

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, NY 14414-9516

P: (585) 226-5400 | F: (585) 226-2830

www.dec.ny.gov

IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. **Please read it carefully and note the conditions that are included in it.** The permit is valid for only those activities expressly authorized therein. Work beyond the scope of the permit and the approved project plans may be considered a violation of the law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent, or approval from any other Federal, State or local government which may be required. Please be sure to check with the local municipality regarding the potential need for local approval.

PLEASE NOTE: You must submit a Notice of Intent to Commence Work (attached) prior to starting work and similar notification must also be made upon completion of project as noted in the permit conditions. If a Permit Notice Sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition #1.

Please note the expiration date of the permit. If you need additional time to complete your project, you must submit your request for permit renewal, in writing, prior to expiration of the permit (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. Provide an explanation of why additional time is needed and how much additional time you are requesting. Please refer to the general conditions listed in the permit for specific instructions. For SPDES, solid Waste and Hazardous Waste Permits, renewal applications must be made at least 180 days prior to the expiration date.

The DEC permit number & Program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

For many projects involving work in and around streams, lakes and wetlands the US Army Corps of Engineers (USACE) may have regulatory authority in addition to this Department. If you have not already done so, you should contact their Buffalo District Regulatory Branch office at 716-879-4330 to obtain any required federal authorizations prior to commencing work. Also, as a reminder, be sure to verify whether any local approvals are required for the project.

If you have any questions on the extent of the work authorized or your obligations under the permit, please feel free to contact me at 585-226-5382.

Sincerely,



Frances Knickmeyer
Environmental Analyst



Department of
Environmental
Conservation





PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

NYS Dept of Environmental Conservation

625 BROADWAY
ALBANY, NY 12233

Facility:

GENESSEE RIVER REMEDIAL RIVER
DREDGING
GENESSEE RIVER - N OF ST RTE 104
ROCHESTER, NY

Facility Location: in ROCHESTER in MONROE COUNTY **Village:** Rochester

Facility Principal Reference Point: NYTM-E: 287.604 NYTM-N: 4788.707

Latitude: 43°13'16.6" Longitude: 77°36'54.6"

Project Location: Genessee River, between Turning Point Park & King's Landing WWTP

Authorized Activity: Remediate portions of the Lower Genessee River and its adjacent wetlands by conducting environmental dredging and excavation to remove sediments contaminated from the historic releases of silver from Kodak's former operations at the Eastman Business Park located adjacent to the Lower Genessee River. The site includes approximately 2.5 miles of the Lower Genessee River and adjoining wetland and floodplain.

In-river dredging to a depth of 2.5 feet will occur at two separate locations totaling 2.9 acres. The in-river dredge area includes regulated Adjacent Area for NYS Freshwater Wetland RH-8. Approximately 14,500 CY will be removed at in-river locations. An isolation cap will be placed over dredged areas of the riverbed to minimize changes in surface elevation. Wetland excavation to a depth of 2.5 feet over 2.2 acres (9,400 CY) will occur in NYS Regulated Freshwater Wetland RH-21. To minimize changes in surface elevation, backfill will be placed in excavated areas of the wetlands.

As specified in Natural Resources Special Condition 5, the following in-water work restrictive periods apply:

- For the protection of warm/cool water species, **dredging and filling is prohibited from April 15 through June 30** in the main river channel (AOC-1 and AOC-2).
- For the protection of migratory Lake Ontario salmonoid species and hatchery raised lake sturgeon, **in-river work (dredging and filling) is prohibited from October 1 through November 30.**

Permit Authorizations

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 8-2614-00963/00002

New Permit

Effective Date: 11/18/2020

Expiration Date: 12/31/2022



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: ROBERT B CALL, Deputy Permit Administrator
Address: NYSDEC Region 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY 14414

Authorized Signature: _____ Date 11/18/2020

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

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

1. 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 Parsons, contained within Attachment H of the NYSDEC permit application package, as cited in Natural Resources Special Condition 2.

2. Conformance with Plans - Addenda In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application:

- a. Plans prepared by Parsons, titled "Lower Genesee River Corrective Measures Remedial Construction", drawing numbers 448923-G-001, 448923-G-002, and 448923-C-001 through 448923-C-020, dated June 25, 2020, last revised October 8, 2020, received by NYSDEC October 19, 2020.
- b. Plans prepared by Parsons, titled "Lower Genesee River CMS, Section XI, Supplemental Specs", sections "02 21 00 Surveys", "02 22 00 Pre- and Post-Condition Surveys", "02 51 00 Decon Procedures", and "31 11 00 Clearing & Grubbing", dated June 23, 2020, received by NYSDEC October 19, 2020.



- c. Plans prepared by Parsons, titled “Lower Genesee River CMS, Section XI, Supplemental Specs”, section “02 72 00 Construction Water Management”, dated June 24, 2020, received by NYSDEC October 19, 2020.
- d. Plans prepared by Parsons, titled “Lower Genesee River CMS, Section XI, Supplemental Specs”, sections “02 81 00 Off-Site Transportation & Disposal”, “31 25 00 Erosion & Sediment Control”, “32 72 00 Wetland Restoration”, “35 20 23 Dredging”, “35 20 30 Dredge Material Management & Processing”, “35 20 50 Backfilling and Capping”, and “35 80 00 Turbidity Controls and Monitoring”, dated June 23, 2020, last revised August 13, 2020, received by NYSDEC October 19, 2020.
- e. Plans prepared by Parsons, titled “Lower Genesee River CMS, Section XI, Supplemental Specs”, section “01 74 19 Waste Removal, Handling and Storage”, dated June 23, 2020, last revised October 5, 2020, received by NYSDEC October 19, 2020.
- f. Plans prepared by Parsons, titled “Lower Genesee River CMS, Section XI, Supplemental Specs”, section “35 00 00 Waterway & Marine Construction”, dated June 23, 2020, last revised July 29, 2020, received by NYSDEC October 19, 2020.
- g. Plans prepared by Parsons, titled “Lower Genesee River CMS, Section XI, Supplemental Specs”, section “01 11 13 Summary of Work”, dated June 23, 2020, last revised October 8, 2020, received by NYSDEC October 19, 2020.

3. Notice of Intent to Commence Work The permittee shall submit a Notice of Intent to Commence Work to the Region 8 Division of Environmental Permits, Attention: Frances Knickmeyer (frances.knickmeyer@dec.ny.gov) at least 48 hours in advance of the time of commencement and shall also notify them promptly in writing of the completion of work.

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

5. In-Water Work Restrictive Periods

- a. For the protection of warm/cool water species, dredging and filling is prohibited from April 15 through June 30 in the main river channel (AOC-1 and AOC-2).
- b. For the protection of migratory Lake Ontario salmonoid species and hatchery raised lake sturgeon, in-river work (dredging and filling) is prohibited from October 1 through November 30.
- c. In-river work related to site mobilization is permitted between April 15 and June 30; this includes the installation of temporary shoreline support features and mooring points.
- d. Work within Wetland C will be permitted from June 1 through April 14. This includes clearing and wetland soil removal. Removed soil may be transported by barge to the site staging area.



6. Best Management Practices Best management practices will be employed and maintained for the duration of the project to prevent the loss of construction materials, debris and sediment from entering the wetlands or waterways. Such practices may include, but are not limited to construction fencing, staked hay bales, silt fencing, and turbidity curtains.

7. Seed and Mulch 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 or hay mulch or jute matting or other similar natural fiber matting within 7 days of final grading.

Temporary stabilization shall be maintained until a mature vegetative cover is established to the Department's satisfaction.

8. Clean Fill Material Only Fill material must consist only of clean inorganic sand, gravel, stone, or soil. No other materials are to be used unless specifically authorized by this permit.

9. Dredged Material Dewatering and Disposal Dredged and excavated material must be dewatered on-site in floating scows or onshore in the sediment loading and staging area within a delineated material handling area. Dewatered material must be disposed of at an offsite landfill.

10. 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.

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

12. 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.

13. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

14. 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.



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 8 Headquarters
6274 E Avon-Lima Rd
Avon, NY14414

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



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

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

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

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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



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

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



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8

6274 East Avon-Lima Road, Avon, NY 14414-9516

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NOTICE OF INTENT TO COMMENCE WORK

Date: _____

NYS Department of Environmental Conservation
Division of Environmental Permits
6274 East Avon-Lima Road
Avon, NY 14414

Re: 401 Water Quality Certification
DEC Permit No. 8-2614-00963/00002

In accordance with Condition #3 of the referenced permit, I hereby serve notice to commence work on or about _____, 20____. Notice of project completion will be submitted within one week after termination of all work.

This is also to certify that, having read in entirety the permit, I am fully aware of and understand the general, supplemental and special conditions, and agree to comply in all respects to those requirements. I further understand that prior to undertaking any modification to the authorized project, I must seek and receive the written approval of the Regional Permit Administrator.

WARNING

The Permittee and the contractor (if any) are required to follow all permit conditions. Violation of permit conditions may lead to legal action, including the imposition of substantial monetary fines and corrective work.

Signature of Permittee

Signature of Contractor (if any)

Contractor's Address

Contractor's Telephone Number

Signature of Landowner(s)

Attention Permittee and/or Contractor: Please fold as noted on the back and return.



Department of
Environmental
Conservation

(Fold # 2)

Place
Stamp
Here

NYS Department of Environmental Conservation
Attn: Environmental Permits
6274 E Avon-Lima Rd
Avon, NY 14414

(Fold # 1 – Staple Here)



Department of Environmental Conservation

NOTICE

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

Permit Number **8-2614-00963/00002**

Expiration Date **12/31/2022**

Regional Permit Administrator

Thomas P Haley
6274 E Avon-Lima Rd
Avon, NY 14414
(585) 226-5400

NOTE: This notice is **NOT** a permit