

**New York State Department of Environmental Conservation
Division of Water**

Bureau of Water Permits, 4th Floor

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Alexander B. Grannis
Commissioner

MEMORANDUM

TO: Jeffery E. Trad, DER - Remedial Bureau E

FROM: Bruce Terbush, Bureau of Water Permits *BRT*

SUBJECT: BICC Cable - Site No. C360051
Dewatering Treatment System

DRAINAGE BASIN: 13

DATE: October 15, 2008

This is in response to the October 1, 2008 letter from Mr. Joe Mahon from Moretrench American Corporation requesting a modification to the SPDES Permit Equivalent for the BICC Cable Site Treatment System discharge pipe. This modification reflects a 12" discharge pipe at a new location approximately 400 feet south of the previous discharge pipe. Please be advised that this modification was discussed with our water quality engineer and the proposed changes will not result in a change in the effluent criteria.

In addition to the above, the treatment system design flow has been corrected from 1000 gallons per minute to 500 gallons per minute.

The Division of Water does not have any regulatory authority over a discharge from a State, PRP, or Federal Superfund Site. The Division of Environmental Remediation will be responsible for ensuring compliance with the attached effluent criteria and approval of all engineering submissions. Additional Condition (1) identifies the appropriate DER Section Chief as the place to send all effluent results, engineering submissions, and modification requests. The Regional Water Engineer should be kept apprised of the status of these discharges and, in accordance with the attached criteria, receive a copy of the effluent results for informational purposes.

If you have any questions, please call me at (518) 402-8235.

Attachment

cc: (w/att) T. Rudolph, Regional Water Manager, Region 3
C. Webber

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning at start-up and lasting until start-up + 2 years the discharges from the treatment facility to the Hudson River [water index number H portion, Class SB] shall be limited and monitored by the operator as specified below:

Outfall Number and Parameter	Discharge Limitations		Units	Minimum Monitoring Requirements		Footnote
	Daily Avg.	Daily Max		Measurement Frequency	Sample Type	
Outfall 001 - Dewatering Treatment System Discharge						
Flow	Monitor	500	GPM	Continuous	Meter	
pH (range)	6.0 to 9.0		SU	Monthly	Grab	1
Total Suspended Solids	NA	20	mg/l	Monthly	Grab	1
Oil & Grease	NA	15	mg/l	Monthly	Grab	1
Benzene	NA	5.0	µg/l	Monthly	Grab	1
Ethylbenzene	NA	5.0	µg/l	Monthly	Grab	1
Toluene	NA	5.0	µg/l	Monthly	Grab	1
Xylene, Total	NA	15.0	µg/l	Monthly	Grab	1
Chlorobenzene	NA	10.0	µg/l	Monthly	Grab	1
Fluorene	NA	10.0	µg/l	Monthly	Grab	1
Naphthalene	NA	10.0	µg/l	Monthly	Grab	1
2-Methylnaphthalene	NA	10.0	µg/l	Monthly	Grab	1
Phenanthrene	NA	6.0	µg/l	Monthly	Grab	1
Aroclor 1260	NA	0.065	µg/l	Monthly	Grab	1,2
Copper, Total	NA	0.027	mg/l	Monthly	Grab	1
Iron, Total	NA	1.2	mg/l	Monthly	Grab	1
Lead, Total	NA	0.034	mg/l	Monthly	Grab	1
Mercury	NA	0.05	µg/l	Monthly	Grab	1,3
Zinc, Total	NA	0.10	mg/l	Monthly	Grab	1
Chlorine, Total Residual	NA	0.1	mg/l	Monthly	Grab	1,4

Footnotes:

- (1) The minimum measurement frequency shall be monthly following a period of 8 consecutive weekly sampling events showing no exceedances of the stated discharge limitations.
- (2) PCBs must be monitored using EPA method 608 with the test procedures set forth in 40 CFR 136. The laboratory must attempt to achieve a MDL of 65 ng/l per Aroclor or Department approved effluent specific MDL. All values above the MDL must be reported. Monitoring requirements may be modified in the future if a method superior 608 is approved for general use.
- (3) Mercury - analysis using either EPA Method 1631 or 245.7
- (4) Monitoring for total chlorine residual is only required if chlorine or hypochlorite is added for iron control.

Additional Conditions:

- (1) Discharge is not authorized until such time as an engineering submission showing the method of treatment is approved by the Department. The discharge rate may not exceed the effective or design treatment system capacity. All monitoring data, engineering submissions and modification requests must be submitted to:

Michael Mason/Jeff Trad
Project Managers
NYSDEC - Division of Environmental Remediation
625 Broadway, 12th Floor
Albany, NY 12233-7013
Phone: (518) 402-9813

With an annual summary of monitoring results sent to:

Regional Water Manager
NYSDEC - Region 3
100 Hillside Avenue, Suite 1W
White Plains, NY 10603
Phone: (914) 428-0323
- (2) Only contaminated groundwater from this site is authorized for treatment and discharge.
- (3) Authorization to discharge is valid only for the period noted above but may be renewed if appropriate. A request for renewal must be received 6 months prior to the expiration date to allow for a review of monitoring data and reassessment of monitoring requirements.
- (4) Both concentration (mg/l or µg/l) and mass loadings (lbs/day) must be reported to the Department for all parameters except flow and pH.
- (5) Any use of corrosion/scale inhibitors, biocidal-type compounds, or other water treatment chemicals used in the treatment process must be approved by the department prior to use.
- (6) This discharge and administration of this discharge must comply with the substantive requirements of 6NYCRR Part 750.

Stormwater Pollution Prevention Plan

NYSDEC General Permit GP-0-08-001 Equivalency

August 28, 2008

Site Location:

**Former BICC Cables Site
One Point Street Brownfield Remediation Site
One Point Street
Yonkers, New York
NYSDEC Site No. C360051**

Prepared For:

**Blackacre Partners OPS, LLC
On behalf of One Point Street, Inc.
331 Madison Avenue, 2nd Floor
New York, New York 10017**

DATED	VERSION	SWPPP Preparer Signature
August 28, 2008	1.0	

CONTENTS

	<u>Page</u>
1.0 INTRODUCTION.....	1
1.1 Background	1
1.2 Site Topography and Geology.....	2
2.0 PROJECT DESCRIPTION.....	3
2.1 Regulatory Applicability and Compliance/Permit Equivalency	3
3.0 SITE CONDITIONS AND STORMWATER MANAGEMENT	5
3.1 Existing Conditions	5
3.2 Conditions During Remediation.....	5
3.3 Post-Remediation Conditions	5
3.4 Existing Stormwater Management.....	5
3.5 Stormwater Management During Remediation	6
3.6 Post-Remediation Stormwater Management.....	6
4.0 EROSION AND SEDIMENT CONTROL	7
4.1 Erosion and Sediment Control During Construction.....	7
5.0 CONSTRUCTION PRACTICES TO MINIMIZE STORMWATER CONTAMINATION	10
6.0 MAINTENANCE/INSPECTION PROCEDURES	12
6.1 Inspection	12
6.2 Employee Training.....	13
7.0 PROJECT CONSTRUCTION SCHEDULE	14
8.0 SWPPP COORDINATOR AND DUTIES	15
8.1 Construction Manager/Subcontractor SWPPP Certification Statement	16
8.2 Owner/Operator SWPPP Certification.....	18

FIGURES

<u>No.</u>	<u>Description</u>
1	Location Map

DRAWINGS

<u>No.</u>	<u>Description</u>
1	Site Location Plan
2	Estimated Finished Excavation Elevation Plan
3a	Erosion Control Plan – South Yard
3b	Erosion Control Plan – North Yard
4	Typical Erosion and Sediment Control Details
5	Soil Staging Pad Detail

APPENDICES

APPENDIX A — GP-0-08-001 General SPDES Permit

APPENDIX B — SWPPP Inspection Forms

APPENDIX C — Construction Schedule

1.0 INTRODUCTION

This Storm Water Pollution Prevention Plan (SWPPP) was prepared to manage stormwater generated during remedial excavation activities associated with the Former BICC Cables Site, located at One Point Street in Yonkers, New York, herein referenced as the Site. This plan was prepared in accordance with the New York State Department of Environmental Conservation (NYSDEC) requirements and guidelines for State Pollution Discharge Elimination System (SPDES) General Permit equivalency for Stormwater Discharges from Construction Activities, Permit Number GP-0-08-001 (**Appendix A**). This plan will be implemented on-site by the Remedial Contractor (Gramercy Group, Inc.). Gramercy Group, Inc. (Gramercy) will be responsible for installation, maintenance, and repair of storm water and erosion/sediment control measures described in this plan, or for completion of such duties by its subcontractors. Gramercy will also be responsible for providing periodic inspections of such measures, notification of deficiencies to the property owner/operator (Blackacre Partners, OPS. LLC) and their Engineer (H2M), and revisions (as-needed) to this SWPPP throughout their involvement at the Site. Gramercy will follow the requirements of this plan as it relates to its own remedial contracting scope of work (e.g. dewatering and groundwater treatment; remedial excavation, management, transportation and disposal of contaminated soil). The objective of this plan is to provide a clear and concise description of the measures that Gramercy, subcontractors and lower tier subcontractors to Gramercy, will take to manage stormwater generated at the areas of Site during remediation to maintain water quality in the waters of the state.

1.1 Background

The Site occupies approximately 13 acres, split between what are now called the North End (where the buildings previously occupied), the North Yard and the South Yard, with approximately 1,800 feet fronting the Hudson River (See Figure 1). The North Yard was the principal location for disposal of on-site manufacturing processes, and is the focus of the remediation activities outlined in the Remedial Excavation Work Plan as well as this SWPPP. (This SWPPP, while a stand-alone document, is also included as Exhibit 9 of the Remedial Excavation Work Plan, and both the SWPPP and remedial Excavation Work Plan are incorporated as part of the Work Plan and SWPPP.) The Site was historically used for various electrical, cable and wire production activities, including the manufacture and use of lead jacketing, plastic coatings, insulating/dielectric oils, and petroleum derivatives/synthetic coatings.

In 1998, the New York State Department of Environmental Conservation (NYSDEC) listed the site on the New York State Inactive Hazardous Waste Disposal Site Registry with a classification of 2, and assigned it

NYSDEC Site No. 360051. As a result, the Site subsurface soil and groundwater have since been subject to extensive investigations, which have lead to the aforementioned remedial excavation work.

Land use in the vicinity of the proposed excavation work includes residential, commercial, light industrial, heavy industrial, warehousing/storage facilities, and undeveloped parcels. Prior on-site land use included industrial production and storage of electronics, cables, wire, and wire insulation/coatings/jacketing and auto parking. The proposed remedial excavation will take place beneath former buildings and parking areas. The excavation will not result in any increase of impervious surface area on the Site; therefore the work plan does not propose the installation of any new stormwater controls. Steps outlined in this plan will be taken to protect existing storm water management systems from sediment buildup.

1.2 Site Topography and Geology

The scope of the proposed remediation activities will be conducted in the overburden of the North Yard to a maximum depth of 12 feet below existing general Site grade. The overburden in the areas of the excavation reportedly contain coarse sand and gravel mixed/interbedded with historic fill containing brick fragments, cinders, slag, coal, ash and shells, wood pieces, resin material, oily residue, rubber, white chalky resin-like material, wire, cable and plastic. A layer of organic silt exists at depths ranging from 10 to 27 feet below grade within this area of the Site. The soil subject to excavation activities is estimated by texture to be Hydrologic Soil Group (HSG) A.

The elevation of the Site is generally level, with slopes ranging from typical elevations between 6 and 7 feet above mean sea level on the western 2/3 of the Site. A steep slope (approximately 10 feet down from the adjacent property to the Site grade) and retaining wall exist on the eastern section of the Site. The surface area consists of mixed media pavements and soils exposed after recent building demolition.

2.0 PROJECT DESCRIPTION

The North Yard excavation area will be remediated by excavating contaminated soils, backfilling with approved material, and capping with a 4-inch layer of approved stone and a 2-inch layer of asphalt in accordance with the 2005 Record of Decision (ROD). Prior to excavation, interlocking sheet piling will be installed around the areas of deep excavation (8 to 12 feet depth). Due to the high water table, dewatering will be required to excavate to the required depths. Steps will be taken to protect existing storm water management systems from sediment buildup. The proposed excavation will take place beneath existing paved surfaces or recently demolished buildings, and will not result in any increase of impervious surface area on the Site. The entire area of planned disturbance is currently capped with concrete and asphalt paving, and therefore there will be no increase in impervious surface area. Therefore, the aforementioned work plan does not propose the installation of new storm sewers or stormwater controls.

Site remediation activities work are being conducted pursuant to the Brownfield Cleanup Agreement (BCA) between OPS and the New York State Department of Environmental Conservation (NYSDEC) dated 11 May 2005, and in accordance with the March 2005 Record of Decision (ROD). More specifically, remedial activities for the North Yard will be conducted under NYSDEC oversight and approval and in accordance the North Yard Remedial Excavation Work Plan, upon approval by the NYSDEC.

2.1 Regulatory Applicability and Compliance/Permit Equivalency

The federal Clean Water Act and Phase 2 Stormwater program require permitting of stormwater discharges to surface waters from regulated construction sites. To adhere to this provision within New York State, the NYSDEC has developed a stormwater General Permit (GP-0-08-001), implemented as part of the State Pollution Discharge Elimination System (SPDES) program. Coverage under the General Permit requires submittal of a Notice of Intent (NOI) and preparation/implementation of a stormwater pollution prevention plan (SWPPP). The SWPPP establishes guidelines and procedures required before, during, and after soil disturbance created by construction activities. This Site has been issued a SPDES equivalency by the NYSDEC for discharge of treated groundwater (from the dewatering system). Because these remedial activities are being conducted under a Brownfields Cleanup Agreement, no NOI will be filed. The NYSDEC or its authorized representative may notify Blackacre Partners or H2M at any time that the SWPPP does not meet one or more of the minimum requirements of the General Permit equivalency. Such notification shall identify those provisions of the permit equivalency that are not being met by the

SWPPP and identify which provisions of the SWPPP require modifications in order to meet the minimum requirements of the General Permit equivalency. Following such notification,,(or as otherwise provided by NYSDEC), Blackacre Partners or H2M shall notify Gramercy, and Gramercy shall make the required changes to the SWPPP and shall submit to Blackacre Partners or H2M. Blackacre Partners or H2M shall subsequently submit to the NYSDEC within fourteen (14) days a written certification that the requested changes have been made.

Blackacre Partners shall retain copies of the SWPPP and any other reports submitted in conjunction with the permit equivalency, for a period of at least five (5) years from the date that the site is finally stabilized. That period may be extended by the NYSDEC, in its sole discretion, at any time upon written notification. The operator shall prepare a written summary of its status with respect to compliance with this General Permit equivalency at a minimum frequency of every three months during which coverage under this permit exists. The summary should address the status of achieving each component of the SWPPP and shall be handled in the same manner as prescribed for SWPPPs.

3.0 SITE CONDITIONS AND STORMWATER MANAGEMENT

3.1 Existing Conditions

The site is currently vacant and in the process of being demolished for redevelopment. There exists minimal grass and landscaping across the Site. Within the entire area of disturbance pursuant to the planned excavation activities in the North Yard, all surfaces are currently paved with asphalt and/or concrete and the entire area is currently covered with impervious surface. An existing survey of the site can be found on the Existing Drainage and Utility Plan in **Drawing 1**.

3.2 Conditions During Remediation

Prior to excavation, interlocking sheet piling will be installed around the areas of deep excavation (8 to 12 feet depth). Due to the high water table, dewatering will be required to excavate to the planned depths. The excavation areas are identified in **Drawing 2**.

3.3 Post-Remediation Conditions

Following the remediation activities, the excavated area will be re-filled and capped with stone and asphalt. The Site's impervious surface area will be returned to pre-excavation conditions.

3.4 Existing Stormwater Management

The majority of stormwater runoff at the Site currently flows directly into the Hudson River or infiltrates into the ground in unpaved areas. There is one combined sewer running through the site, but there are no inlets leading to it within the boundaries. The entire disturbance area of the North Yard is covered with impervious materials consisting of asphalt and concrete. Stormwater in other areas of the Site that collects in grassy or vegetated areas infiltrates to the ground or flows through drainage swales/ditches to the boundary outfalls. There are several unsealed sewer covers to the east of the excavation and planned stockpile areas. There are also several drainage inlets present in the North Yard. With the exception of the two (2) closest to the excavation area, the others will not likely be impacted by remediation activities. All of the above structures are identified in **Drawing 1**.

3.5 Stormwater Management During Remediation

Stormwater accumulating in the excavation will be pumped by the dewatering system, treated, and discharged to the Hudson River in accordance with a separate specific SPDES Point-discharge Permit equivalency. Stormwater from surrounding paved areas of the Site will continue to discharge to existing catch basins and inlets.

3.6 Post-Remediation Stormwater Management

Since the total impervious surface area of the Site is expected to return to pre-excavation conditions, the current stormwater management system will not warrant any modifications. Future development of the site will include evaluation and incorporation of modifications to the existing stormwater management systems and controls, as necessary, and the need for an Individual or Multi-Sector General SPDES Permit for industrial stormwater will be evaluated for the Site.

4.0 EROSION AND SEDIMENT CONTROL

Gramercy and its subcontractor(s) are responsible for implementing and maintaining erosion and sediment control measures during remediation, and will control potentially sediment-laden water and stabilize the post-development areas as soon as possible after they are disturbed. Soil disturbing activities shall not begin until the erosion and sedimentation control measures have been installed and Blackacre Partner's Engineer has performed an initial inspection. Subsequent inspections will be performed by a qualified inspector provided by Gramercy. It should be noted that the North Yard drainage areas are relatively flat, and, as a result, erosion and sediment transport control measures will not be subject to the significant flow velocities and quantities typically associated with runoff from steeply sloping sites. Silt fence along the northern border of the excavation is not warranted due to the installation of steel sheeting, which should effectively contain mobile sediment within the excavation area.

4.1 Erosion and Sediment Control During Construction

Erosion and sediment control measures to be implemented prior to construction are summarized below:

- Install a stabilized construction entrance at the site's entrance to minimize tracking of soil onto paved public roads by construction vehicles. Sediment that is tracked onto pavement will be removed immediately, and disposed of or re-graded on-site. Trucks (for importation of fill or off-site disposal of excavated materials) or alternate designated subcontractors of Gramercy, will be monitored by Gramercy or alternate designated subcontractor of Gramercy after unloading/loading to minimize tracking of excess/loose soil or fill.
- Install silt fences or straw bales along the perimeter of the areas to be disturbed.
- Install stone and block drop inlet protection around existing stormwater catch basins within the work area to prevent sediment from entering existing stormwater drainage system.
- Install straw bale sediment barriers where needed to slow sheet flow velocity and trap sediment.
- Install silt fences or straw bales around proposed areas of excavated soil stockpiling (i.e., soil staging pads and mixing pads) or loading, as required. Excavated material will be temporarily stockpiled as described in detail below:

Excavated soils will be stockpiled on-site within one of four specially constructed temporary storage pads located on the South Yard, as presented on **Drawing 3a**. Each storage pad will be constructed by placing an impervious pad of minimum double-layer of 8-mil high-density polyethylene sheeting overlaying a minimum 6-inch lift of ¾-inch crushed gravel. Double-lined or higher thickness polyethylene sheeting will be considered. The sheeting will be connected by overlapping each sheet and connecting the sheets using double-sided asphaltic tape, or approved alternate. The boundary of each storage pad will be surrounded by soil berms, covered in plastic (as described above), to prevent runoff out of or on to each pad. The outside perimeter of the plastic covered berms will be lined with straw bails or silt fence to provide an additional measure of protection against the runoff of sediment-laden liquids. Secured/anchored tarps or plastic sheeting will be used to cover stockpiles at the end of each day, as well as stockpiles that are not actively being loaded or unloaded for longer periods of time.

To collect drainage water, each side of the pad will slope to a rear trench/depression(s) containing a perforated drainage pipe covered with silt-fabric and surrounded by gravel. The drainage pipe from each pad will join together in a header, and run to the excavation. Water will be pumped as needed to the groundwater treatment system. A drawing showing the construction of the Soil Staging Pads is shown on **Drawing 5**.

The soil stockpiles within the staging areas will be covered in tarp at the end of the day and on weekends, holidays, etc, and the tarps will be weighted sufficiently on all sides to prevent dislodgement due to wind or other inclement weather.

The location of erosion and sediment control measures are shown on **Drawings 3a and 3b**. The exact location of erosion and sediment control measures will be field verified with the SWPPP coordinator. Additional measures may be required due to field conditions and will be provided by Gramercy and its subcontractor(s) as needed. The SWPPP will be amended to identify new contractors or subcontractors that will implement measures of the SWPPP. It is anticipated that during the course of the work, disturbed soil areas will be continually reworked or the grade contours will be altered causing stormwater runoff to accumulate in excavations on site. Updated site plans will be generated if changes in grade contours or site conditions are such that they will affect stormwater runoff from the site. In accordance with the terms of the General Permit equivalency, Gramercy will amend the SWPPP when there is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP, or if the SWPPP proves ineffective in either of the following:

1. Eliminating or significantly minimizing pollutants from sources identified in the SWPPP required by the permit
2. Achieving the general objectives of controlling pollutants in stormwater discharges from the permitted construction activity

If any disturbed soil area will remain exposed or unaltered for more than fourteen days and stormwater from that area can flow off-site, then the area will be covered with mulched straw or equivalent to inhibit erosion and sediment runoff during storm events, except in the following two circumstances:

1. Where initiation of stabilization measures is precluded by snow cover or frozen ground conditions before the fourteenth day after remediation activities are temporarily or permanently ceased, stabilization measures shall be initiated as soon as practicable.
2. Where remediation activity on a portion of the site is temporarily ceased, and earth-disturbing activities will be resumed within twenty-one days, temporary stabilization measures need not be initiated on that portion of the site.

Due to the nature of the disturbance which consists of an excavation to below grade to a minimum of four feet deep, run off from the disturbed area is not a concern. The major concern is to control run-on into the excavation area. Therefore, it is not anticipated that stabilization measures will be required.

Detailed construction drawings for the stabilized construction entrance, silt fences, sediment barriers, and catch basin protection measures are shown on **Drawing 4**. *Gramercy is responsible for identifying if alternate erosion/sediment and stormwater control measures are planned, and is responsible for filing an amendment to this SWPPP for such changes.*

The NYSDEC may, at its sole discretion, require monitoring of discharges from the permitted remediation activity after notifying Blackacre Partners in writing of basis for such monitoring, the parameters and frequency at which monitoring shall occur, and the associated reporting requirements, if any.

5.0 CONSTRUCTION PRACTICES TO MINIMIZE STORMWATER CONTAMINATION

Gramercy and its subcontractor(s) will store, remove and dispose of all construction-related waste materials generated on the site by the construction activities in accordance with the approved North Yard Remedial Excavation Work Plan. Additionally, trash and debris will be collected and stored in metal dumpsters located at a designated area by the SWPPP coordinator. The dumpsters will be emptied regularly by a collection service. Sanitary waste will be disposed of through the use of portable toilets and will be emptied as needed to avoid overfilling via a pump-out service. Good housekeeping and spill control practices will be followed during construction to minimize stormwater contamination. The following list identifies the potential sources of pollution at the site and best management practices to mitigate them.

- All vehicles on-site will be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Gramercy, or alternated designated subcontractor of Gramercy, will monitor for leaks on trucks that it contracts for importation of fill or disposal of excavated materials.
- Petroleum product will be stored in tightly sealed containers that are clearly labeled.
- All paint containers (used on-site for construction mark-outs) will be tightly sealed and stored when not required for use. Excess paint will not be discharged to the storm system, but will be properly disposed of according to the manufacturer's instructions.
- Materials and equipment necessary for spill cleanup ("spill kits") will be kept at several central locations onsite. Equipment will include, but not be limited to, such items as brooms, dust pans, mops, rags, gloves, goggles, oil-adsorbent media ("kitty litter"), oil-adsorbent booms, sand, saw dust, and plastic and metal trash containers, or approved equivalents.
- All spills will be cleaned up immediately upon discovery. Spills large enough to reach the storm system will be reported first to Blackacre Partners and subsequently to the National Response Center at 800-424-8802 and NYSDEC Spills Hotline at 1-800-424-8802.
- A stabilized construction entrance will be constructed to reduce vehicle tracking of sediments.
- The paved street adjacent to the site entrance will be swept as needed to remove excess mud, dirt, or rock tracked from the site.

- Materials and equipment necessary to mitigate soil erosion/sediment control will be kept in a temporary material storage trailer onsite. Equipment will include, but not be limited to, silt fences, hay bales, catch basin filter fabric and pipe socks.

6.0 MAINTENANCE/INSPECTION PROCEDURES

6.1 Inspection

In accordance with the general permit requirements, a qualified inspector from the owner or operator (herein "qualified professional") will conduct an assessment of the Site prior to the commencement of construction and certify in an inspection report that the appropriate erosion and sediment controls in the SWPPP (and required by the permit) are adequately installed and implemented to ensure the overall preparedness of the site for the commencement of construction activities. The SWPPP inspection forms and construction site log book are contained in **Appendix B**. Thereafter, visual inspections of all disturbed areas of the construction Site will be performed at least every 7 calendar days. A qualified inspector will conduct the inspections, following the protocols listed below:

- Indicate on a Site map the extent of all disturbed site areas and drainage pathways. On the Site map, indicate site areas that are expected to undergo initial disturbance or significant Site work within the next 14-day period.
- Indicate on a Site map all areas of the site that have undergone temporary or permanent stabilization.
- Indicate all disturbed areas that have not undergone active site work during the previous 14-day period.

The inspections will verify that the erosion and sediment control measures described in Section 4 are in good condition and are minimizing erosion. The inspection will also verify that the procedures used to prevent stormwater contamination from construction materials and petroleum products are effective. The following inspection and maintenance practices will be used to maintain erosion and sediment controls:

- Built up sediment will be removed from silt fencing and stormwater catch basin straw bales when it has reached one-third the height of the fence or straw bale. Removed soil will be stockpiled or regraded on-site.
- Silt fences will be inspected for depth of sediment, for tears, for verification that the fabric is securely attached to the fence posts and is effectively in contact with the ground, and for verification that the fence posts are firmly in the ground.
- Straw bales will be inspected for depth of the sediment and to verify that the straw bale stakes are firmly in the ground.

- The stabilized construction entrance will be inspected daily for sediment tracked on the road, for clean gravel, and to ensure that all traffic uses the stabilized entrance when leaving the site.
- The sediment will be removed from sediment traps or sediment ponds whenever their capacity has been reduced by fifty-percent from the design capacity.

A maintenance self-inspection report will be prepared after each inspection. A record of all inspection reports and summary reports will be maintained on-site in a logbook during the entire construction period, and will be made available to NYSDEC upon request. Blackacre Partners will certify in the site logbook that the SWPPP was prepared in accordance with Part IV (C) of the general permit, and meets all federal, state, and local erosion and sediment control requirements. Template copies of the self-inspection forms and summary reports to be completed by a qualified professional are provided in **Appendix B**. Inspection reports, log books, and the SWPPP will be maintained on site in the construction trailer for review and inspection.

Prior to filing a Notice of Termination (NOT) or the end of the permit term, a qualified professional will perform a final site inspection. The qualified professional will certify that the site has undergone final stabilization using either vegetative or structural stabilization methods, and that all temporary erosion and sediment controls not needed for long-term erosion controls have been removed. Blackacre Partners will certify that the general permit requirements for site assessment and inspections, stabilization, and maintenance have been satisfied within 48-hours of actually meeting such requirements.

6.2 Employee Training

An employee-training program will be developed and implemented to educate all employees and new hires at the site about the requirements of the SWPPP. This education program will include background on the components and goals of the SWPPP and hands-on training in erosion controls, spill prevention and response, good housekeeping, proper material handling, disposal and control of waste, equipment fueling, and proper storage, washing, and inspection procedures. All employees will be trained during their first day on the Site.

7.0 PROJECT CONSTRUCTION SCHEDULE

The first phase of remediation will disturb soils in Zone B, in the 4-foot excavation area to the east (Zone C in **Drawing 2**), and in the 2-foot excavation area to the southeast (Zone D in Drawing 2), projected to start in the August of 2008. Erosion control measures will be fully implemented prior to initial disturbance. Exposed soils on the site are expected to be stabilized by November 2008. A detailed construction schedule is included as **Appendix C**, and will be updated throughout the course of the project.

8.0 SWPPP COORDINATOR AND DUTIES

The construction site Stormwater Pollution Prevention Plan (SWPPP) Coordinator is Al Hanbridge, Project Manager (516-509-0533), Gramercy. The responsibilities of the SWPPP Coordinator include the following:

- Direct the implementation of the SWPPP.
- Oversee maintenance practices identified in the SWPPP.
- Implement and oversee employee training. Gramercy will conduct this training for the duration of their involvement on Site.
- Conduct or provide for inspection and monitoring activities. Gramercy will conduct inspections and prepare required summary reports for the duration of their involvement on Site, and will notify the Construction Manager of deficiencies found during inspections.
- Identify other potential pollutant sources associated with stormwater runoff from the construction areas, implement stormwater control measures and amend the plan to include the sources and measures. Gramercy will assist with amending the SWPPP as needed for the duration of their involvement on Site.
- Notify Blackacre Partners or their Engineer of any deficiencies in the SWPPP measures discovered, and correct them; Gramercy shall ensure that any changes in construction plans are addressed in the SWPPP.

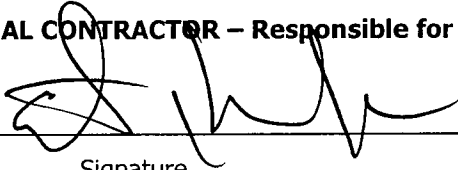
8.1 Construction Manager/Subcontractor SWPPP Certification Statement

The following certification and signature are required pursuant to Part III (A) 5 of the general permit:

"I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings. "

PROJECT TITLE: Former BICC Cables Site
One Point Street Brownfield Remediation Site
PROJECT ADDRESS: One Point Street
Yonkers, New York

REMEDIAL CONTRACTOR – Responsible for Implementing All SWPPP Measures Herein

NAME:  DATE: 9-16-08
Signature
AL HANBRIDGE TITLE: V.P.
Printed Name:

COMPANY: Gramercy Group, Inc.
COMPANY ADDRESS: 100 Grand Street East
Suite A202
Westbury, NY 11590
TELEPHONE NUMBER: (516) 876-0020

TRAINED INDIVIDUAL RESPONSIBLE FOR IMPLEMENTING SWPPP:

NAME: Al Hanbridge TITLE: Project Executive

SUBCONTRACTORS (as applicable for implementing SWPPP measures)

NAME: _____

DATE: _____

Signature

Printed Name:

COMPANY: _____

SWPPP RESPONSIBILITY: _____

COMPANY ADDRESS: _____

TELEPHONE NUMBER: _____

TRAINED INDIVIDUAL RESPONSIBLE FOR IMPLEMENTING SWPPP:

NAME: _____

TITLE: _____

NAME: _____

DATE: _____

Signature

Printed Name:

COMPANY: _____

SWPPP RESPONSIBILITY: _____

COMPANY ADDRESS: _____

TELEPHONE NUMBER: _____

TRAINED INDIVIDUAL RESPONSIBLE FOR IMPLEMENTING SWPPP:

NAME: _____

TITLE: _____

8.2 Owner/Operator SWPPP Certification

The following certification and signature are to be completed by the Owner/Operator:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons that manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that false statements made herein are punishable as a class A misdemeanor, pursuant to Section 210.45 of the Penal Law."

NAME: _____

Signature

DATE: _____

Sept 16, 2008

Printed Name: _____

Debra L. Rothberg

COMPANY: _____ Blackacre Partners OPS, LLC

COMPANY ADDRESS: _____ 331 Madison Avenue, 2nd Floor

New York, NY 10017

TELEPHONE NUMBER: _____

PROJECT TITLE: _____ Former BICC Cables Site Remediation

PROJECT ADDRESS: _____ One Point Street

Yonkers. New York

FIGURES AND DRAWINGS

Yonkers, New York, United States

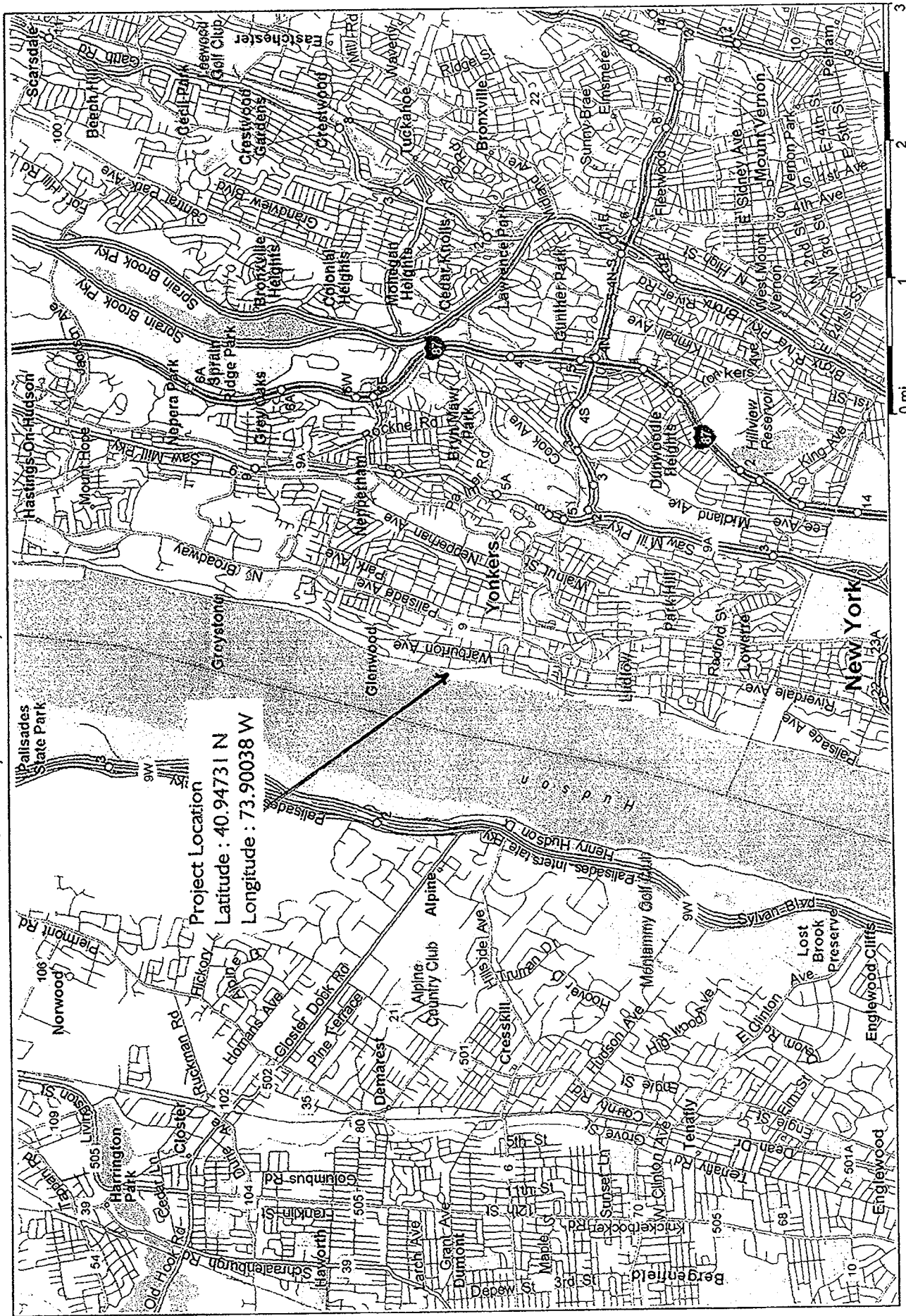
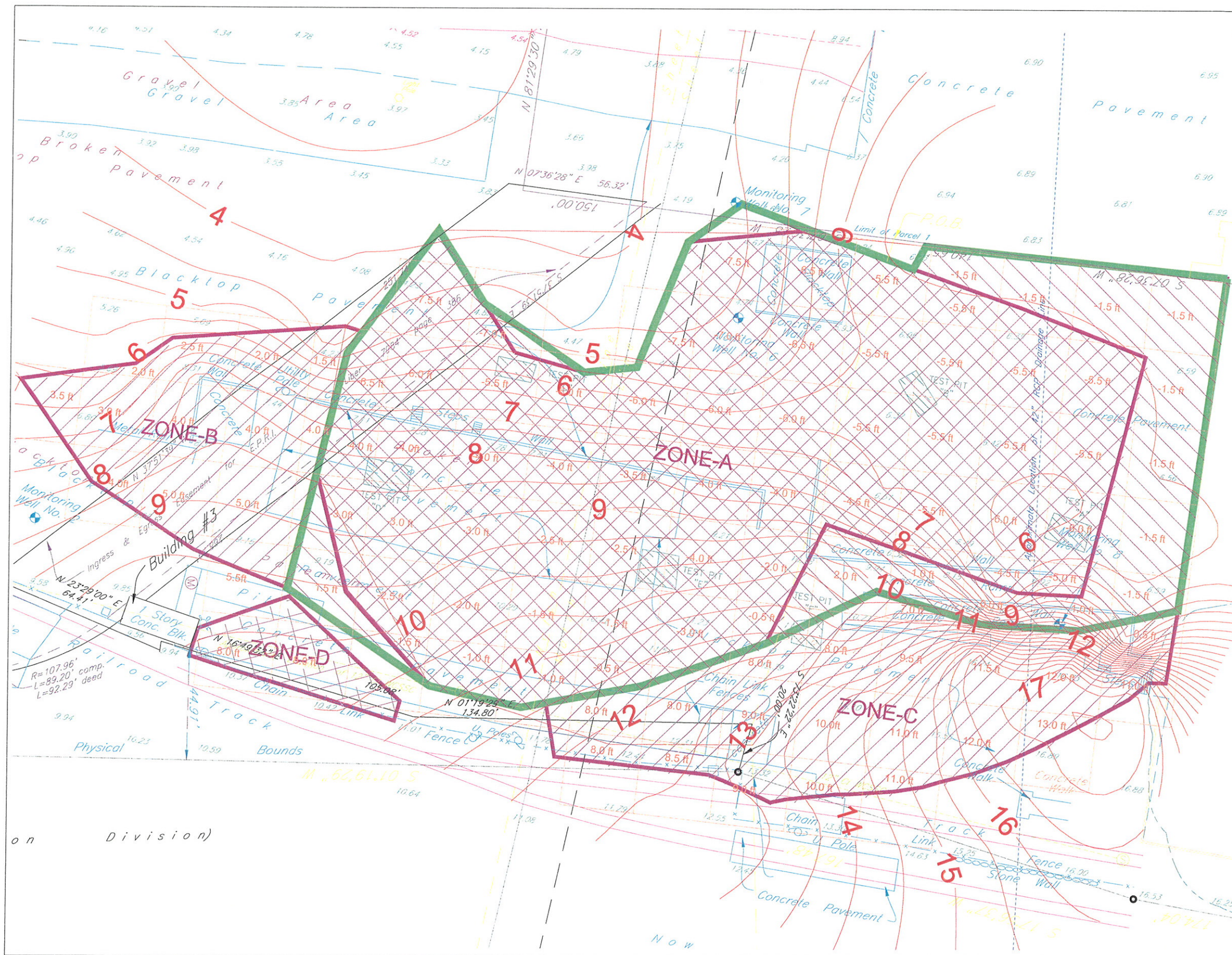


Figure 1 - Site Location Plan



LEGEND

- 6.0 ft ESTIMATED FINISHING EXCAVATION ELEVATION
- EXCAVATION LIMIT
- SHEETING BOUNDARY

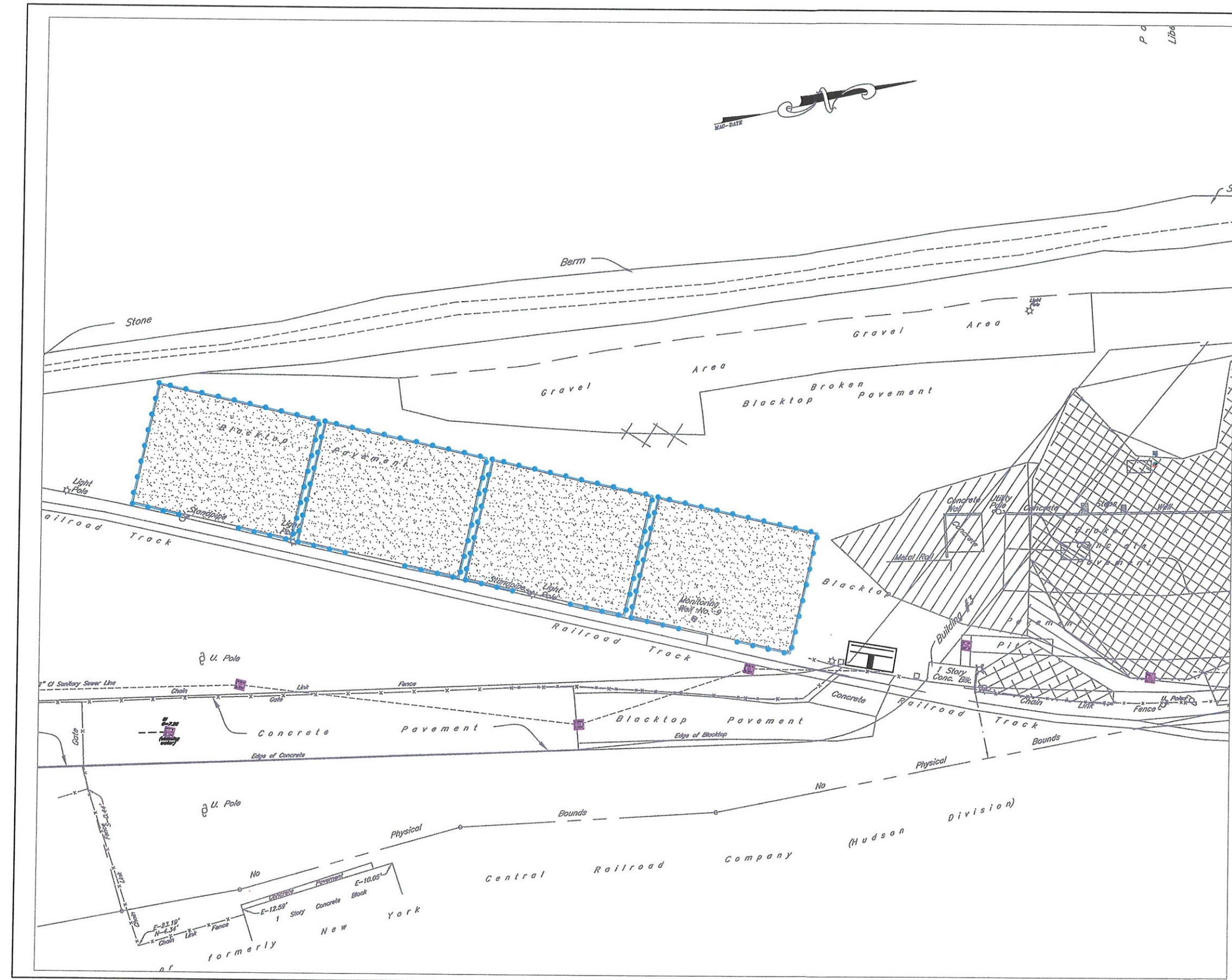
Note:

- Excavation grids were 30 ft by 30 ft.
- Estimated finishing elevation is an averages for each grid. It is calculated based on the existing surface elevation and the designated excavation depth.

Survey of Property
prepared for
Homes for American Holdings Inc.
in the City of
Yonkers
Westchester County, N.Y.
Scale 1"=40'
Dec. 18, 2001

Additional survey information added Jan. 5, 2002
Survey brought to date Nov. 5, 2004.
Notes and bounds of building footprints added Dec. 22, 2004.
Certification added Jan. 11, 2005.
Survey brought to date Jan. 17, 2006.
Survey brought to date Sept. 12, 2006.
The premises being Lots 35 and 43 in Block 2602; Lots 15, 17, 21 and 23 in Block 2605; and Lots 1, 2 and 3 in Block 2603 in Section 2 as shown on the Official Tax Assessment Maps of the City of Yonkers.

TITLE:				
Estimated Finishing Excavation Elevation				
DRAWN BY:	WF	PROJECT #		
CHECKED BY:	JR			
DATE:	1-28-2008	DRAWING	2	
SCALE:	1" = 40'			
Former BICC Cable Site Yonkers, New York		Note: Base map provided by H2M group		
GRAMERCY GROUP INC.				



LEGEND

SUBSURFACE SAMPLES

- SOIL BORING CONSTRUCTED DURING RI
- TEST PIT CONSTRUCTED DURING RI
- MONITORING WELL LOCATION
- DRAINAGE BASIN
- DRAIN INLET
- SEWER COVER

ESTIMATED EXTENT OF PCB AND/OR VOC IMPACTED SOIL/FILL - NORTH YARD

SOIL STAGING PADS

- SOIL IMPACT TO 2' BELOW GRADE
- SOIL IMPACT TO 4' BELOW GRADE
- SOIL IMPACT TO 8' BELOW GRADE
- SOIL IMPACT TO 12' BELOW GRADE

EROSION CONTROL MEASUREMENTS

- STABILIZED CONSTRUCTION ENTRANCE
- STONE & BLOCK DROP INLET PROTECTION STRUCTURE
- HAY BALES

TITLE: Erosion Control Plan - South Yard

DRAWN BY:	MB	PROJECT #	
CHECKED BY:	JR	DRAWING #	3A
DATE:	7-1-2008		
SCALE:	1" = 60'		

Former BICC Cable Site
Yonkers, New York

Note:
Base map provided by H2M group

GRAMERCY GROUP INC.



LEGEND

SUBSURFACE SAMPLES

- ⊗ SOIL BORING CONSTRUCTED DURING RI
- * TEST PIT CONSTRUCTED DURING RI
- ⊕ MONITORING WELL LOCATION
- DRAINAGE BASIN
- DRAIN INLET
- ⊙ SEWER COVER

ESTIMATED EXTENT OF PCB AND/OR VOC IMPACTED SOIL/FILL - NORTH YARD

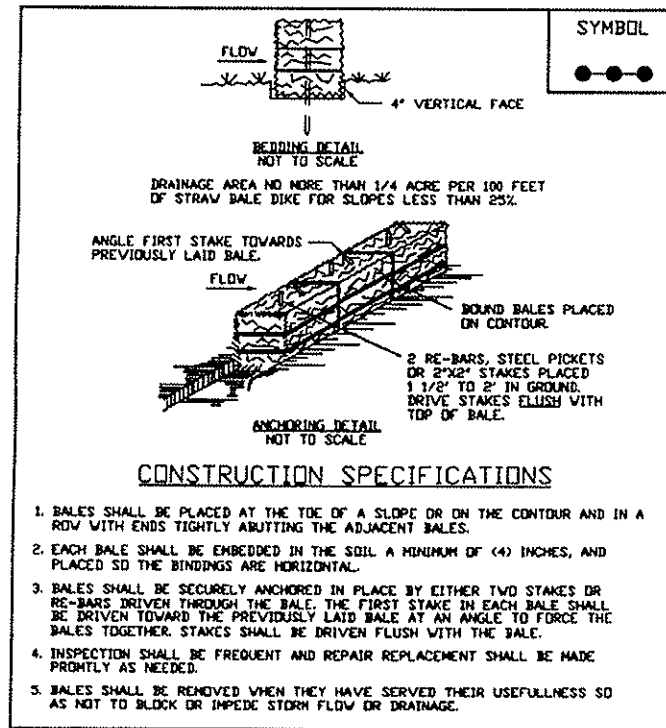
- ▨ SHEETING BOUNDARY
- ▨ SOIL STAGING PADS
- ⊗ SOIL IMPACT TO 2' BELOW GRADE
- ⊗ SOIL IMPACT TO 4' BELOW GRADE
- ⊗ SOIL IMPACT TO 8' BELOW GRADE
- ⊗ SOIL IMPACT TO 12' BELOW GRADE

EROSION CONTROL MEASUREMENTS

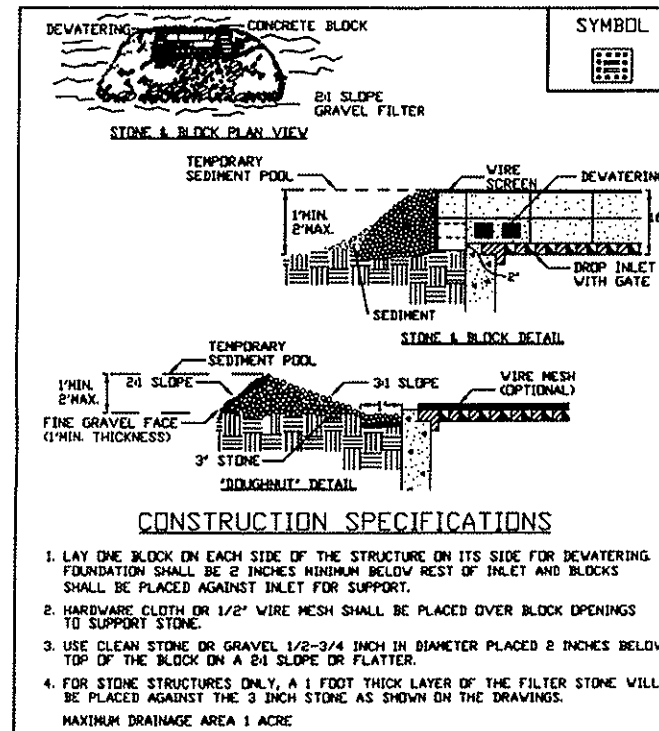
- ▨ STABILIZED CONSTRUCTION ENTRANCE
- ▨ SILT FENCE
- ▨ STONE & BLOCK DROP INLET PROTECTION STRUCTURE

TITLE:			
Erosion Control Plan - North Yard			
DRAWN BY:	MB	PROJECT #	
CHECKED BY:	JR		
DATE:	7-1-2008	DRAWING #	3B
SCALE:	1" = 60'		
Former BICC Cable Site Yonkers, New York		Note: Base map provided by H2M group	
GRAMERCY GROUP INC.			

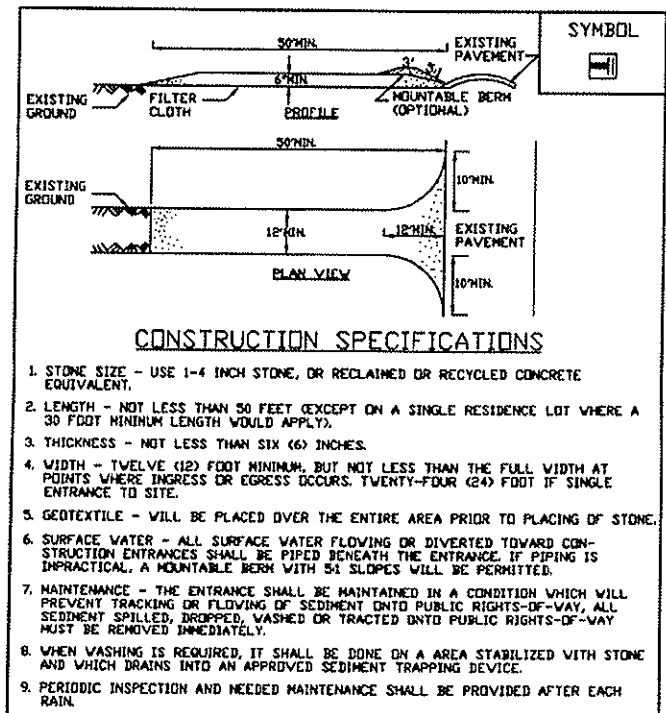
Straw Bale Dike



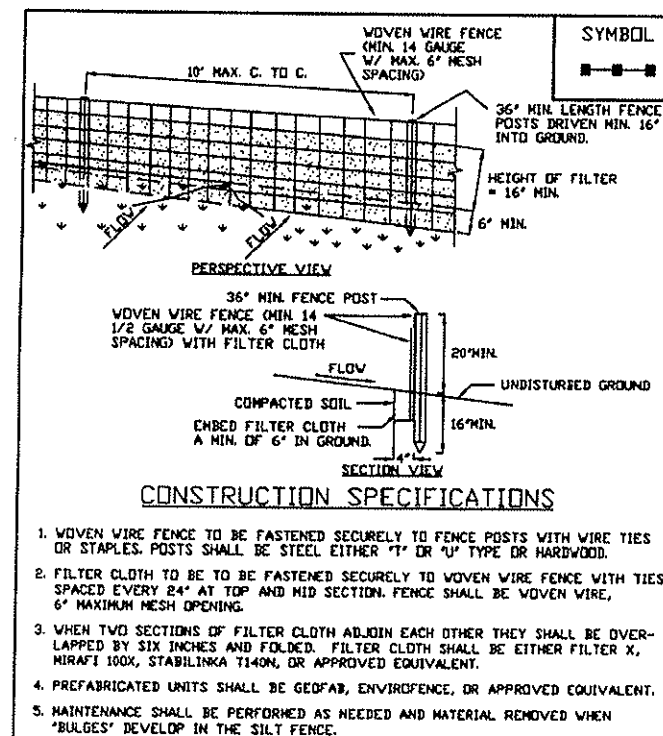
Stone & Block Drop Inlet Protection



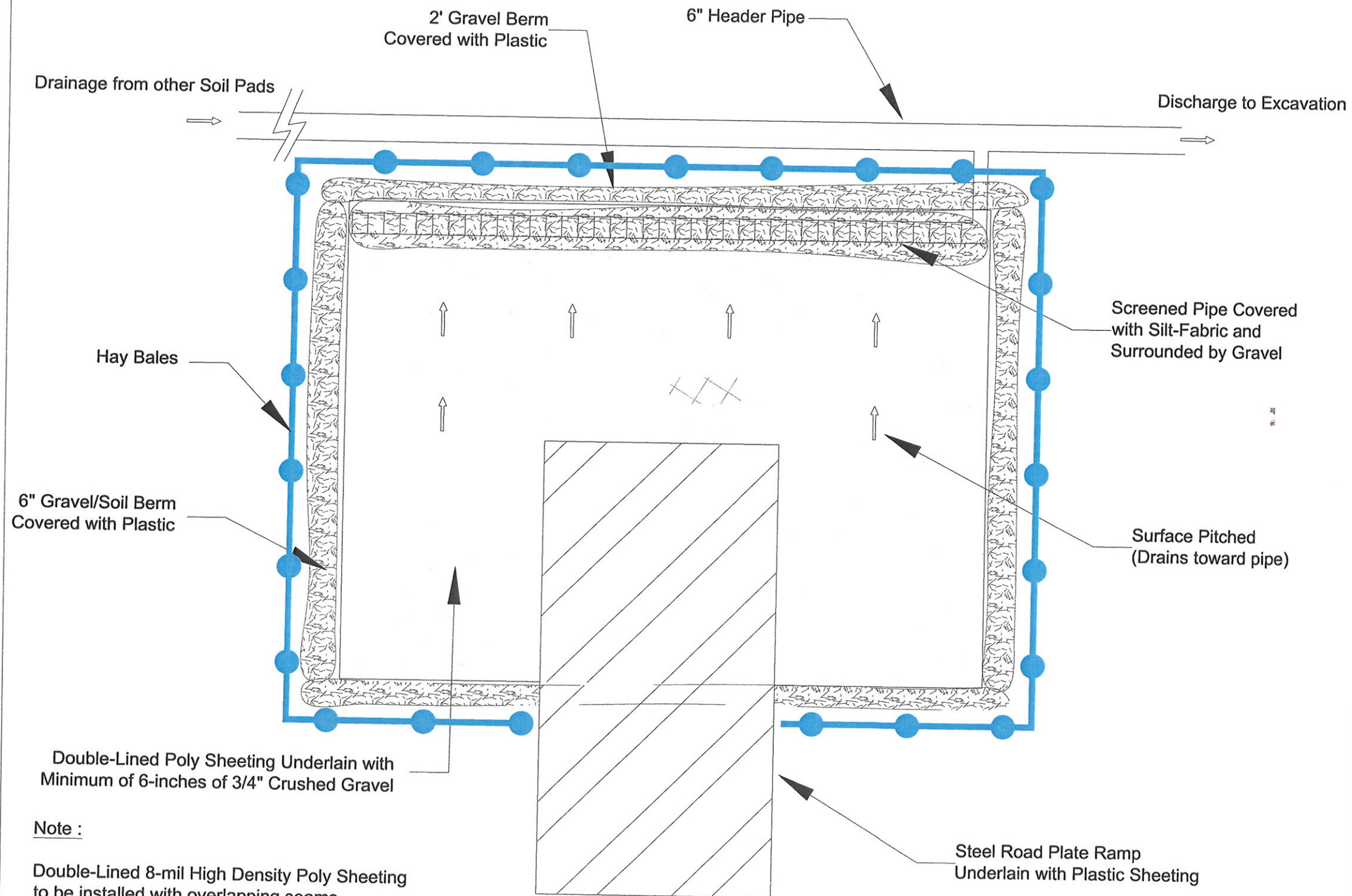
Stabilized Construction Entrance



Silt Fence



TITLE: Typical Erosion and Sediment Control			
DRAWN BY:	MB	PROJECT #	
CHECKED BY:	JR		
DATE:	8-14-2008	DRAWING #	4
SCALE:			
Former BICC Cable Site Yonkers, New York		Note: Drawing Not to Scale	
GRAMERCY GROUP INC.			



Note :

Double-Lined 8-mil High Density Poly Sheetting to be installed with overlapping seams. Seams to be connected using double-sided asphaltic tape.

TITLE: Soil Staging Pad Detail			
DRAWN BY:	MB	PROJECT #	
CHECKED BY:	JR		
DATE:	8-14-2008	DRAWING #	5
SCALE:			
Former BICC Cable Site Yonkers, New York		Note: Drawing Not to Scale	
GRAMERCY GROUP INC.			

APPENDIX A

GP-0-08-001 GENERAL SPDES PERMIT



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT
FOR STORMWATER DISCHARGES

from

CONSTRUCTION ACTIVITY

Permit No. GP-0-08-001

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

Effective Date: May 1, 2008

Expiration Date: April 30, 2010

William R. Adriance
Chief Permit Administrator

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

William R. Adriance
Authorized Signature

April 15, 2008
Date

PREFACE

Pursuant to Section 402 of the Clean Water Act (“CWA”), stormwater discharges from certain *construction activities* are unlawful unless they are authorized by a *NPDES (National Pollutant Discharge Elimination System)* permit or by a state permit program. New York’s *SPDES (State Pollutant Discharge Elimination System)* is a NPDES-approved program with permits issued in accordance with the *Environmental Conservation Law (“ECL”)*.

This general permit is issued pursuant to Article 17, Titles 7, 8 and Article 70 of the ECL. An *owner or operator* may obtain coverage under this general permit by submitting a Notice of Intent (“NOI”) to the Department. Copies of this General Permit and the NOI for New York are available by calling (518) 402-8109 or at any Department of Environmental Conservation (“the Department”) regional office (see Appendix G). They are also available on the Department’s website at:

<http://www.dec.ny.gov/>

An *owner or operator* of a *construction activity* that is eligible for coverage under this general permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of “*construction activity*”, as defined under 40 CFR 122.26(b)(14)(x) and (15)(i), constitute construction of a point source and therefore, pursuant to Article 17-0505 of the ECL, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. They can not wait until there is an actual discharge from the construction site to obtain permit coverage.

***Note: The italicized words/phrases within this permit are defined in Appendix A.**

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

FROM CONSTRUCTION ACTIVITIES

TABLE OF CONTENTS

Part I. PERMIT COVERAGE AND LIMITATIONS (Page 3)	
A. Permit Application (Page 3)	
B. Maintaining Water Quality (Page 3)	
C. Eligibility Under This General Permit (Page 3)	
D. Activities Which Are Ineligible for Coverage Under This General Permit (Page 4)	
Part II. OBTAINING PERMIT COVERAGE (Page)	
A. Notice of Intent (NOI) Submittal (Page 6)	
B. Permit Authorization (Page 6)	
C. General Requirements For Owners or Operators With Permit Coverage (Page 8)	
D. Permit Coverage for Discharges Authorized Under GP-02-01 (Page 9)	
E. Change of Owner or Operator (Page 9)	
Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) (Page 10)	
A. General SWPPP Requirements (Page 10)	
B. Required SWPPP Contents (Page 12)	
C. Required SWPPP Components by Project Type (Page 15)	
Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS (Page 15)	
A. General Construction Site Inspection and Maintenance Requirements (Page 15)	
B. Owner or Operator Inspection Requirements (Page 16)	
C. Qualified Inspector Inspection Requirements (Page 16)	
Part V. TERMINATION OF PERMIT COVERAGE (Page 19)	
A. Termination of Permit Coverage (Page 19)	
Part VI. REPORTING AND RETENTION OF RECORDS (Page 20)	
Part VII. STANDARD PERMIT CONDITIONS (Page 21)	
A. Duty to Comply (Page 21)	
B. Continuation of the Expired General Permit (Page 21)	
C. Enforcement (Page 21)	
D. Need to Halt or Reduce Activity Not a Defense (Page 21)	
E. Duty to Mitigate (Page 21)	
F. Duty to Provide Information (Page 22)	
G. Other Information (Page 22)	
H. Signatory Requirements (Page 22)	
I. Property Rights (Page 23)	

- J. Severability (Page 24)
- K. Denial of Coverage Under This Permit (Page 24)
- L. Proper Operation and Maintenance (Page 24)
- M. Inspection and Entry (Page 25)
- N. Permit Actions (Page 25)
- O. Definitions (Page 25)
- P. Re-Opener Clause (Page 25)

APPENDIX A - Definitions

APPENDIX B - Required SWPPP Components by Project Type

APPENDIX C - Watersheds Where Enhanced Phosphorus Removal Standards are
Required

APPENDIX D - Watersheds Where 5000 SF Disturbances and Greater Must Obtain
Permit Coverage

APPENDIX E - List of 303(d) Segments That Require SWPPP with Post-Construction
Stormwater Management Practices

APPENDIX F - DEC Regional Office Contact Information

Part I. PERMIT COVERAGE AND LIMITATIONS

A. Permit Application - This permit authorizes stormwater discharges to *surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater discharges based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants* to *surface waters of the State*.
3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land.

B. Maintaining Water Quality - It shall be a violation of this general permit and the *Environmental Conservation Law ("ECL")* for any discharge authorized by this general permit to either cause or contribute to a violation of *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York including, but not limited to:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;
2. There shall be no increase in suspended, colloidal and settleable solids that will cause deposition or impair the waters for their best usages; and
3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

C. Eligibility Under This General Permit

1. This permit may authorize all *discharges* of stormwater from *construction activity* to surface waters and *groundwaters* except for ineligible *discharges* identified under subparagraph D. of this Part.

(Part I.C.)

2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater discharges from *construction activities*.

3. Notwithstanding paragraphs C.1 and C.2 above, the following non-stormwater *discharges* may be authorized by this permit: discharges from fire fighting activities; fire hydrant flushings; waters to which cleansers or other components have not been added that are used to wash vehicles or control dust in accordance with the SWPPP, routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated groundwater or spring water; uncontaminated discharges from construction site de-watering operations; and foundation or footing drains where flows are not contaminated with process materials such as solvents. For those entities required to obtain coverage under this general permit, and who discharge as noted in this paragraph, and with the exception of flows from fire fighting activities, these discharges must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with water quality standards in Part I.B.

D. Activities Which Are Ineligible for Coverage Under This General Permit - All of the following are **not** authorized by this permit:

1. *Discharges after construction activities* have been completed and the site has undergone *final stabilization*;
2. *Discharges* that are mixed with sources of non-stormwater other than those expressly authorized under subsection C.3. of this Part and identified in the SWPPP required by this permit;
3. *Discharges* that are subject to an existing *individual SPDES permit* or SPDES general permit or which are required to obtain an individual or general permit pursuant to Part VII, subparagraph K of this permit;
4. *Discharges from construction activities* that adversely affect a listed, or proposed to be listed, endangered or threatened species, or its critical habitat;
5. *Discharges* which are subject to an existing effluent (limitation) guideline addressing stormwater and/or process wastewater unless said guidelines are contained herein; or

(Part I.D.)

6. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations.
7. *Construction activities* for residential, commercial and institutional projects that:
 - a. an *owner or operator* has not made any application, prior to January 8, 2008, for any governmental approvals required for the total project; and
 - b. are tributary to waters of the state classified as AA and AA-s; and
 - c. disturb one or more acres of land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey for the County in which the disturbance will occur.
8. *Construction activities* for residential, commercial and institutional projects that:
 - a. have not been authorized by or covered under a SPDES General Permit for Stormwater Discharges from Construction Activity by June 29, 2009; and
 - b. an *owner or operator* has made any application, prior to January 8, 2008, for any governmental approvals required for the total project; and
 - c. are tributary to waters of the state classified as AA or AA-s; and
 - d. disturb one or more acres of land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey for the County in which the disturbance will occur.
9. *Construction activities* for public roadway and linear utility projects that:
 - a. have not been authorized by or covered under a SPDES General Permit for Stormwater Discharges from Construction Activity by June 29, 2009; and
 - b. are tributary to waters of the state classified as AA or AA-s; and
 - c. disturb two or more acres of land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey for the County in which the disturbance will occur.

(Part I.D.)

10. *Construction activities* that adversely affect a property that is listed or is eligible for listing on the State or National Register of Historic Places.

Part II. OBTAINING PERMIT COVERAGE

A. Notice of Intent (NOI) Submittal

1. An *owner or operator* must first develop a Stormwater Pollution Prevention Plan (SWPPP) in accordance with all applicable requirements of this permit and then submit a completed Notice of Intent (NOI) form to the address below in order to be authorized to discharge under this general permit. The NOI form shall be one which is associated with this general permit, signed in accordance with Part VII.H. of this permit.

**NOTICE OF INTENT
NYS DEC, Bureau of Water Permits
625 Broadway, 4th Floor
Albany, New York 12233-3505**

2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* shall have their SWPPP reviewed and accepted by the *MS4* prior to submitting the NOI to the Department. Beginning on September 30, 2008, the *owner or operator* shall have the “MS4 SWPPP Acceptance” form signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4*, or by a duly authorized representative of that person, and then submit that form along with the NOI to the address referenced under “Notice of Intent (NOI) Submittal”. This requirement does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.E. (Change of Owner or Operator).

3. The *owner or operator* shall have the SWPPP preparer sign the “SWPPP Preparer Certification” statement on the NOI prior to submitting the form to the Department.

B. Permit Authorization

1. An *owner or operator* shall not *commence construction activity* until their authorization to discharge under this permit goes into effect.

(Part II.B.)

2. Authorization to discharge under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:

- a. project review pursuant to the State Environmental Quality Review Act (SEQRA) have been satisfied, when SEQR is applicable,
- b. where required, all necessary Department permits subject to the *Uniform Procedures Act (UPA)* (see 6 NYCRR Part 621) have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators of construction activities* that are required to obtain *Uniform Procedures Act (UPA)* permits must submit a preliminary SWPPP to the appropriate DEC Regional Office in Appendix F at the time all other necessary UPA permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this general permit,
- c. the final SWPPP has been prepared, and
- d. an NOI has been submitted to the Department in accordance with the requirements of this permit.

3. An *owner or operator* that has satisfied the requirements of Part II.B.2 above will be authorized to discharge stormwater from their *construction activity* in accordance with the following schedule:

- a. For construction activities that are not subject to the requirements of a *regulated, traditional land use control MS4* :
 - i. Five (5) business days from the date the Department receives a complete NOI for construction activities with a SWPPP that has been prepared in conformance with the technical standards referenced in Parts III.B.1, 2 and/or 3, or
 - ii. Sixty (60) business days from the date the Department receives a complete NOI for construction activities with a SWPPP that has not been prepared in conformance with the technical standards referenced in Parts III.B.1, 2 or 3.

(Part II.B.3.)

b. For construction activities that are subject to the requirements of a *regulated, traditional land use control MS4* :

i. Five (5) business days from the date the Department receives a complete NOI and signed “MS4 SWPPP Acceptance” form.

4. The Department may suspend or deny an *owner's or operator's* coverage under this permit if the Department determines that the SWPPP does not meet the permit requirements.

5. Coverage under this permit authorizes stormwater discharges from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater discharges from future areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department.

C. General Requirements For Owners or Operators With Permit Coverage

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination (NOT) has been submitted to the address referenced in Part II.A.1.

2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-08-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form and inspection reports at the construction site until all disturbed areas have achieved *final stabilization* and the Notice of Termination has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock; that is accessible during normal working hours to an individual performing a compliance inspection.

3. The *owner or operator of a construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the MS4 (provided the MS4 is not the *owner or operator* of the construction activity). At a minimum, the *owner or operator* must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:

a. The *owner or operator* shall have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.B. every seven (7) calendar days, for as long as greater than five (5) acres of soil remain

(Part II.C.3.a.)

disturbed. When performing just two (2) inspections every seven (7) calendar days, the inspections shall be separated by a minimum of two (2) full calendar days.

b. In areas where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within seven (7) days from the date the soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the most current version of the technical standard, New York Standards and Specifications for Erosion and Sediment Control.

c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.

d. The *owner or operator* shall install any additional site specific practices needed to protect water quality.

e. The *owner or operator* shall include the requirements above in their SWPPP.

4. The Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements.

D. Permit Coverage for Discharges Authorized Under GP-02-01

1. Upon renewal of SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-02-01), an *owner or operator* of a *construction activity* with coverage under GP-02-01, as of the effective date of GP-0-08-001, shall be permitted to discharge in accordance with GP-0-08-001 unless otherwise notified by the Department.

E. Change of Owner or Operator

1. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed Notice of Termination (NOT) with the name and permit identification number of the new *owner or operator* to the Department at the

(Part II.E.1.)

address in Part II.A.1.. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the general permit. Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or operator* was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. General SWPPP Requirements

1. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*.
2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the pollutants in stormwater discharges and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges.
3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.
4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site.
5. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for the construction of all post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of these contractors and subcontractors identify at least one *trained individual* from their company that will be responsible for implementation of the SWPPP. The *owner or operator* shall ensure that at least one *trained individual* is on site on a daily basis when soil disturbance activities are being performed.

(Part III.A.5.)

The *owner or operator* shall have each of these contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*:

"I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the *owner or operator* must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings. "

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the *trained individual(s)* responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the construction site. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

6. The Department may notify the *owner or operator* at any time that the SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, (or as otherwise indicated by the Department) the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit.

7. For projects where the Department requests a copy of the SWPPP, the *owner or operator* shall submit the SWPPP in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

(Part III.A.)

8. The SWPPP must include documentation supporting the determination of permit eligibility with regard to Part I.D.10. (Historic Places). At a minimum, the supporting documentation shall include the following:

- a. Information on whether the stormwater discharge or *construction activities* would have an effect on a property that is listed or eligible for listing on the State or National Register of Historic Places;
- b. Results of historic places screening determinations conducted. Information regarding the location of places listed, or eligible for listing, on the State or National Register of Historic Places should be obtained by consulting with the New York State Historic Preservation Office, NYS Office of Parks, Recreation and Historic Preservation (OPRHP), Peebles Island Resources Center, P.O. Box 189, Waterford, NY 12188-0189, phone: (518) 237-8643, or using the GIS online resources available at: <http://nysparks.state.ny.us/shpo/> ;
- c. A description of measures necessary to avoid or minimize adverse impacts on places listed, or eligible for listing, on the State or National Register of Historic Places. If the *owner or operator* fails to describe and implement such measures, the stormwater discharge is ineligible for coverage under this permit; and
- d. Where effects may occur, any written agreements that the *owner or operator* has made with the OPRHP or other governmental agency to mitigate those effects, or local land use approvals evidencing the same.

B. Required SWPPP Contents

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this general permit shall include erosion and sediment control practices designed in conformance with the most current version of the technical standard, New York Standards and Specifications for Erosion and Sediment Control. Where erosion and sediment control practices are not designed in conformance with this technical standard, the *owner or operator* must demonstrate equivalence to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:

- a. Background information about the scope of the project, including the location, type and size of project;

(Part III.B.1.)

- b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s), wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater discharge(s);
- c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);
- d. A construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;
- e. A description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;
- f. A temporary and permanent soil stabilization plan that meets the requirements of the most current version of the technical standard, New York Standards and Specifications for Erosion and Sediment Control, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization;
- g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;
- h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
- i. An inspection schedule for the *owner or operator*, or the contractor(s) or subcontractor(s) identified in Part III.A.5., to ensure continuous and effective operation of the erosion and sediment control practices. The inspection schedule shall be in accordance with the requirements in the most

(Part III.B.1.i.)

current version of the technical standard, New York Standards and Specifications for Erosion and Sediment Control;

j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the storm water discharges:

k. A description and location of any stormwater discharges associated with industrial activity other than construction at the site, including, but not limited to, stormwater discharges from asphalt plants and concrete plants located on the construction site; and

l. Identification of any elements of the design that are not in conformance with the technical standard, New York Standards and Specifications for Erosion and Sediment Control. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards.

2. Post-construction stormwater management practice component - All construction projects identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that also includes practices designed in conformance with the most current version of the technical standard, New York State Stormwater Management Design Manual ("Design Manual"). Where post-construction stormwater management practices are not designed in conformance with this technical standard, the *owner or operator* must demonstrate equivalence to the technical standard. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include the following:

a. Identification of all post-construction stormwater management practices to be constructed as part of the project;

b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;

c. The dimensions, material specifications and installation details for each post-construction stormwater management practice;

d. Identification of any elements of the design that are not in conformance with the Design Manual. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards;

(Part III.B.2.)

e. A hydrologic and hydraulic analysis for all structural components of the stormwater management control system;

f. A detailed summary (including calculations) of the sizing criteria that was used to design all post-construction stormwater management practices. At a minimum, the summary shall address the required design criteria from the applicable chapter of the Design Manual; including the identification of and justification for any deviations from the Design Manual, and identification of any design criteria that are not required based on the redevelopment criteria or waiver criteria included in the Design Manual; and

g. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.

3. Enhanced Phosphorus Removal Standards - Beginning on September 30, 2008, all construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the most current version of the technical standard, New York State Stormwater Management Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.g. above.

C. Required SWPPP Components by Project Type - Unless otherwise notified by the Department, *owners or operators of construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1. *Owners or operators* of the *construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3.

Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS

A. General Construction Site Inspection and Maintenance Requirements

1. The *owner or operator* must ensure that all erosion and sediment control practices identified in the SWPPP are maintained in effective operating condition at all times.

(Part IV.A.)

2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the Environmental Conservation Law, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York, or protect the public health and safety and/or the environment.

B. Owner or Operator Inspection Requirements

1. An *owner or operator* shall, in accordance with the requirements in the most current version of the technical standard, New York Standards and Specifications for Erosion and Sediment Control, inspect the erosion and sediment controls identified in the SWPPP to ensure that they are being maintained in effective operating condition at all times.

2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the *owner or operator* can stop conducting inspections. The *owner or operator* shall begin conducting inspections in accordance with Part IV.B.1. as soon as soil disturbance activities resume.

3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *owner or operator* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. Qualified Inspector Inspection Requirements

1. An *owner or operator* of the following *construction activities* shall have a *qualified inspector* conduct site inspections in conformance with the requirements of Part IV.C. below:

a. All *construction activities* identified in Table 1 and 2 of Appendix B, with the exception of:

(i) the construction of a single family residential subdivision with 25% or less impervious cover at total site build-out and the construction of a single family home that involve soil disturbances of one (1) or more acres of land but less than five (5) acres and are not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;

(Part IV.C.1.a.)

(ii) construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and

(iii) construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land.

2. Unless otherwise notified by the Department, the *owner or operator* shall have a *qualified inspector* conduct site inspections in accordance with the following timetable:

a. For construction sites where soil disturbance activities are on going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.

b. For construction sites where soil disturbance activities are on going and the *owner or operator* has received authorization in accordance with Part II.C.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. When performing just two (2) inspections every seven (7) calendar days, the inspections shall be separated by a minimum of two (2) full calendar days.

c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the Regional Office stormwater contact person (see contact information in Appendix F) in writing prior to reducing the frequency of inspections.

d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the Regional Office stormwater contact person (see contact information in Appendix F) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector(s)* perform a final inspection and certify that all disturbed areas

(Part IV.C.2.d.)

have achieved *final stabilization*, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the “Final Stabilization” and “Post-Construction Stormwater Management Practice” certification statements on the Notice of Termination (NOT). The *owner or operator* shall then submit the completed NOT form to the address in Part II.A.1..

3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization*, and all points of discharge from the construction site.

4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:

- a. Date and time of inspection;
- b. Name and title of person(s) performing inspection;
- c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;
- d. A description of the condition of the runoff at all points of discharge from the construction site. This shall include identification of any discharges of sediment from the construction site. Include discharges from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
- e. Identification of all erosion and sediment control practices that need repair or maintenance;
- f. Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
- g. Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection;

(Part IV.C.4.)

h. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards; and

i. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s).

5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor (or subcontractor) identified in Part III.A.5. of any corrective actions that need to be taken. The contractor (or subcontractor) shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.

6. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.C.2., the inspection reports shall be maintained on site with the SWPPP.

Part V. TERMINATION OF PERMIT COVERAGE

A. Termination of Permit Coverage

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed Notice of Termination (NOT) form to the address in Part II.A.1. The NOT form shall be one which is associated with this general permit, signed in accordance with Part VII.H.

2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:

a. Total project completion - All construction activity identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;

b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed

(Part V.A.2.b.)

portion of the project have been constructed in conformance with the SWPPP and are operational;

c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.E..

3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall certify that all disturbed areas have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the “Final Stabilization” and “Post-Construction Stormwater Management Practice” certification statements on the NOT.

4. For *construction activities* meeting subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the Notice of Termination, ensure one of the following:

a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,

b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),

c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a deed restriction in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan,.

d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, college, university), or government agency or authority, the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

Part VI. REPORTING AND RETENTION OF RECORDS

A. The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the site achieves *final stabilization*. This period may be extended by the Department, in its sole

(Part VI.A.)

discretion, at any time upon written notification.

B. Addresses - With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.A.1), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DEC Regional Office listed in Appendix F.

Part VII. STANDARD PERMIT CONDITIONS

A. Duty to Comply - The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any permit non-compliance constitutes a violation of the Clean Water Act (CWA) and the ECL and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator* or the *owner's or operator's* on-site representative.

B. Continuation of the Expired General Permit - This permit expires two (2) years from the effective date. However, coverage may be obtained under the expired general permit, which will continue in force and effect, until a new general permit is issued. After issuance of a new general permit, those with coverage under GP-0-08-001 will have six (6) months from the effective date of the new general permit to complete their project or obtain coverage under the new permit. Unless otherwise notified by the Department in writing, an *owner or operator* authorization under the new general permit must submit a new NOI in accordance with the terms of such new general permit.

C. Enforcement - Failure of the *owner or operator*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a permit violation. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to \$37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

D. Need to Halt or Reduce Activity Not a Defense - It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

E. Duty to Mitigate - The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(Part VII.)

F. Duty to Provide Information - The *owner or operator* shall make available to the Department for inspection and copying or furnish to the Department within five (5) business days of receipt of a Department request for such information, any information requested for the purpose of determining compliance with this general permit. This can include, but is not limited to, the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form, executed maintenance agreement, and inspection reports. Failure to provide information requested by the Department shall be a violation of this permit.

G. Other Information - When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any other report, or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s) changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or impervious area) which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a permit violation.

H. Signatory Requirements

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

a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or

(Part VII.H.1.)

c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) the chief executive officer of the agency, or

(ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. The SWPPP and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position) and,

c. The written authorization is attached to the SWPPP.

3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.

4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4*, or by a duly authorized representative of that person.

Under Part VII. H. (Signatory Requirements), it shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

I. Property Rights - The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity*.

(Part VII.)

J. Severability - The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K. Denial of Coverage Under This Permit

1. At its sole discretion, the Department may require any *owner or operator* authorized by this permit to apply for and/or obtain either an individual SPDES permit or an alternative SPDES general permit. When the Department requires any discharger authorized by a general permit to apply for an individual SPDES permit, it shall notify the discharger in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the *owner or operator* to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from permittee's receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Regional Water Engineer, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

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

3. When an individual SPDES permit is issued to a discharger authorized to discharge under a general SPDES permit for the same discharge(s), the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

L. Proper Operation and Maintenance - The *owner or operator* shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

(Part VII.)

M. Inspection and Entry - The *owner or operator* shall allow the Department or an authorized representative of EPA, the State, or, in the case of a construction site which discharges through an *MS4*, an authorized representative of the *MS4* receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the *owner's or operator's* premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

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

O. Definitions - Definitions of key terms are included in Appendix A of this permit.

P. Re-Opener Clause

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with *construction activity* covered by this permit, the *owner or operator* of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Permit modification or revocation will be conducted in accordance with 6 NYCRR Part 621 and 6 NYCRR 750-1.18.

APPENDIX A

Definitions

Alter Hydrology from Pre to Post-Development Conditions - means the post-development peak flow rate(s) has increased by more than 5% of the pre-developed condition for the design storm of interest (e.g. 10 yr and 100 yr).

Combined Sewer - means a sewer that is designed to collect and convey both “sewage” and “stormwater”.

Commence (Commencement of) Construction Activities - means the initial disturbance of soils associated with clearing, grading or excavation activities; or other construction related activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP. See definition for “Construction Activity(ies)” also.

Construction Activity(ies) - means any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Direct Discharge (to a specific surface waterbody) - means that runoff flows from a construction site by overland flow and the first point of discharge is the specific surface waterbody, or runoff flows from a construction site to a separate storm sewer system and the first point of discharge from the separate storm sewer system is the specific surface waterbody.

Discharge(s) - means any addition of any pollutant to waters of the State through an outlet or point source.

Environmental Conservation Law (ECL) - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

Final Stabilization - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

General SPDES permit - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 authorizing a category of discharges.

Groundwater - means waters in the saturated zone. The saturated zone is a subsurface zone in

which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

Impervious Area (Cover) - means all impermeable surfaces that can not effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct construction activities are occurring, or will occur, under one plan. The term “plan” in “larger common plan of development or sale” is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed.

Municipal Separate Storm Sewer (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a *combined sewer*; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

National Pollutant Discharge Elimination System (NPDES) - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

NOI Acknowledgment Letter - means the letter that the Department sends to an owner or operator to acknowledge the Department’s receipt and acceptance of a complete Notice of Intent. This letter documents the owner’s or operator’s authorization to discharge in accordance with the general permit for stormwater discharges from construction activity.

Owner or Operator - means the person, persons or legal entity which owns or leases the property on which the construction activity is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications.

Pollutant - means dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards or guidance values adopted as provided in Parts 700 et seq of this Title.

Qualified Inspector - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), licensed Landscape Architect, or other Department endorsed individual(s). It also means someone working under the direct supervision of the licensed Professional Engineer or licensed Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that an individual performing a site inspection has received four (4) hours of training, endorsed by the Department, from a Soil and Water Conservation District, CPESC, Inc. or other Department endorsed entity in proper erosion and sediment control principles no later than two (2) years from date this general permit is issued. After receiving the initial training, an individual working under the direct supervision of the licensed Professional Engineer or licensed Landscape Architect shall receive four (4) hours of training every three (3) years. Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

Qualified Professional - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, licensed Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics in order to prepare a SWPPP that conforms to the Department's technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

Regulated, Traditional Land Use Control MS4 - means a city, town or village with land use control authority that is required to gain coverage under New York State DEC's SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s).

Routine Maintenance Activity - means construction activity that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including, but not

limited to:

- Re-grading of gravel roads or parking lots,
- Stream bank restoration projects (does not include the placement of spoil material),
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

State Pollutant Discharge Elimination System (SPDES) - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

Surface Waters of the State - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Temporary Stabilization - means that exposed soil has been covered with material(s) as set forth in the technical standard, New York Standards and Specifications for Erosion and Sediment Control, to prevent the exposed soil from eroding. The materials can include, but are not limited to, mulch, seed and mulch, and erosion control mats (e.g. jute twisted yarn, excelsior wood fiber mats).

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive on a daily basis and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources, and a margin of safety (MOS).

Trained Individual - means an employee from a contracting (construction) firm that has received four (4) hours of training, which has been endorsed by the Department, from a Soil and Water Conservation District, CPESC, Inc. or other Department endorsed entity, in proper erosion and sediment control principles no later than two (2) years from the date this general permit is issued. After receiving the initial training, the trained individual shall receive four (4) hours of training every three (3) years. This individual will be responsible for implementation of the SWPPP.

Uniform Procedures Act (UPA) Permit - means a permit required under 6 NYCRR Part 621 of the Environmental Conservation Law (ECL), Article 70.

Water Quality Standard - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

APPENDIX B

Required SWPPP Components by Project Type

Table 1
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP
THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS

The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:

- Single family home not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions with 25% or less impervious cover at total site build-out and not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E
- Construction of a barn or other agricultural building, silo, stock yard or pen.

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains
- Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects
- Bike paths and trails
- Sidewalk construction projects that are not part of a road/ highway construction or reconstruction project
- Slope stabilization projects
- Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics
- Spoil areas that will be covered with vegetation
- Land clearing and grading for the purposes of creating vegetated open space (i.e. recreational parks, lawns, meadows, fields), excluding projects that *alter hydrology from pre to post development* conditions
- Athletic fields (natural grass) that do not include the construction or reconstruction of *impervious area* and do not alter hydrology from pre to post development conditions
- Demolition project where vegetation will be established and no redevelopment is planned
- Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with *impervious cover*
- Structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State", excluding projects that involve soil disturbances of less than five acres and construction activities that include the construction or reconstruction of impervious area

The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:

- All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land.

Table 2
CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP
THAT INCLUDES POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

The following construction activities that involve soil disturbances of one (1) or more acres of land:

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes townhomes, condominiums, senior housing complexes, and apartment complexes
- Airports
- Amusement parks
- Campgrounds
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other agricultural building(e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional, includes hospitals, prisons, schools and colleges
- Industrial facilities, includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's and water treatment plants
- Office complexes
- Sports complexes
- Racetracks, includes racetracks with earthen (dirt) surface
- Road construction or reconstruction
- Parking lot construction or reconstruction
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area (>5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Athletic fields with artificial turf
- Permanent access roads or parking areas surfaced with *impervious cover*, and substations constructed as part of an over-head electric transmission line project , wind-power project or cell tower project
- All other construction activities that include the construction or reconstruction of *impervious area* and *alter the hydrology from pre to post development* conditions, and are not listed in Table 1

APPENDIX C

Watersheds Where Enhanced Phosphorus Removal Standards Are Required

Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual (“Design Manual”).

- Entire New York City Watershed located east of the Hudson River - Figure 1
- Onondaga Lake Watershed - Figure 2
- Greenwood Lake Watershed -Figure 3

Figure 1 - New York City Watershed East of the Hudson

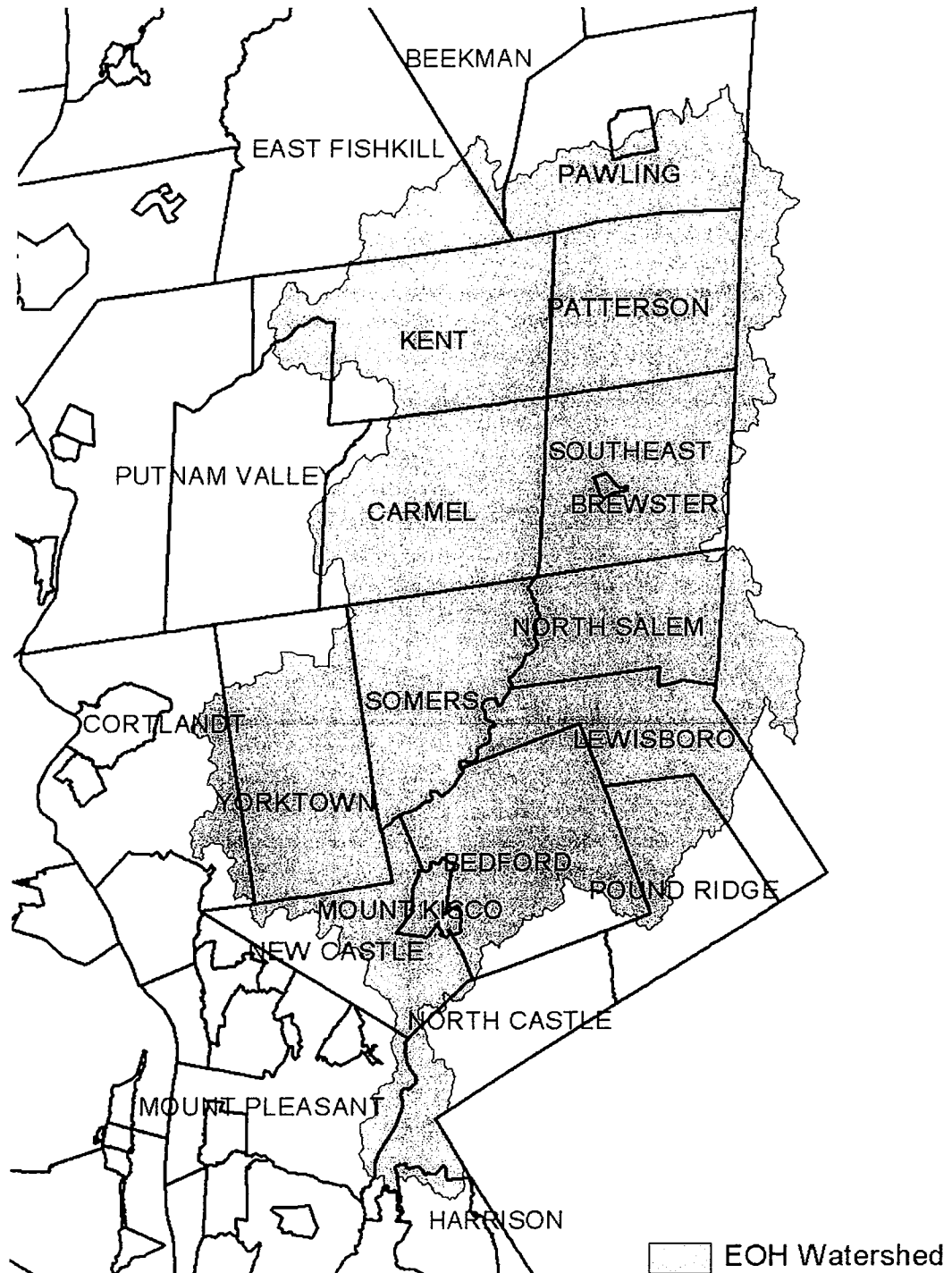


Figure 2 - Onondaga Lake Watershed

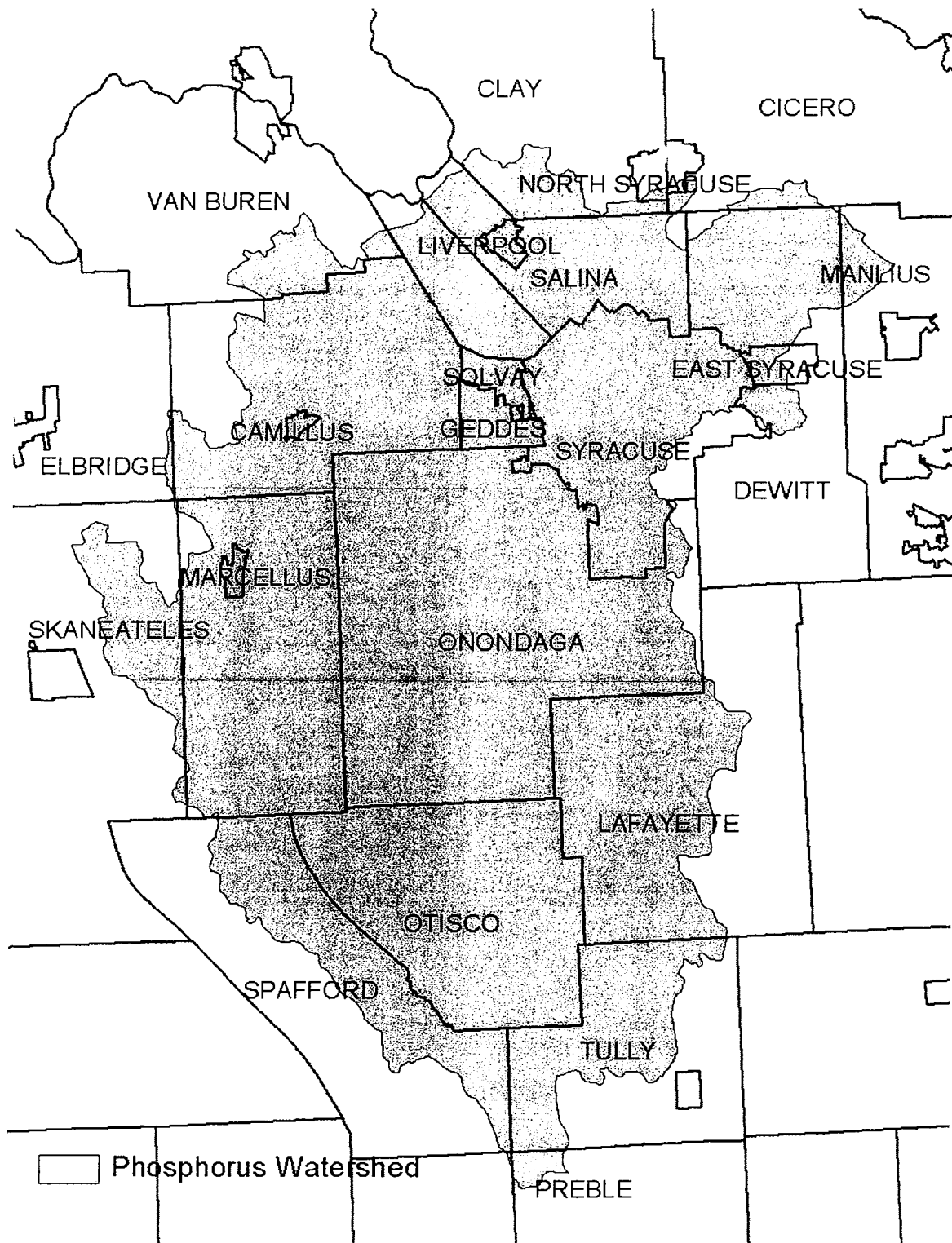
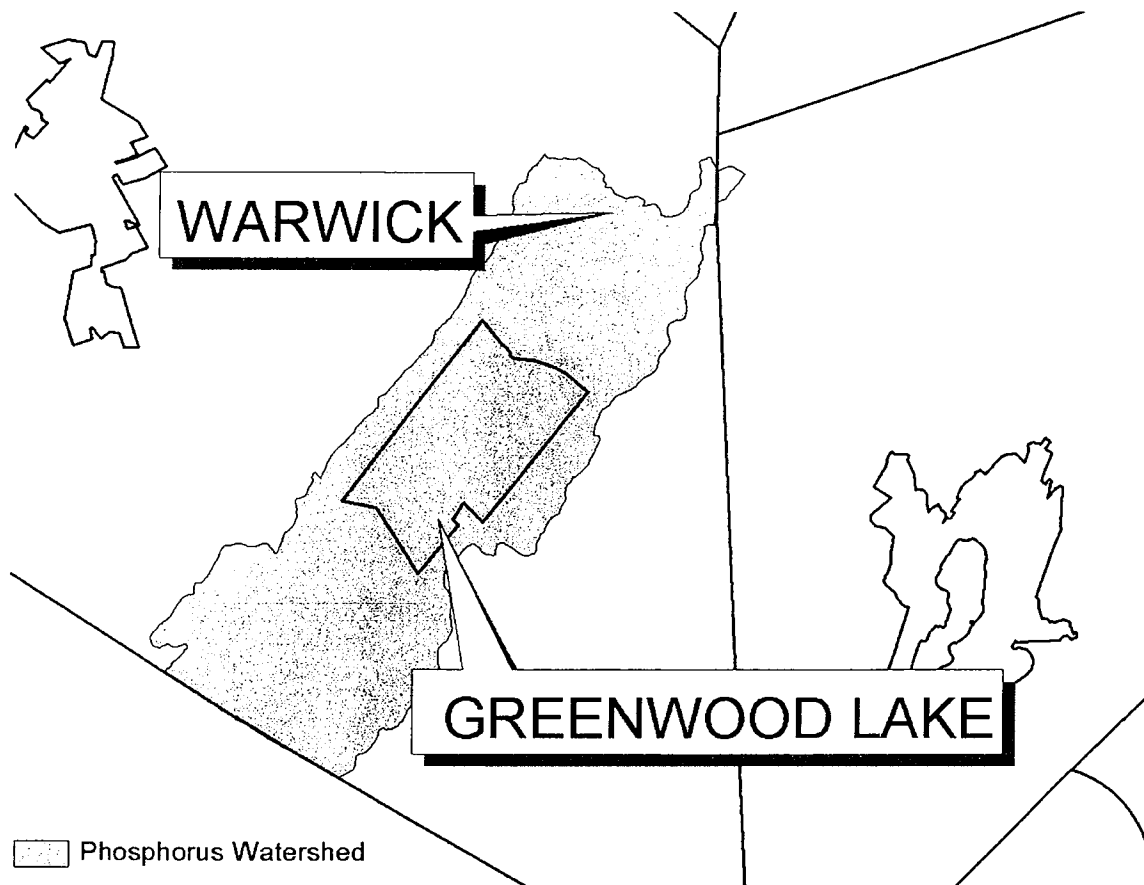


Figure 3 - Greenwood Lake Watershed



APPENDIX D

Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.

Entire New York City Watershed that is located east of the Hudson River - See Figure 1 in Appendix C
--

APPENDIX E

List of 303(d) segments impaired by pollutants related to construction activity (e.g. silt, sediment or nutrients). *Owners or operators* of single family home and single family residential subdivision construction activities that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the most current version of the technical standard, New York State Stormwater Management Design Manual (“Design Manual”).

COUNTY	WATERBODY	COUNTY	WATERBODY
Albany	Ann Lee (Shakers) Pond, Stump Pond	Madison	Chittenango Creek
Albany	Basic Creek Reservoir	Madison	DeRuyter Reservoir
Bronx	Van Cortlandt Lake	Monroe	Genesee River, Lower, Main Stem
Broome	Whitney Point Lake/Reservoir	Monroe	Genesee River, Middle, Main Stem
Broome	Beaver Lake	Monroe	Black Creek, Lower, and minor tribs
Broome	White Birch Lake	Monroe	Buck Pond
Cayuga	Little Sodus Bay	Monroe	Long Pond
Chautauqua	Chautauqua Lake, North	Monroe	Cranberry Pond
Chautauqua	Chautauqua Lake, South	Nassau	Glen Cove Creek, Lower, and tribs
Chautauqua	Bear Lake	Nassau	LI Tribs (fresh) to East Bay
Chautauqua	Lower Cassadaga Lake	Nassau	East Meadow Brook, Upper, and tribs
Chautauqua	Middle Cassadaga Lake	Nassau	Hempstead Bay
Chautauqua	Findley Lake	Nassau	Hempstead Lake
Clinton	Great Chazy River, Lower, Main Stem	Nassau	Grant Park Pond
Columbia	Kinderhook Lake	Niagara	Bergholtz Creek and tribs
Columbia	Robinson Pond	Oneida	Ballou, Nail Creeks
Dutchess	Hillside Lake	Onondaga	Ley Creek and tribs
Dutchess	Wappinger Lakes	Onondaga	Onondaga Creek, Lower
Dutchess	Fall Kill and tribs	Onondaga	Harbor Brook, Lower, and tribs
Dutchess	Rudd Pond	Onondaga	Ninemile Creek, Lower, and tribs
Erie	Rush Creek and tribs	Ontario	Honeoye Lake
Erie	Ellicott Creek, Lower, and tribs	Ontario	Hemlock Lake Outlet and minor tribs
Erie	Beeman Creek and tribs	Oswego	Lake Neatahwanta
Erie	Murder Creek, Lower, and tribs	Oswego	Oneida Lake
Erie	South Branch Smoke Cr, Lower, and tribs	Putnam	Oscawana Lake
Erie	Little Sister Creek, Lower, and tribs	Putnam	Lake Carmel
Genesee	Black Creek, Upper, and minor tribs	Queens	Jamaica Bay, Eastern, and tribs (Queens)
Genesee	Tonawanda Creek, Middle, Main Stem	Queens	Bergen Basin
Genesee	Tonawanda Creek, Upper, and minor tribs	Queens	Shellbank Basin
Genesee	Little Tonawanda Creek, Lower, and tribs	Rensselaer	Snyders Lake
Genesee	Oak Orchard Creek	Richmond	Grasmere, Arbutus and Wolfes Lakes
Genesee	Bowen Brook and tribs	Saratoga	Dwaas Kill and tribs
Genesee	Bigelow Creek and tribs	Saratoga	Tribs to Lake Lonely
Greene	Schoharie Reservoir	Saratoga	Lake Lonely
Greene	Sleepy Hollow Lake	Schenectady	Collins Lake
Herkimer	Steele Creek tribs	Schoharie	Engleville Pond
Jefferson	Moon Lake	Schoharie	Summit Lake
Kings	Hendrix Creek	St.Lawrence	Black Lake Outlet/Black Lake
Livingston	Conesus Lake	Steuben	Lake Salubria
Livingston	Jaycox Creek and tribs	Suffolk	Millers Pond
Livingston	Mill Creek and minor tribs	Suffolk	Mattituck (Marratooka) Pond

APPENDIX E

List of 303(d) segments impaired by pollutants related to construction activity, cont'd.

COUNTY	WATERBODY	COUNTY	WATERBODY
Suffolk	Tidal tribs to West Moriches Bay		
Suffolk	Canaan Lake		
Suffolk	Lake Ronkonkoma		
Tompkins	Cayuga Lake, Southern End		
Ulster	Ashokan Reservoir		
Ulster	Esopus Creek, Upper, and minor tribs		
Warren	Lake George		
Warren	Tribs to L.George, Village of L George		
Warren	Huddle/Finkle Brooks and tribs		
Warren	Indian Brook and tribs		
Warren	Hague Brook and tribs		
Washington	Tribs to L.George, East Shore		
Washington	Cossayuna Lake		
Wayne	Blind Sodus Bay		
Wayne	Port Bay		
Wayne	Marbletown Creek and tribs		
Westchester	Peach Lake		
Westchester	Mamaroneck River, Lower		
Westchester	Mamaroneck River, Upper, and minor tribs		
Westchester	Sheldrake River		
Westchester	Blind Brook, Lower		
Westchester	Blind Brook, Upper, and tribs		
Westchester	Lake Lincolndale		
Westchester	Lake Meahaugh		
Wyoming	Java Lake		
Wyoming	Silver Lake		

Note: The list above identifies those waters from the final New York State “2006 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy”, dated May 17, 2007, that are impaired by silt, sediment or nutrients.

APPENDIX F

LIST OF NYS DEC REGIONAL OFFICES

<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLAZA, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALTZ, NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, PO BOX 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD, PO BOX 220 WARRENSBURG, NY 12885-0220 TEL. (518) 623-1200
6	HERKIMER, JEFFERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROAD AVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVE. BUFFALO, NY 14203-2999 TEL. (716) 851-7070

APPENDIX B

EROSION AND SEDIMENT CONTROL INSPECTION AND SUMMARY FORMS

CONSTRUCTION DURATION INSPECTIONS

b. Modifications to the SWPPP (To be completed as described below)

The Operator shall amend the SWPPP whenever:

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

Modification & Reason:[illegible]

Inspection		Inspector		Conditions	
Date	Time	Name	Title	Weather	Soil

Qualified Professional Certification: _____
Signature

SWPPP INSPECTION FORM (Page 2 of 2)

Site: _____

Post-Construction Stormwater Controls		
Description/Location	Status of Construction	Corrective Action to Repair/Replace Non-Compliant Controls

AREAS STABILIZED OR DISTURBED SINCE LAST INSPECTION	
Description	Sketch(s)

Qualified Professional Certification: _____
Signature

APPENDIX H

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR CONSTRUCTION ACTIVITIES CONSTRUCTION SITE LOG BOOK

Table of Contents

- I. Pre-Construction Meeting Documents
 - a. Preamble to Site Assessment and Inspections
 - b. Operator's Certification
 - c. Qualified Professional's Credentials & Certification
 - d. Pre-Construction Site Assessment Checklist
- II. Construction Duration Inspections
 - a. Directions
 - b. Modification to the SWPPP
- III. Monthly Summary Reports
- IV. Monitoring, Reporting, and Three-Month Status Reports
 - a. Operator's Compliance Response Form

Properly completing forms such as those contained in Appendix H meet the inspection requirement of NYS-DEC SPDES GP for Construction Activities. Completed forms shall be kept on site at all times and made available to authorities upon request.

I. PRE-CONSTRUCTION MEETING DOCUMENTS

Project Name _____
Permit No. _____ Date of Authorization _____
Name of Operator _____
Prime Contractor _____

a. Preamble to Site Assessment and Inspections

The Following Information To Be Read By All Person's Involved in The Construction of Stormwater Related Activities:

The Operator agrees to have a qualified professional¹ conduct an assessment of the site prior to the commencement of construction² and certify in this inspection report that the appropriate erosion and sediment controls described in the SWPPP have been adequately installed or implemented to ensure overall preparedness of the site for the commencement of construction.

Prior to the commencement of construction, the Operator shall certify in this site logbook that the SWPPP has been prepared in accordance with the State's standards and meets all Federal, State and local erosion and sediment control requirements.

When construction starts, site inspections shall be conducted by the qualified professional at least every 7 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater (Construction Duration Inspections). The Operator shall maintain a record of all inspection reports in this site logbook. The site logbook shall be maintained on site and be made available to the permitting authorities upon request. The Operator shall post at the site, in a publicly accessible location, a summary of the site inspection activities on a monthly basis (Monthly Summary Report).

The operator shall also prepare a written summary of compliance with this general permit at a minimum frequency of every three months (Operator's Compliance Response Form), while coverage exists. The summary should address the status of achieving each component of the SWPPP.

Prior to filing the Notice of Termination or the end of permit term, the Operator shall have a qualified professional perform a final site inspection. The qualified professional shall certify that the site has undergone final stabilization³ using either vegetative or structural stabilization methods and that all temporary erosion and sediment controls (such as silt fencing) not needed for long-term erosion control have been removed. In addition, the Operator must identify and certify that all permanent structures described in the SWPPP have been constructed and provide the owner(s) with an operation and maintenance plan that ensures the structure(s) continuously functions as designed.

1 "Qualified Professional means a person knowledgeable in the principles and practice of erosion and sediment controls, such as a Certified Professional in Erosion and Sediment Control (CPESC), soil scientist, licensed engineer or someone working under the direction and supervision of a licensed engineer (person must have experience in the principles and practices of erosion and sediment control).

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

3 "Final stabilization" means that all soil-disturbing activities at the site have been completed and a uniform, perennial vegetative cover with a density of eighty (80) percent has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas and areas not covered by permanent structures.

b. Operators Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. Further, I hereby certify that the SWPPP meets all Federal, State, and local erosion and sediment control requirements. I am aware that false statements made herein are punishable as a class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name (please print): _____

Title _____ **Date:** _____

Address: _____

Phone: _____ **Email:** _____

Signature: _____

c. Qualified Professional's Credentials & Certification

"I hereby certify that I meet the criteria set forth in the General Permit to conduct site inspections for this project and that the appropriate erosion and sediment controls described in the SWPPP and as described in the following Pre-construction Site Assessment Checklist have been adequately installed or implemented, ensuring the overall preparedness of this site for the commencement of construction."

Name (please print): _____

Title _____ **Date:** _____

Address: _____

Phone: _____ **Email:** _____

Signature: _____

d. Pre-construction Site Assessment Checklist

(NOTE: Provide comments below as necessary)

1. Notice of Intent, SWPPP, and Contractors Certification:

Yes No NA

- ☐ ☐ ☐ Has a Notice of Intent been filed with the NYS Department of Conservation?
- ☐ ☐ ☐ Is the SWPPP on-site? Where? _____
- ☐ ☐ ☐ Is the Plan current? What is the latest revision date? _____
- ☐ ☐ ☐ Is a copy of the NOI (with brief description) onsite? Where? _____
- ☐ ☐ ☐ Have all contractors involved with stormwater related activities signed a contractor's certification?

2. Resource Protection

Yes No NA

- ☐ ☐ ☐ Are construction limits clearly flagged or fenced?
- ☐ ☐ ☐ Important trees and associated rooting zones, on-site septic system absorption fields, existing vegetated areas suitable for filter strips, especially in perimeter areas, have been flagged for protection.
- ☐ ☐ ☐ Creek crossings installed prior to land-disturbing activity, including clearing and blasting.

3. Surface Water Protection

Yes No NA

- ☐ ☐ ☐ Clean stormwater runoff has been diverted from areas to be disturbed.
- ☐ ☐ ☐ Bodies of water located either on site or in the vicinity of the site have been identified and protected.
- ☐ ☐ ☐ Appropriate practices to protect on-site or downstream surface water are installed.
- ☐ ☐ ☐ Are clearing and grading operations divided into areas <5 acres?

4. Stabilized Construction Entrance

Yes No NA

- ☐ ☐ ☐ A temporary construction entrance to capture mud and debris from construction vehicles before they enter the public highway has been installed.
- ☐ ☐ ☐ Other access areas (entrances, construction routes, equipment parking areas) are stabilized immediately as work takes place with gravel or other cover.
- ☐ ☐ ☐ Sediment tracked onto public streets is removed or cleaned on a regular basis.

5. Perimeter Sediment Controls

Yes No NA

- ☐ ☐ ☐ Silt fence material and installation comply with the standard drawing and specifications.
- ☐ ☐ ☐ Silt fences are installed at appropriate spacing intervals
- ☐ ☐ ☐ Sediment/detention basin was installed as first land disturbing activity.
- ☐ ☐ ☐ Sediment traps and barriers are installed.

6. Pollution Prevention for Waste and Hazardous Materials

Yes No NA

- ☐ ☐ ☐ The Operator or designated representative has been assigned to implement the spill prevention avoidance and response plan.
- ☐ ☐ ☐ The plan is contained in the SWPPP on page _____
- ☐ ☐ ☐ Appropriate materials to control spills are onsite. Where? _____

II. CONSTRUCTION DURATION INSPECTIONS

a. Directions:

Inspection Forms will be filled out during the entire construction phase of the project.

Required Elements:

- (1) On a site map, indicate the extent of all disturbed site areas and drainage pathways. Indicate site areas that are expected to undergo initial disturbance or significant site work within the next 14-day period;
- (2) Indicate on a site map all areas of the site that have undergone temporary or permanent stabilization;
- (3) Indicate all disturbed site areas that have not undergone active site work during the previous 14-day period;
- (4) Inspect all sediment control practices and record the approximate degree of sediment accumulation as a percentage of sediment storage volume (for example, 10 percent, 20 percent, 50 percent);
- (5) Inspect all erosion and sediment control practices and record all maintenance requirements such as verifying the integrity of barrier or diversion systems (earthen berms or silt fencing) and containment systems (sediment basins and sediment traps). Identify any evidence of rill or gully erosion occurring on slopes and any loss of stabilizing vegetation or seeding/mulching. Document any excessive deposition of sediment or ponding water along barrier or diversion systems. Record the depth of sediment within containment structures, any erosion near outlet and overflow structures, and verify the ability of rock filters around perforated riser pipes to pass water; and
- (6) Immediately report to the Operator any deficiencies that are identified with the implementation of the SWPPP.

SITE PLAN/SKETCH

Inspector (print name)

Date of Inspection

Qualified Professional (print name)

Qualified Professional Signature

The above signed acknowledges that, to the best of his/her knowledge, all information provided on the forms is accurate and complete.

Maintaining Water Quality**Yes No NA**

- ☐ ☐ ☐ Is there an increase in turbidity causing a substantial visible contrast to natural conditions?
- ☐ ☐ ☐ Is there residue from oil and floating substances, visible oil film, or globules or grease?
- ☐ ☐ ☐ All disturbance is within the limits of the approved plans.
- ☐ ☐ ☐ Have receiving lake/bay, stream, and/or wetland been impacted by silt from project?

Housekeeping**1. General Site Conditions****Yes No NA**

- ☐ ☐ ☐ Is construction site litter and debris appropriately managed?
- ☐ ☐ ☐ Are facilities and equipment necessary for implementation of erosion and sediment control in working order and/or properly maintained?
- ☐ ☐ ☐ Is construction impacting the adjacent property?
- ☐ ☐ ☐ Is dust adequately controlled?

2. Temporary Stream Crossing**Yes No NA**

- ☐ ☐ ☐ Maximum diameter pipes necessary to span creek without dredging are installed.
- ☐ ☐ ☐ Installed non-woven geotextile fabric beneath approaches.
- ☐ ☐ ☐ Is fill composed of aggregate (no earth or soil)?
- ☐ ☐ ☐ Rock on approaches is clean enough to remove mud from vehicles & prevent sediment from entering stream during high flow.

Runoff Control Practices**1. Excavation Dewatering****Yes No NA**

- ☐ ☐ ☐ Upstream and downstream berms (sandbags, inflatable dams, etc.) are installed per plan.
- ☐ ☐ ☐ Clean water from upstream pool is being pumped to the downstream pool.
- ☐ ☐ ☐ Sediment laden water from work area is being discharged to a silt-trapping device.
- ☐ ☐ ☐ Constructed upstream berm with one-foot minimum freeboard.

2. Level Spreader**Yes No NA**

- ☐ ☐ ☐ Installed per plan.
- ☐ ☐ ☐ Constructed on undisturbed soil, not on fill, receiving only clear, non-sediment laden flow.
- ☐ ☐ ☐ Flow sheets out of level spreader without erosion on downstream edge.

3. Interceptor Dikes and Swales**Yes No NA**

- ☐ ☐ ☐ Installed per plan with minimum side slopes 2H:1V or flatter.
- ☐ ☐ ☐ Stabilized by geotextile fabric, seed, or mulch with no erosion occurring.
- ☐ ☐ ☐ Sediment-laden runoff directed to sediment trapping structure

Runoff Control Practices (continued)

4. Stone Check Dam

Yes No NA

- ☐ ☐ ☐ Is channel stable? (flow is not eroding soil underneath or around the structure).
☐ ☐ ☐ Check is in good condition (rocks in place and no permanent pools behind the structure).
☐ ☐ ☐ Has accumulated sediment been removed?.

5. Rock Outlet Protection

Yes No NA

- ☐ ☐ ☐ Installed per plan.
☐ ☐ ☐ Installed concurrently with pipe installation.

Soil Stabilization

1. Topsoil and Spoil Stockpiles

Yes No NA

- ☐ ☐ ☐ Stockpiles are stabilized with vegetation and/or mulch.
☐ ☐ ☐ Sediment control is installed at the toe of the slope.

2. Revegetation

Yes No NA

- ☐ ☐ ☐ Temporary seedings and mulch have been applied to idle areas.
☐ ☐ ☐ 4 inches minimum of topsoil has been applied under permanent seedings

Sediment Control Practices

1. Stabilized Construction Entrance

Yes No NA

- ☐ ☐ ☐ Stone is clean enough to effectively remove mud from vehicles.
☐ ☐ ☐ Installed per standards and specifications?
☐ ☐ ☐ Does all traffic use the stabilized entrance to enter and leave site?
☐ ☐ ☐ Is adequate drainage provided to prevent ponding at entrance?

2. Silt Fence

Yes No NA

- ☐ ☐ ☐ Installed on Contour, 10 feet from toe of slope (not across conveyance channels).
☐ ☐ ☐ Joints constructed by wrapping the two ends together for continuous support.
☐ ☐ ☐ Fabric buried 6 inches minimum.
☐ ☐ ☐ Posts are stable, fabric is tight and without rips or frayed areas.
 Sediment accumulation is ____% of design capacity.

Sediment Control Practices (continued)**3. Storm Drain Inlet Protection (Use for Stone & Block; Filter Fabric; Curb; or, Excavated practices)****Yes No NA**

- ☐ ☐ ☐ Installed concrete blocks lengthwise so open ends face outward, not upward.
- ☐ ☐ ☐ Placed wire screen between No. 3 crushed stone and concrete blocks.
- ☐ ☐ ☐ Drainage area is 1 acre or less.
- ☐ ☐ ☐ Excavated area is 900 cubic feet.
- ☐ ☐ ☐ Excavated side slopes should be 2:1.
- ☐ ☐ ☐ 2" x 4" frame is constructed and structurally sound.
- ☐ ☐ ☐ Posts 3-foot maximum spacing between posts.
- ☐ ☐ ☐ Fabric is embedded 1 to 1.5 feet below ground and secured to frame/posts with staples at max 8-inch spacing.
- ☐ ☐ ☐ Posts are stable, fabric is tight and without rips or frayed areas.
- Sediment accumulation ____% of design capacity.

4. Temporary Sediment Trap**Yes No NA**

- ☐ ☐ ☐ Outlet structure is constructed per the approved plan or drawing.
- ☐ ☐ ☐ Geotextile fabric has been placed beneath rock fill.
- Sediment accumulation is ____% of design capacity.

5. Temporary Sediment Basin**Yes No NA**

- ☐ ☐ ☐ Basin and outlet structure constructed per the approved plan.
- ☐ ☐ ☐ Basin side slopes are stabilized with seed/mulch.
- ☐ ☐ ☐ Drainage structure flushed and basin surface restored upon removal of sediment basin facility.
- Sediment accumulation is ____% of design capacity.

Note: Not all erosion and sediment control practices are included in this listing. Add additional pages to this list as required by site specific design.

Construction inspection checklists for post-development stormwater management practices can be found in Appendix F of the New York Stormwater Management Design Manual.

APPENDIX C
CONSTRUCTION SCHEDULE