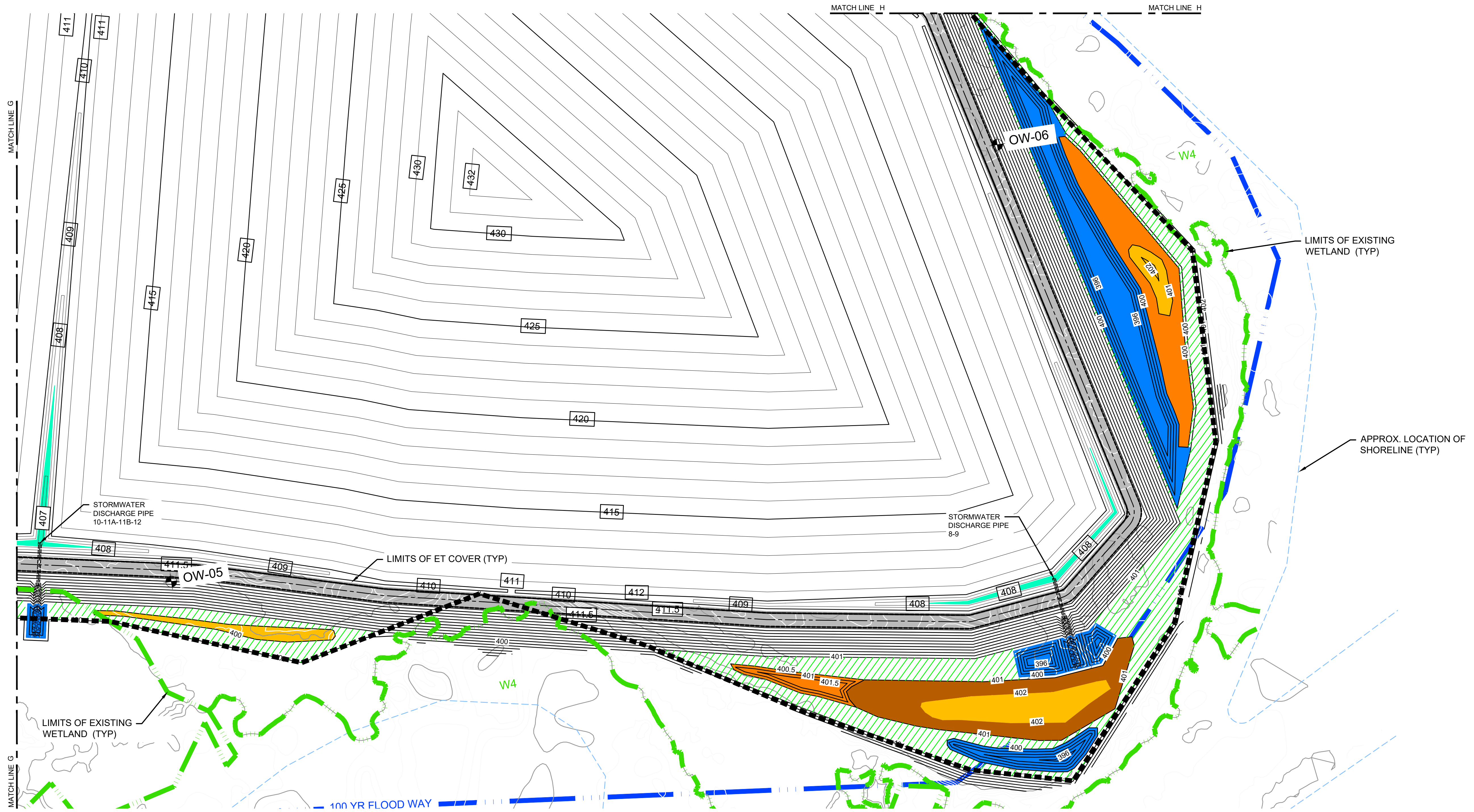
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PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**WETLAND RESTORATION - CREATION**  
**PLAN SHEET 4 OF 6**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



- LEGEND**
- ZONE A - SHALLOW EMERGENT MARSH
  - ZONE B - WET MEADOW
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  - PREVIOUS LIMITS OF EXCAVATION



**NYS Department of Environmental Conservation**  
 D/A Permit No: LRB-2024-00127  
 Oneida County, New York  
 Sheet 25 of 39

**WETLAND RESTORATION - CREATION PLAN SHEET 5 OF 6**



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 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
 ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**WETLAND RESTORATION - CREATION  
PLAN SHEET 5 OF 6**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 26 of 39**

**WETLAND RESTORATION - CREATION PLAN SHEET 6 OF 6**



- LEGEND**
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  - ZONE B - WET MEADOW
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  - VERNAL POOL
  - DELINEATED WETLAND (RAMBOLL 2023)
  - PREVIOUS LIMITS OF EXCAVATION

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CHECKED BY  
 VJW

DRAWN BY  
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PROJECT NO.  
 1087815:1940101207

DATE  
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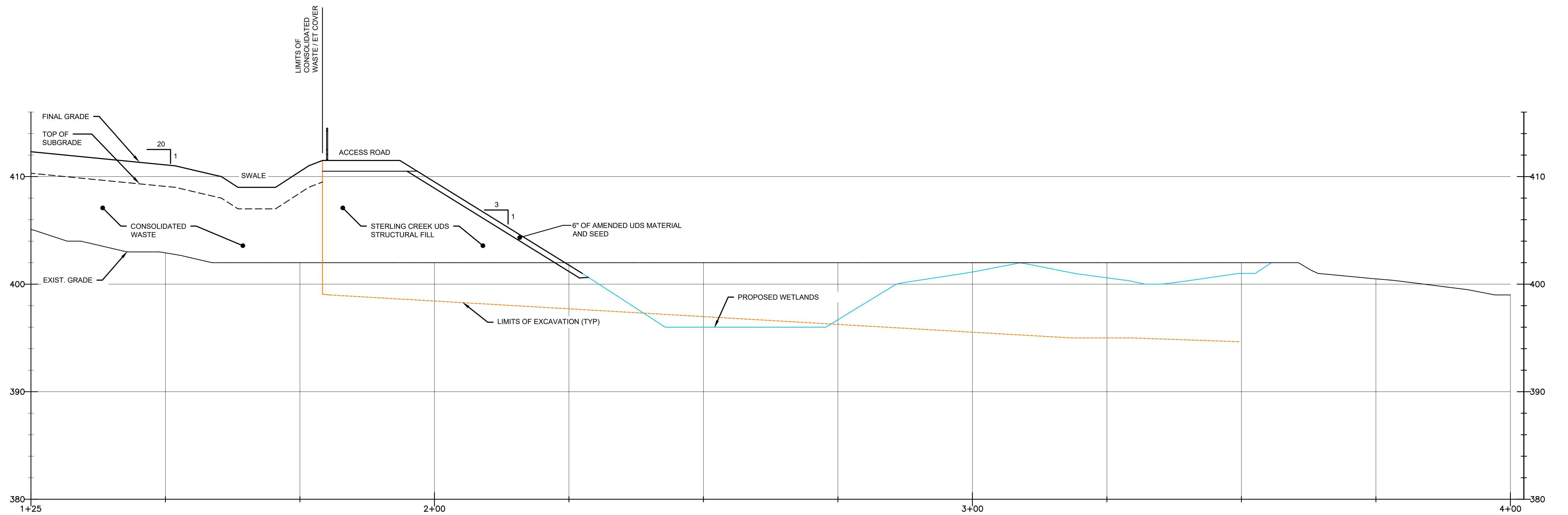
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**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

**RAMBOLL**

PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**

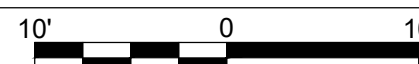
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 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**WETLAND RESTORATION - CREATION**  
**PLAN SHEET 6 OF 6**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



**PROFILE**

HORIZ. SCALE: 1" = 10'



VERT. SCALE: 1" = 10'



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 27 of 39**

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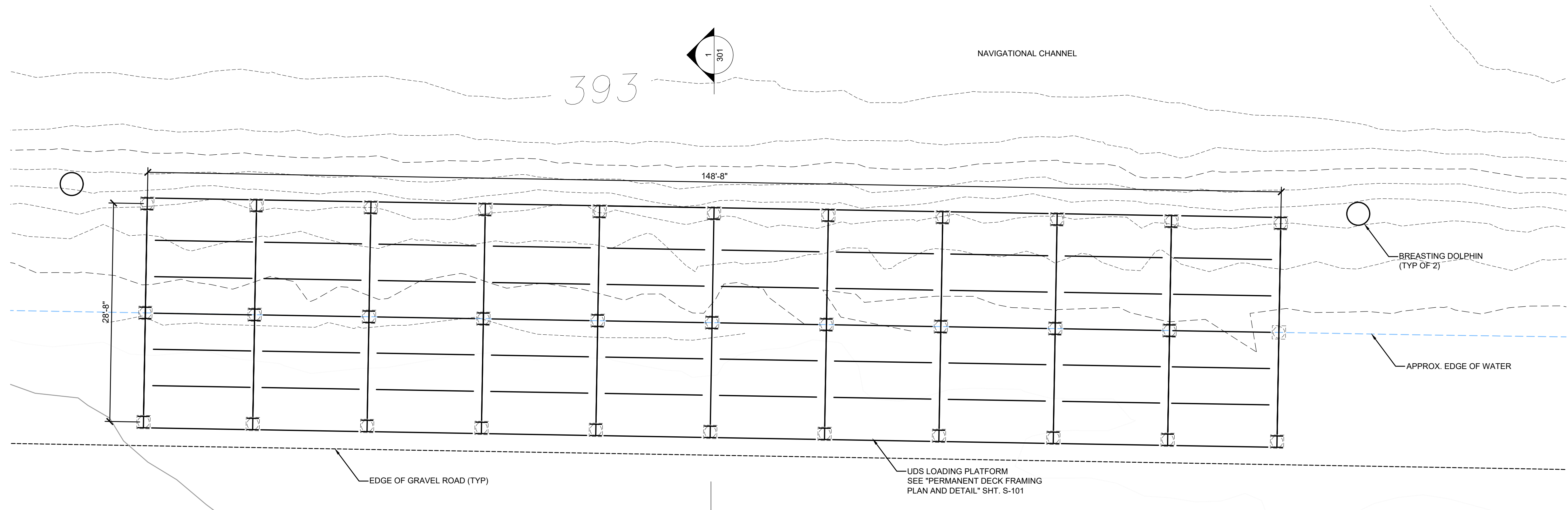
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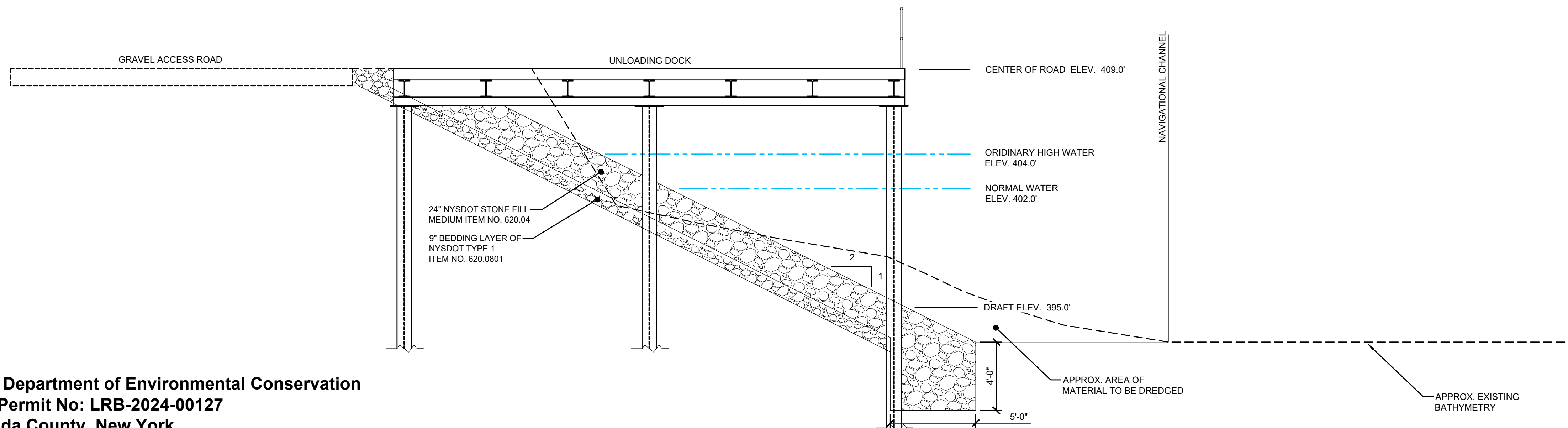
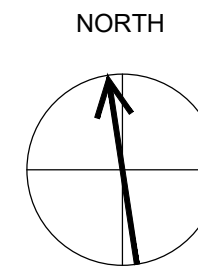
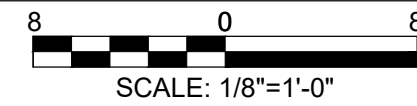
CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
 ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION: **TYPICAL REMEDIATION PROFILE**  
 DRAWING LOCATION: FORMER UTICA CITY DUMP



### UTICA DUMP UNLOADING PLATFORM PLAN



### 1 SECTION



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 28 of 39**

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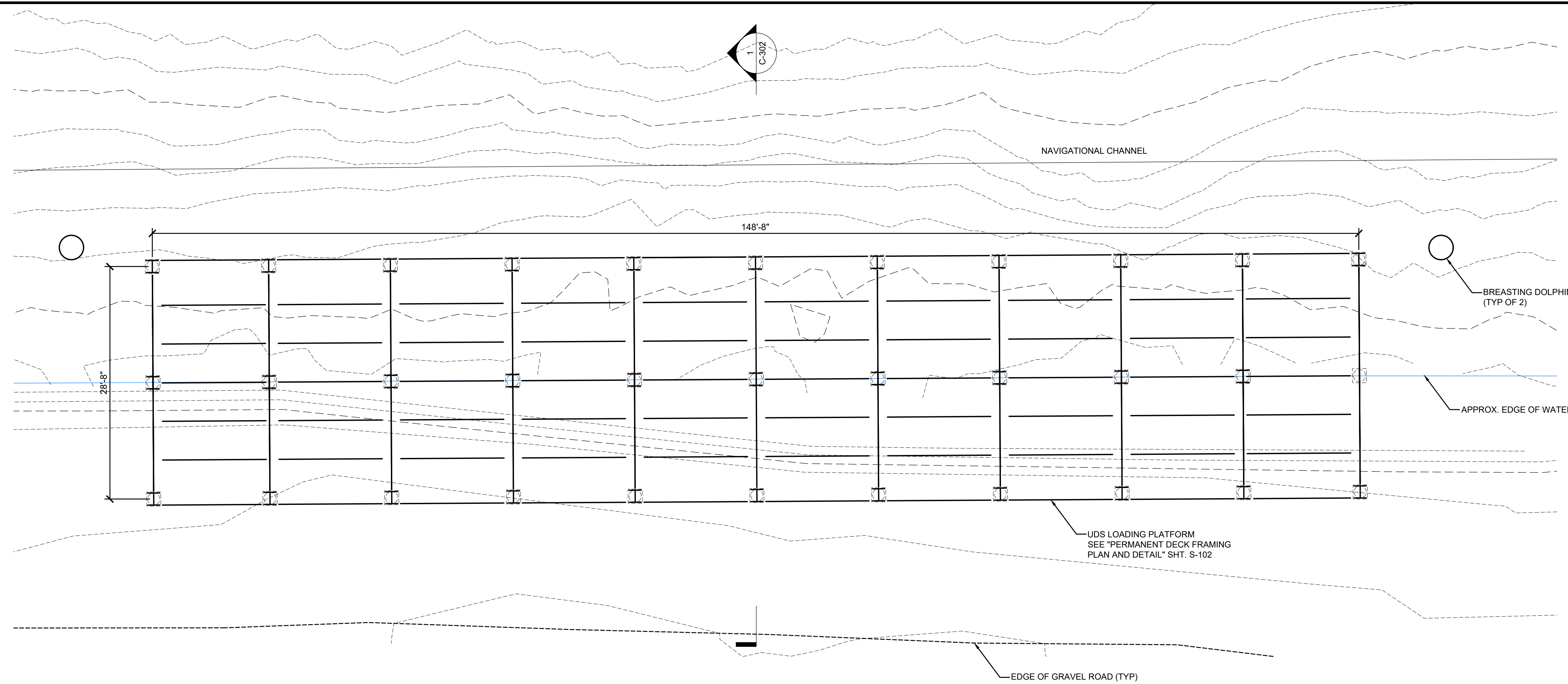
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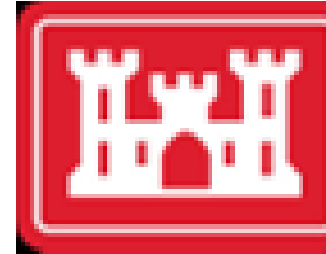
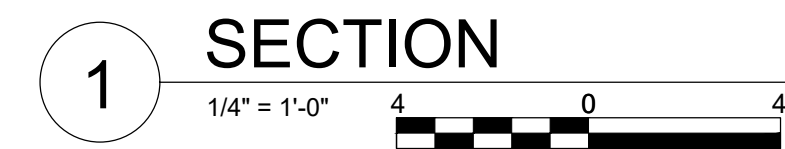
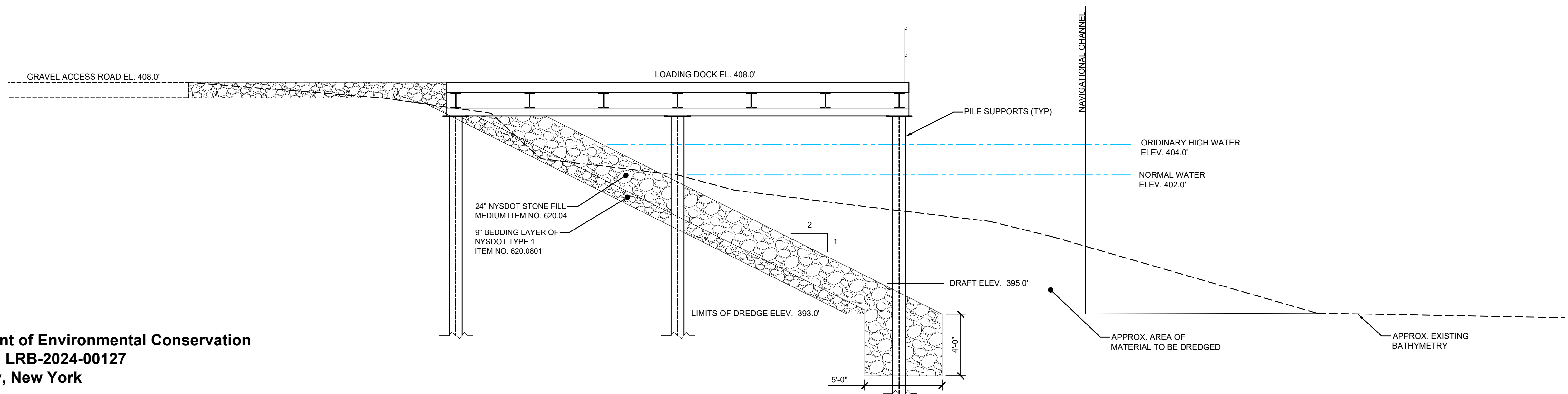
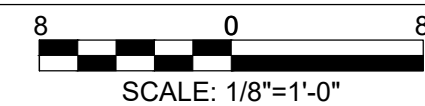
PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**UTICA DUMP UNLOADING PLATFORM**  
**PLAN AND SECTION**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP

C-301



### UDS LOADING PLATFORM PLAN



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 29 of 39**

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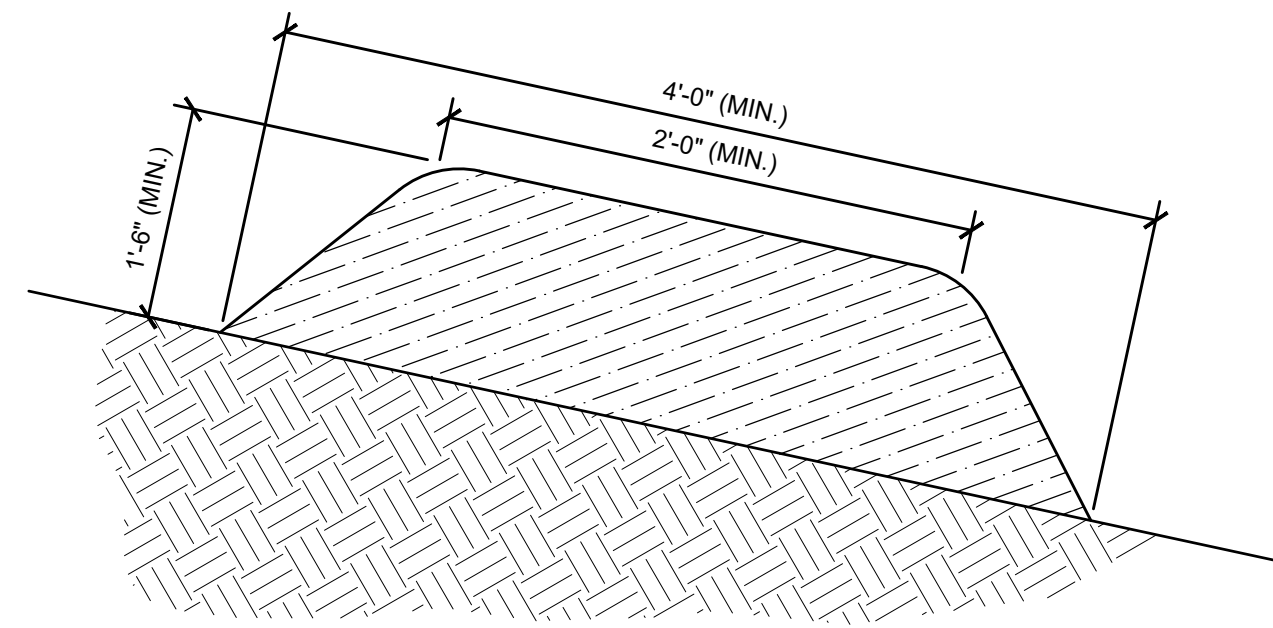
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A	11/15/24	ISSUED FOR NYSDEC 90% REVIEW

DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE  
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 1087815:1940101207  
 DATE  
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CERTIFICATE OF AUTHORIZATION: 21291  
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PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

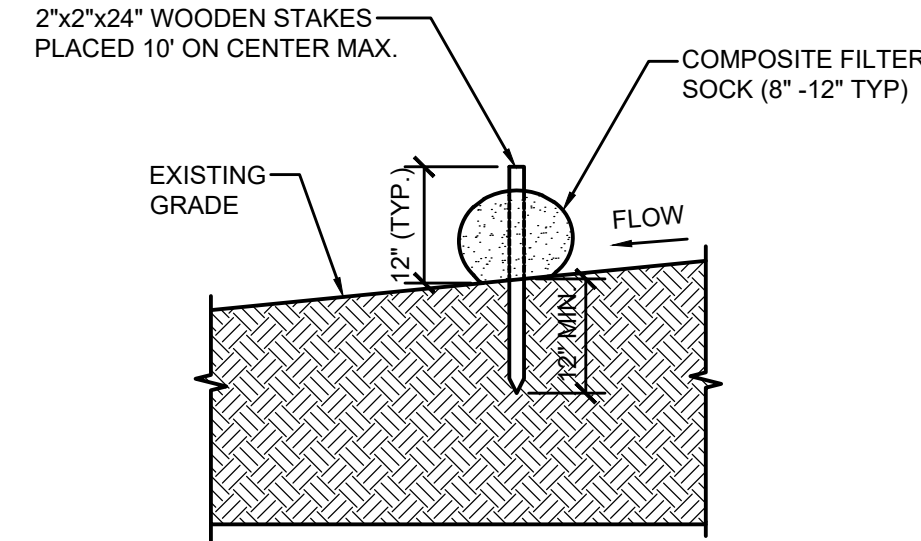
SHEET DESCRIPTION  
**UDS LOADING PLATFORM PLAN AND SECTION**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



**DETAIL NOTES:**

1. PRIOR TO PLACEMENT, OBSTRUCTIONS SUCH AS TREE LIMBS, LARGE ROCKS, ETC. SHALL BE REMOVED.
2. BERMS SHALL BE ALIGNED PARALLEL TO EXISTING CONTOURS AND LOCATED BELOW ALL DISTURBED AREAS.
3. WHERE PRACTICABLE, WHEN USED ADJACENT TO A WATERWAY, A MINIMUM 50' WIDE VEGETATED STRIP SHALL BE MAINTAINED DOWNGRADIENT OF THE BERM.
4. BOTH ENDS OF THE BERM SHALL BE EXTENDED AT LEAST 8 FEET UP SLOPE AT 45 DEGREES TO THE MAIN BERM ALIGNMENT.
5. BERMS SHALL NOT BE LOCATED IN AREAS OF CONCENTRATED FLOW.
6. BERMS SHALL BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT. SEDIMENT SHALL BE REMOVED WHEN ACCUMULATIONS REACH HALF THE HEIGHT OF THE BERM. DAMAGED OR DETERIORATED PORTIONS OF THE BERM SHALL BE REPLACED IMMEDIATELY UPON INSPECTION.
7. WHEN THE AREA HAS BEEN PERMANENTLY STABILIZED, THE BERM SHALL BE REMOVED OR RAKED AND LEVELLED TO PROVIDE A MULCH LAYER AROUND WOODY VEGETATION.

**A WOOD CHIP BERM DETAIL**  
NOT TO SCALE

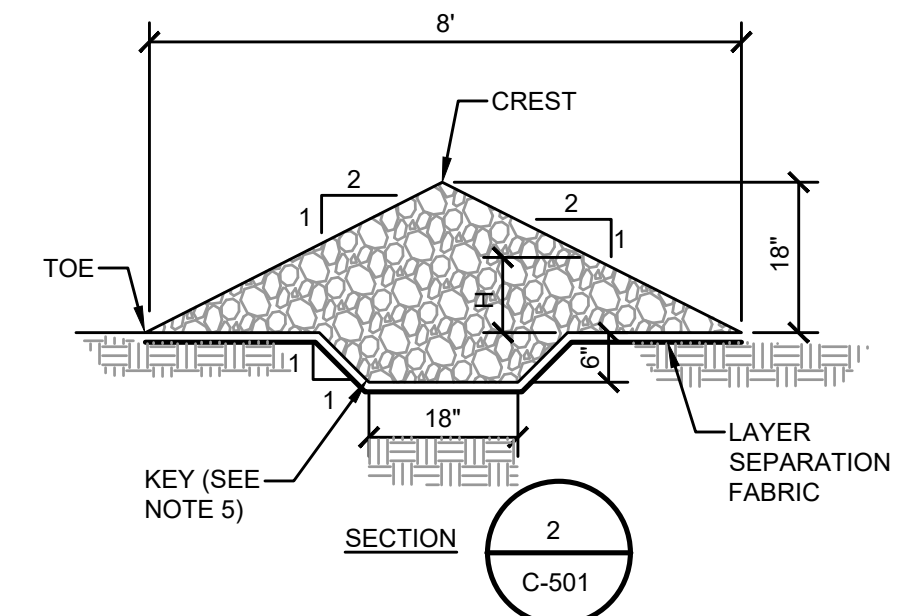
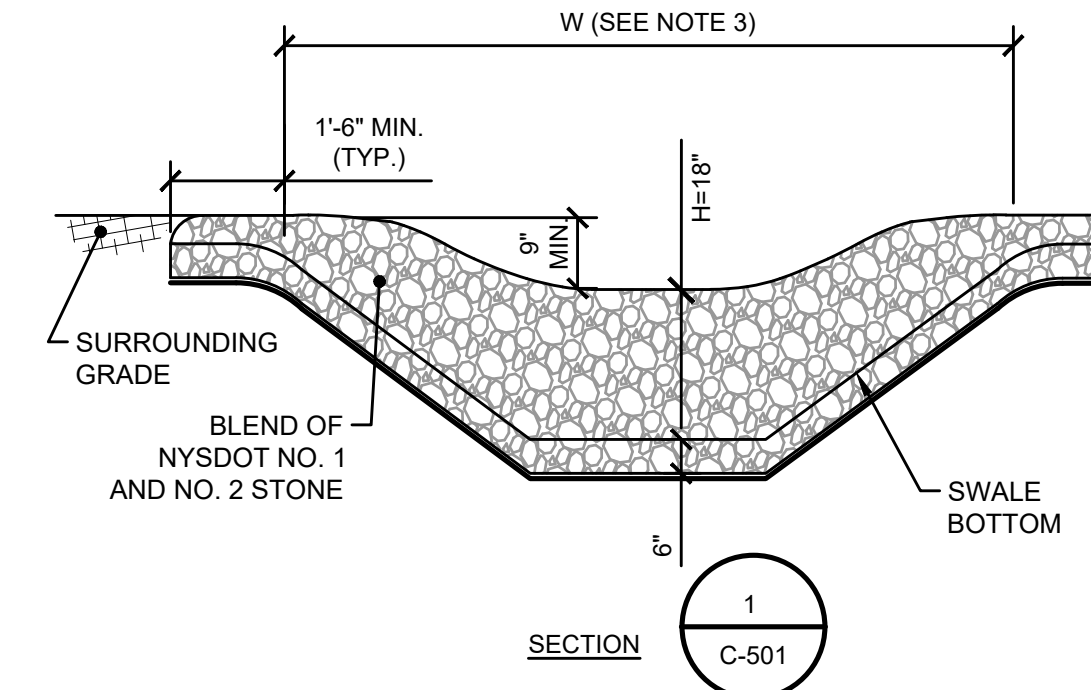
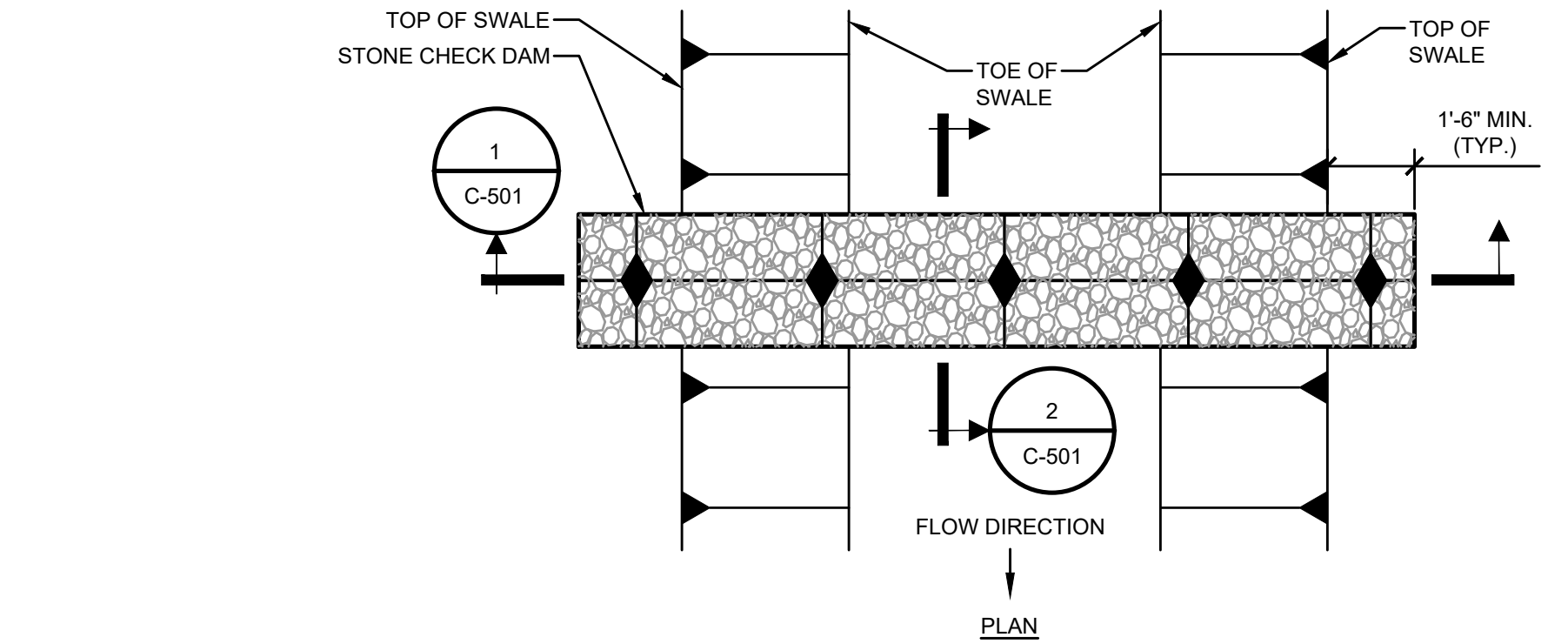


**DETAIL NOTES:**

1. STAKES SHALL BE INSTALLED THROUGH THE MIDDLE OF THE COMPOSITE FILTER SOCK AT 10' INTERVALS MAXIMUM USING HARDWOOD STAKES.
2. COMPOSITE FILTER SOCK TO BE ALIGNED ALONG CONTOUR AS CLOSELY AS POSSIBLE.
3. BOTH ENDS OF EACH COMPOSITE FILTER SOCK SECTION MUST EXTEND AT LEAST 10 FEET UP SLOPE AT 45 DEGREES TO THE MAIN COMPOSITE FILTER SOCK ALIGNMENT.
4. SEDIMENT MUST BE REMOVED WHERE ACCUMULATIONS REACH 1/2 THE ABOVE GROUND HEIGHT OF THE COMPOSITE FILTER SOCK.
5. ANY COMPOSITE FILTER SOCK SECTION WHICH HAS BEEN UNDERMINED OR TOPPED MUST BE IMMEDIATELY REPAIRED OR REPLACED AT NO ADDITIONAL COST TO THE OWNER.

STANDARD SYMBOL — CFS — CFS

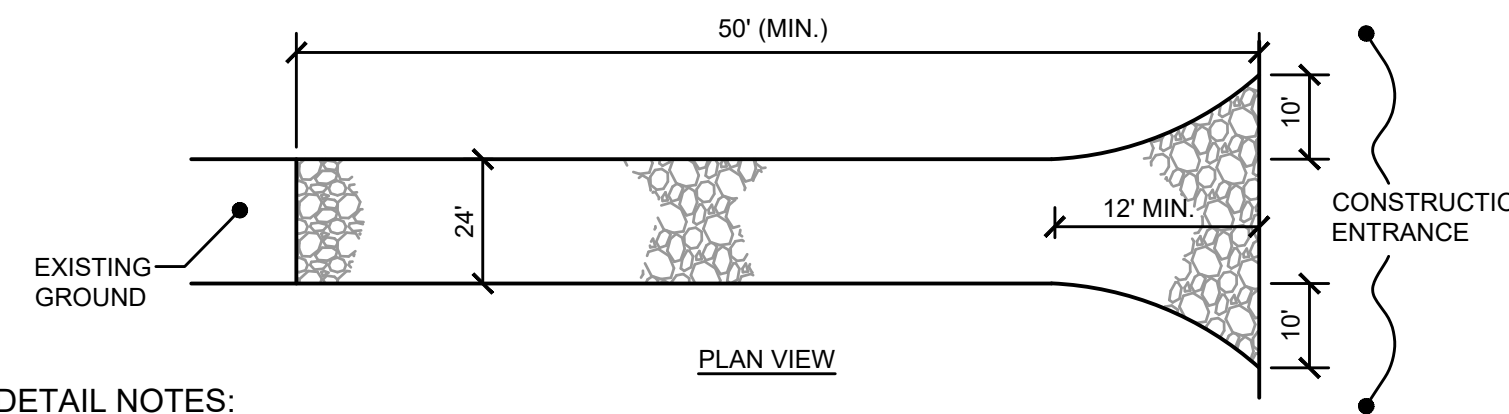
**B COMPOSITE FILTER SOCK DETAIL**  
NOT TO SCALE



**DETAIL NOTES:**

1. STONE SHALL BE PLACED ON A LAYER SEPARATION FABRIC FOUNDATION.
2. SET SPACING OF CHECK DAMS SUCH THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM. MAXIMUM SPACING 300 LF.
3. EXTEND THE STONE A MINIMUM OF 1.5 FEET BEYOND THE SWALE BANKS TO MINIMIZE CUTTING AROUND THE DAM.
4. PROTECT THE CHANNEL DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR AND EROSION WITH STONE OR LINER AS APPROPRIATE.
5. THE KEY SHALL BE 6\"/>

**C TEMPORARY STONE CHECK DAM DETAIL**  
NOT TO SCALE



**DETAIL NOTES:**

1. STONE SIZE - USE 2\"/>

**D STABILIZED CONSTRUCTION ENTRANCE DETAIL**  
NOT TO SCALE

**NYS Department of Environmental Conservation**  
D/A Permit No: LRB-2024-00127  
Oneida County, New York  
Sheet 30 of 39

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**PRELIMINARY**  
NOT FOR  
CONSTRUCTION  
DATE: 03/17/2025



NO.	DATE	REVISION	INT.
-	-	-	-
C	11/15/24	ISSUED FOR NYSDEC 90% REVIEW	
B	4/12/24	ISSUED FOR NYSDEC 60% DESIGN REVIEW	
A	3/17/23	ISSUED FOR NYSDEC 30% DESIGN REVIEW	

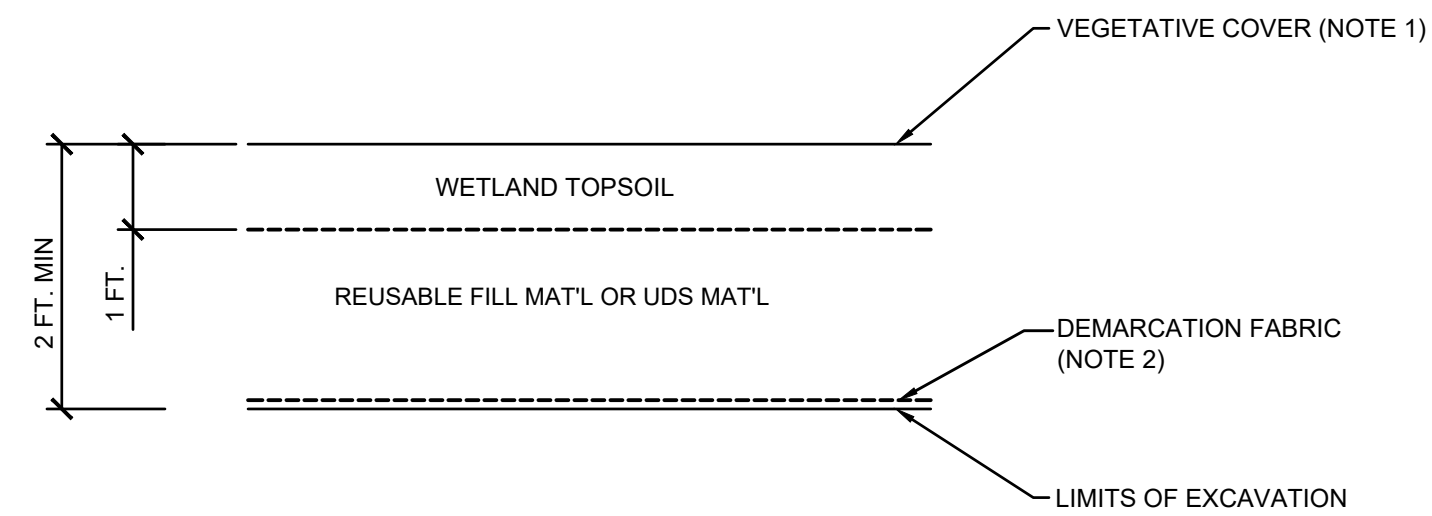
DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE BRADLEY A. KUBIAK	
DESIGNED BY KB	PROJECT NO. 1087815:1940101207
CHECKED BY VJW	DATE MARCH 2025
DRAWN BY MWH	

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
333 WEST WASHINGTON STREET  
SYRACUSE, NY  
**RAMBOLL**

PROJECT  
FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
ADDRESS  
CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
**EROSION AND SEDIMENT CONTROL**  
DETAILS  
DRAWING LOCATION  
FORMER UTICA CITY DUMP

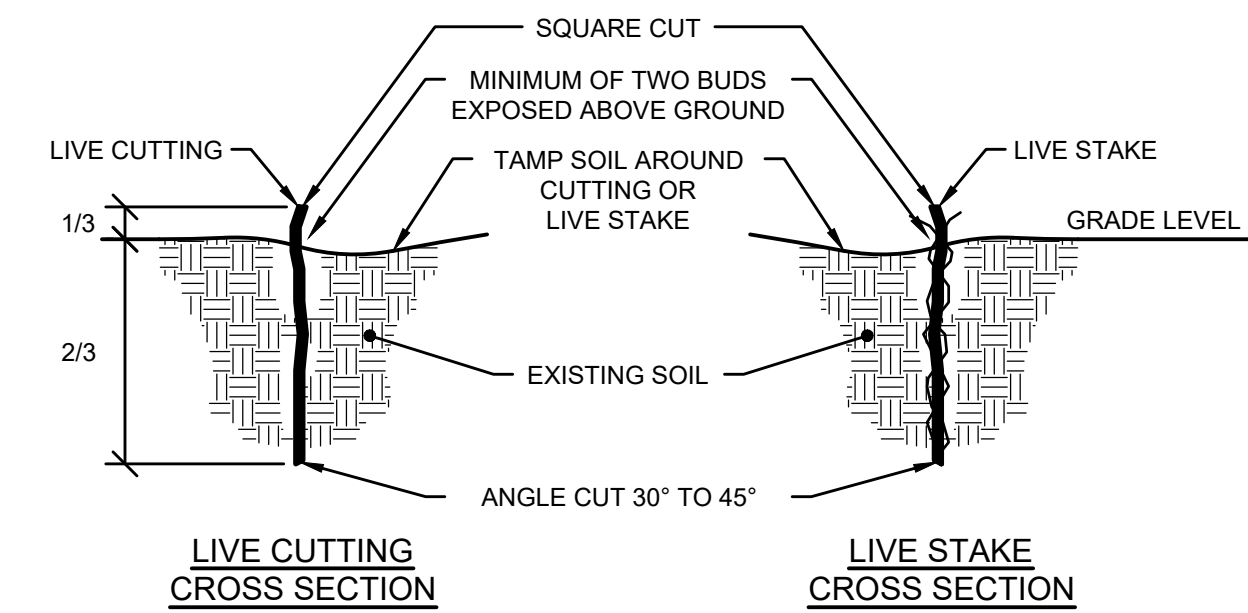
C-501



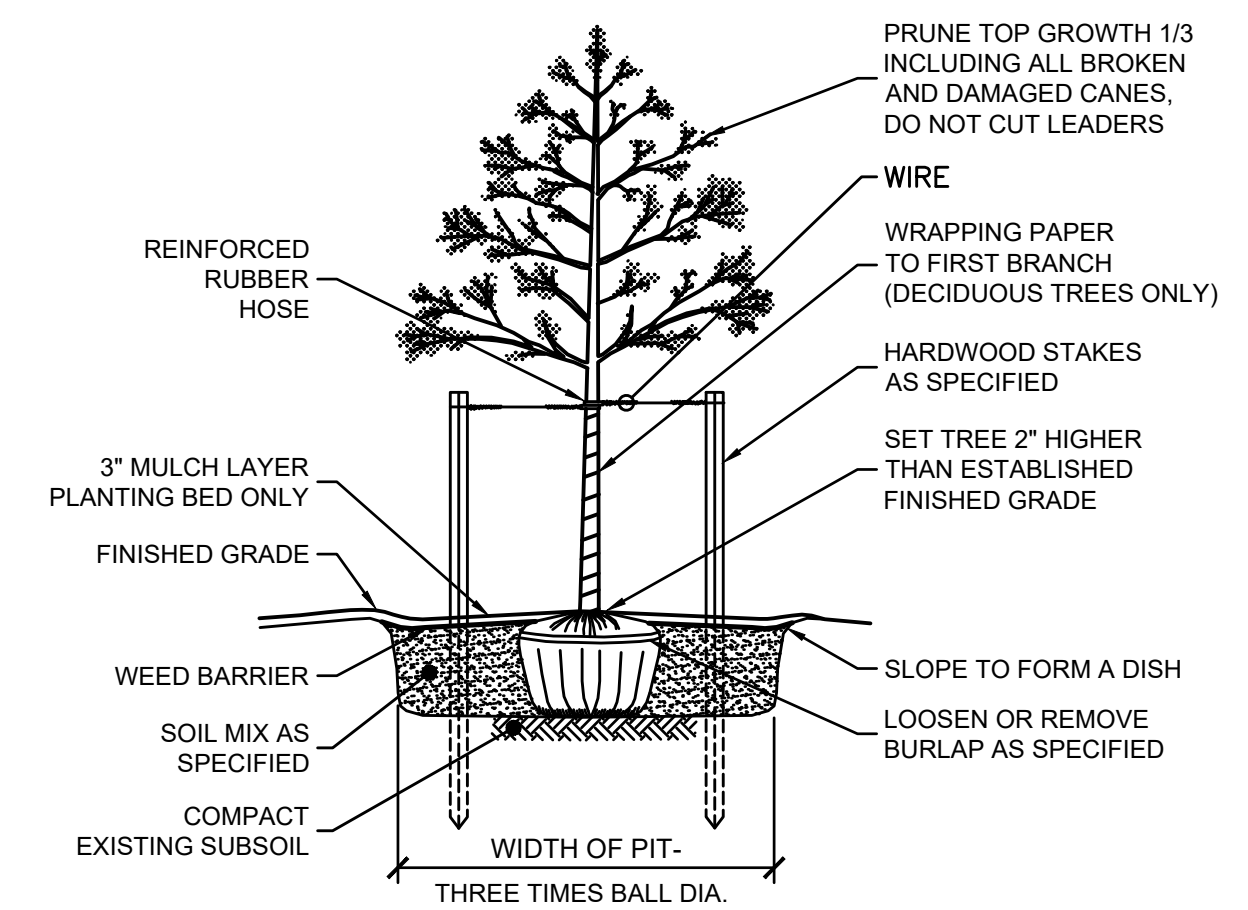
**DETAIL NOTES:**

1. WETLAND VEGETATIVE COVER SHALL BE INSTALLED IN ACCORDANCE WITH THE "WETLAND DESIGN PLANS SHEETS C-212 THROUGH C-217 AND SPECIFICATION 32 72 00 "HABITAT RESTORATION".
2. DEMARCATION FABRIC SHALL BE IN ACCORDANCE WITH SPECIFICATION SECTION 31 32 19.24 GEOTEXTILE DEMARCATION LAYER.

**A** TYPICAL WETLAND BACKFILL DETAIL  
NOT TO SCALE



**B** LIVE CUTTINGS / LIVE STAKES PLANTING CROSS SECTIONS  
NOT TO SCALE



**C** DECIDUOUS TREE PLANTING DETAIL  
NOT TO SCALE



**NYS Department of Environmental Conservation**  
D/A Permit No: LRB-2024-00127  
Oneida County, New York  
Sheet 31 of 39

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A	3/17/23	ISSUED FOR NYSDEC 30% DESIGN REVIEW	

DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE  
**BRADLEY A. KUBIAK**

DESIGNED BY: KB  
CHECKED BY: VJW  
DRAWN BY: MWH

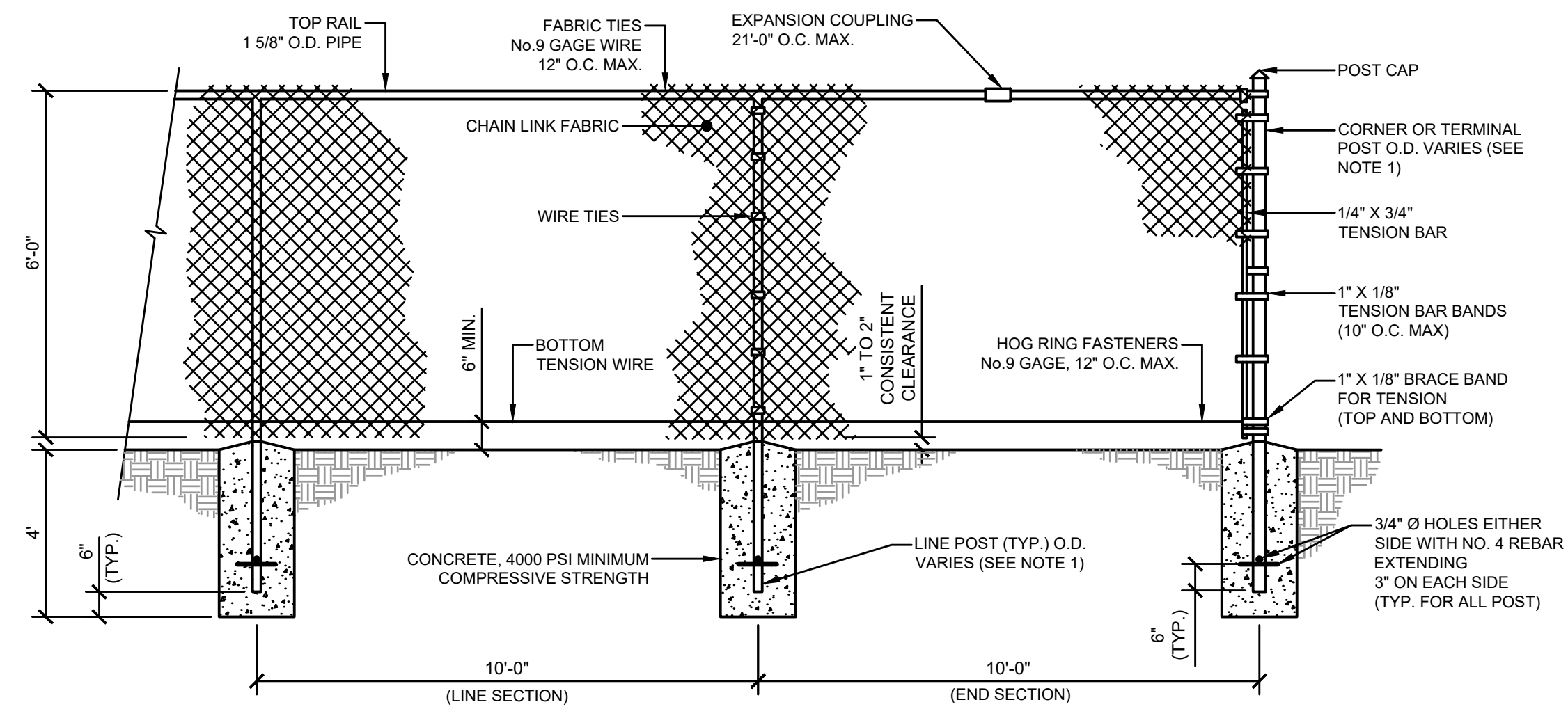
PROJECT NO.: 1087815:1940101207  
DATE: MARCH 2025

CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
333 WEST WASHINGTON STREET  
SYRACUSE, NY

**RAMBOLL**

PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

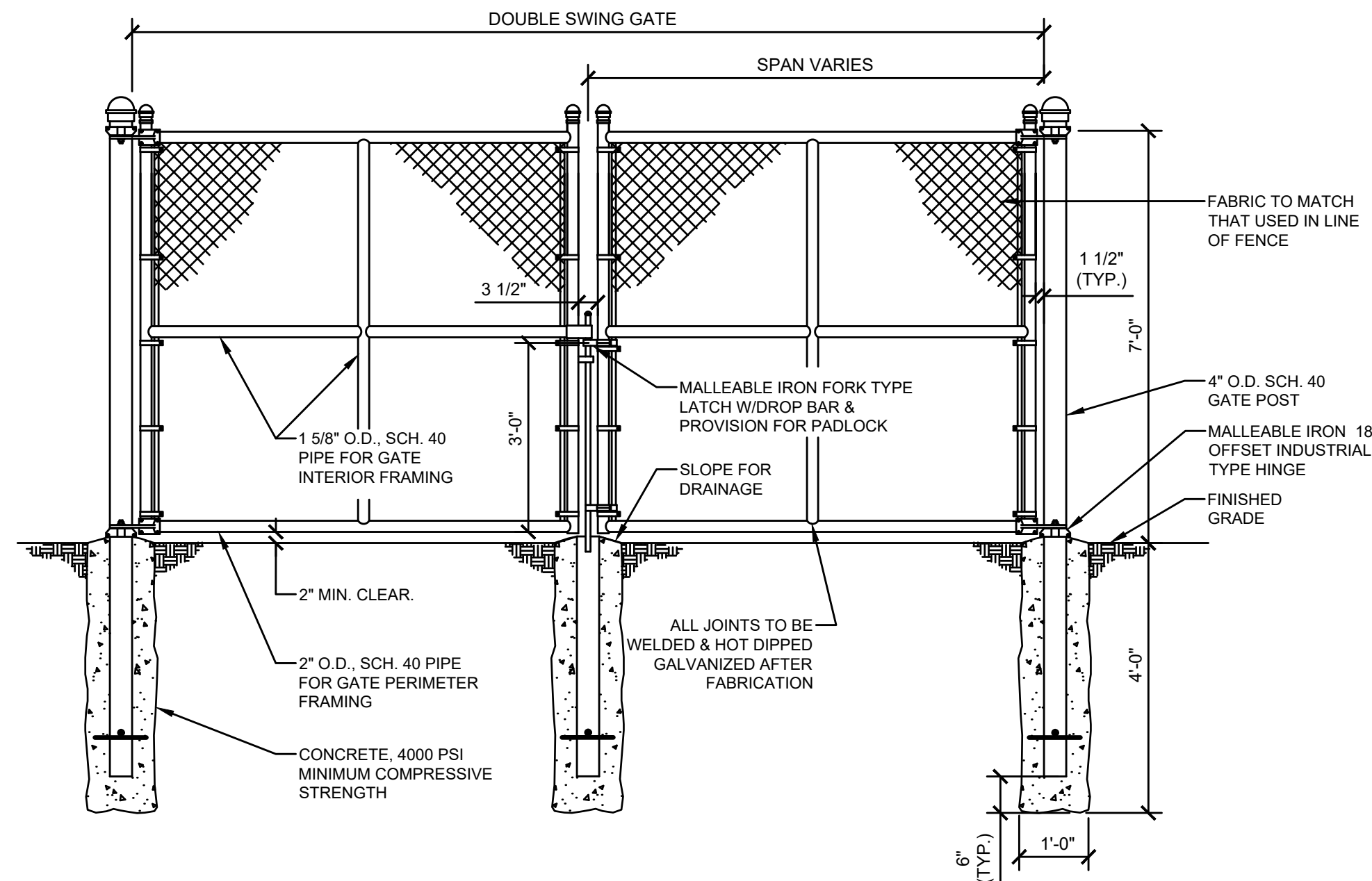
SHEET DESCRIPTION: **WETLAND DETAILS**  
DRAWING LOCATION: FORMER UTICA CITY DUMP



DETAIL NOTES:

1. ALL CHAIN LINK FENCING SHALL BE INSTALLED IN ACCORDANCE WITH SPECIFICATION SECTION 32 31 13 "CHAIN LINK FENCE AND GATES".

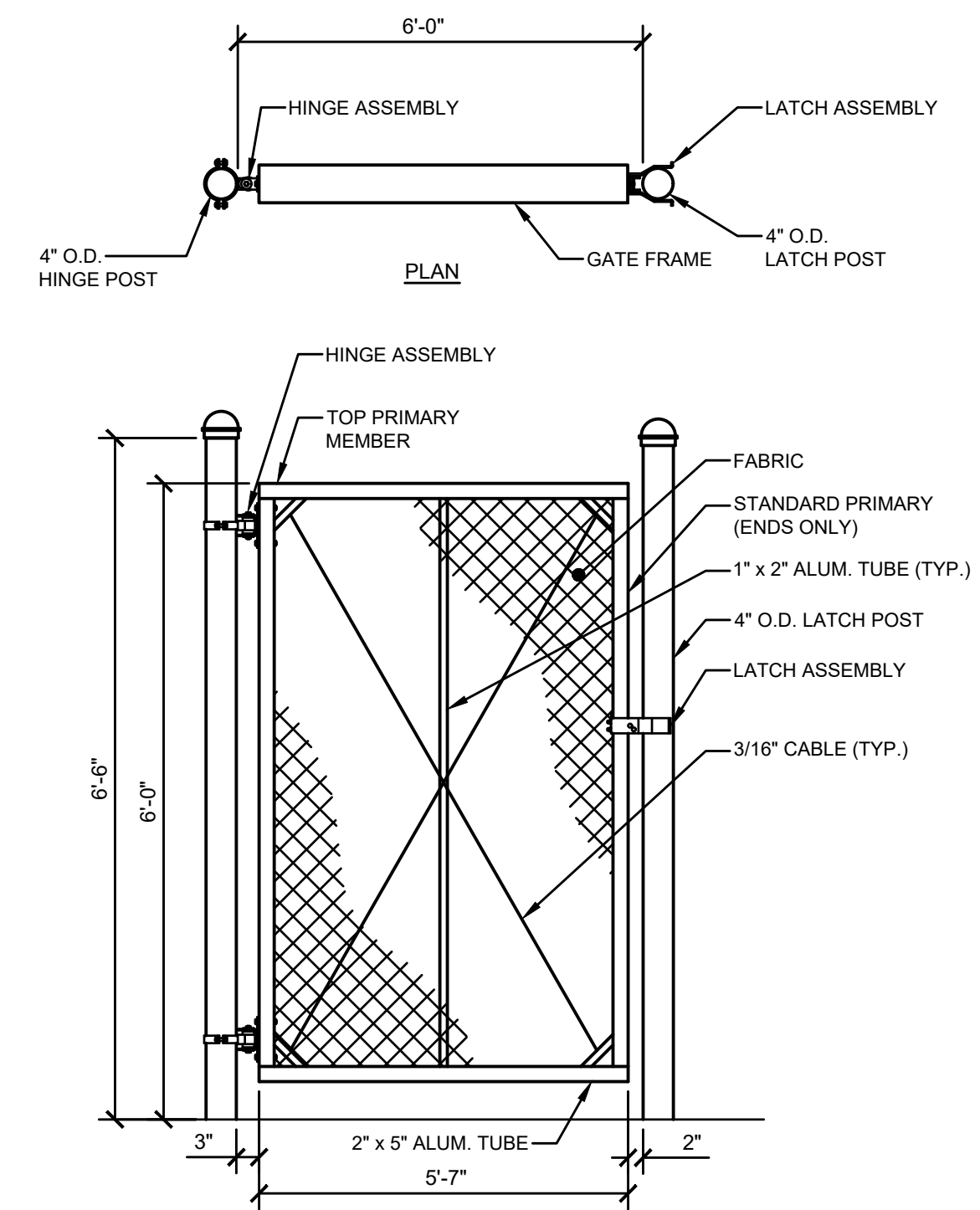
**A CHAIN LINK FENCE DETAIL**  
NOT TO SCALE



DETAIL NOTES:

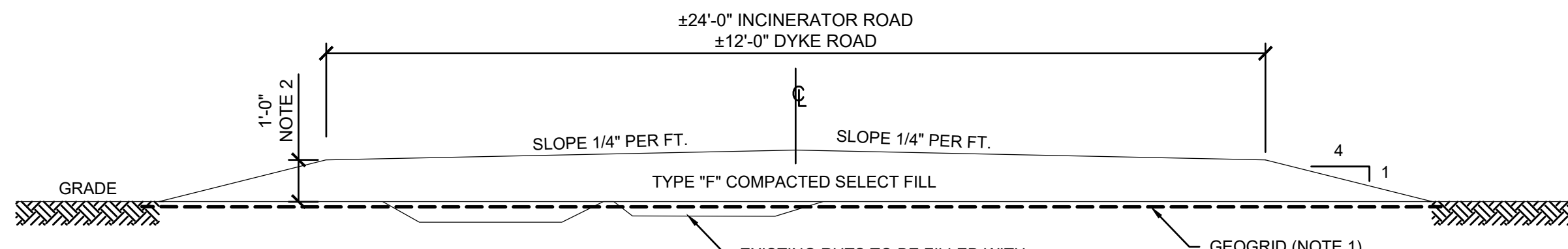
1. ALL GATES SHALL BE INSTALLED IN ACCORDANCE WITH SPECIFICATION SECTION 32 31 13 "CHAIN LINK FENCE AND GATES".
2. ALL GATE SIZES, TYPES AND LOCATIONS SHALL BE AS SPECIFIED ON SHT. C-210, C-211 AND C-212.

**B DOUBLE SWING GATE DETAIL**  
NOT TO SCALE



ELEVATION

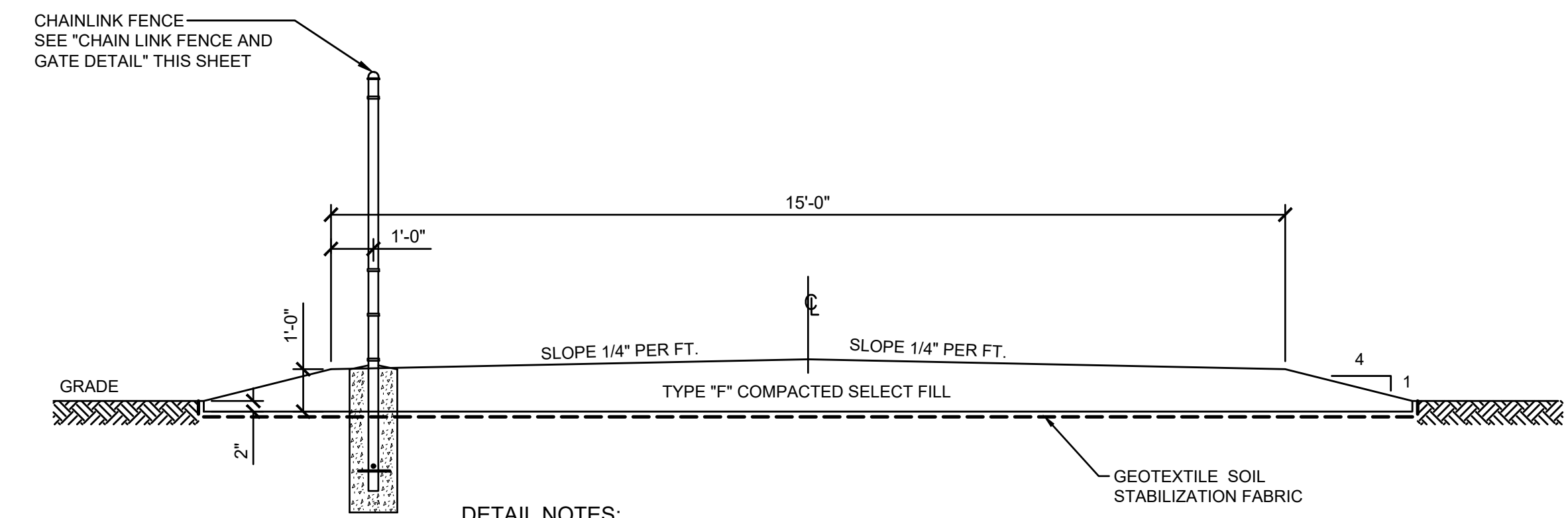
**C MAN GATE DETAIL**  
NOT TO SCALE



DETAIL NOTES:

1. GEOGRID SHALL BE IN ACCORDANCE WITH SPECIFICATION SECTION 31 32 19.13 GEOGRID SOIL STABILIZATION.
2. TYPE "F" SELECT FILL SHALL BE 6 INCHES THICK FOR DYKE ROAD.

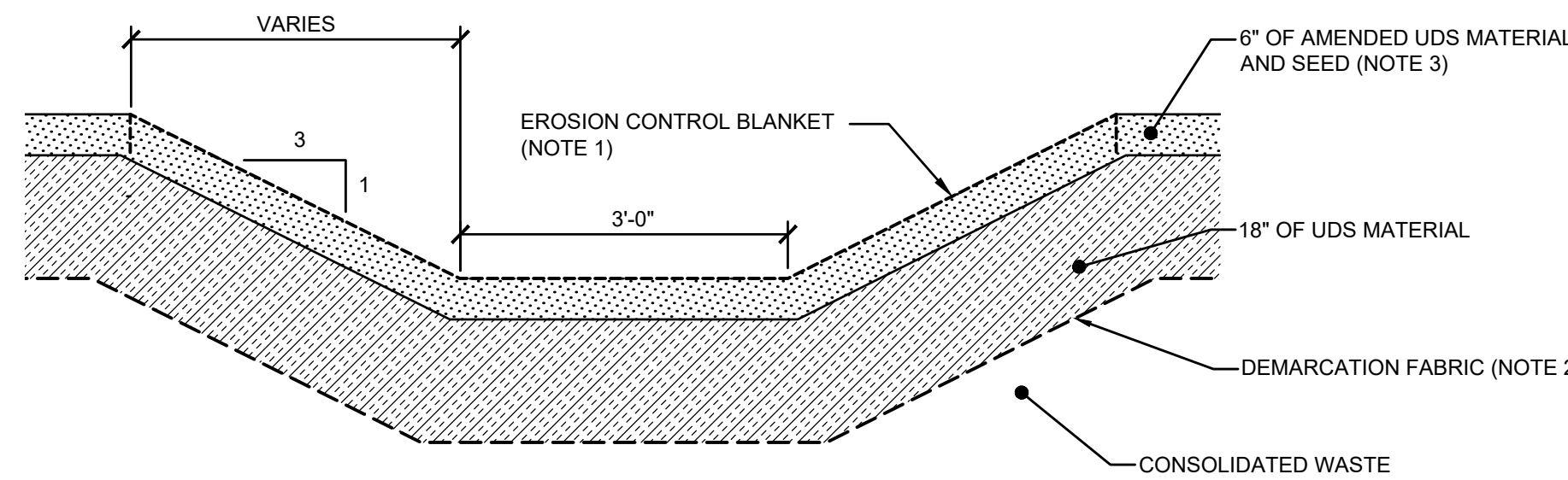
**D INCINERATOR / DYKE ROAD MODIFICATION DETAIL**  
NOT TO SCALE



DETAIL NOTES:

1. GEOTEXTILE STABILIZATION FABRIC SHALL BE IN ACCORDANCE WITH SPECIFICATION SECTION 31 32 19.16 GEOTEXTILE SOIL STABILIZATION

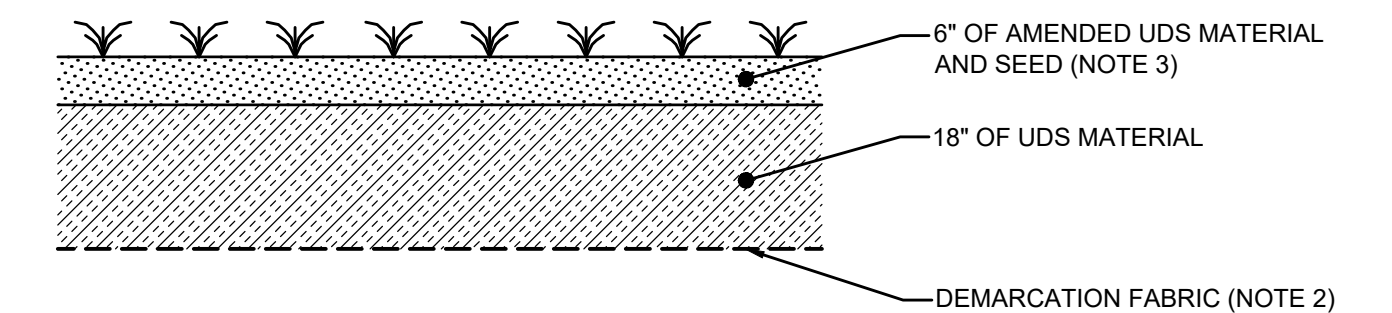
**E GRAVEL ACCESS ROAD DETAIL**  
NOT TO SCALE



DETAIL NOTES:

1. EROSION CONTROL BLANKET SHALL BE ANCHORED AT THE TOP OF THE SLOPE PER MANUFACTURER'S RECOMMENDATIONS.
2. EROSION CONTROL BLANKET SHALL BE AS SPECIFIED UNDER SPECIFICATION SECTION 31 25 14.16 "ROLLED EROSION CONTROL MATS AND BLANKETS".
3. REFER TO SPECIFICATION 32 92 00 "LAWNS AND MEADOWS" FOR SEED, FERTILIZER AND INSTALLATION PROCEDURES.

**F GRASS LINED SWALE DETAIL**  
NOT TO SCALE



DETAIL NOTES:

1. REFER TO SPECIFICATION 31 05 17 "EVAPOTRANSPIRATION COVER" FOR DETAILS.
2. DEMARCATION FABRIC SHALL BE AS SPECIFIED UNDER SPECIFICATION SECTION 31 32 19.24 "GEOTEXTILE DEMARCATION FABRIC".
3. REFER TO SPECIFICATION 32 92 00 "LAWNS AND MEADOWS" FOR SEED, FERTILIZER AND INSTALLATION PROCEDURES.

**G EVAPOTRANSPIRATION (ET) COVER DETAIL**  
NOT TO SCALE

**PRELIMINARY**  
NOT FOR  
CONSTRUCTION  
DATE: 03/17/2025

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DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE	
BRADLEY A. KUBIAK	
DESIGNED BY	PROJECT NO.
MWH	1087815:1940101207
CHECKED BY	DATE
VJW	MARCH 2025
DRAWN BY	
MWH	

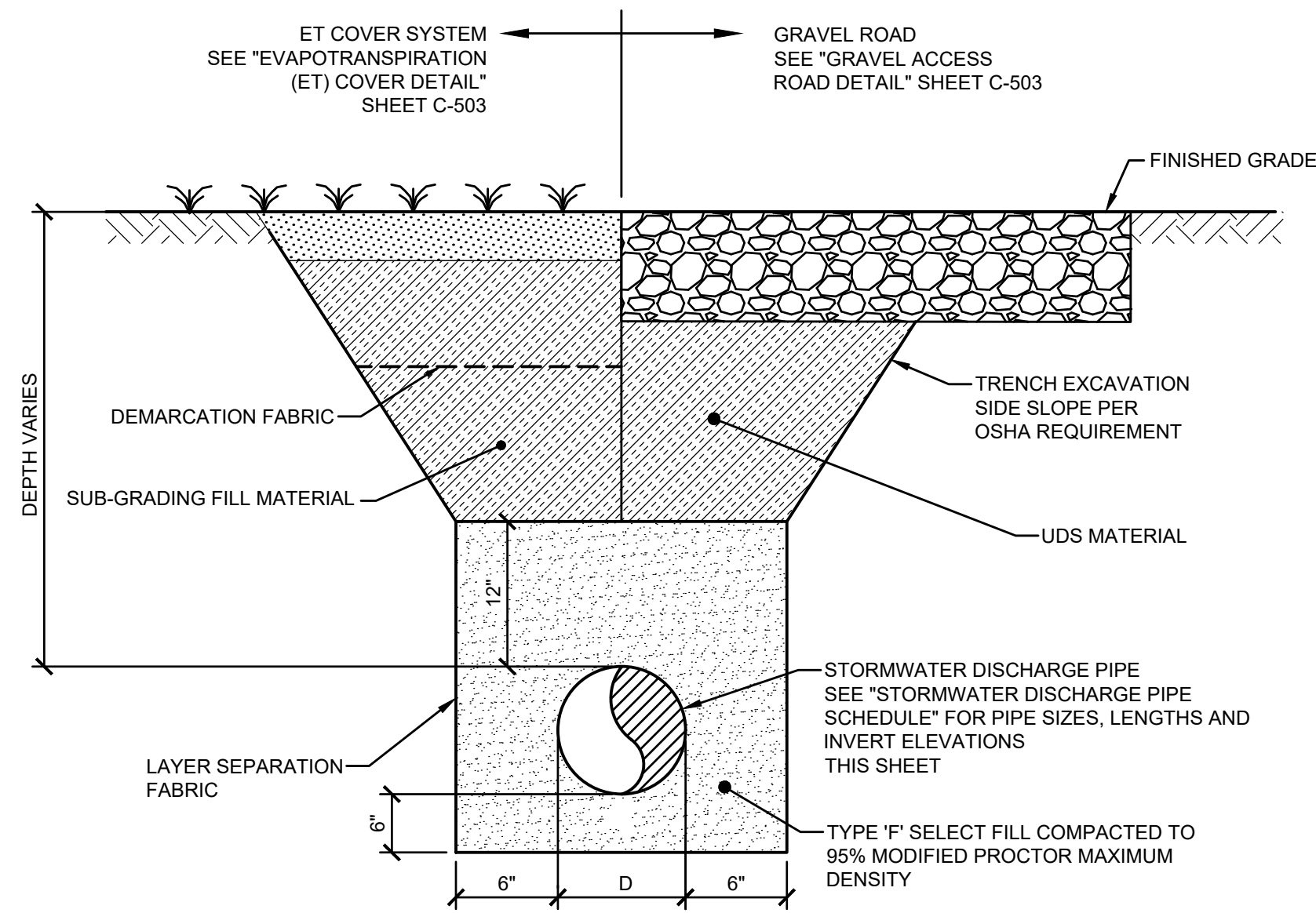
CERTIFICATE OF AUTHORIZATION: 21291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 333 WEST WASHINGTON STREET  
 SYRACUSE, NY

PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

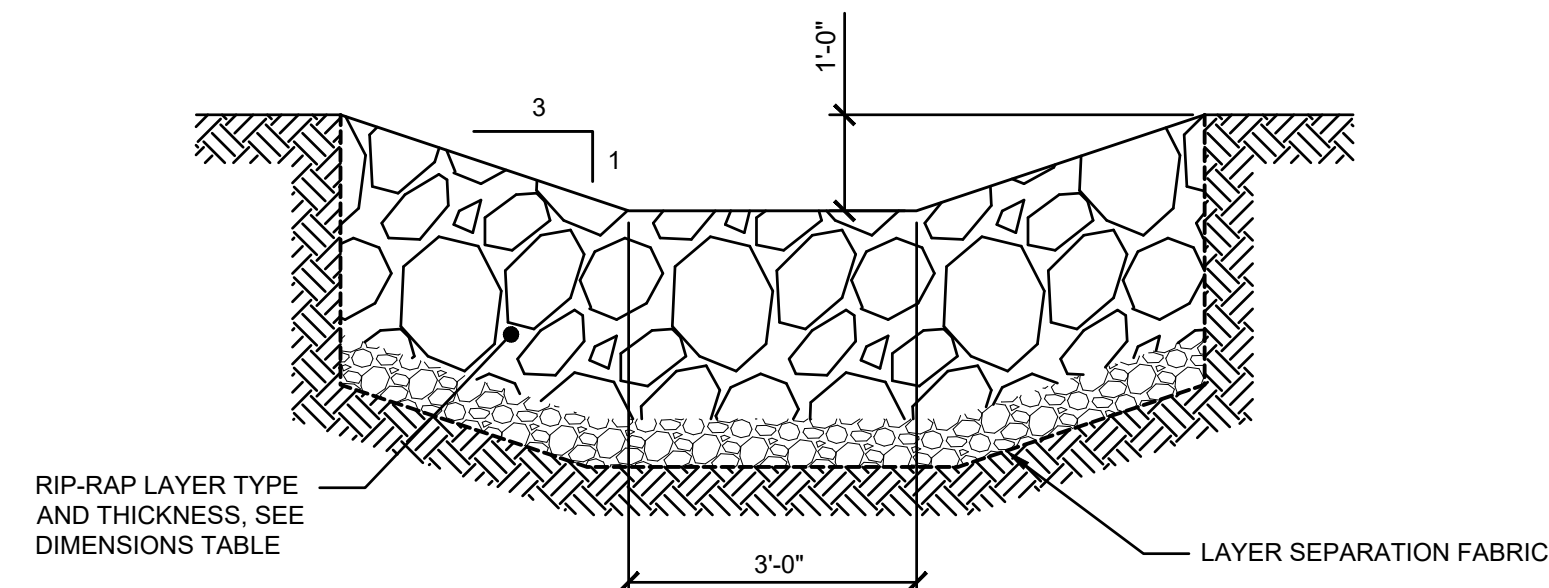
SHEET DESCRIPTION  
**MISCELLANEOUS DETAILS**  
 DRAWING LOCATION  
 FORMER UTICA CITY DUMP



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 32 of 39**



**A** PIPE TRENCH BACKFILL DETAIL  
NOT TO SCALE

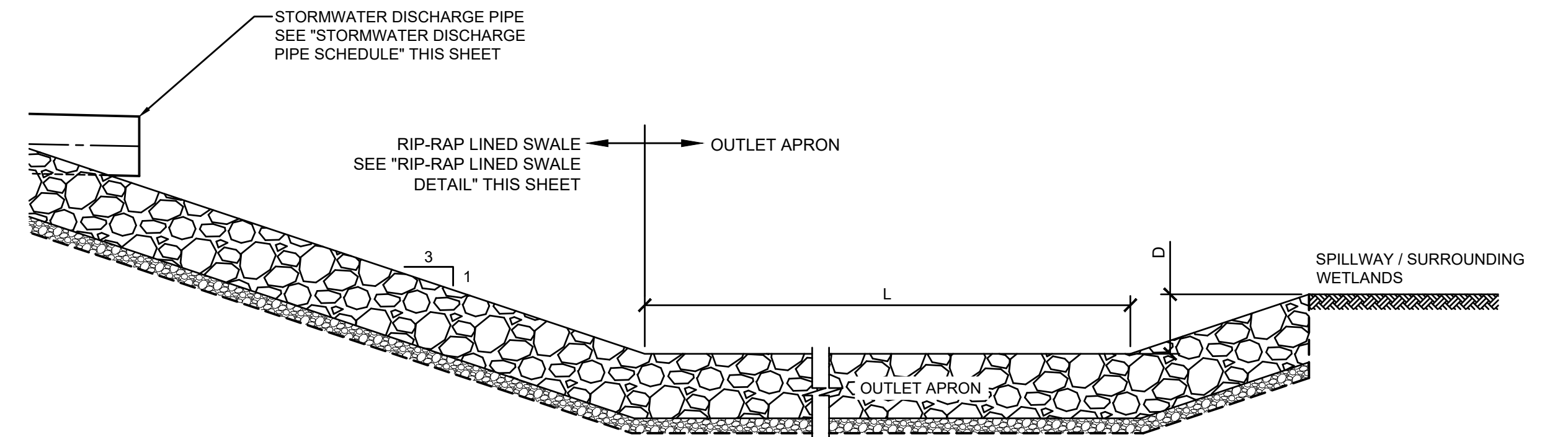


RIP-RAP LAYER DIMENSIONS		
STONE TYPE	STONE TYPE D50 (IN)	THICKNESS (IN)
MEDIUM	13"	26"

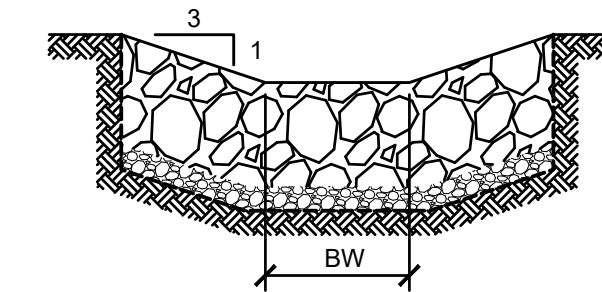
**DETAIL NOTES:**

- ALL RIP-RAP SHALL BE PLACED ON A 6" BEDDING LAYER OF NYS DOT #2 STONE UNDERLAIN BY NON WOVEN LAYER SEPARATION FABRIC.
- ALL DUMPED RIP-RAP SHALL BE A WELL GRADED STONE WITH A d50 AS SPECIFIED.

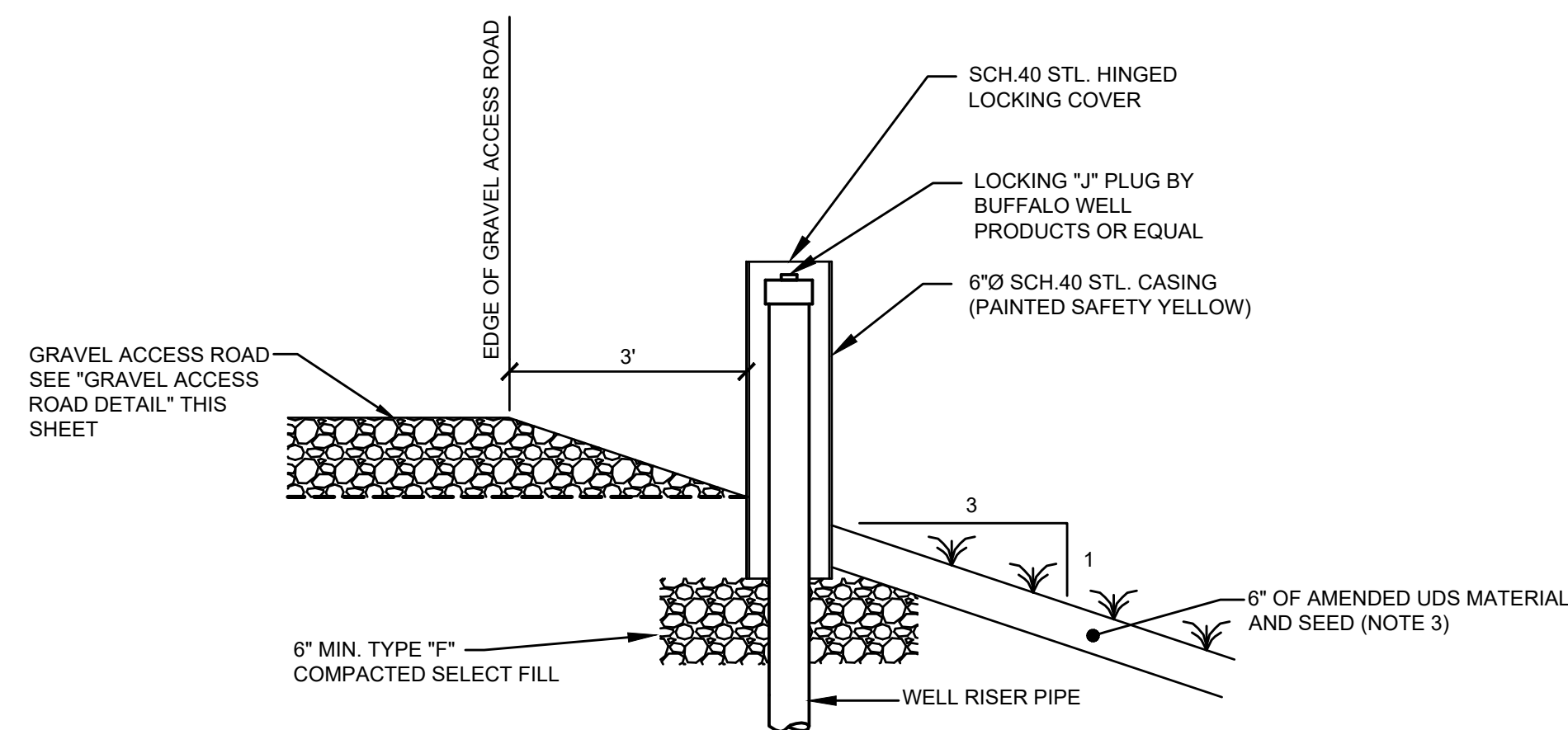
**B** RIP-RAP LINED SWALE DETAIL  
NOT TO SCALE



PROFILE ALONG CENTERLINE OF APRON



TYPICAL OUTLET APRON CROSS SECTION



**DETAIL NOTES:**

- REFER TO FINAL GRADING PLAN SHEETS C-209 THROUGH C-212 FOR MONITORING WELLS TO BE INSTALLED LOCATIONS.
- REFER TO SPECIFICATION 33 11 53 MONITORING WELL INSTALLATION FOR SPECIFIC INSTALLATION DETAILS.
- REFER TO SPECIFICATION 32 92 00 "LAWNS AND MEADOWS" FOR SEED, FERTILIZER AND INSTALLATION PROCEDURES.

**C** MONITORING WELL INSTALLATION DETAIL  
NOT TO SCALE

STORMWATER DISCHARGE AND TRANSFER PIPE SCHEDULE				
PIPE ID #	PIPE DIA.	INVERT IN ELEV.	INVERT OUT ELEV.	LENGTH (FT)
(2) 1A - 1B - 1C - 2	36"	405.5'	404.0'	235'
3-4A - 3-4B - 5	36"	407.5'	406.0'	51'
6 - 7	36"	407.5'	406.0'	48'
8 - 9	36"	407.5'	406.0'	48'
10 - 11A - 11B - 12	36"	407.5'	406.0'	50'
13 - 14 - 15	36"	407.5'	406.0'	48'
16 - 17	24"	402.5'	401.0'	44'
19A - 19B - 22	36"	405.5'	404.0'	104'
20A - 20B - 21	36"	405.5'	404.0'	58'
23A - 23B - 27	36"	405.5'	404.0'	55'
24 - 25 - 26 - 28 - 31	36"	405.5'	404.0'	55'
(2) 29 - 30	18"	402.0'	401.0'	38'
(2) 32A - 32B	18"	402.0'	401.0'	38'
35 - 36	24"	405.5'	404.0'	55'
(2) 33A - 33B - 34 - 18	24"	404.0'	403.0'	62'
37	24"	408.0'	408.0'	92'
(2) 38 - 39	36"	407.0'	407.0'	45'

**STORMWATER DISCHARGE PIPE SCHEDULE NOTES:**

- ALL STORMWATER DISCHARGE PIPE SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS.
- REFER TO SPECIFICATION 33 31 73 "SMOOTH INTERIOR CORRUGATED POLYETHYLENE PIPE".
- RAT GUARDS SHALL BE INSTALLED ON ALL INLETS AND OUTLETS OF STORMWATER PIPES IN ACCORDANCE WITH SPECIFICATION 33 31 73 "SMOOTH INTERIOR CORRUGATED POLYETHYLENE PIPE".

OUTLET APRON DIMENSION TABLE						
ROCK CHUTE	STONE TYPE	STONE TYPE D50 (IN)	THICKNESS (IN)	BOTTOM WIDTH (BW) (FT)	OUTLET APRON LENGTH (L) (FT)	OUTLET APRON DEPTH TO SPILLWAY (D) (FT)
1A, 1B, 1C	MEDIUM	13	26	9.0	25	2
3, 4A, 4B-5	MEDIUM	13	26	9.0	25	2
6, 7	MEDIUM	13	26	9.0	25	2
8, 9	MEDIUM	13	26	9.0	25	2
10, 11A, 11B-12	MEDIUM	13	26	9.0	25	2
13, 14, 15	MEDIUM	13	26	9.0	25	2
16, 17	MEDIUM	13	26	6.0	20	2
19A, 19B, 22	MEDIUM	13	26	9.0	25	2
20A, 20B, 21	MEDIUM	13	26	9.0	25	2
23A, 23B, 27	MEDIUM	13	26	9.0	25	2
24, 25, 26, 28, 31	MEDIUM	13	26	9.0	25	2
29, 30	MEDIUM	13	26	9.0	20	2
32A, 32B	MEDIUM	13	26	9.0	20	2
35, 36	MEDIUM	13	26	9.0	15	2
33A, 33B, 34, 18	MEDIUM	13	26	9.0	25	2

**DETAIL NOTES:**

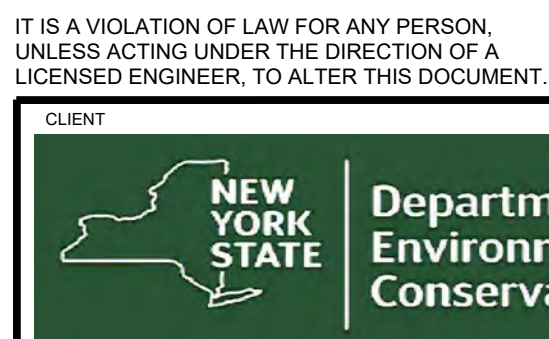
- ALL RIP-RAP SHALL BE PLACED ON A 6" BEDDING LAYER OF NYS DOT #2 STONE UNDERLAIN BY NON WOVEN LAYER SEPARATION FABRIC.
- ALL DUMPED RIP-RAP SHALL BE A WELL GRADED STONE WITH A d50 AS SPECIFIED.

**D** ROCK CHUTE DETAIL  
NOT TO SCALE



NYS Department of Environmental Conservation  
D/A Permit No: LRB-2024-00127  
Oneida County, New York  
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A	11/15/24	ISSUED FOR NYSDEC 90% REVIEW

DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE	
BRADLEY A. KUBIAK	
DESIGNED BY	PROJECT NO.
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CHECKED BY	DATE
VJW	MARCH 2025
DRAWN BY	
MWH	

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333 WEST WASHINGTON STREET  
SYRACUSE, NY  
**RAMBOLL**

PROJECT  
FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
ADDRESS  
CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION  
MISCELLANEOUS DETAILS AND  
SCHEDULE  
DRAWING LOCATION  
FORMER UTICA CITY DUMP

STRUCTURAL GENERAL NOTES

- 1. WORK SHALL COMPLY WITH THE 2020 BUILDING CODE OF NEW YORK STATE (2020 BCNYS, 2018 IBC)...

STRUCTURAL STEEL NOTES

- 1. FABRICATE AND ERECT STRUCTURAL STEEL IN ACCORDANCE WITH AISC 360, "SPECIFICATIONS FOR STRUCTURAL STEEL BUILDINGS"...

- A. UNLESS OTHERWISE NOTED: ASTM A992 (Fy = 50 KSI)...

- 5. WELDING SHALL CONFORM TO THE REQUIREMENTS OF AWS D1.1, AND SHALL BE PERFORMED BY APPROVED, CERTIFIED PERSONS...

- A. NON-COMPOSITE BEAMS: SUPPORT A REACTION "R" EQUAL TO 1/2 THE TOTAL UNIFORM LOAD CAPACITY OF THE BEAM FOR A GIVEN SHAPE, SPAN, AND GRADE OF STEEL...

- 11. A MINIMUM OF TWO (2) BOLTS SHALL BE UTILIZED AT CONNECTIONS...

STEEL RAILING NOTES

- 1. STEEL RAILINGS SHALL MEET THE FOLLOWING SPECIFICATIONS: A. GUARDRAIL TOP RAIL: NOMINAL 1 1/2" SCHED 40 PIPE (1.90" OD)...

ABBREVIATIONS

Table of abbreviations including AA (The Aluminum Association), AB (Anchor Bolt), ABC (Aggregate Base Course), ACI (American Concrete Institute), etc.

SYMBOLS

Table of symbols including ALUMINUM (diagonal lines), BOARD INSULATION (grid pattern), BRICK (brick pattern), etc.

STRUCTURAL DESIGN CRITERIA

Table of structural design criteria including EQUIPMENT LOADS, FLOOR DEAD LOADS, SNOW LOADS, ICE DATA, WIND DESIGN DATA, and EARTHQUAKE DESIGN DATA.

PRELIMINARY NOT FOR CONSTRUCTION DATE: 11/15/2024

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Table with columns for NO., DATE, and REVISION, containing revision details for 11/15/2024 and 09/16/2024.

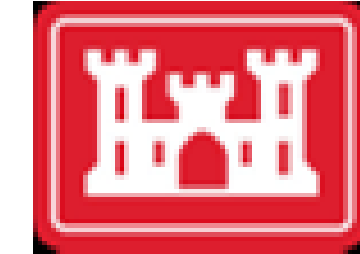
Table with columns for DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE, DESIGNED BY, CHECKED BY, and DRAWN BY, listing names like T. KIVISTO and J. RENN.

CERTIFICATE OF AUTHORIZATION: 0021291 RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC. SYRACUSE, NEW YORK

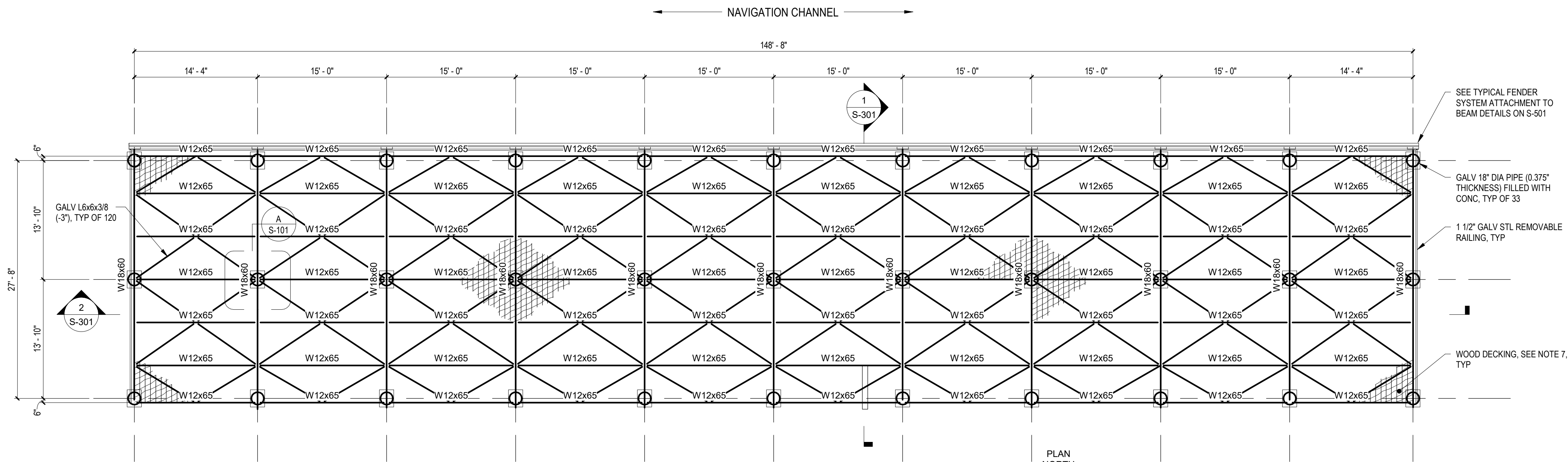


PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION: GENERAL NOTES, SYMBOLS, ABBREVS, AND DESIGN CRITERIA DRAWING LOCATION

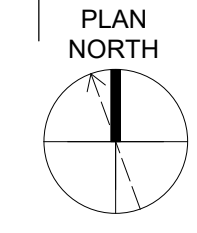
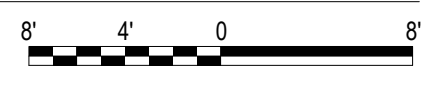


NYS Department of Environmental Conservation D/A Permit No: LRB-2024-00127 Oneida County, New York Sheet 34 of 39



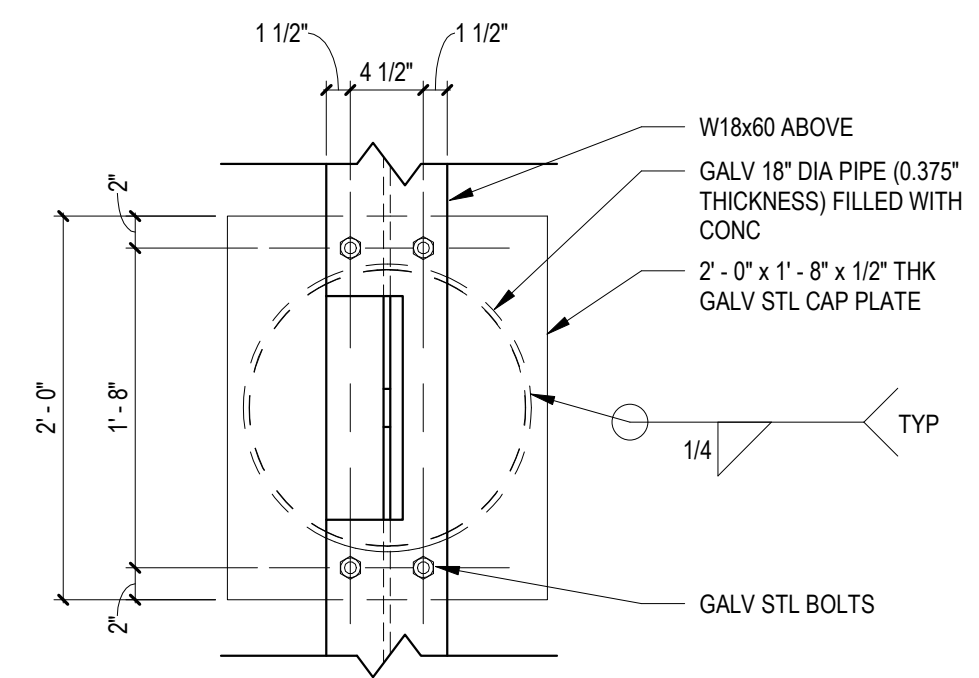
### DUMP SITE DECK FRAMING PLAN

1/8" = 1'-0"

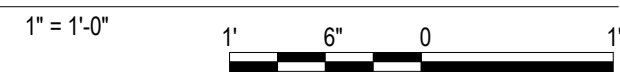


**PLAN NOTES:**

1. T/ STEEL FRAMING ELEVATION = 408' - 4 1/2" UNLESS NOTED (+/-) THEREFROM.
2. PROVIDE HOT-DIPPED GALVANIZED FINISH ON STRUCTURAL STEEL ON ACCESSORIES IN ACCORDANCE WITH ASTM A123
3. FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY FOR FURNISHING, INSTALLING, AND TESTING PILES AS SHOWN ON THE DRAWINGS AND SPECIFIED HEREIN.
4. THE PILES SHALL BE INSTALLED IN ACCORDANCE WITH TECHNICAL SPECIFICATIONS 31 62 16.16. DRIVEN CONTINUOUSLY TO A MINIMUM DEPTH BELOW EXISTING GRADE OF 47 FT. PROVIDE CONCRETE WITH A MINIMUM 28-DAY COMPRESSIVE STRENGTH (f<sub>c</sub>) OF 4,000 PSI AND A MAXIMUM WATER-CEMENTITIOUS MATERIALS RATIO OF 0.45.
5. EXAMINE THE AREAS AND CONDITIONS UNDER WHICH PILES ARE TO BE INSTALLED AND NOTIFY THE ENGINEER IN WRITING OF CONDITIONS DETRIMENTAL TO THE PROPER AND TIMELY COMPLETION OF THE WORK.
6. STEEL MEMBER SIZES INDICATED ON PLAN AS FOLLOWS:
7. USE PRESSURE-TREATED SOUTHERN PINE 8" x 8" NOMINAL TIMBER IN SINGLE- OR DOUBLE-SPAN CONFIGURATION.
  - A. CONTRACTOR OPTION: 8" CRANE MAT IS ACCEPTABLE ALTERNATIVE TO 8" x 8" TIMBER DECKING.
  - B. DO NOT ANCHOR TIMBER DECKING TO STEEL FRAMING.

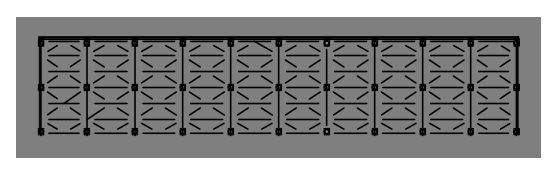


### DETAIL A

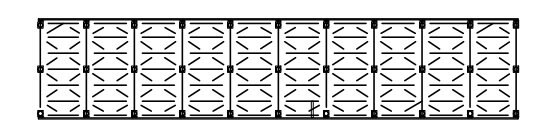
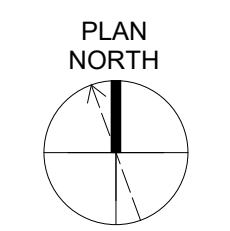


**DETAIL NOTES:**

1. W12x65 BEAM AND L6x6x3/8 HORIZONTAL BRACES NOT SHOWN FOR CLARITY.
2. DEPICTED BOLT PATTERN IS A SUGGESTED APPROACH FOR THE DELEGATED DESIGN ENGINEER CAN CONSIDER FOR IMPLEMENTING.



DUMP SITE



UDS SITE

### KEY PLAN



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 35 of 39**

**PRELIMINARY NOT FOR CONSTRUCTION**  
 DATE: 11/15/2024

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NO.	DATE	REVISION	INT.
B	11/15/2024	ISSUED FOR NYSDEC 90% REVIEW	TVK
A	09/16/2024	ISSUED FOR NYS CANAL CORP REVIEW	TVK

DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE	
T. KIVISTO	FILE NO. 1940101027
J. RENN	DATE
T. KIVISTO	
N. YOUNG	

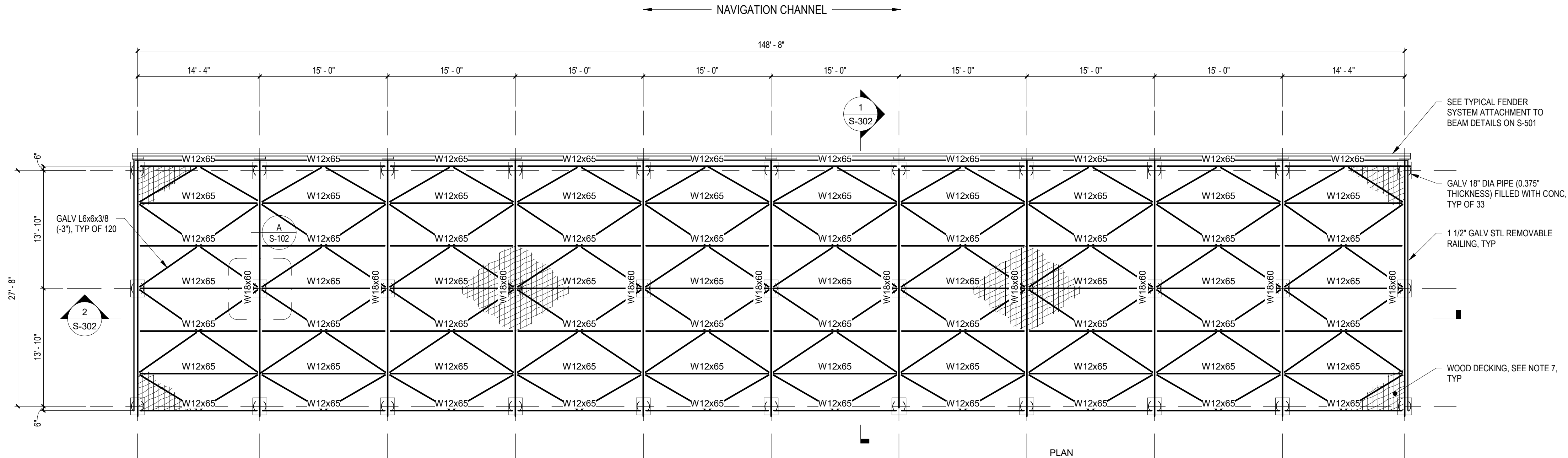
CERTIFICATE OF AUTHORIZATION: 0021291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 SYRACUSE, NEW YORK



PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
 ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

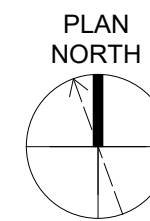
SHEET DESCRIPTION: **DUMP SITE DECK FRAMING PLAN AND DETAIL**  
 DRAWING LOCATION: DUMP SITE

S-101



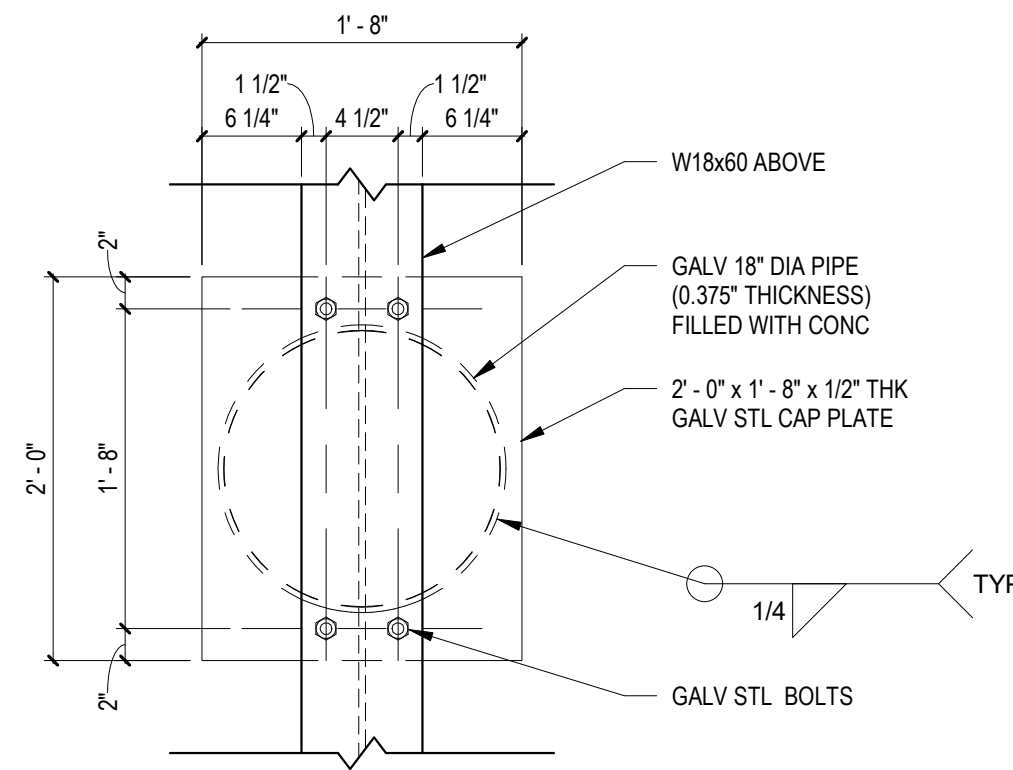
### UDS SITE DECK FRAMING PLAN

1/8" = 1'-0"



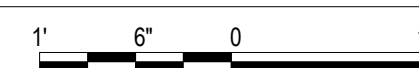
#### PLAN NOTES:

1. T/ STEEL FRAMING ELEVATION = 407' - 4 1/2" UNLESS NOTED (+/-) THEREFROM.
2. PROVIDE HOT-DIPPED GALVANIZED FINISH ON STRUCTURAL STEEL ON ACCESSORIES IN ACCORDANCE WITH ASTM A123
3. FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY FOR FURNISHING, INSTALLING, AND TESTING PILES AS SHOWN ON THE DRAWINGS AND SPECIFIED HEREIN.
4. THE PILES SHALL BE INSTALLED IN ACCORDANCE WITH TECHNICAL SPECIFICATIONS 31 62 16.16. DRIVEN CONTINUOUSLY TO A MINIMUM DEPTH BELOW EXISTING GRADE OF 47 FT. PROVIDE CONCRETE WITH A MINIMUM 28-DAY COMPRESSIVE STRENGTH (f<sub>c</sub>) OF 4,000 PSI AND A MAXIMUM WATER-CEMENTITIOUS MATERIALS RATIO OF 0.45.
5. EXAMINE THE AREAS AND CONDITIONS UNDER WHICH PILES ARE TO BE INSTALLED AND NOTIFY THE ENGINEER IN WRITING OF CONDITIONS DETRIMENTAL TO THE PROPER AND TIMELY COMPLETION OF THE WORK.
6. STEEL MEMBER SIZES INDICATED ON PLAN AS FOLLOWS:
7. USE PRESSURE-TREATED SOUTHERN PINE 8" x 8" NOMINAL TIMBER IN SINGLE- OR DOUBLE-SPAN CONFIGURATION.
  - A. CONTRACTOR OPTION: 8" CRANE MAT IS ACCEPTABLE ALTERNATIVE TO 8" x 8" TIMBER DECKING.
  - B. DO NOT ANCHOR TIMBER DECKING TO STEEL FRAMING.



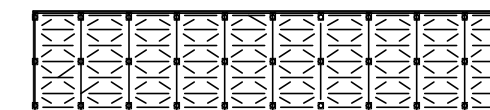
### A DETAIL

1" = 1'-0"

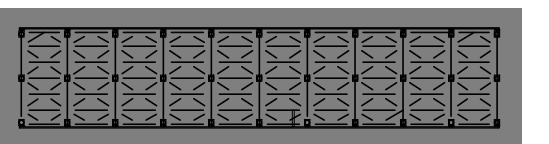
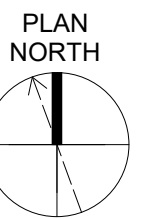


#### DETAIL NOTES:

1. W12x65 BEAM AND L6x6x3/8 HORIZONTAL BRACES NOT SHOWN FOR CLARITY.
2. DEPICTED BOLT PATTERN IS A SUGGESTED APPROACH FOR THE DELEGATED DESIGN ENGINEER CAN CONSIDER FOR IMPLEMENTING.



DUMP SITE



UDS SITE

### KEY PLAN



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 36 of 39**

**PRELIMINARY**  
**NOT FOR**  
**CONSTRUCTION**  
 DATE: 11/15/2024

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NO.	DATE	REVISION	INT.
B	11/15/2024	ISSUED FOR NYSDEC 90% REVIEW	TVK
A	09/16/2024	ISSUED FOR NYS CANAL CORP REVIEW	TVK

DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE  
**T. KIVISTO**  
 DESIGNED BY  
**J. REINN**  
 CHECKED BY  
**T. KIVISTO**  
 DRAWN BY  
**N. YOUNG**

CERTIFICATE OF AUTHORIZATION: 0021291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 SYRACUSE, NEW YORK

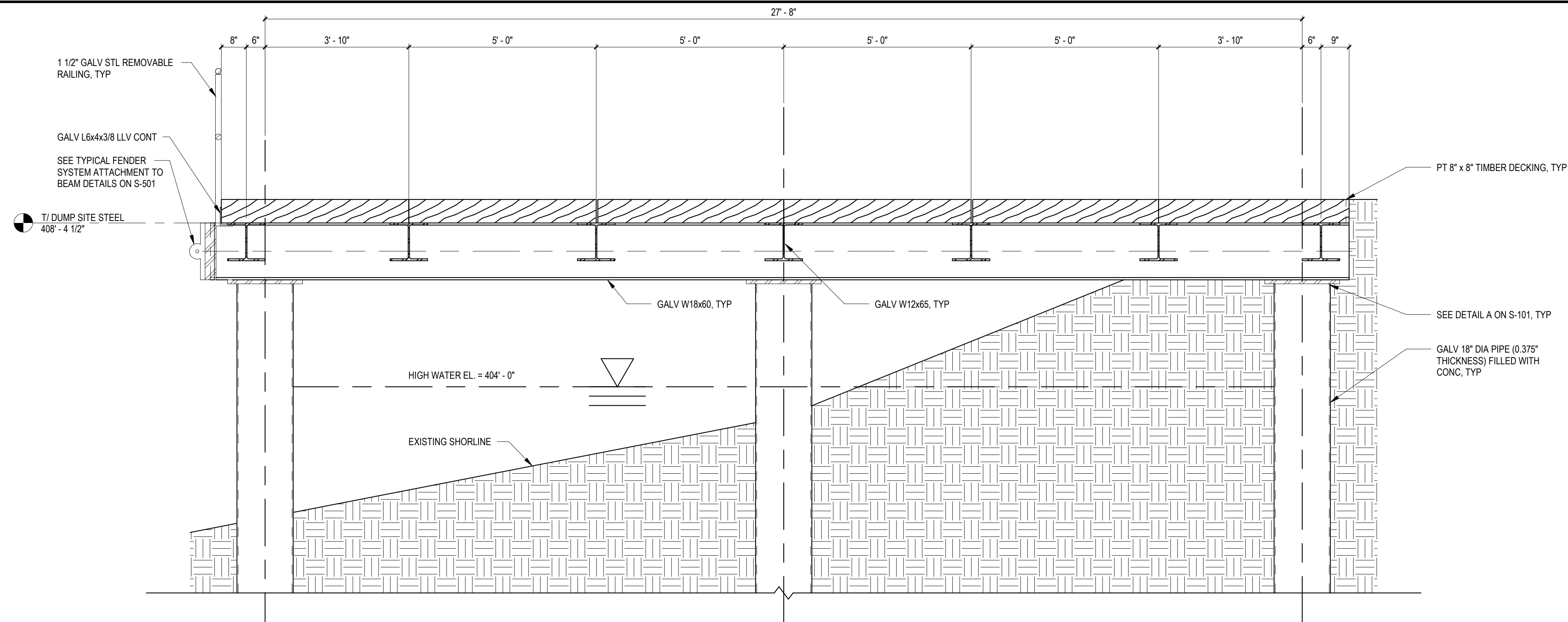
FILE NO.  
 1940101027  
 DATE

**RAMBOLL**

PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
 ADDRESS  
 CITY OF UTICA, ONEIDA COUNTY, NEW YORK

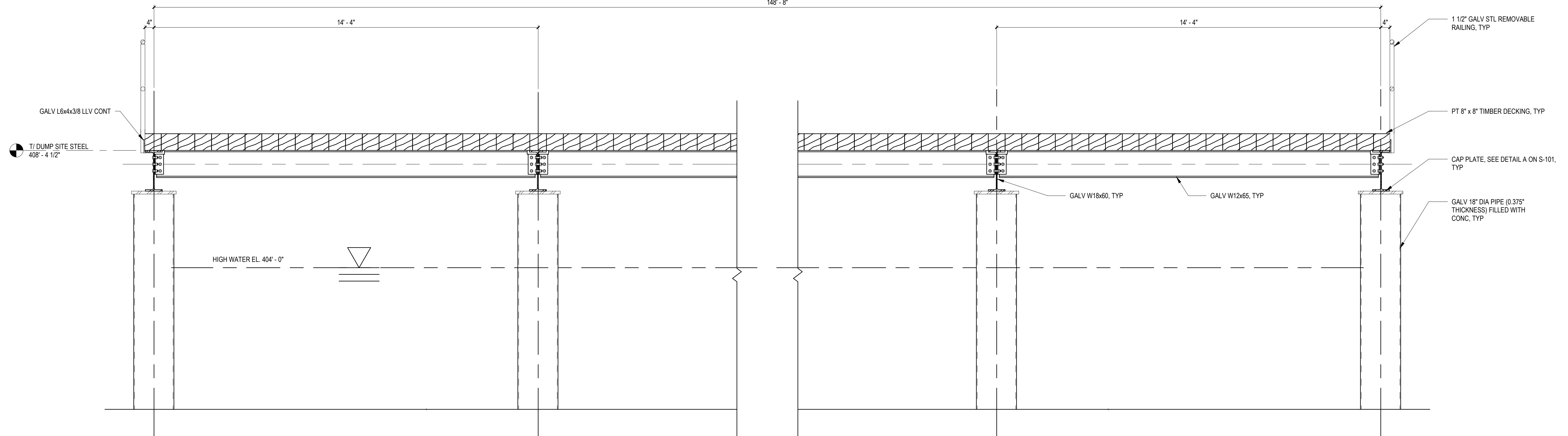
SHEET DESCRIPTION  
**UDS SITE DECK FRAMING PLAN AND DETAIL**  
 DRAWING LOCATION  
 UDS SITE

S-102



**1 SECTION**  
1/2" = 1'-0"  
2' 1' 0 1' 2'

SECTION NOTES:  
1. L6 BRACES OMITTED IN VIEW FOR CLARITY, SEE TYPICAL HORIZONTAL BRACE INTO BEAM DETAIL.



**2 SECTION**  
1/2" = 1'-0"  
2' 1' 0 1' 2'

SECTION NOTES:  
1. L6 BRACES OMITTED IN VIEW FOR CLARITY, SEE TYPICAL HORIZONTAL BRACE INTO BEAM DETAIL.

**PRELIMINARY  
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DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE	FILE NO.
T. KIVISTO	1940101027
DESIGNED BY	DATE
J. RENN	
CHECKED BY	
T. KIVISTO	
DRAWN BY	
N. YOUNG	

CERTIFICATE OF AUTHORIZATION: 0021291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 SYRACUSE, NEW YORK

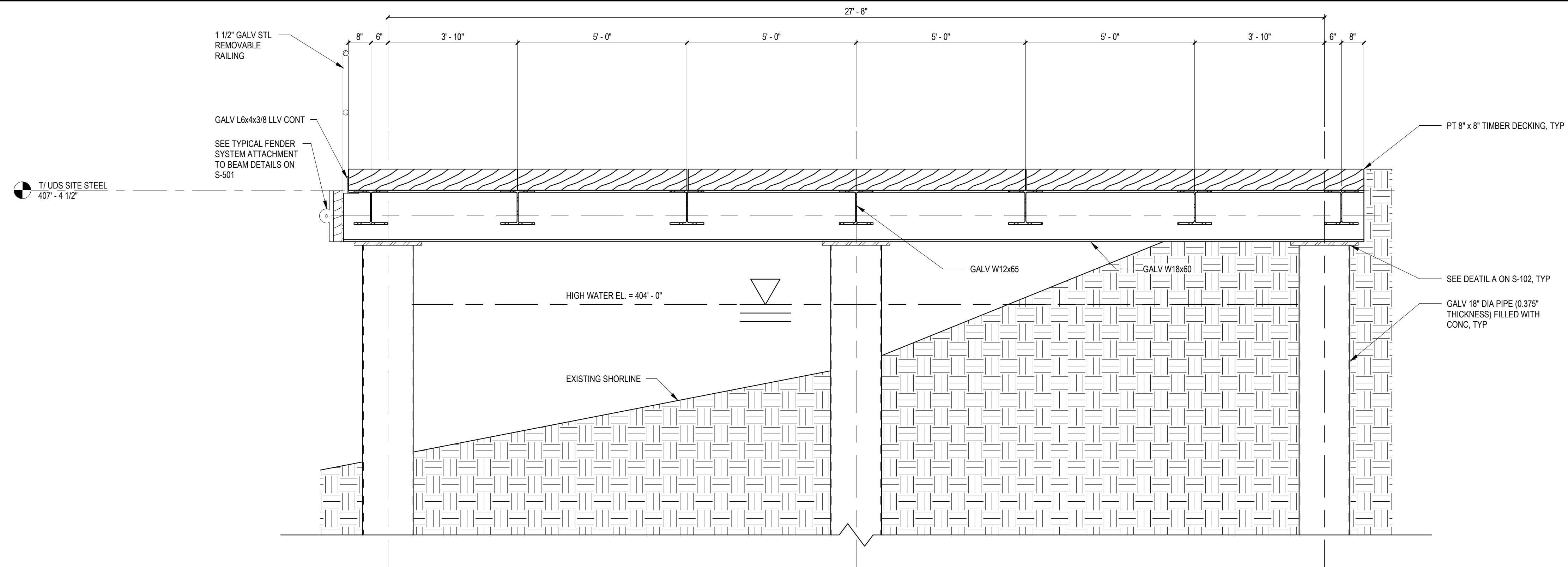


PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
 ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK



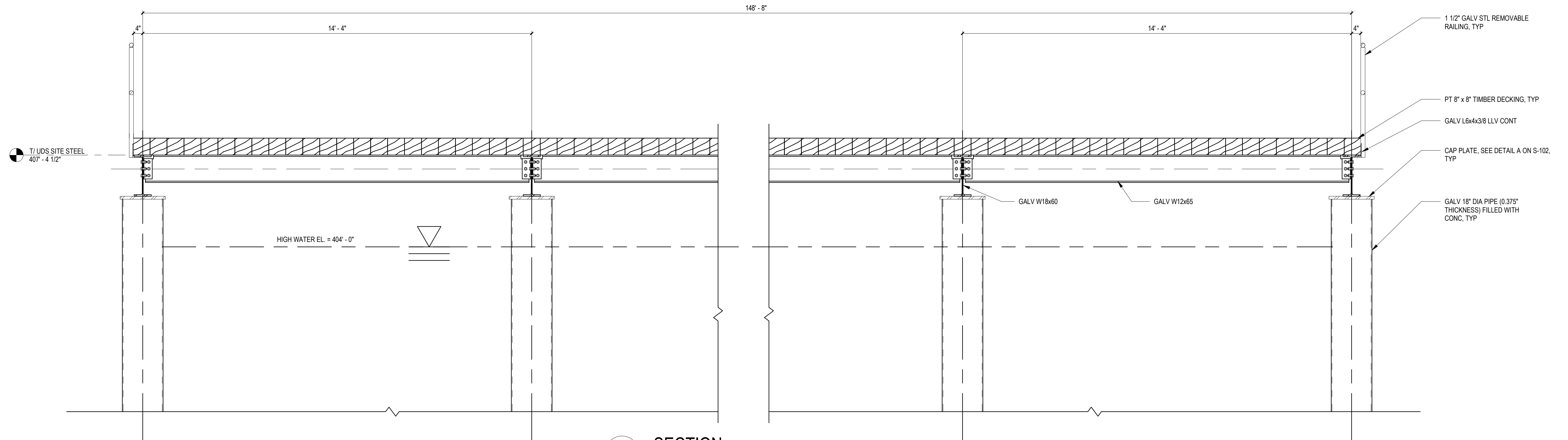
**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 37 of 39**

SHEET DESCRIPTION: DUMP SITE SECTIONS  
 DRAWING LOCATION: DUMP SITE



**1 SECTION**  
1/2" = 1'-0"  
2' 1' 0' 1' 2'

SECTION NOTES:  
1. L6 BRACES OMITTED IN VIEW FOR CLARITY, SEE TYPICAL HORIZONTAL BRACE INTO BEAM DETAIL.



**2 SECTION**  
1/2" = 1'-0"  
2' 1' 0' 1' 2'

SECTION NOTES:  
1. L6 BRACES OMITTED IN VIEW FOR CLARITY, SEE TYPICAL HORIZONTAL BRACE INTO BEAM DETAIL.

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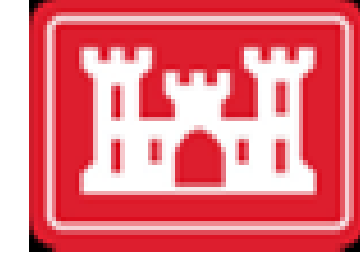


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DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE <b>T. KIVISTO</b>	FILE NO. 1940101027
DESIGNED BY <b>J. RENN</b>	DATE
CHECKED BY <b>T. KIVISTO</b>	
DRAWN BY <b>N. YOUNG</b>	

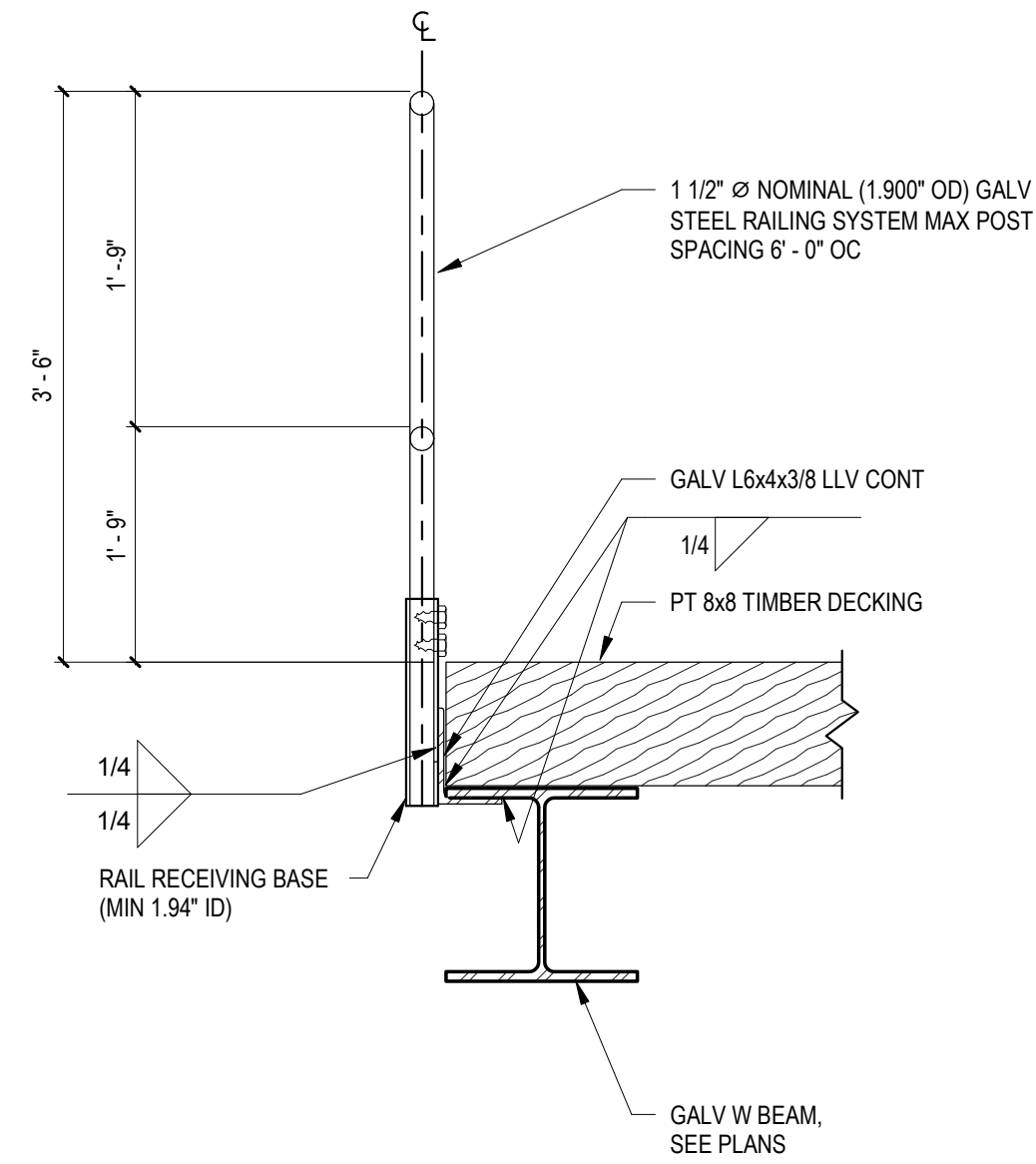
CERTIFICATE OF AUTHORIZATION: 0021291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
SYRACUSE, NEW YORK  
**RAMBOLL**

PROJECT  
**FORMER UTICA CITY DUMP - REMEDIAL DESIGN**  
ADDRESS  
CITY OF UTICA, ONEIDA COUNTY, NEW YORK



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 38 of 39**

SHEET DESCRIPTION  
**UDS SITE SECTIONS**  
DRAWING LOCATION  
UDS SITE

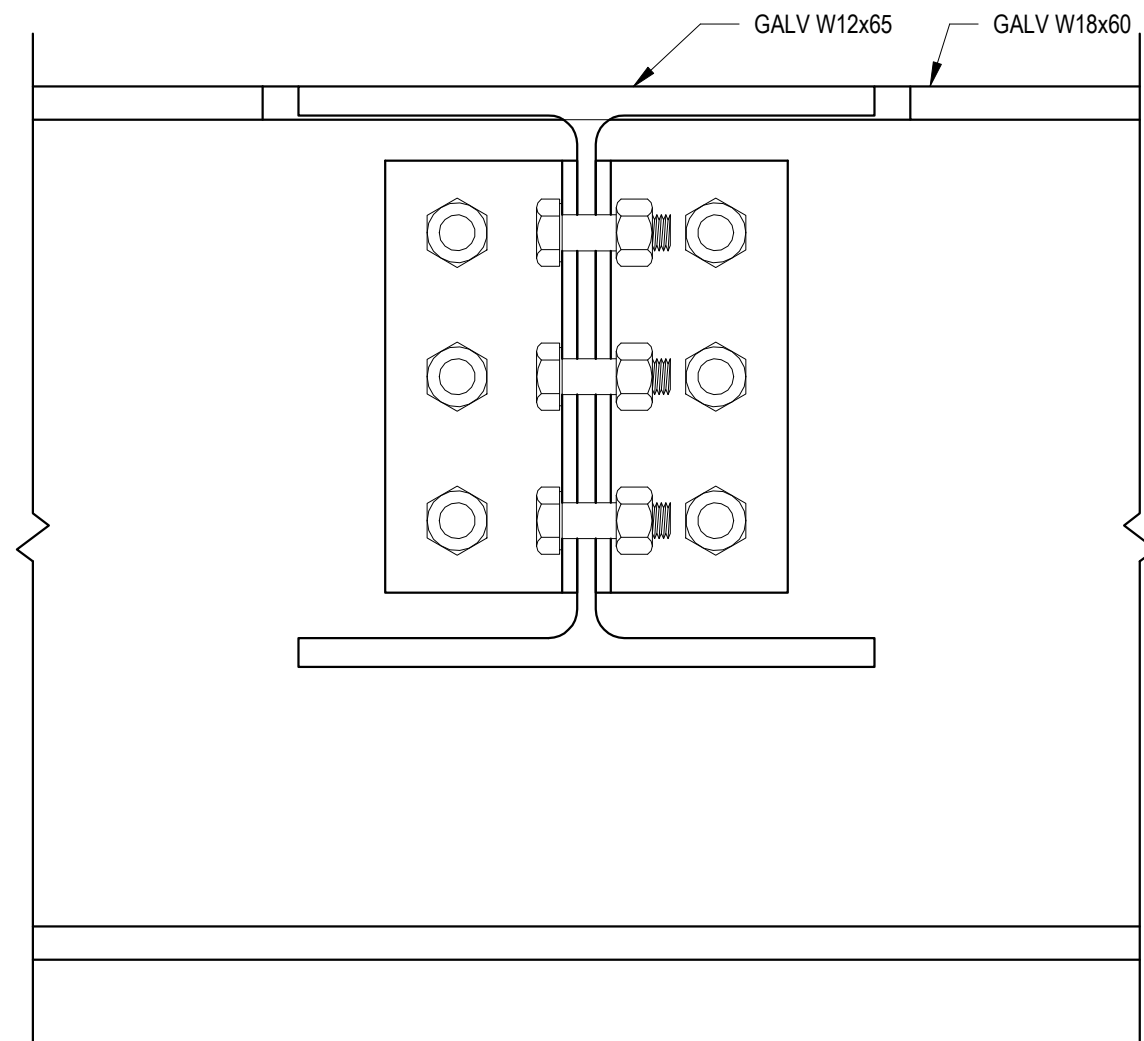


**SIDE MOUNTED STEEL RAILING**

NOT TO SCALE

DETAIL NOTE:

1. TIMBER DECKING SHALL NOT BE ANCHORED TO STEEL FRAMING.

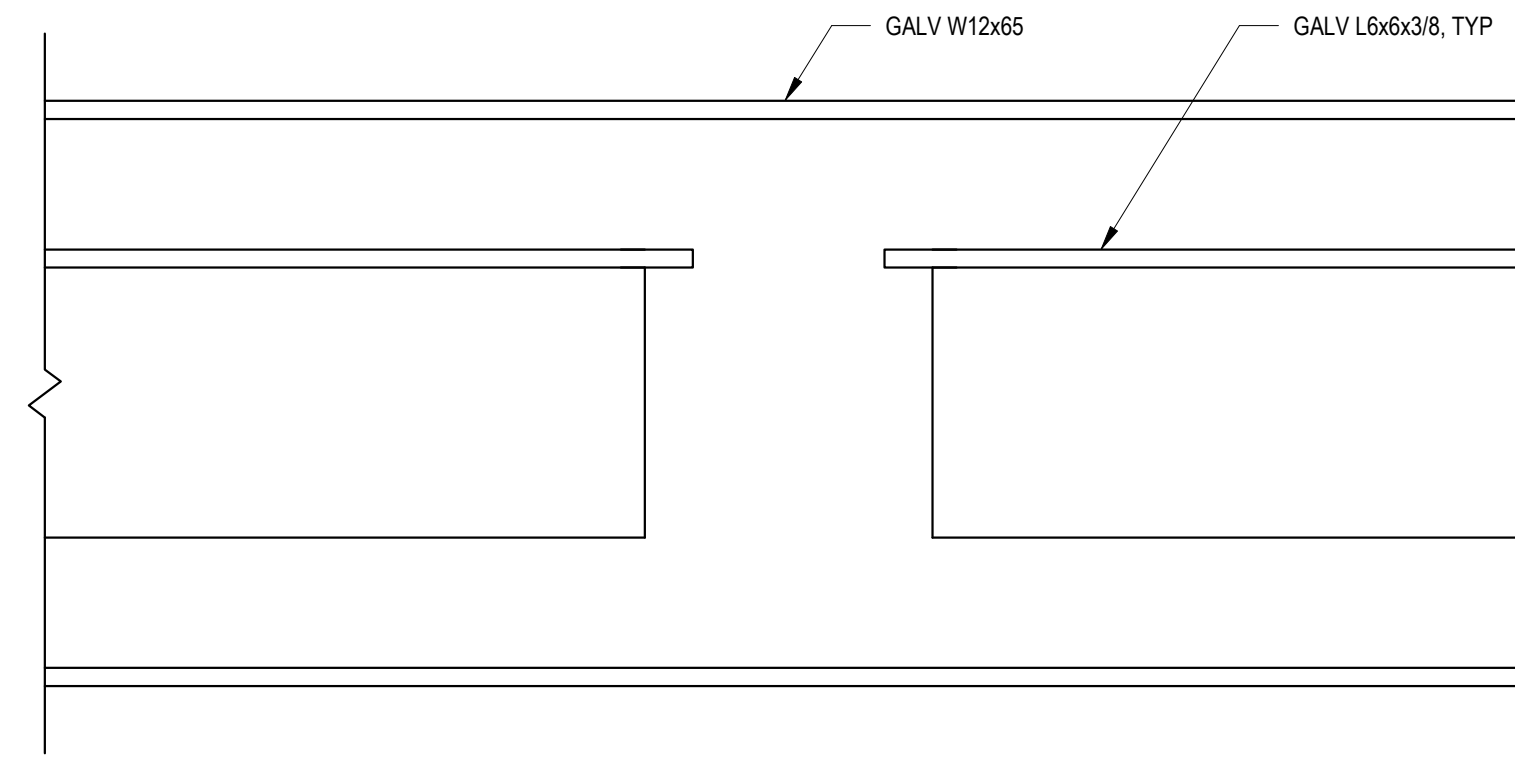


**TYPICAL W12x65 INTO W18x60 DETAIL**

NOT TO SCALE

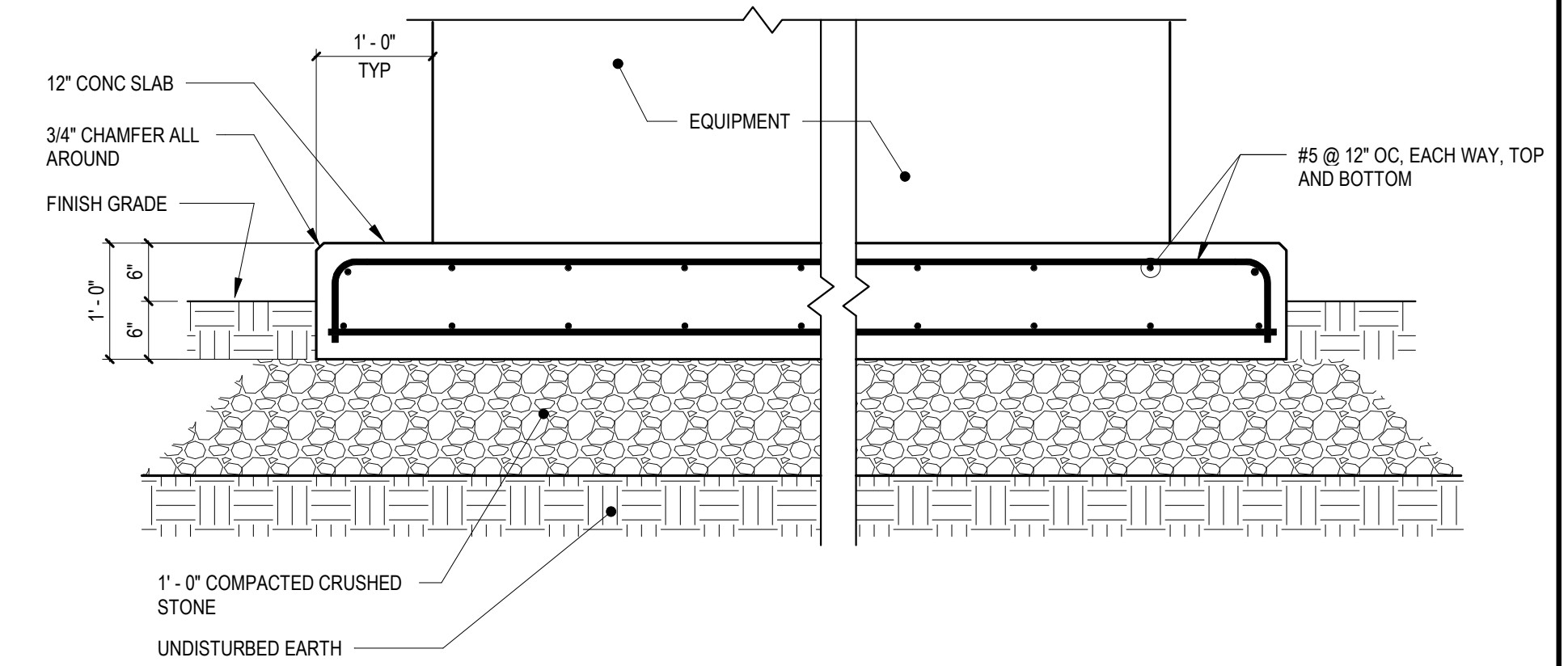
DETAIL NOTE:

1. DEPICTED BOLT PATTERN IS A SUGGESTED APPROACH FOR THE DELEGATED DESIGN ENGINEER CAN CONSIDER FOR IMPLEMENTING.



**TYPICAL HORIZONTAL BRACE INTO BEAM DETAIL**

NOT TO SCALE

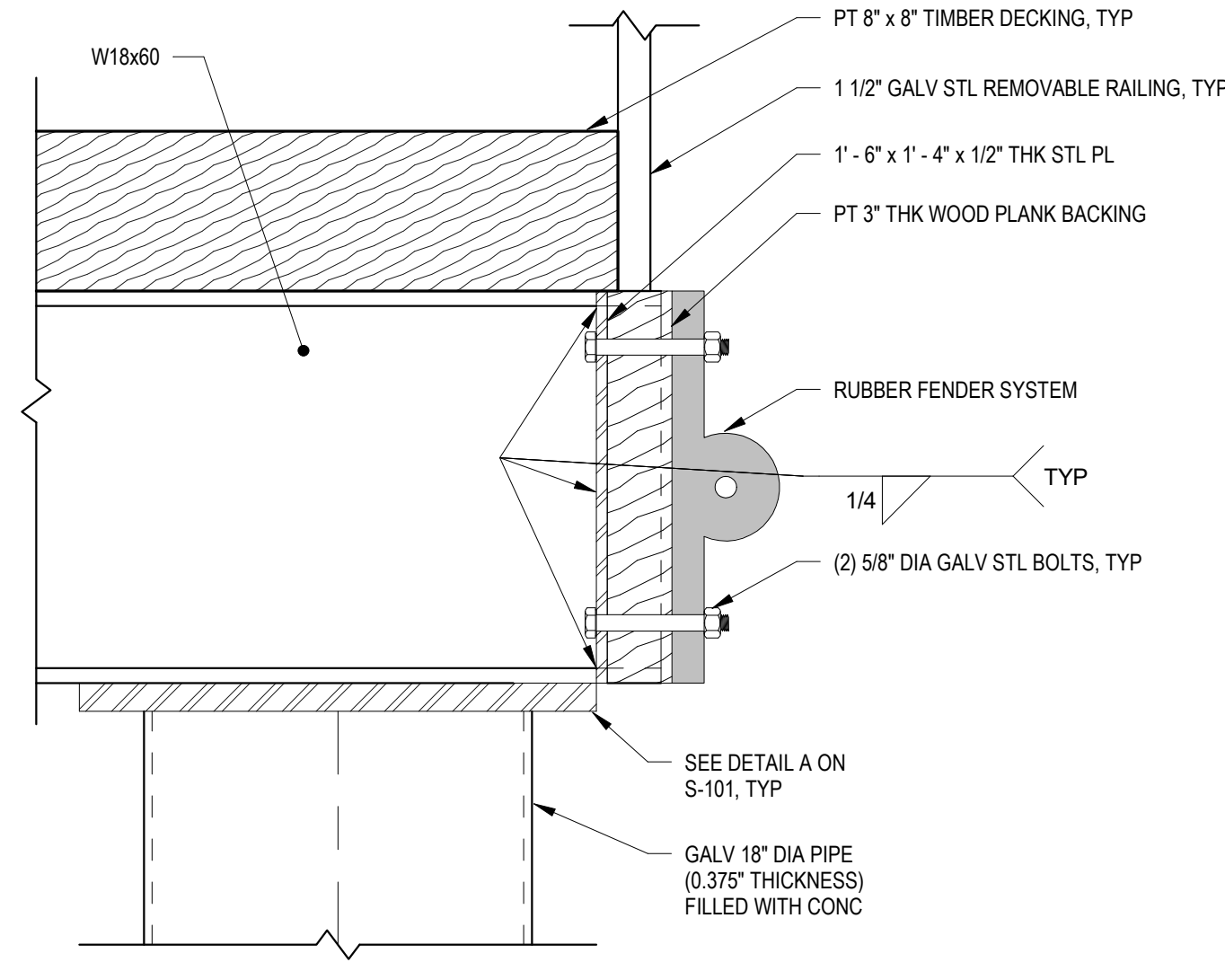
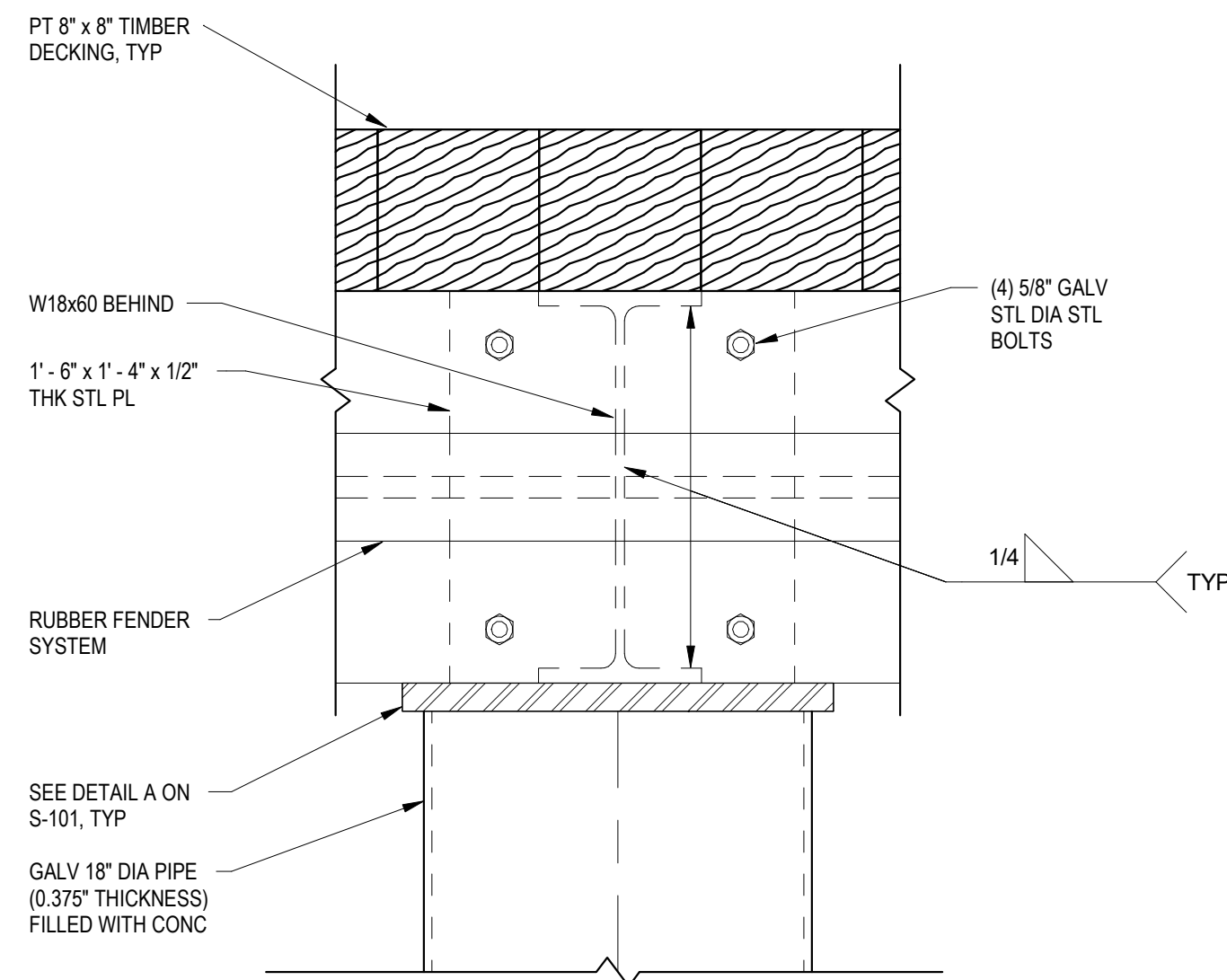


**EXTERIOR EQUIPMENT PAD DETAIL**

NOT TO SCALE

DETAIL NOTES:

1. THIS DETAIL TO BE APPLIED FOR SUPPORT OF MISCELLANEOUS EQUIPMENT INSTALLED ON EXTERIOR GRADE.
2. COORDINATE ANCHOR BOLT SIZE AND LOCATIONS W/ EQUIPMENT MANUFACTURER.



**TYPICAL FENDER SYSTEM ATTACHMENT TO BEAM DETAILS**

1 1/2" = 1'-0"



**NYS Department of Environmental Conservation**  
**D/A Permit No: LRB-2024-00127**  
**Oneida County, New York**  
**Sheet 39 of 39**

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DESIGNER / PROFESSIONAL ENGINEER RESPONSIBLE	
T. KIVISTO	FILE NO. 1940101027
J. RENN	DATE
T. KIVISTO	
N. YOUNG	

CERTIFICATE OF AUTHORIZATION: 0021291  
**RAMBOLL AMERICAS ENGINEERING SOLUTIONS, INC.**  
 SYRACUSE, NEW YORK



PROJECT: FORMER UTICA CITY DUMP - REMEDIAL DESIGN  
 ADDRESS: CITY OF UTICA, ONEIDA COUNTY, NEW YORK

SHEET DESCRIPTION: **TYPICAL DETAILS**  
 DRAWING LOCATION

S-501

**Appendix A**  
**NYS 401 Water Quality Certification**



## PERMIT

### Under the Environmental Conservation Law (ECL)

#### Permittee and Facility Information

**Permit Issued To:**

NYS Dept of Environmental Conservation  
625 Broadway  
ALBANY, NY 12207

**Facility:**

Utica City Dump Remediation  
LELAND Ave|East of Leland Ave  
Utica, NY

**Facility Application Contact:**

Brianna L Scharf  
Environmental Remediation  
625 Broadway  
Albany, NY 12233  
(518) 402-5987

**Facility Application Contact:**

Kyle W Buelow  
Ramboll  
333 West Washington St  
Syracuse, NY 13202

**Facility Location:** in UTICA in ONEIDA COUNTY **Village:** Utica

**Facility Principal Reference Point:** NYTM-E: 484.240025195627 NYTM-N:  
4772.38305860171

Latitude: 43°06'14.4" Longitude: 75°11'37.3"

**Project Location:** North of the OHSWA plant



**Authorized Activity:** Remediation of the former Utica City Dump located east of Leland Avenue, between the Barge Canal and Mohawk River. The dump will be consolidated from 126 acres down to 103 acres. An evapotranspiration (ET) cover system will be installed to cover the 103 acres. The ET cover system will be composed of 18" of dredge spoils sourced from the Barge Canal, and 6" of topsoil placed over the dredge spoils. 18.2 acres of wetland restoration/construction will occur on the site perimeter. An on-site existing incinerator and surrounding structures will be demolished and disposed of at an approved solid waste management facility. Fencing will be installed along the perimeter of the site. Approximately 1.64 acres of temporary disturbance, and .12 acres of permanent disturbance will occur within a NYS Regulated Freshwater Wetland. Approximately 22.92 acres of disturbance will occur within the 100 foot Regulated Adjacent Area of the NYS Regulated Freshwater Wetland.

**Permit Authorizations**

**Water Quality Certification - Under Section 401 - Clean Water Act**

Permit ID 6-3016-00264/00001

New Permit

Effective Date: 10/17/2025

Expiration Date: 10/16/2030

**Freshwater Wetlands - Under Article 24**

Permit ID 6-3016-00264/00002

New Permit

Effective Date: 10/17/2025

Expiration Date: 10/16/2030

**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: TODD J PHILLIPS, Deputy Regional Permit Administrator

Address: NYSDEC Region 6 Utica Sub-Office  
State Office Bldg - 207 Genesee St  
Utica, NY 13501 -2885

Authorized Signature: Todd J Phillips Date 10/17/2025

**Distribution List**

Brianna L Scharf  
Kyle W Buelow  
US ARMY CORPS OF ENGINEERS - BUFFALO DISTRICT  
Law Enforcement  
City of Utica  
STEVE O CASE, JR



## 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

Drawings/Blueprints  
Site Plan

4/4/2025  
4/4/2025

### **NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION; FRESHWATER WETLANDS**

- 1. Notify DEC of Commencement of Work and Completion of Work** The permittee shall notify the Department at least seven days prior to project commencement and within seven days of project completion. Each notification is to be made by e-mailing the region's Bureau of Ecosystem Health at [R6BEH@dec.ny.gov](mailto:R6BEH@dec.ny.gov) or by telephone at 315-793-2404 during the Department's normal business hours (8:30 am to 4:45 pm), and providing the name of the permittee and the Permit ID(s) as listed in the Permit Authorization section of this permit.
- 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 Ramboll and received April 4, 2025.
- 3. Failure to Meet Permit Conditions** Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.
- 4. Minimize Adverse Impacts to Wetlands, Wildlife, Water** All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.
- 5. Silt Screen Around Wetland Area** Prior to commencement of any construction activities, a continuous line of silt screen (maximum opening size of U.S. Sieve #20) shall be staked along the upland edge of the wetland adjacent area.
- 6. Maintain Silt Screen** The screen shall be maintained, repaired and replaced as often as necessary to ensure proper function, until all disturbed areas are permanently vegetated. Sediments trapped by the screen shall be removed to an approved upland location before the screen is removed.



**7. Stabilize Disturbed Areas** All areas of soil disturbance resulting from this project shall be stabilized immediately following project completion or prior to permit expiration, whichever comes first. The approved methodologies are as follows:

- a. Stabilization of the entire disturbed area with appropriate vegetation (grasses, etc.).
- b. Stabilized as per specifications identified on approved plans.
- c. Temporarily stabilized with straw mulch or jute matting or other similar natural fiber matting within 1 week of final grading. Temporary stabilization shall be maintained until a mature vegetative cover is established.

**8. Disposal of Material** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated waterbody or wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area; and must be disposed of in accordance with all local, state, and federal statutes, regulations, or ordinances.

**9. Floodplain Regulations** The project must meet all local and federal floodplain regulations.

**10. Human or Archaeological Remains** If any human remains or archaeological remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify

Regional Permit Administrator  
NYSDEC Region 6 Headquarters  
State Office Building - 317 Washington St  
Watertown, NY13601

Work shall not resume until written permission to do so has been received from the Department.

**11. 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.

## 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 6 Utica Sub-Office  
State Office Bldg - 207 Genesee St  
Utica, NY13501 -2885

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, 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.



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**B. NATIONWIDE PERMITS**

**38. Cleanup of Hazardous and Toxic Waste.** Specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized by this NWP. This NWP does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste.

**Notification:** The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

**Note:** Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

**Buffalo District Only Permit-specific Regional Conditions:** None

**New York District Only Permit-specific Regional Conditions:**

- a. For those activities that are located within Essential Fish Habitat (EFH) waters as defined in Section G-E.8. below, to the maximum extent practicable, no in-water work shall occur between March 1 and June 30.
- b. Within EFH or within areas supporting anadromous fish migration and spawning, as discussed in Section G-E.8. below, the applicant shall include anadromous fish information in the required Pre-Construction Notification (PCN) for USACE coordination with the National Marine Fisheries Service (NMFS).
- c. For those activities that would impact more than 0.5 acres of waters of the United States, and are located within EFH, a PCN is required for USACE coordination with the NMFS.

**Section 401 Water Quality Certification (WQC):**

The WQC has been denied for this NWP by all certifying authorities as follows:

- i. New York State Department of Public Services (NYSDPS) for activities that relate to the construction and operation of major natural gas or electric transmission facilities undertaken pursuant to New York State Public Service Law (PSL) Article VII.
- ii. New York State Office of Renewable Energy Siting (NYSORES) for activities that relate to the construction and operation of major renewable electric generating facilities undertaken pursuant to New York State Executive Law Article 6, Section 94-C.
- iii. New York State Board on Electric Generation Siting and the Environment (Siting Board) for activities that relate to new and repowered or modified major electric generating facilities of 25 megawatts or more undertaken pursuant to PSL Article 10.
- iv. U.S. Environmental Protection Agency (USEPA), as the certifying agency for the following federally recognized Indian Nations in New York: Cayuga Nation, Onondaga Nation, Oneida Nation of Indians, Shinnecock Indian Nation, Tonawanda Seneca Nation, and Tuscarora Nation, for all activities occurring on these tribal lands.
- v. Saint Regis Mohawk Tribe for all activities occurring on Saint Regis Mohawk Tribal land.
- vi. Seneca Nation of Indians Tribe for all activities occurring on Seneca Nation of Indians Tribal land.

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vii. New York State Department of Environmental Conservation (NYSDEC) for those activities not covered above in i. through vi. in New York State.

Any party conducting proposing to conduct the activities authorized by this NWP must apply for and obtain an individual WQC or waiver thereof from the appropriate certifying authority. Refer to Section K below for agency contact information.

**New York State Department of State Coastal Zone Management Consistency Determination:**

Pursuant to 15 CFR Part 930.41, the New York State Department of State (NYSDOS) concurs with the USACE' consistency determination for this NWP anywhere in the New York State coastal area with which all general and all Buffalo and New York District regional conditions are complied.

For activities that are proposed within the New York City Waterfront Revitalization Program, the NYSDOS objects to the USACE' consistency determination and therefore, an individual consistency concurrence determination from NYSDOS is required for this NWP to be valid. See Section I below for further information. Such activities shall be submitted to NYSDOS for review by the applicant. NYSDOS will review the proposed activities pursuant to 15 CFR Part 930 Subpart D. NYSDOS concurrence with an applicant's consistency certification shall not be presumed unless NYSDOS fails to concur with or object to an applicant's consistency certification within six (6) months of commencement of NYSDOS' review of an applicant's consistency certification and all necessary data and information in accordance with 15 CFR § 930.62 or § 930.63. See Section I below for further information.

**C. NATIONWIDE PERMIT GENERAL CONDITIONS**

**Note:** To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

**1. Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**2. Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be

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used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

**3. Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

**4. Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

**5. Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

**6. Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

**7. Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

**8. Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

**9. Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

**10. Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

**11. Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

**12. Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

**13. Removal of Temporary Structures and Fills.** Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

**14. Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

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**15. Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

**16. Wild and Scenic Rivers.** (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

**17. Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

**18. Endangered Species.** (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which “may affect” a listed species or critical habitat unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether

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the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

**19. Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

**20. Historic Properties.** (a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction

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notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

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**21. Discovery of Previously Unknown Remains and Artifacts.** Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

**22. Designated Critical Resource Waters.** Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

**23. Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if

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practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

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(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

**24. Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

**25. Water Quality.** (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

**26. Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management

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consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

**27. Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

**28. Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 13-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

**29. Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

\_\_\_\_\_  
(Transferee)

\_\_\_\_\_  
(Date)

**30. Compliance Certification.** Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

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- (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

**31. Activities Affecting Structures or Works Built by the United States.** If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

**32. Pre-Construction Notification.**

(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

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(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.  
  
(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.  
  
(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.
- (7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity.

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For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity’s compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity’s adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity’s compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies’ concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any

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comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

**D. DISTRICT ENGINEER'S DECISION**

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan

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is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

**E. FURTHER INFORMATION**

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

**F. DEFINITIONS**

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

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Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water’s surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation

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that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWP's, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose

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of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

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Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWP's, a waterbody is a "water of the United States." If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

**G. BUFFALO & NEW YORK DISTRICT GENERAL REGIONAL CONDITIONS**

**These conditions apply to ALL Nationwide Permits.**

**G-A. Construction Best Management Practices (BMP's):** Unless specifically approved otherwise through issuance of a variance by the District Engineer, the following BMP's must be implemented to the maximum degree practicable, to minimize erosion, migration of sediments, and adverse environmental impacts. Note that at a minimum, all erosion and sediment control and stormwater management practices must be designed, installed and maintained throughout the entire construction project in accordance with the latest version of the *New York Standards and Specifications for Erosion and Sediment Control* and the *New York State Stormwater Management Design Manual*. These documents are available at: <https://www.dec.ny.gov/chemical/8694.html>. Prior to the discharge of any dredged or fill material into waters of the United States, including wetlands, authorized by NWP, the permittee must install and maintain erosion and sedimentation controls in and/or adjacent to wetlands or other waters of the United States.

1. All synthetic erosion control features (e.g., silt fencing, netting, mats), which are intended for temporary use during construction, shall be completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade over time, may be abandoned in place.
2. Materials resulting from trench excavation for utility line installation or ditch reshaping activities which are temporarily sidecast or stockpiled into waters of the United States must be backfilled or removed to an upland area within 30 days of the date of deposition. Note: Upland options shall be utilized prior to temporary placement within waters of the U.S., unless it can be demonstrated that it would not be practicable or if the impacts of complying with this upland option requirement would result in more adverse impacts to the aquatic environment.

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3. For trenching activities in wetlands the applicant shall install impermeable trench dams or trench breakers at the wetland boundaries and every 100 feet within wetland areas to prevent inadvertent drainage of wetlands or other waters of the United States.
4. Dry stream crossing methods (e.g., diversion, dam and pump, flume, bore) shall be utilized for culvert or other pipe, or utility installations to reduce downstream impacts from turbidity and sedimentation. This may require piping or pumping the stream flow around the work area and the use of cofferdams.
5. No in-stream work shall occur during periods of high flow, except for work that occurs in dewatered areas behind temporary diversions, cofferdams or causeways.
6. Construction access and staging areas shall be by means that avoid or minimize impacts to aquatic sites (e.g. use of upland areas for access & staging, floating barges, mats, etc.). Discharges of fill material associated with the construction of temporary access roads, staging areas and work pads in wetlands shall be placed on filter fabric. All temporary fills shall be removed upon completion of the work and the disturbed area restored to pre-construction contours, elevations and wetland conditions, including cover type. All vegetation utilized in the restoration activity shall consist of native species.
7. All return flow from dredged material disposal areas shall not result in an increase in turbidity in the receiving water body that will cause a substantial visible contrast to natural conditions. (See NWP #16)
8. For activities involving the placement of concrete into waters of the U.S., the permittee must employ watertight forms. The forms shall be dewatered prior to the placement of the concrete. The use of tremie concrete is allowed, provided that it complies with New York State water quality standards.
9. New stormwater management facilities shall be located outside of waters of the U.S. A variance of this requirement may be requested with the submission of a PCN. The PCN must include justification which demonstrates that avoidance and minimization efforts have been met.
10. To the maximum extent practicable, the placement of fill in wetlands must be designed to maintain pre-construction surface water flows/conditions between remaining on or off-site waters and to prevent draining of the wetland or permanent hydrologic alteration. This may require the use of culverts and/or other measures. Furthermore, the activity must not restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters). The activity may alter the pre-construction flows/conditions if it can be shown that it benefits the aquatic environment (i.e. wetland restoration and/or enhancement).
11. Stone aprons and scour protection placed in streams shall not extend higher than the stream bed in order to create a uniform grade and shall be filled with native stream bed material and supplemented with similarly sized material, if needed, to fill interstitial spaces to maintain water flow on the surface of the stream bed.

**G-B. CULVERTS**

1. **ALL NEW OR REPLACEMENT CULVERTS IN STREAMS**, to the extent they are regulated, shall be constructed/installed in accordance with the following, in order to ensure compliance with NWP General Condition #2 – Aquatic Life Movement and #9 – Management of Water Flows:

- a. Size: Bank-full flows shall be accommodated through maintenance of the existing bank-full channel cross sectional dimensions within a single culvert. Bank-full width is generally considered to be the top width at the stage where a stream begins to overtop its banks and spread into the floodplain. A bottomless culvert or bridge must be used to span the stream channel where practicable. If the stream cannot be spanned, the culvert width shall be minimum of 1.25 times width of the stream channel at the ordinary high water, which is generally equivalent to the width of the channel during the 2-year design storm.

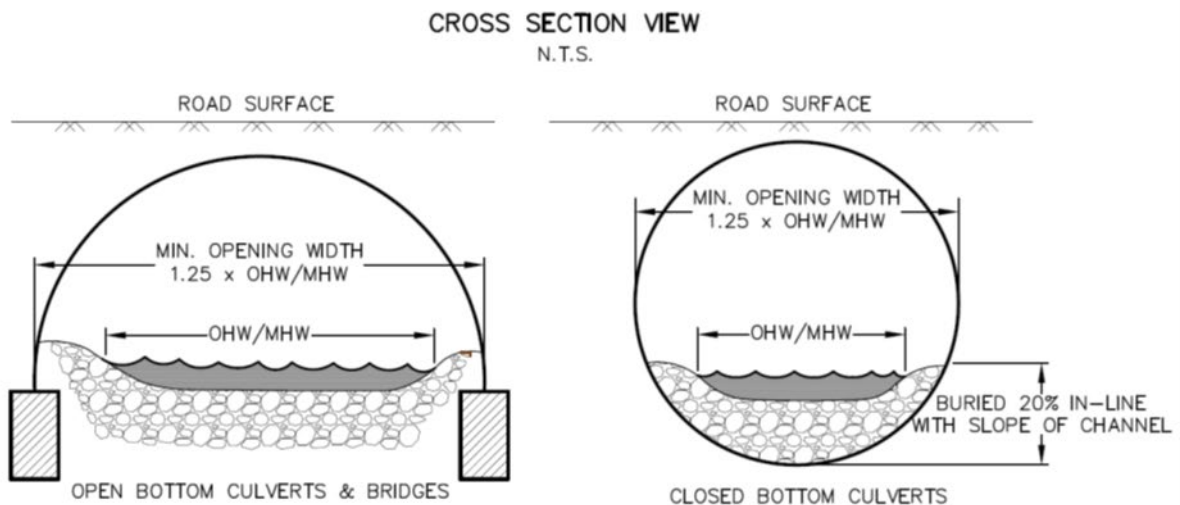
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- b. Depth: To maintain low flow and aquatic life movement within culverts with a bottom, the culvert invert, including end sections, must be embedded. Specifically, the culvert must be installed with its bottom buried below the grade of the stream bed, as measured at the average low point, to a depth of a minimum of 20 percent of the culvert vertical rise (height) throughout the length of the culvert. (Note: When not practicable to do so due to small culvert size, it is acceptable to allow natural deposition to cover the interior of the culvert bed following placement of the culvert invert to the 20% depth.)
- c. The dimension, pattern, and profile of the stream above and below the stream crossing shall not be permanently modified by changing the width or depth of the stream channel.
- d. The culvert bed slope shall remain consistent with the slope of the adjacent stream channel.

Note 1: Use of the requirements alone will not satisfy the need for proper engineering and design. In particular, appropriate engineering is required to ensure structures are sized and designed to provide adequate capacity (to pass various flood flows) and stability (bed, bed forms, footings and abutments, both upstream and downstream). It is the permittee's responsibility to ensure the structure is appropriately designed.

Note 2: This condition does not apply to temporary culverts used for construction access that are in place for less than one construction season. However, compliance with General Conditions #2 and #9 still applies.

Note 3: For further guidance on identification of the Ordinary High Water mark, please see Regulatory Guidance Letter 05-05 available at: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Guidance-Letters/>



**Preconstruction Notification (PCN) Requirements:**

A PCN is required for projects that do not meet all of the above requirements. In addition to the PCN requirements of General Condition #32, the PCN must include the following information:

- i. A statement indicating which of the above requirements will not be met by the proposed project;
- ii. Information as to why the use of such structures or measures would not be practicable;
- iii. A brief description of the stream discussing:
  - Site specific information (i.e. stream bed slope, type and size of stream bed material, stream

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type, existing natural or manmade barriers, etc.) assessed to determine appropriate culvert design and to ensure management of water flows and aquatic life movement.

- Evaluation of the replacement for its impacts on: downstream flooding, upstream and downstream habitat (in-stream habitat, wetlands), potential for erosion and headcutting, and stream stability.
  - Flow/storm event the proposed culvert is designed to pass (2 year, 50 year, etc.)
- iv. Cross sections of the stream used to calculate the stream bed low point and ordinary high water width, consisting of:
- Stream channel cross sections shall be taken at proximal locations to the crossing location to determine the average of the lowest points in elevation of the stream bed and the average width at ordinary high water.
    - For new crossing locations, the average values from at least three measurements (project location and straight sections of the stream upstream and downstream) shall be used.
    - For replacement of an existing structure, the average values from at least two cross sections (straight sections of the stream upstream and downstream from the existing structure representative of the natural channel) shall be used. Note: sections should not be taken in the immediate vicinity of the structure as the channel width may be affected by the structure and not provide an accurate representation of the natural channel.
  - This average low point shall be used to ensure low flow is maintained through the culvert and from which all embedment depths are measured.
  - If the above cross section method was not practicable to use, an alternative method may be utilized. The PCN shall include justification for the method used including the data used and an explanation as to how it provides an equivalent measure.
- v. An evaluation of the effects the crossing would have on aquatic life movement and/or water flows; and
- vi. Mitigation measures that will be employed to minimize these effects. Mitigation measures may include, but are not limited to baffles, weirs, roughened channels, and grade control structures

A variance of the requirement(s) will be issued by the Corps if it can be demonstrated that the proposal would meet General Conditions #2 & #9 and would result in a less environmentally damaging practicable alternative (e.g. If compliance with any of the requirement(s) would result in detrimental impacts to the aquatic system then an alternate design should be proposed and a variance request submitted which outlines how compliance with the general conditions will be met.).

**2. ALL CULVERT REHABILITATION PROJECTS IN STREAMS**, to the extent they are regulated, not including culvert replacement projects (See 1 above), shall be constructed in accordance with the following, in order to ensure compliance with NWP General Condition #2 – Aquatic Life Movement and #9 – Management of Water Flows:

- a. An evaluation of the existing culvert shall be conducted prior to the proposed culvert rehabilitation to determine if the existing culvert is in compliance with NWP GC #2 and #9. Specifically, the culvert shall be evaluated regarding its effect upon aquatic life movements and low/ high water flow. If the above requirements in General Regional Condition B. 1 (a)-(e) are met, then the culvert is considered in compliance with NWP General Conditions #2 & # 9. (Potential evaluation methods

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to consider include: North Atlantic Aquatic Connectivity Collaborative (NAACC) (Note: Projects should not result in a reduction of the NAACC passability score by reducing passage or creating a barrier), US Forest Service Aquatic Organism Passage FishXing, etc.)

- b. A PCN is not required for projects that utilize cured-in-place pipe lining or other repair activities that do not raise the existing invert elevation such that it causes an impediment to the passage of either aquatic life movement or water flow, unless there is an existing impediment which will not be corrected by the proposed repair.
- c. A PCN is required for any culvert rehabilitation project that includes a culvert which is not in compliance with GC #2 and/or #9 (i.e. impedes aquatic life movement or water flow) and which will not be corrected by the proposed repair.
- d. A PCN is required for culvert rehabilitation projects which will involve pipe slip lining or other activities, including concrete invert paving and concrete lining that raise the existing invert elevation such that it causes an impediment to the passage of low flow or aquatic life movement. Slip lining is defined as the insertion of a smaller diameter pipe into an existing pipe by pulling pushing, or spiral winding.

**Preconstruction Notification (PCN) Requirements:**

In addition to the PCN requirements of General Condition #32, the PCN must include the following information:

- i. A summary of the evaluation required in Item a. above including average ordinary high water channel width and a discussion of the impediment(s) to aquatic life movement and/or water flow.
- ii. Information as to how the proposal will mitigate for the impediment. Mitigation measures may include, but are not limited to baffles, weirs, roughened channels, and grade control structures.

**G-C.** No regulated activity authorized by a Nationwide Permit can cause the loss of areas classified as a bog or fen in the State of New York, as determined by the Buffalo or the New York District Corps of Engineers, due to the scarcity of this habitat in New York State and the difficulty with in-kind mitigation. The Districts will utilize the following document in the classification:

Edinger, G. J., D. J. Evans, S. Gebauer, T. G. Howard, D. M. Hunt, and A. M. Olivero (editors). 2014. *Ecological Communities of New York State*. Second Edition. A revised and expanded edition of Carol Reschke's *Ecological Communities of New York State*. New York Natural Heritage Program, New York State Department of Environmental Conservation, Albany, NY. This document is available at the following location: <https://www.nynhp.org/ecological-communities/>

**G-D. National Wild and Scenic Rivers (NWSR):** The Upper Delaware River has been designated as a National Wild and Scenic River from the confluence of the East and West Branches below Hancock, New York, to the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York. Also, the portion of the Genesee River located within Letchworth Gorge State Park, beginning at the southern boundary of the park and extending downstream to the Mt. Morris Dam, was designated by Congress as a permanent Study River in the Genesee River Protection Act of 1989. In accordance with General Condition #16, no activity may occur within a NWSR, including Study Rivers, unless the National Park Service (NPS) has determined in writing that the proposed work will not adversely affect the NWSR designation or study status. Therefore, a PCN is required for any NWP which would impact the designated portions of the Genesee River or the Upper Delaware River, unless NPS has previously indicated the project will not adversely affect the waterway. (Note: the applicant may not commence work under any NWP until the NPS determines in writing that the project will not adversely affect the NWSR even if 45-days have passed since receipt of the PCN package.) Information regarding NWSR may be found at: <https://www.rivers.gov/new-york.php>

**G-E. For all proposals requiring a pre-construction notification (PCN), in addition to the**

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requirements in General Condition 32, the applicant shall also include: (Note: the application will not be considered complete until all of the applicable information is received).

**1. New York State/USACE Joint Application Form:** The application form shall be completed and signed and shall clearly indicate that the submission is a PCN.

Buffalo District: <https://www.lrb.usace.army.mil/Missions/Regulatory/New-York-Permit-Information/>

New York District: <https://www.nan.usace.army.mil/Missions/Regulatory/Obtaining-a-Permit/>

**2. Drawings:** The PCN must include legible, project drawings on 8.5" x 11" paper. Full size drawings may be submitted in addition to the 8.5" x 11" plans to aid in the application review. Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are a Vicinity Map (i.e. a location map such as a USGS topographical map), a Plan View and a Cross-Section Map. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view or cross section). The Vicinity Map shall provide the location of the entire project site. In addition, each illustration should be identified with a figure or attachment number. The location map shall include the Latitude and Longitude or UTM coordinates of the project. For linear projects, the PCN shall include a map of the entire project including a delineation of all waters of the U.S. within the corridor. Aquatic resource information shall be submitted using the Cowardin Classification System mapping conventions (e.g. PFO, PEM, etc.).

**3. Color photographs:** The photos should be sufficient to accurately portray the project site, keyed to a location map and not taken when snow cover is present.

**4. Avoidance and Minimization:** The PCN should include a written narrative explaining how avoidance and minimization of temporary impacts and permanent losses of waters of the U.S. were achieved on the project site (i.e. site redesign, reduction in scope, alternate methods, etc.). It should include a description of the proposed construction practices that would be implemented to perform the proposed work and a description of the reasonably foreseeable direct and indirect effects to waters of the U.S. from the proposed construction practices.

**5. Mitigation** (See General Conditions 23 & 32(b)(6)): The PCN should include at least a conceptual compensatory mitigation plan for all projects resulting in the loss of greater than 1/10<sup>th</sup> of an acre of wetlands and/or 3/100<sup>th</sup> of an acre of stream. Mitigation conceptual plans submitted with the PCN must include the following information at a minimum: proposed compensation type (bank or in-lieu fee credit, restoration, creation, preservation, etc.), location and brief discussion on factors considered for site selection (i.e. soils, water source, potential for invasive species, etc.), amount proposed per resource type and a discussion of how the proposal will compensate for aquatic resource functions and services lost as a result of the project.

Note 1: All mitigation projects must comply with the Federal Regulations on compensatory mitigation (33 CFR 332) entitled "Compensatory Mitigation for Losses of Aquatic Resources: Final Rule", dated April 10, 2008, which is available at: [https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/mitig\\_info/](https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/mitig_info/) and any applicable District Guidelines.

Note 2: Although a conceptual mitigation plan may be sufficient for the purposes of a PCN submission, a detailed mitigation plan must be approved by the Corps before any jurisdictional work may occur on the project site.

Note 3: If more than 0.10 acres of designated EFH habitat (as discussed in Section G-E.8. below) would be impacted such that habitat would be lost, compensatory mitigation at a minimum ratio of 1:1 is required. A ratio of more than 1:1 may be required depending upon the ecological value of the habitat to be lost or degraded and the form of compensatory mitigation proposed to be provided.

Note 4: For additional information regarding natural stream channel design, please refer to <https://www.epa.gov/cwa-404/natural-stream-channel-design-techniques-and-review> for the Natural Stream Channel Design Techniques and Review Checklist as developed by U.S. EPA and

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U.S. Fish and Wildlife Service.

**6. Nationwide Rivers Inventory:** The PCN shall indicate if a river segment listed within the National Park Service Nationwide Rivers Inventory (NRI) is located within the proposed project area. [NRI river segments](#) are potential candidates for inclusion in the National Wild and Scenic River System (See General Condition #16). For project areas containing a listed NRI segment, the PCN shall also include a statement as to how adverse effects to the river have been avoided or mitigated. The list is available at: <https://www.nps.gov/subjects/rivers/new-york.htm>.

**7. Historic or Cultural Resources:** In accordance with General Condition 20, a PCN is required for any non-federal activity which may have the potential to cause effects to any historic properties\* listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places (NR). Please refer to General Condition 20 for submission requirements. In addition, all PCNs should include:

- a) A written statement indicating if any such properties may be affected by the proposed project.
- b) A copy of any completed archaeology or building/structure survey reports. If a survey has not been performed, the statement shall include a list of resources checked in the determination.
- c) Copies of any available correspondence from the New York State Office of Parks, Recreation, and Historic Preservation State Historic Preservation Officer (SHPO) regarding historic properties.
- d) Copies of any available correspondence from federally recognized Indian Nations regarding historic properties that may be affected by the project.
- e) Projects with ground disturbance may have the potential to cause effects to buried historic properties, regardless of occurring outside SHPO designated archaeological sensitive areas. Therefore, the PCN shall indicate if the ground disturbance will occur in any areas of previously undisturbed soil. For areas with prior disturbance, the PCN shall include a brief narrative describing the disturbance and its limit (i.e. type of disturbance, size of area with current undisturbed soil, size of area with existing disturbed soils, when the disturbance occurred, an estimate on how deep the soil disturbance extends, etc.) as well as photos of the existing ground disturbance.
- f) Above ground buildings/structures that are over 50 years old and potentially affected by the project will need to be assessed to determine if they are eligible for the NR. The PCN shall: identify any structures present in the project area, which have not already been subject to SHPO review, include photos of the structures, and describe how the project would/would not affect them.

\* - see NWP definition section for further clarification

**Note 1:** Information regarding historic properties may be found at: <https://cris.parks.ny.gov>. In addition, assistance regarding the determination of the presence of historic or cultural resources at or near the project site should be directed to SHPO.

**Note 2:** As stated in General Condition 20, if any listed, eligible or potentially eligible properties are present, the applicant shall not begin the activity until notified by the district engineer in writing either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

**8. Endangered Species and Essential Fish Habitat (EFH):** In accordance with General Condition #18, non-federal applicants must submit a PCN if any listed species or designated critical habitat might be affected or is in the vicinity of the activity (See Note 2 below), or if the activity is located in designated critical habitat. Please refer to General Condition #18 for submission requirements. In addition, all PCNs must include:

1. a written statement and documentation concerning any Essential Fish Habitat (EFH) and any federally listed or proposed Threatened or Endangered (T&E) species or designated and/or

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proposed critical habitat that might be affected or located in the vicinity of the project (See Note 2 below).

2. an official T&E species list printed within 90 days of the PCN submission, and a copy of any correspondence from the U.S. Fish and Wildlife Service (USFWS) and/or National Oceanic and Atmospheric Administration Fisheries Service (NOAA-Fisheries), regarding the potential presence of T&E species on the project site. An applicant should use the USFWS Information for Planning and Consultation (IPAC) website (<https://ecos.fws.gov/ipac>) as the primary resource to determine if there may be listed Threatened or Endangered species. Information on NOAA-Fisheries (NMFS) species (both T&E and EFH) can be found at: <https://www.greateratlantic.fisheries.noaa.gov/>. Region-specific information on NMFS species (both T&E and EFH) can we found at: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/habitat-conservation/essential-fish-habitat-consultations-greater-atlantic-region>. Region-specific ESA information can be found at: <https://www.fisheries.noaa.gov/topic/consultations#endangered-species-act-consultations>.
3. For projects where T&E species are listed, a discussion of potential T&E species habitat within the project site (See USFWS T&E website for species habitat information). <https://www.fws.gov/office/new-york-ecological-services-field/new-york-project-reviews>
4. If there is potential habitat for any T&E species within the project site the following, as applicable, shall be submitted:
  - i. The results of any habitat surveys and presence/absence surveys. Note: all surveys should be coordinated with the USFWS and/or NOAA-Fisheries (NMFS) prior to initiation.
  - ii. A detailed description of the proposed project, including secondary impacts and approximate proposed project construction schedule of project activities (e.g. land clearing, utilities, stormwater management).
  - iii. A description of the natural characteristics of the property and surrounding area (e.g. forested areas, freshwater wetlands, open waters, and soils) and a description of surrounding land use (residential, agricultural, or commercial).
  - iv. A description of the area to be impacted by the proposed project (including the species, typical sizes (d.b.h.) and number or acres of trees to be removed, substrate of stream, etc.).
  - v. The location of the above referenced property and extent of any project related activities or discharges clearly indicated on a copy of a USGS 7.5-minute topographic quadrangle (quad) with the name of the quad(s) and latitude/longitude clearly labeled.
  - vi. A description of conservation measures to avoid, minimize and/or mitigate impacts to listed species.

Note 1: There are no known T&E species or EFH species under the jurisdiction of the NOAA-Fisheries (NMFS) within the Buffalo District. Therefore, all Buffalo District requests for information regarding the presence of T&E species should be directed to the USFWS. In addition, no EFH review is necessary within the following New York District counties: Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Otsego, Schenectady, Schoharie and Warren.

Note 2: Please refer to the following websites for further guidance and information relating to regulatory permits & T&E species in New York, including protocols for defining 'vicinity' for the Indiana and Northern long-eared bats:

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Buffalo District: <https://www.lrb.usace.army.mil/Missions/Regulatory/New-York-Permit-Information/>

New York District: <https://www.nan.usace.army.mil/Missions/Regulatory/Nationwide-Permits/>

**Note 3:** General Condition #18 is emphasized, ... “For activities where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. **If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.**”

**Note 4:** Where a PCN is required for Essential Fish Habitat consultation, refer to the following links for the Essential Fish Habitat Assessment Worksheet and Mapper utilized to inform the preparation of the worksheet:

- EFH Assessment Worksheet: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/habitat-conservation/essential-fish-habitat-assessment-consultations>
- EFH Mapper: <https://www.habitat.noaa.gov/apps/efhmapper/>

**Note 5:** Where information is required for submerged aquatic vegetation (SAV) in the permit area or within 50 feet of the proposed work, please utilize the following map data:

- NYS Department of State SAV data: <https://opdgig.dos.ny.gov/datasets/esa-submerged-aquatic-vegetation>
- NYS GIS Clearinghouse (for SAV data in the Hudson River): <https://opdgig.dos.ny.gov/datasets/hudson-river-estuary-documented-submerged-aquatic-vegetation>

**9. PCNs should be submitted electronically, if possible, in accordance with the instructions provided on the Districts’ websites. When submitted by hard copy, without an electronic submission, then multiple copies of the PCN must be provided as follows:**

- a) One (1) additional copy of the PCN package shall be provided to USACE for coordination with Department of Defense Siting Clearinghouse (See NWP # 39, 51, 52 & 57 Notes) for:
  - i. overhead utility lines proposed under NWP #57 and
  - ii. any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission lines proposed under NWP #39, 51 or 52
- b) Two (2) additional copies of the PCN package shall be provided to USACE when the project is located within the New York City Watershed, for coordination with the New York City Department of Environmental Protection.
- c) Five (5) additional copies of the PCN package shall be submitted to USACE for agency coordination in accordance with General Condition # 32(d)(2) for:
  - i. All NWP activities that result in the loss of greater than 1/2-acre of waters of the United States,
  - ii. NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites;
  - iii. NWP 54 activities in excess of 500 linear feet or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

**G-F. CRITICAL RESOURCE WATERS**

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In accordance with NWP General Condition (GC) #22, certain activities in Critical Resource Waters cannot be authorized under the NWP program or would require a PCN (see GC #22 for a list of the NWP activities that are either excluded or require a PCN).

Critical Resource Waters in New York State include the following:

1. **East-of-Hudson portion of the New York City Water Supply:** This area includes portions of Dutchess, Putnam and Westchester Counties as delineated on Enclosure 2.
2. **Hudson River National Estuarine Research Reserves (NERR):** The Hudson River NERR consists of four components: Piermont Marsh, Iona Island, Tivoli Bay, and Stockport Flats.

**H. NYSDEC GENERAL WATER QUALITY CERTIFICATION (WQC) CONDITIONS APPLICABLE TO ALL NWPS FOR WHICH WQC HAS BEEN PROVIDED ARE AS FOLLOWS:**

1. **Non-contamination of Waters** - All necessary precautions shall be taken to preclude contamination of any waters of the United States by suspended solids, resins, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, inadvertent returns of drilling muds ("frac-outs") or any other environmentally deleterious materials associated with the project.
2. **Installation and Replacement of Culverts** - To be covered under this blanket Water Quality Certification, all the following criteria must be met for culvert installations and replacements:
  - a. Culverts shall be designed to pass a storm event with an annual chance of 2% or less (i.e., 50-year storm event or greater) such that the water surface remains below the top of the inlet opening.
  - b. All culverts with closed bottoms and culvert pipes must be appropriately embedded. Round culverts must be installed so that at least 20% of the culvert's vertical height is embedded below the existing stream bed at the outlet end of the culvert.
  - c. Width of the structure must be a minimum of 1.25 times (1.25X) width of the Mean High-Water Channel.
  - d. The slope of the stream bed within or under the culvert shall remain consistent with the slope of the adjacent stream channel. For slopes greater than 3%, an open bottom culvert must be used.
  - e. This culvert must not be located under a roadway that provide sole access to "Critical Facilities"<sup>2</sup>.
  - f. This certification does not authorize culvert rehabilitation projects that involve slip lining, invert paving, or similar treatments.
  - g. This certification does authorize the rehabilitation of culverts utilizing Cure in Place Pipe Lining (CIPP) or concrete spray lining for culverts which currently meet Nationwide Permit General Condition # 2 - Aquatic Life Movements.

<sup>2</sup>Critical Facilities are defined as facilities designed for bulk storage of chemicals, petrochemicals, hazardous or toxic substances or floatable materials; hospitals, rest homes, correctional facilities, dormitories, patient care facilities; major power generation, transmission or substation facilities, except for hydroelectric facilities; major communications centers, such as civil defense centers; or major emergency service facilities, such as central fire and police stations. (See 6 NYCRR Part 502.4(a)(17).)

3. **Discharges and Disturbances Limits** - The following discharge and disturbance limits apply to this certification:
  - a. For NWPs 5, 7, 13, 14, 15, 18, 19, 23, 25, 32, 34, 36, 37, 45, and 46, the following discharge limits apply:
    - i. Temporary or permanent discharges of dredged or fill material into wetlands and other waters of the United States must not exceed ¼ acre;
    - ii. Temporary or permanent impacts (i.e., loss) to stream beds, lake shorelines, and ocean shorelines must not exceed 300 linear feet; and

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- iii. The discharge area limit under paragraph (a) plus the equivalent stream, lake, or ocean impact area limit under paragraph (b) must not exceed ¼ acre total.
  - b. For NWP 3, 4, 6, 20, 22, 27, 30, 31, 33, and 41, this certification authorizes discharges and disturbances up to the limit of the respective Nationwide Permit or regional conditions, whichever is most restrictive.
  - c. If a project requiring coverage under two or more Nationwide Permits results in a temporary or permanent discharge or disturbance, the most restrictive threshold applies to the project.
4. **Bulkheads** - Activities involving bulkheads are restricted as follows:
- a. This certification does not authorize the construction of new bulkheads or vertical walls.
  - b. This certification does not authorize the waterward extension of existing bulkheads, except where minimally necessary to reface the bulkhead when in-place replacement is not feasible.
  - c. New toe-stone protection may not extend more than 36 inches waterward from the existing bulkhead face.
5. **Maintenance of Water Levels** - This certification does not authorize any activity that results in a permanent water level alteration in waterbodies, such as draining or impounding, except for activities authorized by NWP 27.
6. **Dewatering** - Dewatering activities must be conducted in the following manner:
- a. Authorized dewatering is limited to immediate work areas that are within coffer dams or otherwise isolated from the larger waterbody or waters of the United States.
  - b. Dewatering must be localized and must not drain extensive areas of a waterbody or reduce the water level such that fish and other aquatic organisms are killed, or their eggs and nests are exposed to desiccation, freezing or depredation in areas outside of the immediate work site.
  - c. Cofferdams or diversions shall not be constructed in a manner that causes or exacerbates erosion of the bed or banks of a waterbody.
  - d. All dewatering structures must be permanently removed, and disturbed areas must be graded and stabilized immediately following completion of work. Return flows from the dewatering structure shall be as visibly clear as the receiving waterbody.
7. **Horizontal and Directional Drilling** - For projects that involve horizontal or directional drilling, the permittee must prepare and implement a plan that addresses prevention, containment and cleanup of inadvertent drilling fluid returns or “frac-outs”.
8. **Endangered or Threatened Species** - This certification does not authorize discharges likely to result in the take or taking of any species listed as endangered or threatened in 6 NYCRR Part 182.5 (a) or (b) or discharges likely to destroy or adversely modify the habitat of such listed species. To be eligible for coverage under this certification, applicants must either verify that the activity is outside of the occupied habitat of such species or, if located within the habitat of such species, obtain a determination from the NYS Department of Conservation Regional Office that the proposed activity is not likely to result in the take or taking of any species listed as endangered or threatened species listed in 6 NYCRR Part 182. Information on New York State endangered or threatened species may be obtained from the NYS Department of Environmental regional offices, the New York Natural Heritage Program in Albany, New York or on the NYSDEC website at <https://www.dec.ny.gov/animals/7181.html>.
9. **Rare Mollusks** - This certification does not authorize disturbances or discharges to waters of the United States that support mollusks listed as S-1 or S-2 on the New York State Natural Heritage database, unless NYSDEC staff have determined that the project location does not contain mussels listed as S-1 or S-2 on the Natural Heritage database.
10. **Prohibition Period for In-water Work** - In-water work is prohibited in cold water trout fisheries (waterbodies classified under Article 15 of New York State Environmental Conservation Law with a “t” or “ts” designation), beginning October 1 and ending May 31.

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Water classification values can be found on the NYSDEC's Environmental Resource Mapper available on the Department's website at <https://gisservices.dec.ny.gov/gis/erm/>. Applicants may also contact the Regional Fisheries Manager in the appropriate New York State Department of Environmental Conservation regional office to determine the classification of the water body and whether the prohibition period applies.

11. **Significant Coastal Fish and Wildlife Habitats** - This certification does not authorize any discharge occurring in a designated Significant Coastal Fish and Wildlife Habitat area pursuant to 19 NYCRR Part 602 (NYCRR, Title 19, Chapter XIII, Waterfront Revitalization of Coastal Areas and Inland Waterways). <https://dos.ny.gov/significant-coastal-fish-wildlife-habitats>
12. **Coastal Erosion Hazard Areas** - This certification does not authorize projects that disturb greater than ¼ acre or 300 linear feet of waters of the United States within mapped Coastal Erosion Hazard Areas, as identified in New York State Environmental Conservation Law Article 34, and its implementing regulations, 6 NYCRR Part 505. <https://www.dec.ny.gov/lands/28923.html>
13. **Federal Energy Regulatory Commission** - This certification does not authorize activities regulated by the United States Federal Energy Regulatory Commission (FERC). An individual Section 401 Water Quality Certification from NYSDEC is required for all projects regulated by FERC.
14. **Preventing the Spread of Aquatic Invasive Species** - To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction equipment be cleaned of mud, seeds, vegetation, and other debris before entering any approved construction areas within waters of the United States. When using construction equipment, projects authorized under this Certification shall take reasonable precautions to prevent the spread of aquatic invasive species as required under the provisions in ECL § 9-1710.
15. **Utility Projects** - The following restrictions and conditions apply to activities involving utility projects:
  - a. This certification does not authorize maintenance or other activities associated with hydroelectric power generation projects.
  - b. This certification does not authorize the construction of substation facilities or permanent access roads in wetlands or within the Federal Emergency Management Agency mapped 100-year floodplain.
  - c. Excess materials resulting from trench excavation must be permanently removed from the waters of the United States and contained so that they do not re-enter any waters of the United States.
16. **NYSDEC Emergency Authorizations** – This certification also applies to any regulated discharges to Waters of the U.S. covered under an NWP where NYSDEC makes a finding of emergency pursuant to New York States Uniform Procedures Act regulations at 6 NYCRR § 621.12. Such a finding may also, but is not required to, include NYSDEC emergency authorizations under ECL Article 15, Title 5 (Protection of Waters), Article 15, Title 27 (Wild, Scenic, and Recreational Rivers), Article 24 (Freshwater Wetlands), Article 25 (Tidal Wetlands) or Article 34 (Coastal Erosion Management). Where such certification is granted, only NYSDEC General WQC Conditions 1, 4, 5, and 6 shall apply.
17. **NYSDEC General Permits** – This certification also applies to any regulated discharges to Waters of the U.S. covered under an NWP where NYSDEC issues project authorization under a general permit pursuant to ECL Article 15, Title 5 (Protection of Waters), Article 15, Title 27 (Wild, Scenic, and Recreational Rivers), Article 24 (Freshwater Wetlands), Article 25 (Tidal Wetlands), or Article 34 (Coastal Erosion Management). Where such certification is granted, all other NYSDEC General WQC Conditions shall not apply.
18. **NYSDEC Individual Permits** – This certification also applies to any regulated discharges to Waters of the U.S. covered under an NWP where NYSDEC issues individual project authorization pursuant to ECL Article 15, Title 5 (Protection of Waters), Article 15, Title 27 (Wild, Scenic, and Recreational Rivers), Article 24 (Freshwater Wetlands), Article 25 (Tidal Wetlands), or Article 34 (Coastal Erosion

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Management). Where such certification is granted, all other NYSDEC General WQC Conditions shall not apply.

**I. NEW YORK STATE DEPARTMENT OF STATE (NYSDOS) COASTAL ZONE MANAGEMENT CONSISTENCY DETERMINATION ADDITIONAL INFORMATION (APPLICABLE TO ALL NWPS LOCATED WITHIN OR AFFECTING THE NYS COASTAL ZONE):**

Where NYSDOS has objected to the USACE consistency determination, as outlined in the specific NWP listing in Section B above, the applicant must submit a request for an individual consistency determination to NYSDOS.

Further Information:

- Unless NYSDOS issues consistency concurrence or USACE has determined that NYSDOS concurrence is presumed, NWPs are not valid within the Coastal Zone.
- All consistency concurrence determination requests must be submitted directly to NYSDOS with a copy provided to USACE with any required Preconstruction Notification submissions.
- Limits of the coastal zone and details regarding NYSDOS submission requirements, including application forms can be obtained at:  
<https://dos.ny.gov/coastal-consistency-review>.
- For additional information regarding the NYSDOS Coastal Zone Management program, their application forms, and requirements, please contact NYSDOS. See Section K for NYSDOS contact information.

**J. INFORMATION ON NATIONWIDE PERMIT VERIFICATION**

Verification of the applicability of these Nationwide Permits is valid until March 14, 2026, unless the Nationwide Permit is modified, suspended, revoked, or the activity complies with any subsequent permit modification.

It is the applicant's responsibility to remain informed of changes to the Nationwide Permit program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>.

Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this Nationwide permit expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

Possession of this permit does not obviate you of the need to contact all appropriate state and/or local governmental officials to ensure that the project complies with their requirements.

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**K. AGENCY CONTACT INFORMATION**

**NYS Board on Electric Generation Siting and the Environment (Siting Board)**

Three Empire State Plaza  
Albany, NY 12223-1350  
(518) 949-0798  
Email: [Houtan.Moaveni@dps.ny.gov](mailto:Houtan.Moaveni@dps.ny.gov)  
<https://dps.ny.gov/siting-board>

**NYS Department of Environmental Conservation**  
[www.dec.ny.gov](http://www.dec.ny.gov)

**NYS DEC REGION 1**

Regional Permit Administrator  
SUNY @ Stony Brook  
50 Circle Road  
Stony Brook, NY 11790-3409  
(631) 444-0365

**NYS DEC REGION 2**

Regional Permit Administrator  
1 Hunter's Point Plaza  
47-40 21st Street  
Long Island City, NY 11101-5407  
(718) 482-4997

**NYS DEC REGION 3**

Regional Permit Administrator  
21 South Putt Corners Road  
New Paltz, NY 12561-1620  
(845) 256-3054

**NYS DEC REGION 4**

Regional Permit Administrator  
1130 North Westcott Road  
Schenectady, NY 12306-2014  
(518) 357-2069

**NYS DEC REGION 4 Sub-Office**

Deputy Regional Permit Administrator  
65561 State Hwy 10  
Stamford, NY 12167-9503  
(607) 652-7741

**NYS DEC REGION 5**

Regional Permit Administrator  
PO Box 296  
1115 Route 86  
Ray Brook, NY 12977-0296  
(518) 897-1234

**NYS DEC REGION 5 Sub-Office**

Deputy Regional Permit Administrator  
PO Box 220  
232 Golf Course Rd  
Warrensburg, NY 12885-0220  
(518) 623-1281

**NYS DEC REGION 6**

Regional Permit Administrator  
317 Washington Street  
Watertown, NY 13601-3787  
(315) 785-2245

**NYS DEC REGION 6 Sub-Office**

Deputy Regional Permit Administrator  
207 Genesee Street, Room 1404  
Utica, NY 13501-2885  
(315) 793-2555

**NYS DEC REGION 7**

Regional Permit Administrator  
615 Erie Blvd. West, Room 206  
Syracuse, NY 13204-2400  
(315) 426-7438

**NYS DEC REGION 8**

Regional Permit Administrator  
6274 E. Avon - Lima Road  
Avon, NY 14414-9519  
(585) 226-5400

**NYS DEC REGION 9**

Regional Permit Administrator  
270 Michigan Avenue  
Buffalo, NY 14203-2915  
(716) 851-7165

**NYS DEC REGION 9 Sub-Office**

Deputy Regional Permit Administrator  
182 East Union Street, Suite 3  
Allegany, NY 14706-1328  
(716) 372-0645

**NYS Department of Public Service (NYS DPS)**

Three Empire State Plaza  
Albany, NY 12223-1350  
(518) 949-0798  
Email: [Houtan.Moaveni@dps.ny.gov](mailto:Houtan.Moaveni@dps.ny.gov)  
[www.dps.ny.gov](http://www.dps.ny.gov)

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**NYS Department of State (NYSDOS)**

Office of Planning, Development  
And Community Infrastructure  
Consistency Review Unit  
One Commerce Plaza  
99 Washington Avenue, Suite 1010  
Albany, NY 12231-00001  
(518) 474-6000  
Email: [cr@dos.ny.gov](mailto:cr@dos.ny.gov)  
<https://dos.ny.gov/federal-consistency-review-projects-requiring-federal-permits-or-authorizations>

**NYS Office of Renewable Energy Siting (ORES)**

Empire State Plaza  
240 State Street  
P-1 South, J Dock  
Albany, NY 12242  
(518) 949-0798  
Email: [Houtan.Moaveni@ores.ny.gov](mailto:Houtan.Moaveni@ores.ny.gov)  
[www.ores.ny.gov](http://www.ores.ny.gov)

**Saint Regis Mohawk Tribe**

Water Resources Program  
449 Frogtown Road  
Akwesasne, NY 13655  
[www.srmt-nsn.gov](http://www.srmt-nsn.gov)

**Seneca Nation**

Environmental Protection Department  
84 Iroquois Drive  
Irving, NY 14081  
(716) 532-2546

**US Army Corps of Engineers**

(For DEC Regions 1, 2 and 3)  
**US Army Corps of Engineers, NY District (NAN)**  
ATTN: Regulatory Branch, Room 16-406  
26 Federal Plaza  
New York, NY 10278-0090  
For DEC Regions 1 & 2 - (917) 790-8511  
For DEC Region 3 - (917) 790-8411  
Email: [CENAN-PublicNotice@usace.army.mil](mailto:CENAN-PublicNotice@usace.army.mil)

(For DEC Regions 4, 5)  
**US Army Corps of Engineers, NY District (NAN)**  
**Upstate Regulatory Field Office**  
ATTN: CENAN-OP-RU, Bldg. 10, 3rd Floor North  
1 Buffington Street, Watervliet Arsenal  
Watervliet, NY 12189-4000  
(518) 266-6350 - Permits Processing Team  
(518) 266-6360 - Compliance & Enforcement Team  
Email: [cenan.rfo@usace.army.mil](mailto:cenan.rfo@usace.army.mil)

NAN Electronic Application Email:  
[CENAN-R-Permit-App@usace.army.mil](mailto:CENAN-R-Permit-App@usace.army.mil)

NAN website:  
<http://www.nan.usace.army.mil/Missions/Regulatory/>

(For DEC Regions 6, 7, 8, 9)  
**US Army Corps of Engineers,  
Buffalo District (LRB)**

ATTN: Regulatory Branch  
478 Main Street  
Buffalo, NY 14202  
(716) 879-4330

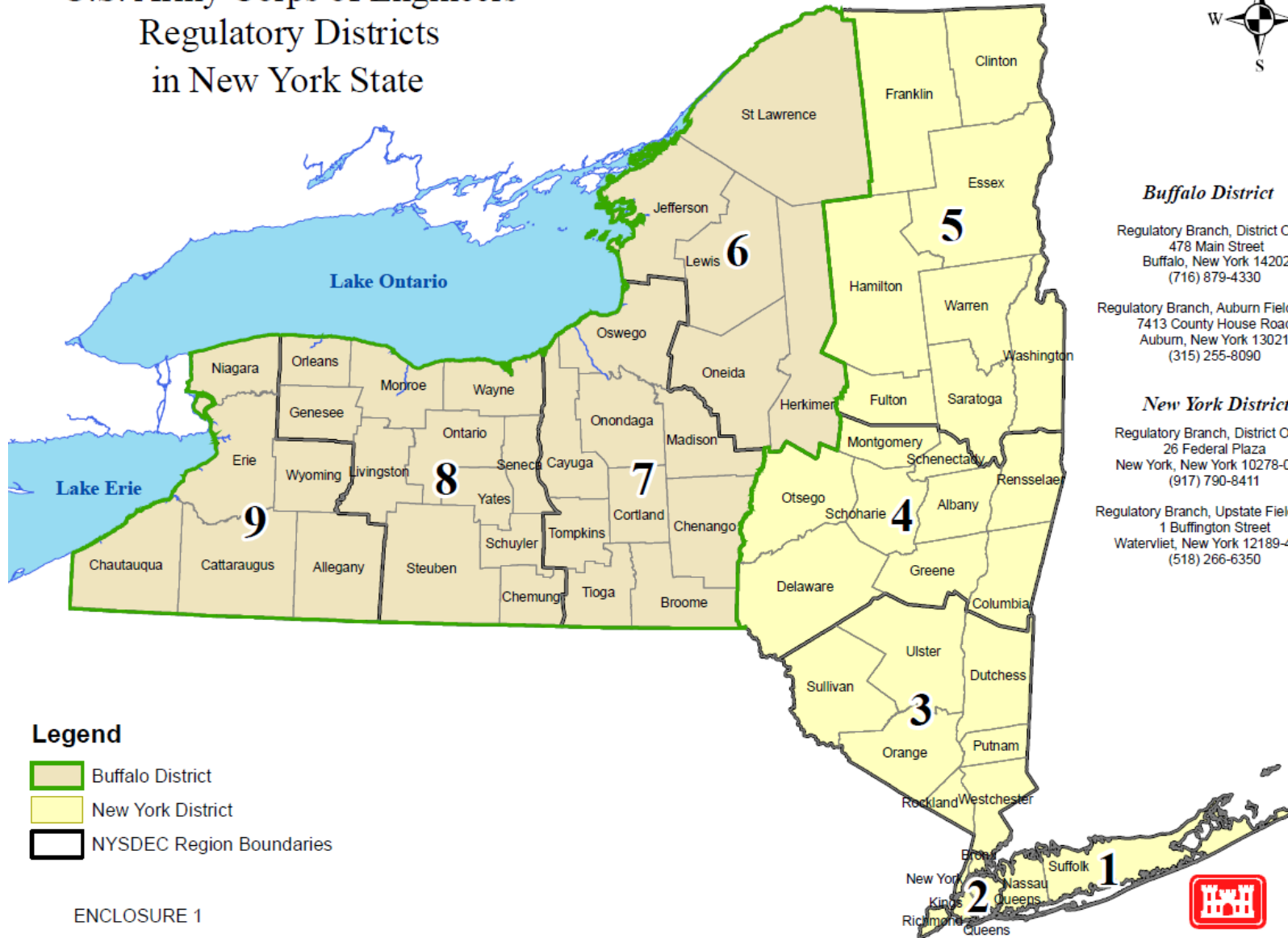
LRB Electronic Application Email:  
[LRB.Regulatory.NewYork.Actions@usace.army.mil](mailto:LRB.Regulatory.NewYork.Actions@usace.army.mil)

LRB website:  
[www.lrb.usace.army.mil/Missions/Regulatory/](http://www.lrb.usace.army.mil/Missions/Regulatory/)

**US Environmental Protection Agency Region 2**

Wetlands Protection Section  
290 Broadway, 24th Floor  
New York, NY 10007  
212-637-3838  
Email: [Region2\\_CWA404@epa.gov](mailto:Region2_CWA404@epa.gov)

# U.S. Army Corps of Engineers Regulatory Districts in New York State



### *Buffalo District*

Regulatory Branch, District Office  
478 Main Street  
Buffalo, New York 14202  
(716) 879-4330

Regulatory Branch, Auburn Field Office  
7413 County House Road  
Auburn, New York 13021  
(315) 255-8090

### *New York District*

Regulatory Branch, District Office  
26 Federal Plaza  
New York, New York 10278-0090  
(917) 790-8411

Regulatory Branch, Upstate Field Office  
1 Buffington Street  
Watervliet, New York 12189-4000  
(518) 266-6350

**ENCLOSURE 1**

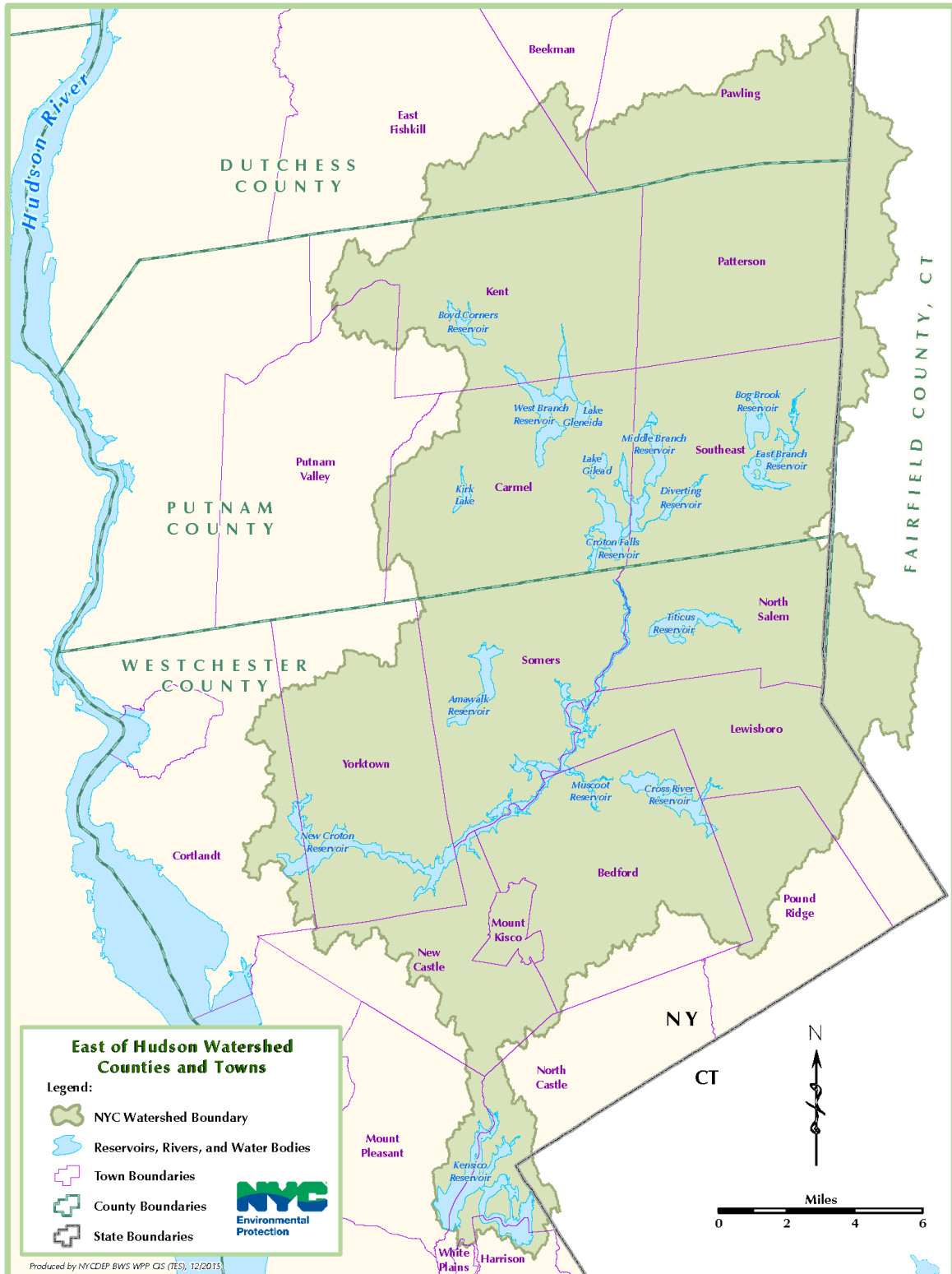
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U.S. Army  
Corps of Engineers

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**ENCLOSURE 2**



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**ENCLOSURE 3**



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

REGULATORY BRANCH

Attn: \_\_\_\_\_

**Commercial Mooring Buoy Application Additional Information**

Permit Application Number NAN-\_\_\_\_\_

Company Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Attn: \_\_\_\_\_

Address: \_\_\_\_\_

Initial  Renewal

If Renewal, USCG Permit No. \_\_\_\_\_

Purpose: \_\_\_\_\_

**LOCATION OF MOORING:**

Anchorage: \_\_\_\_\_ Chart: \_\_\_\_\_ On Scene Depth (ft.): \_\_\_\_\_

Position\*: \_\_\_\_\_ N \_\_\_\_\_ W

**MOORING BUOY DATA:**

No. of anchors: \_\_\_\_\_ Lbs. per anchor: \_\_\_\_\_ Type: \_\_\_\_\_

Chain size (in.): \_\_\_\_\_ Scope (yds.): \_\_\_\_\_

Pennant length (yds.): \_\_\_\_\_ Circ. /dia. (in.): \_\_\_\_\_ Type: \_\_\_\_\_

**VESSEL/BARGE DATA:**

Max size (LxBxD): \_\_\_\_\_ x \_\_\_\_\_ x \_\_\_\_\_ Max No. of barges: \_\_\_\_\_

Configuration (# abreast x # astern): \_\_\_\_\_ x \_\_\_\_\_ Watch circle\*\* (yds.): \_\_\_\_\_

Swing Radius (yards): \_\_\_\_\_

\* Please provide a copy of the NOAA chart showing your proposed mooring buoy location and the swing radius; also identify the Anchorage Ground, if applicable

\*\* Watch Circle =  $\sqrt{(\text{length of scope})^2 - (\text{water depth})^2}$   
Swing Radius = (Watch circle) + (Barge(s) length astern) + (Pendant length(s)) + (10% of swing radius). You must maintain an additional 10% of your Swing Radius from any adjacent mooring buoy Swing Radius for safety and maneuvering.

